

Proposed Selwyn District Plan



Section 32 Report

Part A – Variation 1 to the Proposed District Plan

Part B – Variation 1 to PC68, PC69, PC71, PC72, PC73,
PC75, PC76, PC78 to the Operative District Plan

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
APP3	Appendix 3 – Height in Relation to Boundary
CARP	Canterbury Air Regional Plan
CCC	Christchurch City Council
CLWRP	Canterbury Land and Water Regional Plan
CMUZ	Commercial and Mixed Use Zones in the PDP
CON	Controlled Activity
COVID	COVID-19 Recovery (Fast-track Consenting) Act 2020
CRPS	Canterbury Regional Policy Statement 2013
DEV	Development Area in the PDP
EI	Energy and Infrastructure Chapter in the PDP
FDA	Future Development Areas
FUDA	Future Urban Development Areas
GIZ	General Industrial Zone in the PDP
GPA	Greenfield Priority Areas
GRUZ	General Rural Zone in the PDP
GRZ	General Residential Zone in the PDP
GST	Goods and Services Tax
HAIL	Hazardous Activities and Industries List
HASHA	Housing Accords and Special Housing Area Act 2013
HEPS	Hydro Electric Power Scheme
HRTB	Height in Relation to Boundary
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
ITA	Integrated Transport Assessment
KAC	Key Activity Centre
LCZ	Local Centre Zone in the PDP
LI	Liffey Creek
LII	Ararira River
LLRZ	Large Lot Residential Zone in the PDP
LRZ	Low Density Residential Zone in the PDP
LTP	Long Term Plan
MAT	Matter for Control or Discretion in the PDP
MDRS	Medium Density Residential Standards
MIMP	Mahaanui Iwi Management Plan 2013
MRZ	Medium Density Residential Zone
NATC	Natural Character Chapter in the PDP
NCZ	Neighbourhood Centre Zone in the PDP
NESCS	The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NES-F	National Environmental Standard for Freshwater
NOISE	Noise Chapter in the PDP
NPS	National Planning Standards
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development
NZCPS	New Zealand Coastal Policy Statement
NZCEP	The New Zealand Electrical Code of Practice for Electrical Safe Distances 2001

Abbreviation	Full text
NZS	New Zealand Standard
ODP	Outline Development Plan
PC	Private Plan Change
PDP	Proposed Selwyn District Plan
PIB	Projected Infrastructure Boundary
PREC	Precinct in the PDP
PSI	Preliminary Site Investigation
QM	Qualifying Matter
RDIS	Restricted Discretionary Activity
REQ	Rule Requirement in the PDP
RESZ	Residential Zones Chapter in PDP
RMA	Resource Management Act 1991
RMA-EHS	Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021
RSP	Rolleston Structure Plan
SASM	Sites and Areas of Significance to Maori
SCGM	Selwyn Capacity for Growth Model
SCHED	Schedule in the PDP
SD-UFD	Strategic Directions – Urban Form and Development
SDC	Selwyn District Council
SDP	Selwyn District Plan
SEDL	Significant Electricity Distribution Line
SETZ	Settlement Zone in PDP
SH	State Highway
SUB	Subdivision Chapter in PDP
TABLE	Table in the PDP
TCZ	Town Centre Zone in PDP
TRAN	Transport Chapter in PDP
TREE	Notable Trees Chapter in PDP
UG	Urban Growth Chapter in PDP
UGO	Urban Growth Overlay in PDP

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Part A – Variation 1 to the Proposed District Plan



1. Executive Summary

Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness, risk and appropriateness in achieving the objectives. The analysis set out in this report is to fulfil the obligations of the Council under s32 of the Act.

The purpose of the IPI and its two parts, these being Part A the Variation to the PDP, and Part B the Variation to any relevant PC is to respond to the RMA-EHS which passed into law on 20 December 2021. The RMA-EHS amends the RMA by bringing forward and strengthening the NPS-UD. The purpose of the RMA-EHS, as stated by MfE, is that the MDRS enables housing choice across Aotearoa/New Zealand's main urban areas. These standards support the development of three homes up to three stories on each site, without the need for resource consent.

The RMA-EHS seeks to give effect to its purpose by way of the implementation of MDRS and Policy 3 of the NPS-UD for specific urban areas, of which a portion of Selwyn is included, notably the townships of Rolleston, Lincoln, and Prebbleton.

In response to the RMA-EHS Council has sought to amend the PDP, with the Residential, Subdivision, and Transport Chapters being the most affected. In addition to the amendments to these Chapters a range of other consequential amendments have occurred across the PDP.

More detail on the implications of the RMA-EHS and its requirements on this process can be found in this report below.

2. Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 '[Overview Report](#)' prepared for the PDP, which also includes an overview of the s32 legislative requirements.

2.1 Regulatory and policy direction

Part 2 of the RMA

In carrying out an s32 report evaluation, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

The level of detail undertaken for the evaluation of the PDP provisions as amended by this Variation has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social, and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

- a) Fulfil the Council's role and functions under the RMA as required by ss 31 and 74(1)(b);
- b) Are of regional or district wide significance;
- c) Have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the RMA;
- d) Adversely affect people's health and safety;
- e) Result in a significant change to the character and amenity of local communities;
- f) Adversely affect those with particular interests, including Maori;
- g) Limit options for future generations to remedy effects;
- h) Whether the effects have been considered implicitly or explicitly by higher order documents;
- i) Whether the proposed provisions are more appropriate than the existing; and
- j) Include regulations or other interventions that will impose significant costs on individuals, businesses, or communities.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The MDRS principally allow for greater residential densities by permitting up to three residential units, up to three stories in height within relevant residential zones. In conjunction with these increased density standards there are a range of other permitted thresholds designed to facilitate greater levels of residential development, for example reduced setback to boundary distances, and increased building coverage.

The RMA-EHS does give Council the ability to not implement MDRS in the relevant residential zones where a 'qualifying matter' has been identified in conjunction with s771 of the RMA-EHS. An example of this could be a matter of national importance as identified in s6 of the RMA, or for the purpose of ensuring safe and efficient operation of nationally significant infrastructure.

Furthermore the RMA-EHS now allows for the insertion and use of financial contributions for any class of activity other than a prohibited activity. Noting that this part of the RMA-EHS is not limited to relevant residential zones applying the MDRS.

The RMA-EHS requires Council to notify a Variation satisfying the requirements of the RMA-EHS either before or on 20 August 2022. Once notified certain rules will have immediate legal effect, these being those included as part of the Variation, where the rule authorises the permitted activity for residential activity in a relevant residential zone in accordance with Part 2 of Schedule 3A, but not in cases of a new residential zone, or if a qualifying matter applies.

The Variation must use the ISPP in accordance with cl95 of Schedule 1, effectively meaning that appeal rights other than those on a point of law are removed.

In regard to the NPS-UD, the RMA-EHS brings forward the requirement to give effect to Policy 3 and Policy 4 of the NPS-UD.

The RMA-EHS applies to geo-spatial areas of Rolleston and Lincoln as they have been defined as having relevant residential zones by way of having a population greater than 5,000 people at the 2018 census. Prebbleton has been included as part of the geo-spatial scope of this Variation as the RMA-EHS also states that an area predominately urban in character, which the local authority intends to be part of the urban environment should also be included. When taking into consideration the definition of 'urban environment', and assessing Prebbleton's estimated current population exceeding 5,000 people, its proximity to the housing and labour market of Christchurch City, and its location along key transport routes, it was determined that Prebbleton meets this definition and should be included as part of this Variation. Alongside Prebbleton the same option of including West Melton is also available to Council. However, given

the different context that exists between Prebbleton and West Melton, largely West Melton's existing lower density built and zoned environment, its distance to Christchurch City, lack of employment and amenities, and its lack of public transportation it was considered that the re-zoning of West Melton to medium density would constitute poor planning practice.

Private Plan Changes

Since the introduction of the NPS-UD and more specifically Policy 8 of that NPS, Selwyn has been subject to a multitude of PC applications with the majority seeking the re-zoning of rural land to residential.

The RMS-EHS does have a requirement for the inclusion of PC applications where they are seeking a relevant residential zone via clause 34. This clause states that PCs notified before the commencement date of the RMA-EHS must be amended to incorporate the MDRS and notified at the same time as the IPI.

The following PCs will be incorporated into the Council's IPI at notification:

Plan Change Number	Location	Link to supporting information
PC68	Prebbleton	PC68
PC69	Lincoln	PC69
PC71	Rolleston	PC71
PC72	Prebbleton	PC72
PC73	Rolleston	PC73
PC75	Rolleston	PC75
PC76	Rolleston	PC76
PC78	Rolleston	PC78

This component (Part B) of the IPI is discussed further from Section 6 onwards.

Amendment Act Qualifying Matters

S77I of the RMA-EHS states that a territorial authority may make the MDRS and the relevant building height or density requirements less enabling of development in relation to an area within a relevant residential zone (i.e. proposed MRZ), only to the extent necessary to accommodate a qualifying matter. The purpose of qualifying matters is to limit inappropriate intensification when it relates to matters described in the RMA-EHS and their relationship to areas where MDRS would apply. Subject to s77M(4) of the RMA-EHS, the MDRS provisions will not apply in relation to any area or site that is a qualifying matter.

S77I lists the qualifying matters (a) to (j). All of the qualifying matters identified in this report are considered to be provided for by s77I. The significant electricity distribution line (SEDL) qualifying matter is further justified under s77K and s77L and is assessed in the Significant Amendment s32 Report for the EI Chapter.

If a specific overlay feature or rule does not relate to intensification, then the provisions will continue as a feature within the district plan and are not deemed a qualifying matter. Similarly, if a provision is relevant to intensification but applies in an area outside of the remit of MDRS, then the provision would continue to apply as described in the district plan and is not needed to be classified as a qualifying matter.

Qualifying Matters – Proposed to be included

The following overview provides a summary of those provisions currently contained within the Operative and Proposed District Plans that are considered to meet the prerequisites of a qualifying matter within a relevant residential zone. The District Plan provision is noted along with the qualifying matter type subject

to section 77I, and the provisions that are proposed to be included as qualifying matters to limit intensification in the MRZ.

Operative District Plan Provisions	Proposed District Plan Provisions	Qualifying Matter Type (s77I)	Proposed QM
Rule 4.15 Setbacks from waterbodies - 20m from LI and LII, Lincoln	Natural Character: Setbacks from surface water bodies - NATC-R1; NATC-R2; NATC-REQ1 (20m setback); NATC-REQ2 (25m setback) The LI Creek and LII River are situated in the Lincoln Township (listed in NATC-SCHED1).	S6 matter - Preservation of natural character of the coastal environment, wetlands, lakes, rivers and their margins Matter required to give effect to a NPS (other than the NPS-UD) or the NZCPS	Apply rules in PDP (NATC-R1 has legal effect, remaining provisions will have legal effect once operative) Operative Plan rules would continue to have legal effect upon notification in the interim (s77K(2))
N/A as PDP rules have legal effect	Sites and Areas of Significance to Maori (SASM): SASM Ngā Wai	S6 matter - Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga Matter required to give effect to a NPS (other than the NPS-UD) or the NZCPS Iwi participation legislation	Apply rules in PDP (have legal effect)
N/A as PDP rules have legal effect	Historic Heritage: Heritage items and heritage settings listed in HH-SCHEDULE2 within MRZ and associated rules HH-R1-HH-R8	S6 matter - Historic Heritage	Apply rules in PDP (have legal effect)
N/A as PDP rules have legal effect	Notable Trees: Trees listed in TREE-SCHEDULE1 and TREE-	S6 matter - Historic Heritage	Apply rules in PDP (have legal effect)

Operative District Plan Provisions	Proposed District Plan Provisions	Qualifying Matter Type (s77I)	Proposed QM
	SCHEDULE2 within MRZ and associated rules TREE-R1-TREE-R6		
Rule 5.2 Vehicle accessways, Rule 5.3 Vehicle crossings, Rule 5.4 Traffic Sight Lines – Road/Rail Crossings, Rule 5.5 Vehicle parking and cycle parking insofar as it relates to the state highway and railway network	Transport: TRAN-R4 vehicle crossings, TRAN-R6 parking, manoeuvring and loading areas, TRAN-REQ4 siting of vehicle crossings, TRAN-TABLE4 vehicle crossing distances from intersections	Nationally significant infrastructure	Apply rules in PDP (once operative) Operative Plan rules would continue to have legal effect upon notification in the interim (s77K(2))
Setbacks apply from SH1 in Rolleston - 40m (i.e. 4.9.35-4.9.38)	Noise: State Highway Noise Control Overlay - NOISE-R3	Nationally significant infrastructure	Apply rules in PDP (once operative) Operative Plan rules would continue to have legal effect upon notification in the interim (s77K(2))
No current provisions	Noise: Railway Network Noise Control Overlay - NOISE-R3	Nationally significant infrastructure	Apply rules in PDP (once operative)
Appendix 2 - Designations	Part 3 - Designations	The need to give effect to a designation	Apply rules in PDP (once operative) Operative Plan rules would continue to have legal effect upon notification in the interim (s77K(2))
No current provisions	Energy & Infrastructure Significant Electricity Distribution Line - EI-R3; EI-R4	Any other matter that makes higher density inappropriate in an area if s77L is satisfied	Apply rules in PDP (once operative)

Qualifying Matters – Do not influence density

The following overview provides a summary of those features currently contained within the PDP that are considered to meet the prerequisites of a qualifying matter, but do not influence density as in every case the provisions apply to areas outside of the proposed MRZ.

Proposed District Plan Feature	Qualifying Matter Type (s77I)	Reasons not applicable
SASM: SASM Wāhi Tapu Overlay SASM Wāhi Taonga Overlay SASM Nga Tūranga Tūpuna Overlay	S6 matter - Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga Matter required to give effect to a NPS (other than the NPS-UD) or the NZCPS Iwi participation legislation	Outside MRZ
Energy & Infrastructure: EI-R28; EI-R30	Matter required to give effect to a NPS (other than the NPS-UD) or the NZCPS - NPS for Renewable Electricity Generation 2011 Nationally significant infrastructure - Renewable electricity generation facilities that connect with the national grid	Trustpower Coleridge HEPS outside of MRZ No other small-scale renewable electricity providers identified within MRZ
Energy & Infrastructure: EI-R1; EI-R2	Matter required to give effect to a NPS (other than the NPS-UD) or the NZCPS - NPS for Renewable Electricity Generation 2011 Nationally significant infrastructure	Transpower National Grid outside of MRZ
Coastal Environment	Matter required to give effect to a NPS (other than the NPS-UD) or the NZCPS	Coastal Environment outside of MRZ
Noise: Christchurch Airport Noise Contours	Nationally significant infrastructure - Airport	Christchurch Airport Noise Contours outside of MRZ (refer to section 6 for further comment)
Noise: Port Noise Contours	Nationally significant infrastructure - The port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002	Port Noise Contours outside of MRZ

Legal Effect of Qualifying Matters

S77M(4) states that the IPI provisions do not apply in relation to any area or site that is a qualifying matter.

S77I does not refer to 'existing qualifying matter' like other parts of the RMA-EHS do therefore Council's interpretation is that s77I applies to any qualifying matter (i.e. qualifying matters under the PDP also), and not just existing qualifying matters that are provided for in the Operative Plan and those provisions in the Proposed Plan which have legal effect (as well as 77J and L).

S77K(3) states that an existing qualifying matter is a qualifying matter referred to in s77I(a) to (i) that is operative in the relevant district plan when the IPI is notified.

S77K(2) states that 'existing qualifying matters' included in the IPI do not have legal effect on notification of the IPI, but continue to have effect as part of the Operative Plan. Therefore those existing Operative Plan provisions and the PDP provisions with legal effect that are proposed as qualifying matters will have legal effect upon notification as the rules are operative and have legal effect in any case and are not disapplied in the MRZ.

With respect to the proposed qualifying matters where there is no rule with existing legal effect (i.e. the railway network noise overlay), it is understood that these matters would not have legal effect upon notification and will be subject to the IPI notification process.

Section 80H

This section of the RMA-EHS requires Council to show within the IPI which provisions incorporate the density standards in Part 2 of Schedule 3A and the objectives and policies in clause 6 of Schedule 3A. Additionally, Council is required to show which provisions in the Operative District Plan and Proposed District Plan which are replaced by previously mentioned provisions being incorporated.

For further details on this section of the RMA-EHS see Appendix 9.

National Policy Statement on Urban Development

To enable additional heights and density of urban form around commercial centres. A plan change to fulfil these policies is to be notified within two years from the commencement of the NPS-UD (20 August 2022).

There are four clauses in Policy 3 relating to various heights depending on certain factors. Clause a), b), and c) relate to city centre and metropolitan zones as well as rapid transit stops. Selwyn does not contain any city centre or metropolitan zones nor any planned rapid transit stops so these clauses do not apply. Clause d) relates to land within and adjacent to neighbourhood centres, local centres, and town centres with a height and density commensurate with the level of commercial activities and community services. The key elements here are: within and adjacent; level of activity; and commensurate heights and density.

Adjacent is not defined in the NPS-UD or the RMA. A literal definition of 'next to' would be too limiting and cause an irregular urban form pattern. Further, an upper bound similar to accessibility criteria would not be acceptable as this criteria is specifically applied elsewhere. Therefore, a distance between immediately adjacent and a walkable catchment is appropriate. A 100m catchment is appropriate as this moderates what a literal definition would provide.

The approach for determining the level of commercial and community activity requires assessing and weighting a variety of activities to provide a score for each commercial area and the adjacent land. The phrase 'level of activity' indicates an assessment of the range and scale of activity within a centre and suggests more intensification around larger centres. Activities include shops, health care, education, cultural, sports and recreation, and employment areas. These are combined for each centre through a multi-criteria process and weighted appropriately to create a 'score' for the scale of activity in that centre.

Commensurate heights and density sit within the permitted baseline of 3-storeys (enabled through the RMA-EHS within the MRZ) and 6-storeys enabled within metropolitan and city centre zones. This leaves heights of 4- or 5- storeys relating to clause d). The MDRS amendments enable a comparative density and no other changes would be necessary.

The assessment of additional intensification requires a comparison to other centres within Greater Christchurch. This allows for a consistent application of Policy 3d). Analysis shows that the scale of activity in Rolleston is 37% of the scale of activity in Hornby. Further, feasibility modelling of potential intensification within Selwyn shows, in the medium term, limited additional capacity from intensification. This changes over the longer term.

When comparing Selwyn's centre scores with centres in Christchurch City and the subsequent additional height provided and intensification feasibility modelling, it is recommended that Selwyn does not propose additional intensification under NPS-UD Policy 3d).

2.2 Additional s32 evaluation report requirements

In addition to the above, the RMA-EHS also has additional requirements that the s32 evaluation report must include.

Section 77J requires that if a deviation from the RMA-EHS occurs due to a qualifying matter, then Council must:

- Demonstrate why that area is subject to a qualifying matter; and
- Why that qualifying matter is incompatible with the level of development permitted by the MDRS, or as provided by Policy 3;

- Assess the impact of limiting development capacity, building height, or density will have on the provision of development capacity; and
- Assess the costs and broader impacts of imposing those limits.

Additionally section 77J states that the report must include:

- A description of how the provisions of the IPI allow the same or a greater level of development than the MDRS;
- A description of how modifications to the MDRS are necessary to accommodate qualifying matters, and how they apply to any spatial layer.

Specifically in regard to qualifying matters s77L states that for a matter to be considered a qualifying matter the s32 evaluation report must:

- Identify the specific characteristic that makes the level of development provided by the MDRS inappropriate in the area;
- Justify why that characteristic makes the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD;
- Include a site specific analysis that:
 - o Identifies the site to which the matter relates;
 - o Evaluates the specific characteristic on a site specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - o Evaluates the appropriate range of options to achieve the greatest heights and densities permitted by the MDRS.

Where qualifying matters have been considered and applied, an assessment will be contained within the specific topic's chapter.

2.3 Consultation

Through the development of the proposed provisions, the Council did not need to undertake consultation and engagement specifically on this matter as it is a requirement of the RMA.

However, some topics carried out stakeholder specific engagement to determine if any relevant qualifying matters applied. Details of this specific consultation is contained within the topic chapters below.

Iwi Authority Advice

Clause 4A of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities and this section sets out advice received from those iwi authorities.

No feedback was received from the Iwi Authority, but a memorandum was received from Mahaanui Kurataiao on 19 May 2022 with respect to Selwyn's IPI. The memorandum states:.... *"the kaitiaki for Te Ngāi Tūāhuriri Rūnanga have previously indicated broad support for the intent of enabling more intensive housing in urban areas. However, wai is a taonga to manawhenua; and the further degradation of waterbodies and water quality as a consequence of intensive development is not acceptable. If there was the ability to increase the extent of the waterbody setback to 50m on either side of a waterway as a Qualifying Matter, this would better address the significant concerns of manawhenua.*

The LII/Ararira has the status of Ngā Wai under the PDP and is the only Site and Area of Significance that is located within the relevant residential zones. This presents a clear opportunity for an exemption from the new Medium Density Residential Zone (MRZ) as a qualifying matter. All waterways are wāhi taonga, not only those with statutory recognition in the District Plan. Te Ngāi Tūāhuriri recommend the council consider whether all waterways in the relevant residential zones could be exempt from the new MRZ as a qualifying matter.”

A 20m minimum setback currently applies through the esplanade provisions in the Operative District Plan, plus internal boundary setbacks. The PDP provisions require earthworks to be setback 20m and buildings and structures to be setback 25m.

A larger 50m setback is not considered justified associated with housing intensification given there are a number of dwellings already established within 50m of the Liffey/LI creek, and given these sites are also subject to site coverage limitations and an on-going requirement for stormwater to be appropriately managed. Furthermore, the appropriateness of the PDP setbacks is being considered through the PDP process.

Other ‘Schedule 1’ Consultation

In addition to the above consultation, a response was received from the CRC. This response queried about why West Melton was not included as part of the Council’s Variations to apply MDRS. They also stated that they support in principle the use of qualifying matters to manage the potential effects of intensification.

3. How MDRS is to be incorporated into the PDP

This part sets out how MDRS, as set out in Schedule 3A, is to be incorporated into the PDP, as well as any consequential amendments required. This part follows the structure of the PDP.

3.1 Strategic Directions

The Strategic Directions Chapter relates to the requirements of the RMA-EHS as section 77G requires that territorial authorities must include the objectives (and policies) set out in Clause 6 of Schedule 3A. Of the two objectives in Clause 6 of Schedule 3A, Objective 1, relates to the urban environment more generally and is therefore considered to best sit in the Strategic Directions Chapter rather than in the MRZ Chapter.

Resource Management Analysis

Background

Clause 6 of Schedule 3A contains Objectives and Policies that a territorial authority must include in its district plan. Objective 2 and Policies 1 to 5 have been included in the proposed MRZ Chapter as they are zone specific; however, Objective 1 is considered higher level in that it relates to the wider urban environment and therefore is recommended for inclusion (with minor modification to achieve grammatical consistency with the other Strategic Directions objectives) in the Strategic Directions Chapter.

Objective 1 as it appears in Schedule 3A Clause 6(1) of the Act is as follows:

- (a) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future: ...*

Research

No research was necessary with respect to the proposed change as it is a requirement of the RMA-EHS.

Qualifying Matters Relevant to this Chapter

There are no qualifying matters relevant to this Chapter.

PDP Amendments

It is proposed to add Objective 1 from Schedule 3A Clause 6(1) to the Strategic Directions Chapter to provide for a well-functioning urban environment that enables people and communities to provide for their social, economic, and cultural well-being, now and into the future. It has already been noted that inclusion of this objective in the District Plan is a requirement of the RMA-EHS.

It is considered that the objective best sits in the Strategic Directions Chapter as it relates to the urban environment more generally and the MRZ specific objectives and policies specified in the RMA-EHS are proposed in the MRZ Chapter as they are zone specific.

The only change between the proposed wording and that in the RMA-EHS is the addition of “Selwyn has” at the start of the objective to ensure it makes sense in the context of the Chapter and is consistent with the wording of the other Strategic Objectives. Otherwise, the wording is the same as the RMA-EHS.

The proposed objective avoids any overlap with any other objectives in the Strategic Directions Chapter. Furthermore, the relationship of the objective to the Urban Growth Chapter was also considered, and specifically whether there is a need to cross-reference MRZ in UG-P17 which relates to intensification generally rather than just within a ‘new growth area’. However, it is considered that proposed SD-UFD-O1 is overarching and that no change to the Urban Growth Chapter is required.

Scale and Significance Evaluation

The level of detail of analysis in this report is low as the RMA-EHS requires the objective to be included in the District Plan in relation to MRZ.

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions as to whether they are the most appropriate to achieve the purpose of the RMA.

MDRS Assessment

The proposed amended provisions contained within this chapter will allow the same level of development as the MDRS by including the objective required by the RMA-EHS, which seeks to achieve a well-functioning urban environment within Selwyn.

MDRS Objectives

The RMA-EHS requires the following Objective 1 be inserted in the district plan:

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

Evaluation

Options and Recommendations	
<ol style="list-style-type: none">1. Status Quo; or2. Amend the PDP provisions to give effect to the RMA-EHS by including the objective in the Strategic Directions Chapter; or3. Amend the PDP provisions to give effect to the RMA-EHS by including the objective in the MRZ Chapter. <p>Option 2 is the preferred option as the RMA-EHS directs Council to make the required amendments to the PDP and the objective is considered better aligned with the district's strategic objectives which relate to the wider urban environment, including the proposed MRZ.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendment	Summary of Evaluation
Well-functioning Urban Environment SD-UFD-O1 Selwyn has a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.	The amendment is considered the most appropriate way to achieve the purpose of the RMA because it: <ul style="list-style-type: none">• is required by the RMA-EHS to be included in the district plan and is considered to sit better with the Strategic Directions Chapter given the reference to the wider urban environment• assists Council to undertake its functions under s31• guides decision-making• does not overlap with any other Strategic Directions objectives, MRZ objectives, and is consistent with the Urban Growth Chapter, i.e. UG-P17.

Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

In this instance the benefits and costs of the proposed amendment have already been evaluated by Parliament in association with the RMA-EHS, which has resulted in the objective being a mandatory requirement within district plans. Therefore, an evaluation of the objective itself is not necessary. The only change proposed is that the objective be inserted into the Strategic Directions Chapter rather than the MRZ Chapter with slightly amended wording so the objective makes grammatical sense and is consistent in the context of the other Strategic Directions objectives. This is considered an efficient and effective approach as the Strategic Directions Chapter relates to the urban environment more generally, whereas the objectives and policies proposed in the MRZ Chapter are zone specific.

Options less or not as appropriate to achieve the purpose of the Act	
Option 1: Status quo Retain the notified provisions of the PDP	The current provisions do not achieve the purpose of the RMA-EHS because they do not include the objective which is a requirement of the RMA-EHS.
Option 3: Insert objective in the MRZ Chapter	This option is less appropriate as the objective relates to the urban environment more generally and is considered to best sit within the Strategic Directions Chapter rather than in the MRZ Chapter. The relevant strategic objectives need to be considered in the context of a resource consent

	application for residential development and therefore will continue to guide development.
Risk of acting or not acting	
There is no risk in acting as the objective is required by the RMA-EHS to be included in the District Plan and its inclusion is considered most appropriate at the Strategic Directions level given its wider urban environment focus. There is considered no risk in including the objective in the Strategic Directions rather than the MRZ Chapter as any overlap between objectives is avoided and the objective will be considered in the context of residential development. The risk in not acting is that Council is not fulfilling its obligations under the RMA-EHS.	

Conclusion

This evaluation has been undertaken in accordance with Section 32 of the Act to identify the need, benefits and costs arising from the Variation to the PDP relating to the Strategic Directions Chapter provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The proposed approach is considered the most appropriate as it is a requirement of the RMA-EHS to include the objective.

3.2 Energy and Infrastructure

The Energy and Infrastructure (EI) Chapter relates to the requirements of the RMA-EHS with respect to two rule requirements which manage structure height and setbacks from the road and internal site boundaries with respect to network utilities and other infrastructure (i.e. Substations, Other Network Utility Structures, Emergency Services Facility etc). The standards that apply in the MRZ need to be addressed in these provisions distinct from the other residential zones (RESZ) given the more enabling height and setback provisions applicable within the MRZ.

In addition, Orion are seeking buffer corridor protection provisions in relation to their Significant Electricity Distribution Lines (SEDL's) located within proposed MRZ. SEDL buffer corridor provisions are proposed as a qualifying matter and are based on those contained in the PDP.

Resource Management Analysis

Background

EI-REQ15 Height sets a maximum height above ground level that structures need to comply with. The permitted heights vary across the zones, and in RESZ structures shall not exceed a maximum height of 8m above ground level, excluding hose drying structures associated with emergency services facilities.

EI-REQ16 Site and Zone Boundary Setbacks sets minimum setbacks from the road and internal site boundaries. The setbacks vary across the zones, and in RESZ any structure shall be setback a minimum of 4m from any road boundary and 2m from any internal boundary, with some exceptions for the likes of minor utility structures etc.

The MDRS provide for buildings to be constructed to 11m in height and for setbacks of 1.5m from the road boundary and 1m from other boundary in the MRZ. Therefore, if the RESZ provisions in EI-REQ15 and EI-REQ16 applied to MRZ, the provisions would not be as enabling for network utilities and infrastructure, nor aligned with the level of development permitted by the MDRS. Providing for a maximum height and

minimum setback aligned with the MDRS permitted baseline is considered to better align with the anticipated general development outcomes for the MRZ.

The NPS-UD does not define the electricity distribution network as “nationally significant infrastructure”, nor does it fall within the specific qualifying matter categories listed in s77I of the RMA. However, if s77L is satisfied, the Council can identify as a qualifying matter “any other matter that makes higher density, as provided for by the MDRS or Policy 3, inappropriate in an area”. Analysis against s77J and s77L is considered to justify inclusion of the SEDL’s as a qualifying matter.

Research

The Council has reviewed the PDP, reviewed technical and legal advice prepared by Orion and utilised this, along with stakeholder feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.

The information received from Orion was prepared for the Christchurch City Council Draft Housing and Business Choice Plan Change process and not the Selwyn process. However the issues for Orion in terms of the 33kV and 66kV SEDL’s are the same and therefore the information is considered transferable and has been relied on in relation to these lines only.

This advice includes the following:

Title	Author	Brief synopsis	Link to document
Qualifying Matters Relevant to Orion New Zealand’s Electricity Distribution Network	Amy Hill, Senior Solicitor, Chapman Tripp	This memo prepared on behalf of Orion submitted to Christchurch City Council outlines the issues arising for the electricity distribution network because of the MDRS, and in particular corridor protection for high voltage lines. An assessment is provided against s77K and 77L and concludes that Orion’s 33kV and 66kV lines are a qualifying matter.	https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/1052863/1.-Memorandum-Chapman-Tripp,-Amy-Hill-to-CCC-4-February-2022.pdf
Orion New Zealand Limited - Supplementary Assessment of Qualifying and Related Matters and Submission on Draft	David Owen, Land and Planning Advisor, Orion	This document provides a further assessment of relevant qualifying matters and related matters related to protection of the electricity distribution network from potential adverse effects associated with the MDRS. It has been prepared, and is provided to Christchurch City Council,	https://www.selwyn.govt.nz/_data/assets/pdf_file/0009/1052865/2.-Orion-feedback-on-CCC-Draft-Plan-Change-14.pdf

Title	Author	Brief synopsis	Link to document
Plan Change 14		as part of direct stakeholder consultation in relation to Christchurch City Council's Draft Housing and Business Choice Plan Change.	
Statement of Evidence of Garry Heyes for the PDP Strategic Directions Hearing	Garry Heyes, Procurement and Land Services Manager, Orion	The scope of evidence addresses: Orion's roles as the electricity distribution network provider for Selwyn District; operations and the importance of enabling the efficient maintenance, use, development and upgrade of electricity infrastructure; the reasons why Orion seeks corridor protection for its strategic electricity distribution lines.	https://www.selwyn.govt.nz/_data/assets/pdf_file/0011/1052867/3.-DPR-0367-Orion-New-Zealand-Limited,-Garry-Heyes.pdf

This information has been used to inform the preparation of the Variation and this s32 evaluation.

Consultation and Engagement

Through the development of the proposed provisions, the Council undertook the following consultation and engagement specifically on this matter:

- Orion – Direct engagement with David Owen, Land and Planning Advisor, Orion to understand what Orion is seeking in terms of corridor protection of their SEDL's and to assess their SEDL's against the RMA qualifying matter provisions.
- Christchurch City Council – Discussed the corridor protection provisions and qualifying matter status Orion sought within the Christchurch context with Ike Kleynbos of Christchurch City Council to understand the CCC approach to this issue.

Qualifying Matters Relevant to this Chapter

The following qualifying matter has been identified as being relevant to this Chapter:

Corridor Protection for SEDL's

Orion owns and operates the electricity distribution network in Selwyn. SEDL's include a network of high voltage lines which connect zone substations, carrying voltages typically of 66kV or 33kV. In Selwyn, the SEDL¹ network is mostly located on poles and the vast majority are located within the road reserve.

¹ Significant Electricity Distribution Line's are defined in the Proposed Selwyn District Plan as "an overhead electricity line that is not part of the National Grid and that is designed and built to operate at a voltage of 33kV or greater as shown on the planning maps. It includes the Significant Electricity Distribution Line (Islington to Springston). Orion New Zealand Limited assets deemed to be Significant Electricity Distribution Lines are as shown on the planning maps."

Orion sought the inclusion of corridor protection provisions for SEDL's in the PDP like the provisions already included in the Christchurch District Plan. No protection was sought with respect to lower voltage lines (i.e. less than 33kV). The provisions are based on the NZECP34:2001, which sets minimum safe electrical clearance requirements for structures in relation to overhead lines. Orion sought a 10m setback from the Islington to Springston SEDL and a 5m setback from all other SEDL's.

The Islington to Springston line does not traverse the proposed MRZ and therefore the application of this SEDL as a qualifying matter is not necessary, however there are 'other' SEDL's that traverse the proposed MRZ in Rolleston and Lincoln. Corridor protection rules are included in the PDP in relation to sensitive activities (includes residential activity), conductive fences and structures relative to SEDL's (Refer to Rules EI-R3 and EI-R4).

As explained above in section 2, the electricity distribution network is not "nationally significant infrastructure", nor does it fall within the specific qualifying matter categories listed in new s77I of the RMA. However, if s77L RMA is satisfied the Council can identify as a qualifying matter "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area".

Qualifying Matter Assessment

Evaluative assessments are required to be made in accordance with Section 77J (Requirements in relation to evaluation report) and Section 77L (Further requirement about application of section 77I(j)) of the RMA. Orion provided analysis against s77J and s77L for the Christchurch context, which is the basis for the assessment below, but adapted to Selwyn. Orion's assessment against s77K is not applicable in this instance as the matter is not an existing qualifying matter (i.e., not an existing provision in the Operative Selwyn District Plan like it is in the Christchurch District Plan).

Analysis against s77J

Why the territorial authority considers that the area is subject to a qualifying matter and that the qualifying matter is incompatible with the level of development permitted by the MDRS

Whether an area subject to the existing infrastructure is a "qualifying matter" is determined by the existence of the existing SEDL infrastructure adjacent to any given MRZ site. The SEDL's are mapped in the PDP and traverse Rolleston and Lincoln where the proposed MRZ is to apply, but are outside of the proposed Prebbleton MRZ.

Existing overhead infrastructure may be incompatible with the level of development permitted by the MDRS because of electricity safety clearances contained in NZECP34:2001. The Code specifies certain clearance distances for different voltage lines, including 33kV or greater. The PDP provisions have been based on the electricity safety clearances contained in NZECP34:2001.

Where front and side boundary building setbacks are reduced through the MDRS, there is a risk clearance to existing lines will be compromised by new development enabled under the MDRS. The MDRS enables residential development up to three storeys or 11m high and a minimum of 1.5m from the front boundary (and closer to internal or side boundaries in certain circumstances), which is problematic from an electricity network perspective. For example, where a line is located in the road reserve 1.5m from the boundary with private property, this would allow a clearance of just 3m between lines and the façade of a new residential building / development built to the 1.5m setback specified in the MDRS. These clearances would fall short of the generic clearance distances set out in NZECP34:2001 and the PDP.

Overall, the 'other' SEDL's that traverse Rolleston and Lincoln are deemed to be incompatible with the level of development permitted by the MDRS, or as provided by Policy 3 of the NPS-UD due to potential inadequate clearances and a risk to persons health and safety.

Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity

Detailed calculations as to the specific area (or extent) of residential zoned land affected or the effect of accommodating these clearances as a qualifying matter through the MDRS process has not been provided by Orion. However, clearances in NZECP34:2001 must be adhered to irrespective of any District Plan permitted activity standard (including those in the MDRS) in any case. Accordingly, accommodating clearances as a qualifying matter through the MDRS process is expected to have no comparably detrimental effect on development capacity in practice, compared to what is already provided for under the NZECP34:2001 and the PDP.

At a high level, the impact of these clearances can be summarised as generally ranging from limiting the extent to which any given development can take advantage of the reduced boundary setbacks enabled by the MDRS, through to having no tangible impact at all where lines are located well away from property boundaries.

Clearances and resulting "effects" will vary from site to site, depending on the location and nature of the lines, and the development proposed, and it is noted that the extent of these lines in Rolleston and Lincoln is limited, and that the lines avoid Prebbleton residential zoned land entirely.

Overall, it is anticipated that the level of impact on development capacity will be negligible as setbacks are required in any instance in accordance with NZECP34:2001.

Assess the costs and broader impacts of imposing those limits

The costs of imposing the clearance limits as part of the MDRS process is negligible as compliance with NZECP34:2001 must be achieved regardless of any enabling activity status. However, there are benefits to the inclusion or recognition of clearances as part of the MDRS process, as well as a range of costs for failing to do so.

Where developments fail to take into account electricity clearances, either the lines themselves or the development/structure which creates the clearance violation must be modified to reinstate compliance. Safety is non-negotiable for Orion and where clearances are compromised, they must be remediated. Modification to lines in this regard may involve raising the lines, through the installation of taller poles or attachments on existing poles to raise line heights (and thereby achieve clearances), or through the lateral relocation of lines and poles. In some cases, where neither of these is an option, it may be necessary to underground the line. Orion have stated that costs for amending lines to reinstate clearances can cost in the order of \$20,000 - \$100,000 depending on the nature and extent of the breach. The costs of remediation across Orion's network could be significant.

Furthermore, the options for raising line heights, relocation, and undergrounding are often heavily constrained. In particular, road reserves often support an array of infrastructure (much of which cannot be seen from the surface), meaning there are few options for new pole locations or additional underground electrical infrastructure. Similarly, Orion's ability to relocate above ground infrastructure and raise line heights is controlled by rules in the District Plan.

Imposing or recognising clearances as part of the MDRS process would significantly reduce the likelihood of clearances being overlooked and ultimately compromised by residential development. While the financial costs of remediation can be significant, clearances are first and foremost about keeping people and property safe around electrical hazards.

How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—

- (i) any operative district plan spatial layers; and*
- (ii) any new spatial layers proposed for the district plan.*

The Islington to Springston line does not traverse MRZ areas, however there are 'other' SEDL's that traverse Rolleston and Lincoln MRZ areas. These SEDL's are mapped on the PDP Maps and corresponding corridor protection provisions are proposed for the other SEDL's distinct from the Islington to Springston line (EI-R3 and EI-R4 amendments). There is no such rule in the Operative District Plan. The modifications to the MDRS are therefore limited to only those modifications necessary to accommodate qualifying matters.

Amendments are proposed to EI-R3 and EI-R4 as a result of the EI Hearing process², however as no decision has been issued at this time, the notified PDP version has been used as the baseline for amendments. Modifications to the MDRS are required to accommodate the qualifying matter by applying revised rules within EI-R3 and EI-R4 particular to SEDL's within the MRZ, and consequential amendments to exclude MRZ from the RESZ rules.

Analysis against s77L

Identify the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area (s77L(a))

Orion consider that in most cases, virtually any new or expanded residential development within an electricity distribution corridor is inappropriate. In contrast, the MDRS provides a framework whereby residential development is permitted provided certain standards are met. There is no specific standard (or characteristic) in Schedule 3A which makes the application of the MDRS to corridors inappropriate. Rather, it is residential development per se given any dwelling risks electricity clearances not being met and can prevent or hinder access to lines and associated support structures. Particular standards from the MDRS that are problematic are the building height up to 11m and the road boundary setback of 1.5m which could compromise line clearances and access to lines.

Therefore, essentially any residential development within an existing electricity corridor is problematic and corridor protection provisions should apply despite the MDRS permitted level of development.

Justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD (s77L(b))

Residential development within SEDL protection corridors is inappropriate as a matter of health and safety, as well as a matter of secure and efficient functioning of the electricity distribution network. Objective 1 of the NPS-UD is focused on "well-functioning urban environments... that enable.... social, economic and cultural wellbeing...and...health and safety, now and into the future". Accommodating corridor protection

² https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/557464/EI-Right-of-Reply-Appendix-2-26-October-2021.pdf

provisions as a qualifying matter is consistent with this objective. In particular, the corridors enable and facilitate the distribution of electricity which is critical for social and economic wellbeing, and they are specifically designed to keep persons, property, vehicles and mobile plant safe from electrical hazards.

Objective 6 of the NPS-UD is also relevant. Electricity network planning and development decisions are made based on scenarios that span many decades, with individual network assets often having a service life exceeding 40 or 50 years. Limiting residential development via the corridor protection provisions integrates local authority decision making with infrastructure planning and funding decisions as it gives some certainty around residential development adjacent to critical network assets.

Site-specific analysis (s77L(c))

The matter relates to SEDL's and all MDRS sites that are within the corridor protection buffers (as set out above) within the Selwyn District.

As mentioned previously, the 66kV Islington to Springston line traverses GRUZ land only and not the proposed MRZ areas. The line is shown as a blue line on the PDP Maps west of the Prebbleton township which terminates at 87 Weedons Road at the Springston Zone Substation (ORION-9). Therefore, this line is not a relevant consideration in relation to the MRZ areas.

The 'other' SEDL's within Selwyn are also mapped and are relatively minimal in extent with respect to the MRZ areas. The lines are located on the west side of the Rolleston township, and through the Lincoln township along Edward Street, and partly along Birchs Road, Boundary Road, and in the vicinity of Springs Road south of Lincoln University. No proposed MRZ land in Prebbleton immediately adjoins SEDL's.

In the Christchurch context Orion advised it is not possible to evaluate each site affected by the corridor protection buffers in the time available to determine whether some development beneath lines may be possible. This is because any such assessment requires detailed engineering analysis taking into account a range of factors, including location, voltage, sag (how much the line drops or loops between the two nearest support structures) the length of the span in issue (i.e., the distance between the two nearest support structures / towers), conductor materials and atmospheric/weather conditions. However, the geographic area where intensification needs to be compatible with this qualifying matter is readily identifiable via the PDP maps, which show where the lines adjoin residential areas.

Other EI Related Qualifying Matters

The National Grid constitutes a qualifying matter as a matter required to give effect to a NPS (NPS for Electricity Transmission 2008) and as nationally significant infrastructure (s6). However, the National Grid is not located within any proposed MRZ areas and traverses GRUZ land only and therefore is not a relevant consideration as a qualifying matter in the Selwyn District. It is also of note that the Trustpower Coleridge HEPS is outside of the proposed MDRS areas.

Proposed District Plan Amendments

It is proposed to utilise the PDP provisions in EI-R3 and EI-R4 as the basis for MRZ specific provisions. The new provisions are proposed to relate to the 'other' SEDL's distinct from the 66kV Islington to Springston Line and require that:

- The establishment of a new or expansion of an existing sensitive activity is not within 5m of a support structure of a SEDL;

- The establishment of a new or expansion of an existing conductive fence is not within 5m of a support structure of a SEDL;
- The establishment of a new or expansion of an existing structure, excluding network utilities, is not within 5m of a support structure of a SEDL.

It is also proposed to insert heights and setbacks applicable to MRZ in relation to structures which align with the MDRS standards. Consequential amendments are recommended to exclude MRZ from the existing RESZ provisions in EI-REQ15 and EI-REQ1.

Scale and Significance Evaluation

The level of detail of analysis in this report is moderate. The level of detail of analysis in this report is moderate. SEDL's are an existing feature of the environment which can be compromised by intensive residential development. Inadequate protection of this infrastructure can have the potential to impact on the health and safety of persons and the costs and efficiency of the network. The proposed amendment to the rule requirements is necessary to address a gap in the PDP that would otherwise exist in association with the proposed MRZ areas.

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions as to whether they are the most appropriate to achieve the purpose of the Act.

MDRS Assessment

The proposed amended provisions contained within this chapter will allow the same or a greater level of development as the MDRS by amending the height and setback rule requirements so that they are aligned with MDRS provisions which are effectively the permitted baseline. The only instance where the provisions are otherwise constrained by a qualifying matter is with respect to the corridor protection rules which seek to continue to apply the setbacks that apply where MRZ areas adjoin SEDL's, which is confined to parts of Rolleston and Lincoln only.

Evaluation

Options and Recommendations	
<ol style="list-style-type: none"> 1. Status Quo; or 2. Amend the PDP provisions to either align/give effect to the RMA-EHS, or as a consequential amendment required for clarity, consistency, and accuracy. <p>Option 2 is the preferred option as the RMA-EHS allows exemptions for qualifying matters when making amendments to the PDP.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendments	Summary of Evaluation
<ul style="list-style-type: none"> • EI-R3 and EI-R4 - Require a 5m setback from SEDL support structures for new or expanded sensitive activity (including residential activity), conductive fences and structures. 	<p>The amendments are considered the most appropriate way to achieve the purpose of the Act because:</p> <ul style="list-style-type: none"> • with respect to EI-REQ15 and EI-REQ16, adds provisions relevant to MRZ distinct from other RESZ to align with the MDRS standards and the building development anticipated within the zone, without which the RESZ zones would be too restrictive.

<ul style="list-style-type: none"> • EI-REQ15 - Insert a maximum height applicable to structures in the MRZ. • EI-REQ16 - Insert a setback applicable to structures in the MRZ. 	<ul style="list-style-type: none"> • with respect to EI-R3 and EI-R4, gives effect to the NZECP34:2001 and does not impose additional cost and constraints on the community compared to the NZECP34:2001, and satisfies the RMA qualifying matter criteria • assists with guiding decision-making • is better than the status quo in giving effect to the relevant sections of the Act • is realistically able to be achieved within the Council's powers, skills and resources.
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Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> • Alignment with RMA-EHS, NZECP34:2001 and PDP and provides for development as anticipated by the Act in MRZ areas. 	Environmental: <ul style="list-style-type: none"> • None identified. NZECP34:2001 applies regardless to residential development.
Economic: <ul style="list-style-type: none"> • Less actual/potential cost to Orion in needing to modify or relocate infrastructure to comply with mandatory clearances. 	Economic: <ul style="list-style-type: none"> • Financial costs to Orion of clearances to SEDL's not being met - i.e., cost of modifications to lines and structures and undergrounding to achieve compliance.
Social: <ul style="list-style-type: none"> • Health and safety of persons recognised by including corridor protection rules as a qualifying matter. 	Social: <ul style="list-style-type: none"> • Adverse effects on persons health and safety where the required electrical safe distances from SEDL's are not achieved.
Cultural: <ul style="list-style-type: none"> • None identified 	Cultural: <ul style="list-style-type: none"> • None identified
Summary of Efficiency Assessment	
Benefits to the environment outweigh costs.	
Effectiveness Assessment	
<p>The proposed provisions are considered to be the most effective means of achieving the purpose of the Act as together they will:</p> <ul style="list-style-type: none"> • give effect to the RMA-EHS • be consistent with the NZECP34:2001 • enable the Council to fulfil its statutory obligations, including sections 77J and 77L of the RMA-EHS • ensure that adverse effects on people and communities are duly considered, specifically health and safety of persons in relation to electricity infrastructure. • enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	

Options less or not as appropriate to achieve the purpose of the Act	
Option 1: Status quo Retain the notified provisions of the PDP	The current provisions are not the most appropriate way in which to achieve the purpose of the Act because they do not align with the MDRS and provide for more intensive residential development within the vicinity of SEDL's, potentially compromising people's health and safety and the efficiency and effectiveness of the electricity distribution network.
Risk of acting or not acting	
There is considered no risk in acting as the provisions achieve alignment with the MDRS and the SEDL qualifying matter is necessary to continue to protect persons health and safety and the electricity network asset from residential development. Mandated clearance distances from the network as per the NZECP34:2001 have been translated into PDP provisions and it is recommended that select provisions apply as qualifying matters in areas only where there are SEDL's adjacent to MRZ areas. The risk in not acting is that Council is not fulfilling its obligations under the Act and compromising persons health and safety and the electricity network. Therefore, there is no risk of acting in the manner proposed.	

Conclusion

This evaluation has been undertaken in accordance with Section 32 of the Act to identify the need, benefits and costs arising from the Variation to the PDP relating to the EI Chapter provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The proposed approach is the most appropriate as minor amendments will achieve alignment with the MDRS within the proposed MRZ with respect to EI-REQ15 and EI-REQ16, distinct from these provisions applicable to the RESZ more generally. It is appropriate that utilities and other infrastructure is permitted to the same height as residential development and is setback the same distance from boundaries in the MRZ to achieve built form consistency throughout the zone, unless in relation to SEDL's.

The corridor protection provisions are considered justified as a qualifying matter as it is necessary to maintain minimum setbacks and clearances between residential development and SEDL's to maintain the setbacks mandated by NZECP34:2001 and which are reflected in the PDP provisions (EI-R3 and EI-R4). Maintaining setbacks from SEDL's ensures people's health and safety and the efficiency of the network.

The benefits of the proposed approach outweigh the costs and no risk in acting identified.

3.3 Transport

The Transport Chapter relates to the implementation of the RMA-EHS as the requirement to intensify residential development in Rolleston, Lincoln and Prebbleton will directly affect the capacity of the roading network, public transport, walking and cycling connections as well as direct access to and from residential sites in these townships. The scale of changes needed to the Chapter include changes to the triggers for when an assessment of the transport effects of development is required (an integrated transport assessment), accessway formation and design standards, road vesting requirements and road formation

standards. These changes are necessary to accommodate a higher threshold of permitted development, to maintain safety, amenity, access and the performance of the transport network.

Resource Management Analysis

Background

The RMA-EHS prescribes the MDRS to relevant residential zones however does not prescribe changes to the provisions that make up the Transport Chapter. Council therefore needs to consider the effects intensification will have on the transport network as a whole as well as safety, amenity and access to and from sites where MDRS applies.

The PDP, in a departure from the Operative District Plan, prescribes thresholds for integrated transport assessments, both 'basic' and 'full'. In residential zones, the thresholds set are based on the level of site development permitted in the PDP without MDRS being applied. As integrated transport assessments consider the effects of development on the wider transport network, there is a need to review the thresholds to ensure that the effects of development from MDRS on the transport network are properly assessed. Similarly, as road formation standards are based on levels of residential development permitted under the PDP, not MDRS, there is a need to review these standards to ensure that they are of sufficient width to accommodate vehicle access, greater anticipated levels of on-street parking (as no off-street car parking can be required) and walking and cycling.

Accessways have historically been problematic in Selwyn due to inappropriate length leading to concerns over access, permeability and safety. This has led to Council restricting the number of sites that can be serviced by an accessway to six. However, this will need to be re-evaluated in light of MDRS as potentially 18 residential units could be accommodated across six sites. MDRS applied to sites already served by an accessway could also place a greater strain on the use of the accessway beyond its design specifications as existing sites get built out to MDRS standards. Council's preference is that a road be formed in such cases and vested to Council. This will provide an optimum level of safety, access and amenity.

Research

The Council has reviewed the PDP, commissioned technical advice and assistance from various internal and external experts and utilised this, along with partner and stakeholder feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Author	Brief synopsis	Link to document
Variation to the Proposed District Plan	Abley Ltd	This technical note highlights the changes occurring in relation to SDC with the introduction of the RMA-EHS and in light of the National Policy Statement on Urban Development (NPS-UD) and recommend	Variation to the Proposed District Plan - Transport Abley

Title	Author	Brief synopsis	Link to document
		changes to the applicable PDP transport rules. These rules are in relation to integrated transport assessment thresholds, accessway design, vehicle crossing widths, shared accessways and road design.	

This information has been used to inform the preparation of the Variation and this s32 evaluation.

Consultation and Engagement

Through the development of the proposed provisions, the Council undertook the following consultation and engagement specifically on this matter:

Waka Kotahi were consulted on the effects of MDRS on the State Highway network, specifically State Highway 1 in Rolleston. Waka Kotahi responded by advising that they did not have any specific concerns with MDRS on SH1 but wished to work closely with Councils and potential developers to not only encourage more considerate layout design to reduce adverse impact on the state highway as much as possible, but also to encourage developments at accessible locations that would reduce private vehicles dependency, where possible.

Qualifying Matters Relevant to this Chapter

The State Highway is a relevant qualifying matter to this Chapter as Nationally Significant Infrastructure (3.32(1)(c) / s77I(e)). Controls will be carried over from the PDP. Specific provisions that give effect to the State Highway as a qualifying matter include:

- TRAN-R4 Vehicle Crossings
- TRAN-R6 Parking, manoeuvring and loading areas
- TRAN-REQ4 Siting of vehicle crossings
- TRAN-REQ16 Vehicle manoeuvring
- TRAN-TABLE4 Vehicle crossing distances from intersections

Proposed District Plan Amendments

The proposed amendments are for the following provisions:

- TRAN-R8 High Trip Generating Activities;
- TRAN-REQ7 and TRAN-TABLE3 Accessway Design and Formation;
- TRAN-MAT2 Vehicle Crossings and Accessways;
- TRAN-MAT8 High Trip Generating Activities;
- TRAN-TABLE7 Road Formation Standards.

The changes, as compared to the PDP, will require in the MRZ:

- Integrated transport assessments triggered at a lower site threshold than the PDP. This will impact on development proposals for residential subdivision;
- All accessways to be sealed compared with the PDP requirement that only accessways serving more than two sites is sealed;
- A road to be formed for access to more than four sites compared to more than six in the PDP.
- For existing accessways, no more than six residential units to be built out. There is no specified restriction on the number of residential units served by an accessway in the PDP however only one main residential unit and one minor dwelling can be built as of right per site.
- Changes to accessway formation standards so that wider accessways are needed for fewer number of sites.
- Changes to road formation standards so that collector roads have the potential for wider maximum carriageway widths, so that extra parking lanes can be accommodated if required. A new local road legal width standard of 15-17m with a requirement that space for footpaths must be provided on both sides of the road.

In circumstances where the above standards cannot be complied with, a resource consent may be applied for.

Scale and Significance Evaluation

The level of detail of analysis in this report is assessed as high as the transport effects of development can be significant, particularly as the effects can be felt cumulatively across the District's transport network. The MDRS marks a significant shift in permitting a higher intensity of residential development and one of the main effects will be on the transport network. As nearly everyone uses the transport network in their day to day lives, it is appropriate that the overall significance of both the issue and proposed amendments is assessed as being high.

The geographical scale of the proposed amendments relates only to the settlements of Rolleston, Lincoln and Prebbleton, where MDRS is to be applied. However these are the main settlements in the District with the highest growth pressures. It is therefore expected that a large number of new subdivision proposals in the District over a certain threshold will be affected as well as existing sites with MDRS potential. In terms of new subdivision, an integrated transport assessment (ITA) will potentially be a requirement for a greater number of subdivision applications than is currently proposed in the PDP. The findings of an ITA could be used to calculate the basis for development and financial contributions. Additionally, developers of subdivision will be required to 'front foot' infrastructure suitable for MDRS.

For infill permitted by MDRS on existing sites, the amendments will not restrict development except for sites already served by accessways where a cap is proposed on the number of residential units that can be built without resource consent. The take-up of MDRS around existing accessways may be incremental, depending on the age and typology of houses and configuration of sites. However, transport effects are usually not an absolute barrier to development and it is anticipated that where development on an existing accessways is proposed to be greater than six residential units, a resource consent can be applied for as a restricted discretionary activity.

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions as to whether they are the most appropriate to achieve the purpose of the RMA.

MDRS Assessment

The proposed amended provisions contained within this chapter will restrict MDRS to some degree. The restrictions include limiting development on existing accessways, requiring ITA's at a lower threshold and requiring more land for roading and accessways which may have the effect of reducing available land for development. The amendments however are required to mitigate the level of development enabled by MDRS and to ensure that the transport effects of applying MDRS are assessed and appropriate infrastructure provision is in place. This includes appropriately sized accessways, road access, walking and cycling, public transport provision as well as other improvements deemed to be necessary (including through the payment of development and financial contributions). Overall it is considered these amendments are consistent with and implement (in particular) Objective 1 *'a well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety now and into the future'* and Policy 3 of MDRS which is to *'encourage development to achieve attractive and safe streets and public open spaces including by providing for passive surveillance.'*³

The change to ITA thresholds is based on trip rates calculated through *Waka Kotahi, Research Report 453 Trips and parking related to land use, 2011*⁴. The assumption is that medium density residential development will have a lower trip rate overall as:

- The units are typically smaller in size having fewer occupants per dwelling.
- They are typically located so they are accessible by walking, cycling and/or public transport to key employment, retail, entertainment and recreation destinations.
- Occupants tend to have lower car ownership levels due to limited parking space.

The type of development that is likely to trigger an ITA is likely to occur on greenfield subdivision rather than infill on existing brownfield land. This will depend on the development potential of sites – for example a consent notice offered by a developer may restrict the development of MDRS on subdivision and lessen/obviate the need for an ITA.

Other changes proposed are based on best practice including NZS 4404:2010 Land development and subdivision infrastructure in terms of road width and infrastructure provision. Here it has been assessed that the present legal road width range in the PDP for local roads is insufficient to provide enough space for infrastructure that may be needed to cater for MDRS.

Evaluation

Options and Recommendations

1. Status Quo; or
2. Amend the PDP provisions to give effect to the RMA-EHS and to mitigate the effects of the MDRS on the transport network.

Option 2 is the preferred option as the amendments are necessary to mitigate the effects of MDRS on the transport network whilst implementing Objective 1 and Policy 3 contained in MDRS.

³ Schedule 3A MDRS, Section 6, Clause 1a and 2c. Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

⁴ Refer to Variation to the Proposed District Plan Transport DW411 Abley 10 June 2022

Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendment	Summary of Evaluation
<ul style="list-style-type: none"> • Amend TRAN-R8 to lower the thresholds for when a Basic or Full ITA is required in relation to the number of residential sites proposed. • Amend TRAN-MAT8 to account for circumstances where MDRS is restricted through an encumbrance. • Amend TRAN-REQ7 to require that every accessway is formed and sealed. • Amend TRAN-REQ7 to require that no more than six residential units are served by an existing accessway and no more than four sites are formed on a new accessway. • Amend TRAN-TABLE3 so that wider accessways are needed for a fewer number of sites. • Amend TRAN-MAT2 to account for circumstances where MDRS is restricted through an encumbrance or where there are particular site characteristics. • Amend TRAN-TABLE7, road formation standards, so that collector roads have wider maximum carriageway widths, so that extra parking lanes can be accommodated, and wider legal widths are required for local roads where footpaths could be provided on both sides. 	<p>The amendments are considered the most appropriate way to achieve the purpose of the RMA in the following way:</p> <ul style="list-style-type: none"> • The amendments are necessary to address the resource management issue(s) that arise from the MDRS, specifically the transport effects of intensification. The amendments also assist Council to undertake its functions under s31 RMA, particularly s31(1)(a). They also give effect to higher level documents, particularly NPS-UD Objective 1, 3b, 4, 8 and Policies 1c, 1e, 1f and CRPS Objective 5.2.3, Policies 5.3.1, 5.3.2 and 5.3.8. In terms of the strategic objectives of the PDP, they implement SD-DI-O1, SD-DI-O2, SD-IR-O2 and SD-UFD-O3. • The amendments will guide decision makers by setting limits on when further assessment on transport effects are required. They will also ensure that access, safety and amenity are maintained on transport networks, even with higher densities. • The amendments will not result in unjustifiably high costs to the community or parts of the community. The amendments reflect the need for local transport networks to accommodate the 'scaled up' level of development permitted by MDRS. They represent an acceptable level of uncertainty and risk. • The amendments are consistent with identified tangata whenua and community outcomes. As they represent 'business as usual' activity they are realistically able to be achieved within the Council's powers, skills and resources.

Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness

Benefits	Costs
<p>Environmental:</p> <ul style="list-style-type: none"> The amendments will ensure that the level of development permitted by MDRS does not adversely affect the transport network of Selwyn. This will include ensuring that new subdivision proposals where MDRS could be applied are assessed for their impacts on the transport network including car based, public and active transport modes. Intensification as a whole has the potential to be beneficial for the environment and climate change by reducing car borne travel and developing a greater critical mass for public transport and walking and cycling. However it is important, in order for this to happen, that the necessary improvements are in place which these amendments will help facilitate. 	<p>Environmental:</p> <ul style="list-style-type: none"> None identified.
<p>Economic:</p> <ul style="list-style-type: none"> There will be economic benefits to Council and those looking to intensify in the future by ensuring that infrastructure is properly designed and futureproofed at subdivision stage. It is much harder and more expensive to retrofit infrastructure to meet future development demand and makes sense to do this at an early stage, especially where this can anticipated. Having properly designed infrastructure will also ensure that the benefits of MDRS can be realised in light of the NPS-UD and the need to have a 'well-functioning urban environment'. 	<p>Economic:</p> <ul style="list-style-type: none"> The initial costs of subdivision may be higher as it is proposed that an integrated transport assessment (both basic and full) will be required at a lower site threshold than in the PDP. A typical basic transport assessment will cost between \$6000 - \$8500 +GST. A full integrated transport assessment will cost significantly more than this. This means that more subdivision proposals that are in Rolleston, Lincoln and Prebbleton will require a transport assessment of some kind. A transport assessment might identify upgrades that need to be undertaken in order to offset the transport effects of MDRS. Alternatively financial contributions may be required. Development contributions could be applied at a lower threshold than as currently to subdivision with the expectation that intensification will occur in the future. A developer may choose to offer a restriction on the title at the time of subdivision (a consent notice for example) restricting the application of MDRS, which could obviate the need to provide an ITA. Further costs may arise as a road will need to be vested at only five sites, compared with seven

	<p>sites at present. As the dimensions of a road are greater than that of an accessway, the engineering costs of subdivision may be greater and less land will be available for site development. A land use resource consent could however be applied for in circumstances where this standard cannot be met at the same time as subdivision consent is applied for (which would incur additional resource consenting costs). A developer may choose to offer a restriction on the title at the time of subdivision (a consent notice) restricting the application of MDRS, which could obviate the need to comply with these standards.</p> <ul style="list-style-type: none"> • There are also likely to be greater costs at providing an accessway as part of subdivision, due to increased dimensions servicing a smaller number of sites. This will mean slightly less land is available for site development. The requirement that all accessways are sealed is unlikely to raise costs as this is already de-facto the case in the townships affected. In both instances a land use resource consent can be applied for any non-compliances. Again, a developer may also chose to offer a restriction on the title at the time of subdivision (a consent notice) restricting the application of MDRS, which could obviate the need to comply with these standards. A further consideration is any site specific characteristics that mean that accessway formation standards need not be complied with. • Existing accessways will be capped at six residential units which may restrict the economic potential of sites served by accessways from being fully 'built out'. This could lead to a 'first in first served' approach. Again a resource consent can be applied for where this standard cannot be met with associated costs. • Some changes to road formation will also be required including larger legal widths for local roads for greenfield subdivision and a requirement to provide space for footpaths on both sides of the road. This will reduce the availability of land slightly for development.
<p>Social:</p> <ul style="list-style-type: none"> • The amendments will ensure that safety and accessibility are maintained even with 	<p>Social:</p> <ul style="list-style-type: none"> • Possibly higher upfront costs for those purchasing sections if the direct cost of

<p>intensification. Safety has a clear benefit as safer roads lead to less death and serious injuries. Amenity will also be maintained as infrastructure will be designed to a standard that enables viable walking and cycling opportunities as longer accessways will be discouraged in favour of roads. It is also notable that some of the changes align with best practice – for example NZS 4404:2010 Land Development and Subdivision ensuring appropriate legal widths to provide landscaping and footpaths.</p>	<p>infrastructure to service the subdivision, or greater developer contributions and financial contributions for transport upgrades (where an assessment has identified that they are necessary) are passed on by developers. Each section however can be developed to MDRS which means that any potential cost to landowners could be offset with a greater development yield.</p> <ul style="list-style-type: none"> Alternatively limitations could be put on the title of each property to restrict development (by way of a consent notice). This would however restrict MDRS and disadvantage those seeking to develop sections with MDRS in mind.
<p>Cultural:</p> <ul style="list-style-type: none"> None identified 	<p>Cultural:</p> <ul style="list-style-type: none"> None identified
<p>Summary of Efficiency Assessment</p>	
<p>The benefits of Option 2 significantly outweigh costs. Whilst there would be an economic cost to developers of subdivision to develop infrastructure around a subdivision where MDRS may be applied (in other words to have to work to a scenario where each site is developed to its maximum potential under MDRS), this is outweighed by the social and environmental benefits of ensuring that development is futureproofed to protect the amenity, safety and access to neighbourhoods as well as the performance of the transport network in townships.</p>	
<p>Effectiveness Assessment</p>	
<p>The proposed provisions are considered to be the most effective means of achieving the purpose of the Act as together they will:</p> <ul style="list-style-type: none"> give effect to NPS-UD Objective 1, 3b, 4, 8 and Policies 1c, 1e, 1f and CRPS Objective 5.2.3, Policies 5.3.1, 5.3.2 and 5.3.8 and Plan objectives SD-DI-O1, SD-DI-O2, SD-IR-O2 and SD-UFD-O3. enable the Council to fulfil its statutory obligations, including Part 2 RMA and assist Council to undertake its functions under s31 RMA, particularly s31(1)(a). ensure that adverse effects on transport network efficiency and performance and the safety and amenity of site access is managed appropriately through changes to transport assessment triggers, road vesting requirements and accessway and road formation standards. enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	
<p>Options less or not as appropriate to achieve the purpose of the Act</p>	
<p>Option 1: Status quo Retain the notified provisions of the PDP.</p>	<p>The current provisions are not considered the most appropriate method in which to achieve the purpose of the RMA because they were designed to manage the effects from a level of development permitted prior to MDRS. The greater permitted baseline of development afforded by MDRS could eventuate in three times as much residential development than is currently permitted. This could lead to a level of trip generation greater than anticipated in the current PDP provisions putting pressure on site access, safety</p>

	and amenity, road network efficiency and performance, walking and cycling connectivity and public transport.
Risk of acting or not acting	
There is a high risk of not acting because it is very difficult to retrofit transport improvements around established development. Whilst fully 'built out' sections (i.e. the maximum permitted development allowed under MDRS) may not eventuate initially, over time the development potential of individual sites may be realised leading to significant cumulative effects. Effective forward planning requires that the potential for these effects are assessed up front and necessary transport improvements are identified and planned in advance. Utilising the existing transport provisions would mean that the effective development potential of sites is not properly assessed and infrastructure is not sufficiently designed or planned to the level of development that may arise. The risk of acting is low-moderate as the amendments are likely to lead to higher up-front costs for those developing subdivision (which may get passed on to land buyers).	

Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs arising from the Variation to the PDP relating to the Transport Chapter provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The proposed amendments are necessary to mitigate MDRS. MDRS may impact on the performance and efficiency of the transport network and may also impact on site safety, access and amenity. The amendments will help ensure that the transport impacts of MDRS are appropriately assessed and that infrastructure is of a sufficient size to accommodate MDRS. In summary the amendments are:

- Amend TRAN-R8 to lower the thresholds for when a Basic or Full ITA is required in relation to the number of residential sites proposed.
- Amend TRAN-MAT8 to account for circumstances where MDRS is restricted through an encumbrance.
- Amend TRAN-REQ7 to require that every accessway is formed and sealed.
- Amend TRAN-REQ7 to require that no more than six residential units are served by an existing accessway and no more than four sites are formed on a new accessway.
- Amend TRAN-MAT2 to account for circumstances where MDRS is restricted through an encumbrance or where there are particular site characteristics.
- Amend TRAN-TABLE3 so that wider accessways are needed for fewer number of sites.
- Amend TRAN-TABLE7, road formation standards, so that collector roads have wider maximum carriageway widths so that extra parking lanes can be accommodated, local roads have wider legal widths and space for footpaths is available on both sides of local roads.

3.4 Subdivision

The Subdivision Chapter relates to the requirements of the RMA-EHS in two ways. Firstly, the inclusion of a new Medium density residential zone requires amendments to the Subdivision chapter to incorporate this new zone, and secondly Clauses 7 and 8 of Schedule 3A RMA, set out subdivision requirements to provide for the MDRS.

Resource Management Analysis

Background

Clauses 7 and 8 of Schedule 3A RMA set out subdivision requirements to provide for MDRS. In particular, clause 7 requires subdivision provisions to be consistent with the level of permitted development, and that subdivision be provided for as a controlled activity. Clause 8 requires that there be no minimum lot size, shape size or other size-related subdivision requirements where either: every site to be created already contains a residential unit; or where the subdivision consent application is accompanied by a landuse application that demonstrates that a residential unit can be established as permitted activity on each site to be created. Size-related subdivision requirements can apply to any vacant site created.

Research

The Council has reviewed the RMS-EHS and the PDP, sought assistance from various internal and external experts and utilised this to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.

This information has been used to inform the preparation of the Variation and this s32 evaluation.

Consultation and Engagement

Given that the proposed amendments are no more enabling than required by the RMA-EHS, no specific consultation and engagement was undertaken specifically on this matter.

Qualifying Matters Relevant to this Chapter

There are no relevant qualifying matters to this Chapter.

Proposed District Plan Amendments

The proposed amendments provide for subdivision in the new MRZ, as a controlled activity. No minimum lot size, shape size or other size-related subdivision requirements apply either: every site to be created already contains a residential unit; or where the subdivision consent application is accompanied by a landuse application that demonstrates that a residential unit can be established as permitted activity on each site to be created. Size-related subdivision requirements do apply to any vacant site created, and are based on *SUB-R9 Subdivision to Facilitate Small Site Development* as notified.

Other than size-related requirements, the same rule requirements and matters for control or discretion are proposed for the MRZ as apply in other residential zones. As such, amendments are proposed to:

- SUB-R1 Subdivision in the Residential Zones, to provide for subdivision in the new MRZ as a CON, rather than RDIS, activity.
- SUB-R12 Boundary Adjustment in All Zones, to provide for boundary adjustments in the new MRZ as a CON, rather than RDIS, activity.
- SUB-R13 Subdivision to Create Access, Reserve or Infrastructure Sites in All Zones to add new SUB-REQ13 Development Areas as a rule requirement that needs to be complied with.
- SUB-R14.1 Subdivision to Create Emergency Services Facilities in All Zones to add new SUB-REQ13 Development Areas as a rule requirement that needs to be complied with.
- SUB-REQ1 Site Area to introduce MDRS subdivision standards for sites that contain or are proposed to contain a residential unit, together with minimum site sizes for vacant sites consistent with the standards in SUB-R9 for Small Site Development in the GRZ, LRZ and SETZ.

- SUB-REQ2 Building Square to introduce MDRS subdivision standards for sites that contain or are proposed to contain a residential unit, and a building square requirement for vacant sites, consistent with the approach for other residential zones.
- SUB-REQ4 Road Frontage Width to introduce MDRS subdivision standards for sites that contain or are proposed to contain a residential unit, and a road frontage width requirement for vacant sites, consistent with the approach for other residential zones.

One new rule requirement and one new matter for control or discretion are proposed, to accommodate provisions specific to development areas. New SUB-REQ13 Development Areas is proposed to continue into the PDP requirements for individual Development Areas associated with recent PCs to the Operative Plan, while new SUB-MAT13 continues into the PDP additional matters for control or discretion associated with individual Development Areas.

Scale and Significance Evaluation

The level of detail of analysis in this report is low. The proposed amendments are limited to those required to give effect to the RMA-EHS.

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions as to whether they are the most appropriate to achieve the purpose of the RMA.

MDRS Assessment

The proposed amended provisions contained within this chapter will allow the same level of development as the MDRS by providing for subdivision as a controlled activity where the requirements are met. No minimum lot size, shape size or other size-related subdivision requirements apply where either: every site to be created already contains a residential unit; or where the subdivision consent application is accompanied by a landuse application that demonstrates that a residential unit can be established as permitted activity on each site to be created. Qualifying matters apply only to the extent outlined in other chapters.

Evaluation

Options and Recommendations	
<ol style="list-style-type: none"> 1. Status Quo; or 2. Amend the PDP provisions to either align/give effect to the RMA-EHS, or as a consequential amendment required for clarity, consistency, and accuracy. <p>Option 2 is the preferred option as the RMA-EHS directs Council to make the required amendments to the PDP.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendment	Summary of Evaluation
<ul style="list-style-type: none"> • Add a new rule to provide for subdivision in the Medium density residential zone, with consequential amendments • Add a new rule requirement to provide for development in certain new residential areas, where that development is 	<p>The amendment is considered the most appropriate way to achieve the purpose of the RMA because it:</p> <ul style="list-style-type: none"> • is required by the RMS-EHS; • addresses the resource management issue(s), assists Council to undertake its functions under s31 and gives effect to higher level documents; • guides decision-making;

<p>subject to site-specific development constraints.</p> <ul style="list-style-type: none"> • Add a new matter for discretion to provide for development in certain new residential areas, where that development is subject to site-specific assessment. 	<ul style="list-style-type: none"> • will not result in unjustifiably high costs on the community or parts of the community; • contains an acceptable level of uncertainty and risk; • is realistically able to be achieved within the Council's powers, skills and resources
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Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> • Managing subdivision location and design will manage potential environmental health effects and reverse sensitivity effects (where qualifying matters apply) 	Environmental: <ul style="list-style-type: none"> • Increased demand on stormwater, sewerage, roading, energy, and water supply.
Economic: <ul style="list-style-type: none"> • More housing / more business (facilitated by subdivision) would contribute to the economic prosperity of the community. • Managing subdivision location and design will avoid potential reverse sensitivity effects. 	Economic: <ul style="list-style-type: none"> • The subdivision provisions may not be the best to support housing affordability in the District. • Limitations on subdivisions (by way of consent notices, covenants and encumbrances) may have an economic impact on future development.
Social: <ul style="list-style-type: none"> • Provides for a greater range of living opportunities within the District. • Well placed subdivision enhances live, work, play opportunities within communities • Well-designed subdivisions will enhance the wellbeing of future residents / workers Purchasers can be confident that the site they purchase will be appropriate for the zone, and that wider community facilities are able to be provided. 	Social: <ul style="list-style-type: none"> • Subdivision provided for in the Variation may not be responding to the housing needs / living needs of the community. • Development following from subdivision has the potential to change the social coherence (for good or for bad)
Cultural: <ul style="list-style-type: none"> • None identified in relation to the Variation 	Cultural: <ul style="list-style-type: none"> • Papatipu Runanga have voiced concerns that the RMA-EHS fails to consider impacts on the natural environment. However, these costs have already been evaluated by the House of Parliament in the RMA-EHS s32 report.
Summary of Efficiency Assessment	
<p>Option 2 is the only efficient method of giving effect to the RMA-EHS, and so is considered the most efficient option</p>	

Effectiveness Assessment	
<p>The proposed provisions are considered to be the most effective means of achieving the purpose of the Act as together they will:</p> <ul style="list-style-type: none"> • give effect to the RMA-EHS • enable the Council to fulfil its statutory obligations, including Part 2 and s11 of the RMA • ensure that adverse effects on the environment are managed appropriately by rules and assessment matters that result in the creation of sites that are suitable for their intended use • enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	
Options less or not as appropriate to achieve the purpose of the Act	
<p>Option 1: Status quo</p> <p>Retain the notified provisions of the PDP.</p>	<p>The current provisions are not considered the most appropriate way in which to achieve the purpose of the RMA because they are inconsistent with the RMA-EHS.</p>
Risk of acting or not acting	
<p>There is sufficient information in the RMA-EHS to determine the provisions. As the Variation provisions are those required by the RMA-EHS, the Council has a good understanding of the changes required to give effect to the RMA-EHS. Therefore, there is a low risk of acting in the manner proposed.</p>	

Conclusion

This evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the need, benefits and costs arising from the Variation to the PDP relating to the Subdivision Chapter provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the Act.

3.5 Residential

This chapter relates to the duty set out in s77G of the RMA-EHS for the Council to incorporate the Medium Density Residential Standards (MDRS) in every *relevant residential zones*⁵ within District. As set out in the Overview s32, it is considered that the relevant residential zones within Selwyn are located in the townships of Lincoln, Prebbleton, and Rolleston.

Within the PDP, residential areas in these townships have either been zoned GRZ or LLRZ. Through the IPI, it is proposed that the GRZ in these townships would be rezoned to MRZ, and that the MRZ would implement the MDRS.

The scale of the changes required to the Residential Chapters of the PDP is significant, but necessary to give effect to the requirements of the RMA-EHS.

⁵ A relevant residential zone

(a) means all residential zones; but

(b) does not include—

(i) a large lot residential zone:

(ii) an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment:

(iii) an offshore island:

(iv) to avoid doubt, a settlement zone

Resource Management Analysis

Background

Schedule 3A of the RMA contains objectives, policies and density standards that Council must include in its district plan.

Clause 6 sets out the two objectives and five policies that must be included in the plan to support the MDRS. As set out below, it is proposed that all of these, bar Objective 1, be included in the PDP through modifications to the Residential chapter. As discussed in the Strategic Directions s32, Objective 1 is considered to relate to the wider urban environment and has therefore been proposed for inclusion in that chapter.

Clauses 10-18 set out the density standards applicable to development. Clause 2 and 4 establish the activity status of development and Clause 5 establishes the notification status of activity.

Research

The Council has reviewed the RMA-EHS and the PDP, sought assistance from various internal experts and utilised this, along with partner and stakeholder feedback, to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, and to inform the preparation of the IPI and this s32 evaluation.

No additional research is considered necessary in terms of the proposed changes as they are a requirement of the RMA.

Qualifying Matters Relevant to this Chapter

There are no relevant qualifying matters to this Chapter, except where a district-wide qualifying matter feature applies to a specific site in the MRZ.

Proposed District Plan Amendments

To give effect to the requirements of the RMA-EHS, it is proposed that the policies and matters of control or discretion in the RESZ chapter are amended. It is also proposed that a new zone be included in the PDP, to give effect to the balance of the requirements of the RMA-EHS set out in Schedule 3A.

The table below indicates where the required elements of Schedule 3 are proposed to be located within the PDP.

MDRS	Location in PDP
Objectives	
Objective 1	New policy in Strategic Directions chapter (SD-UFD-O1)
Objective 2	MRZ-O1
Policies	
Policy 1	MRZ-P1
Policy 2	New policy in RESZ chapter under heading of Medium Density Residential Development
Policy 3	New policy in RESZ chapter under heading of Residential Amenity
Policy 4	New policy in RESZ chapter under heading of Residential Amenity
Policy 5	MRZ-P2

Density Standards	
Number of residential units per site	MRZ-REQ2
Building height	MRZ-REQ4
Height in relation to boundary	MRZ-REQ5 and APP3
Setbacks	MRZ-REQ6
Building coverage	MRZ-REQ3
Outdoor living space (per unit)	MRZ-REQ8
Outlook space (per unit)	MRZ-REQ9
Windows to street	MRZ-REQ7
Landscaping	MRZ-REQ10

Minor changes are proposed between the provisions in the RMA-EHS and those incorporated into the PDP to ensure that the provisions are consistent with the PDP or reflect the terminology required by the National Planning Standards.

New RESZ-Matters for Control or Discretion are proposed in relation to the rule requirements related to windows to street, outdoor living space, outlook space, and landscaping. Consequential amendments are proposed to the notified matters for control or discretion relating to height, height in relation to boundary, road boundary setback, internal boundary setback, fencing, and additional residential units.

Consistent with other residential zones, activity rules have been incorporated in the MRZ for a range of activities. However, it is considered that the permitted baseline of MDRS is such that it is not necessary to specifically reference alternative forms of residential development within the zone, as is done in other residential zones, such as small site development, comprehensive development and retirement villages.

Consequential amendments are proposed to the following sections of the PDP as notified:

- RESZ-Overview to include reference to the new zone
- RESZ-SCHED1 to clarify the measurement of setback within the MRZ
- GRZ-Overview to reflect the amended reach of this zone
- GRZ-R15.1 (PREC3) to reflect that the spatial location to which this rule relates is now proposed to be MRZ
- APP3-Height in relation to boundary to improve clarity of this section due to the need to incorporate the applicable MDRS.

Scale and Significance Evaluation

The level of detail of analysis in this report is low-moderate.

As the proposed amendments to the PDP have been directed by the RMA, there is limited discretion around the manner in which Council can implement MDRS. As such, the matters addressed in this chapter are largely limited to the inclusion of a new zone, MRZ, applicable to the relevant residential zones within the townships of Lincoln, Prebbleton, and Rolleston. In line with the permitted activity status and density standards directed by the RMA, the rezoning of the GRZ to MRZ within the affected townships, will change the nature and scale of residential activities that can occur, as well as the anticipated character of these townships.

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions as to whether they are the most appropriate to achieve the purpose of the RMA.

MDRS Assessment

The proposed amended provisions contained within this chapter will allow Council to implement the MDRS as required by the RMA, in a manner which is consistent with the structure of the PDP.

As set out in Section 4 above, the MDRS provisions in the RMA are to be implemented by amendments to the overarching RESZ chapter and through the incorporation of a new zone.

The proposed amendments to the MDRS proposed within the PDP will not change the level of development permitted by the MDRS.

MDRS Objectives

The following objective, required by the RMA, is proposed to be inserted into the MRZ by the IPI:

- MDRS Objective 2: *a relevant residential zone provides for a variety of housing types and sizes that respond to—*
(Schedule 3A (6)(1)(b))
- (i) housing needs and demand; and*
 - (ii) the neighbourhood's planned urban built character, including 3-storey buildings*

Evaluation

Options and Recommendations	
<ol style="list-style-type: none">1. Status Quo; or2. Amend the PDP provisions to either align/give effect to the RMA or as a consequential amendment required for clarity, consistency, and accuracy. <p>Option 2 is the preferred option as the RMA directs Council to make the required amendments to the PDP.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendments	Summary of Evaluation
To incorporate a new zone in the PDP to provide for medium density residential development in the relevant residential zones in Selwyn, as anticipated by the RMA and to make consequential changes to the RESZ and GRZ chapters of the PDP	<p>The amendments are considered the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none">• are required by the RMA to be included in the district plan• assist Council to undertake its functions under s31 and gives effect to higher level documents• guide decision-making• will not result in unjustifiably high costs on the community or parts of the community,• are realistically able to be achieved within the Council's powers, skills and resources

Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> Alignment with the RMA and both present and future focused 	Environmental: <ul style="list-style-type: none"> None identified
Economic: <ul style="list-style-type: none"> More housing, as facilitated by the MDRS, would contribute to the economic prosperity of the district. Improved ability to provide more residential housing as a permitted activity, reducing consenting costs 	Economic: <ul style="list-style-type: none"> The ability to provide for more housing does not necessarily equate to improvements in housing affordability. No measures are proposed to improve housing affordability
Social: <ul style="list-style-type: none"> Provides for a greater range of housing typologies within the district. 	Social: <ul style="list-style-type: none"> The typologies enabled by the MDRS may not respond to the housing needs or living preferences of the district. Increased scale and bulk permitted within the MRZ, which may have an effect of amenity of a neighbourhood.
Cultural: <ul style="list-style-type: none"> None identified 	Cultural: <ul style="list-style-type: none"> None identified
Summary of Efficiency Assessment	
Option 2 is considered the only efficient method of giving effect to the RMA, and so is considered the most efficient option.	
Effectiveness Assessment	
<p>The proposed provisions are considered to be the most effective means of achieving the purpose of the RMA as together they will:</p> <ul style="list-style-type: none"> give effect to the RMA enable the Council to fulfil its statutory obligations ensure that adverse effects of built form on people, communities and the environment are managed appropriately by rules, rules requirements and assessment matters enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	
Options less or not as appropriate to achieve the purpose of the RMA	
<p>Option 1: Status quo</p> <p>Retain the notified provisions of the PDP.</p>	<p>The current provisions are not considered the most appropriate method in which to achieve the purpose of the RMA because they do not give effect to the objectives, policies and density standards required by the RMA. The current provisions do not permit the level of development provided for by the MDRS.</p>

Risk of acting or not acting

As the IPI provisions are those required by the RMA, the Council has a good understanding of the changes required to give effect to the RMA. Therefore there is no risk in acting as the proposed provisions are required to be included in the district plan by the RMA.

The risk in not acting is that Council would not be fulfilling its obligations under the RMA. Therefore, there is no risk of acting in the manner proposed.

Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the benefits and costs arising from the IPI to the PDP relating to the Residential chapter provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The amendments to the RESZ chapter and the inclusion of a new zone in the PDP are considered necessary to give effect to the RMA. They are therefore considered to be the most appropriate.

3.6 Commercial and Mixed Use Zone

There is no requirement in the RMA-EHS to make any amendments to the CMUZs. However, the ability to make consequential amendments is available. The key consideration as to if any amendments should be made to the CMUZs is the enabled level of development with the MRZ, and the permitted baseline it created. This permitted baseline should be taken into consideration when setting the permitted threshold for development within adjoining CMUZs.

The residential chapter of this s32 report discusses the rezoning of new residential zones⁶, as provided for in Section 77G(4) of the Act. It is proposed that those areas would be rezoned to MRZ, consistent with the intended zoning for the relevant residential zones within the relevant townships. Within these areas, some land has been earmarked and has obtained resource consent to operate under the Commercial provisions of the Operative District Plan. Given that these areas are intended to be and have or will be operating as NCZ.

As discussed in more detail in the Residential chapter of this s32 report, over the last decade, a number of areas within the PIB have been developed for residential purposes by means of resource consents granted under either the HASHA or the COVID legislation. The underlying zoning of these areas in the PDP is GRUZ.

The land which falls within this category is set out below:

- Acland Park
- Faringdon South
- Faringdon South East
- Faringdon South West

The above residential subdivisions contain consented commercial areas, it was not proposed at the time the PDP was notified to rezone these areas to commercial as these areas were not, and are still not, identified as Greenfield Priority Areas within the RPS. However, it is considered the RMA provides a

⁶ A new residential zone means an area proposed to become a relevant residential zone that is not shown in a district plan as a residential zone

pathway to align the underlying zone with the consented commercial activities that do or will occur within these areas. It is proposed to rezone these areas to NCZ.

Resource Management Analysis

Background

The RMA-EHS requires Tier 1 Councils to implement MDRS into their District Plans. The relevant residential zone is the GRZ as notified in the PDP for the townships of Rolleston, Lincoln, and Prebbleton.

In response to this, changes are proposed to aspects of the CMUZs to reflect the change in anticipated development outcomes in those residential areas. Changes are not specifically required to be made to the Commercial Zones. However, because the permitted height in the MRZ is going up from what it is in the GRZ, the adjoining CMUZ should also be increased to match it in the interests of a permitted baseline argument that people would make, and to not have residential development ‘dominate’ a CMUZ space.

Research

The Council has reviewed the PDP, commissioned technical advice and obtained assistance from various internal and external experts and utilised this, along with partner and stakeholder feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Author	Brief synopsis	Link
Prebbleton Centre Zoning – Economic Assessment	Derek Foy	Consideration of the Economic Impact on the closest Key Activity Centres if Prebbleton LCZ is rezoned to TCZ.	Prebbleton Centre Zoning - Economic Assessment

This information has been used to inform the preparation of the Variation and this s32 evaluation.

Qualifying Matters Relevant to this Chapter

There are no relevant qualifying matters to this Chapter.

Proposed District Plan Amendments

The proposed amendments are re-zoning the Prebbleton LCZ to TCZ, increasing the height limits of the TCZ and the NCZ, rezoning four existing consented commercial areas within residential developments to NCZ and a range of consequential amendments to allow for the change in zoning.

Scale and Significance Evaluation

The level of detail of analysis in this report is low-moderate. The Commercial areas in Rolleston, Prebbleton and Lincoln are important to the District and make an important contribution to the well-being of people and communities, including the attractiveness of the District as a place to live, work or play and its prosperity. As such, while the provisions managing these commercial areas directly affect landowners within the TCZ, LCZ and NCZ's, they indirectly affect the wider community and more specifically those living in adjoining residential areas.

The greatest change from the Proposed District Plan provisions is to increase the height limit in commercial zones in Rolleston, Lincoln and Prebbleton.

The provisions in this chapter are not considered to relate to matters of national importance, nor has the management of commercial areas been identified as an area of particular concern to Tangata Whenua.

The proposed amendments reduce the limitations on landowners by being less restrictive in terms of height and consequentially reducing consenting requirements and therefore to some degree additional costs on landowners.

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions under clause 77FA to consider whether they are the most appropriate to achieve the purpose of the Act, as they are consequential amendments, as opposed to being directly required by the RMA-EHS.

Evaluation

Options and Recommendations	
<ol style="list-style-type: none"> 1. Status Quo; or 2. Make Amendments (re-zone and increase height) <p>Option 2 is the preferred option as whilst there is no requirement in the RMA-EHS to make any amendments to the CMUZs, the ability to make consequential amendments is available and should be utilised where appropriate.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendment	Summary of Evaluation
<ul style="list-style-type: none"> - Increase maximum height limits of buildings within the TCZ's and NCZ's in Rolleston, and Lincoln. - Re-zone Prebbleton LCZ to TCZ, providing a 12m maximum height limit for buildings in the zone. - Confirm that status of establishing new buildings, food and beverage activities and educational facilities in Prebbleton TCZ. - Rezone four existing areas consented for commercial purposes in Rolleston to NCZ. 	<p>The amendments are considered the most appropriate way to achieve the purpose of the Act because it:</p> <ul style="list-style-type: none"> • will assist in ensuring that the design and layout of commercial development will positively contribute towards the attractiveness and functionality of commercial centres and public areas. • gives effect to relevant sections of the RMA, and in particular Section 7(c) in relation to the maintenance and enhancement of amenity values and Section 7(f) in relation to the maintenance and enhancement of the quality of the environment. • will give effect to the direction in the CRPS to locate and design commercial development so that it functions in a way that encourages sustainable economic development, and the more specific direction for the Greater Christchurch area to ensure that significant adverse effects on their function and viability of Key Activity Centres and neighbourhood centres is avoided, with activities provided for which reflect and support the function and role of each commercial zone within the district. • gives effect to the RMA-EHS and NPS-UD by promoting well-functioning urban environments.

	<ul style="list-style-type: none"> • assists with achieving the Strategic Objectives, through in providing attractiveness and pleasant places to live, work and visit (SD-DI-O1). • will not result in unjustifiably high costs on owners of business land and will better ensure that the benefits to landowners and the wider community of an attractive town centre are realised. • will assist in ensuring that the height of developments in adjoining residential zones subject to MDRS provisions is not higher than within the CMUZ • has the potential environmental benefit of being a more efficient use of land.
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Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> • There is potential for the environmental benefit of development being a more efficient use of land, particularly in regard to Prebbleton LCZ becoming a TCZ, and the consented commercial areas in Rolleston becoming NCZ, which would allow a variety of activities to establish in the zone, allow the township to be more self-sufficient. 	Environmental: <ul style="list-style-type: none"> • There is potential for the negative environmental impact of shading properties as a result in the increase in height limit. However, this is mitigated through the retention of the PDP height in relation to boundary measurement, which as opposed to the MDRS version, still measures up 2.5m from the boundary with a residential zone, and will ensure that no property is unduly shaded as a result of the increased in height limit, as the HRTB requirement will ensure an appropriate setback is achieved if any development is to have meet the height limit.
Economic: <ul style="list-style-type: none"> • Increase in ability to develop as a permitted activity, so potentially less costs associated with consenting. 	Economic: <ul style="list-style-type: none"> • The re-zoning of Prebbleton from LCZ to TCZ could have the potential to negatively impact the Rolleston and Lincoln TCZ, however, the potential distributional effects are mitigated by the smaller land area of the Prebbleton TCZ and the fact that most of the developable land has been developed. • The potential effect of this 'up-zoning' has been assessed through Mr Foy's economic effects assessment. Mr Foy found that this 'up-zoning' would not undermine the other

	TCZs/ Key Activity Centres as largely the full ambit of activities that would be permitted under a TCZ rule package are already permitted. Additionally, the commercial area of Prebbleton has already been largely developed meaning that there is limited scope for additional commercial activity.
Social: <ul style="list-style-type: none"> The re-zoning of Prebbleton will enable additional types of activities to establish in the zone which may result in more services and amenities being provided, which may in turn create the added benefit of people have an increased chance in living closer to where they work when more services are provided nearby. The rezoning of Rolleston will also create the same certainties. 	Social: <ul style="list-style-type: none"> An increase in the scale and bulk of the area, may have an amenity effect, but this could also result in a positive amenity effect as well. This may vary depending on who you talk to, whilst some people may prefer a well-built environment, others may prefer a smaller scale commercial area.
Cultural: <ul style="list-style-type: none"> None Identified 	Cultural: <ul style="list-style-type: none"> None Identified
Summary of Efficiency Assessment	
The environmental, economic, social and cultural benefits associated with the provisions outweigh the economic costs associated with the proposed restrictions, which are not significantly increased from those associated with the status quo.	
Effectiveness Assessment	
<p>The proposed provisions are considered to be the most effective means of achieving the purpose of the Act as together they will:</p> <ul style="list-style-type: none"> give effect to the direction in the CRPS for business development to incorporate principles of good urban design and the Urban Design Protocol 2005, as appropriate to the context, and in relation to ensuring the pattern of development maintains and enhances amenity values. enable the Council to fulfil its statutory obligations, including the maintenance and enhancement of both amenity values and the quality of the environment (Sections 7(c) and 7(f) of the RMA) and ensuring that development of commercial activities occurs in a way that appropriately avoids, remedies or mitigates adverse effects (Section 5(2)(c)). ensure that adverse effects of commercial development are managed to deliver positive urban form and built development outcomes. ensure that adverse effects on residential areas that are located adjacent to commercial zones are managed appropriately by continuing to control development at the interface between the zones. assist in achieving the relevant Strategic Directions through providing attractive and pleasant places to live, work and visit (SD-DI-O1); and ensuring the scale, character and intensity of built form aligns with the role of the township (SD-O6). enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner 	

Options less or not as appropriate to achieve the purpose of the Act	
<p>Status quo</p> <p>Retain the notified provisions of the PDP.</p>	<p>The current provisions are not considered the most appropriate way in which to achieve the purpose of the Act because the height limits in the PDP do not align with the MDRS. The MDRS provides a permitted baseline of a 11m plus gable height limit, which means that in some instances, if a change was not made, a NCZ with a maximum height limit of 8m as notified in the PDP may be dwarfed by up to 12m buildings in the adjoining residential areas.</p>
Risk of acting or not acting	
<p>As the Proposed Plan provisions were largely a continuation of the Operative District Plan provisions, the Council has a good understanding of how these controls and assessment matters operate in practice. The changes proposed remove some of the restrictions placed on Prebbleton's commercial centre from being zoned as a LCZ (Limits on the scale of commercial and office activities) better manage the interface between commercial and residential areas where the MDRS will apply. Therefore, there is a low risk of acting in the manner proposed.</p>	

Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the benefits and costs arising from the Variation to the PDP relating to the 'Commercial and Mixed Use Zone' Chapters provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The proposed approach is considered to be the most appropriate because it will continue to assist in achieving the Strategic Objectives, and aligns with the direction in the National Direction Instruments.

The approach to rezone Prebbleton from LCZ to TCZ will encourage sustainable economic development, and that significant adverse effects on their function and viability of Key Activity Centres and neighbourhood centres is avoided, with activities provided for which reflect and support the function and role of each commercial zone within the district.

The approach to rezone Rolleston consented commercial areas to NCZ will reduce reliance on resource consents.

The setbacks and height in relation to boundary requirements for these zones remained unchanged to ensure that the effects of commercial activities on the amenity of nearby residential properties are managed appropriately, and that the design and layout of development in commercial areas positively impacts on the attractiveness and functionality of commercial centres and public areas within them.

In summary, the proposed amendments to the CMUZ chapters are considered to be the most appropriate way to achieve the purpose of the RMA and the Strategic Directions in relation to commercial areas.

3.7 Consequential amendments

Due to the required proposed amendments to respond to the RMA-EHS, a range of consequential amendments, largely administrative of nature need to be implemented to ensure plan consistency and

clarity is maintained. For example, the insertion of new provisions may require numbering amendments, or where a zone name has been amended zone references need to be updated.

Given that the nature of these amendments are small scale and of little significance an s32 evaluation has not been carried out.

Section 80E(1)(b)(iii) provides the legal pathway for making these amendments via the streamlined process, rather than along the typical Schedule 1 process.

Consequential amendments to Development Areas

Due to the required proposed amendments to respond to the RMA, consequential amendments are required to a number of Development Areas included in the PDP.

The minor amendments are required to a number of existing development areas within the affected townships of Lincoln, Prebbleton and Rolleston. The amendments required are largely administrative in nature and are necessary to ensure plan consistency and clarity is maintained. In particular, the images included in the relevant development areas have been amended to reflect the zone proposed within these areas, and minor modifications to the associated narrative is also required in some instances.

In general, the proposed amendments require that:

- the affected Outline Development Plans are amended to replace GRZ with MRZ within the legend and that the zone colour shown on the image is amended in accordance with the colour for the MRZ as set out in the National Planning Standards; and
- the narrative associated with the affected Outline Development Plan is amended to reflect the increase density enabled by the RMA.

4. Incorporation of Land into the PDP

This section relates to the provision of new residential zones, as provided for in Section 77G(4) of the RMA-EHS. It is proposed that these areas would be rezoned to MRZ, consistent with the intended zoning for relevant residential zones within the relevant townships. The MRZ seeks to implement MDRS.

It is noted that, in accordance with s86BA(1)(c)(i), the MDRS will not have immediate legal effect within the areas identified within this section as they are, in terms of the RMA-EHS, new residential zones.

4.1 Land consented for residential purposes through other pathways

Over the last decade, a number of areas within the PIB have been developed for residential purposes by means of resource consents granted under either the HASHA or the COVID legislation. The underlying zoning of these areas in the PDP is GRUZ.

The Sites and Surrounding Environment

The land which falls within this category is set out below:

Acland Park

- Generally bounded by Selwyn Road, Springston Rolleston Road, Ed Hillary Drive, Clement Avenue and Te Kanawa Lane.
- Consented under HASHA

- Applicable resource consents for subdivision and land use: 165454 and 165454

Faringdon South

- Generally bounded by Selwyn Road, East Maddisons Road, Lemonwood Drive and Thames Drive
- Consented under HASHA
- Applicable resource consents for subdivision and land use: 165321 and 165322

The rezoning of these two areas, consented under HASHA, was not proposed at the time the PDP was notified as these areas were not, and are still not, identified as GPA or FDA within the CRPS. However, it is considered the RMA provides a pathway to align the underlying zone with the consented activities that occur within these areas.

Faringdon South East

- Generally bounded by Selwyn Road, Thames Drive, Northmoor Boulevard and Springston Rolleston Road.
- Consented under COVID legislation
- Applicable resource consents for subdivision and land use: 215539 and 215540

Faringdon South West

- Generally bounded by Selwyn Road, East Maddisons Road and Goulds Road
- Consented under COVID legislation
- Applicable resource consents for subdivision and land use: 215485 and 215538

These two areas have, since July 2021, been identified as FDA within the CRPS.

Research

No additional research has been undertaken in relation to these four areas as they have been consented and, through this process, sufficient information was provided to determine the appropriateness of this land for residential activities.

Consultation and Engagement

No consultation or engagement has been undertaken in relation to the proposed rezoning of these four areas.

Regulatory and Policy Direction

As these areas have been consented for residential purposes, no further assessment of these areas against any higher order national or regional planning instruments is considered necessary.

Relevant Qualifying Matters to this Section

There are no relevant qualifying matters to this section.

Proposed District Plan Amendments

The amendments to the PDP are:

- Amending the Planning Maps, by rezoning the four areas identified from GRUZ to MRZ

- Amending the Planning Maps to include a new Development Area incorporating Faringdon South West⁷
- Adding a new Development Area, including outline development plan and accompanying narrative, that incorporates Faringdon South West.

No amendments are proposed to the broader plan provisions for the proposed MRZ and no amendments are proposed to the MDRS within these four areas.

Scale and Significance Evaluation

The level of detail of analysis undertaken in relation to this component of the Variation is low.

The four areas identified above are located within the Rolleston PIB and urban development has been anticipated by the RSP. Further, these four areas have been assessed as being appropriate for urban activities through various resource consenting pathways provided by legislation. Re-zoning of these four areas, consistent with the proposed residential zoning for the majority of the Rolleston township, will have a negligible impact on the surrounding areas. However, it will facilitate an easier pathway to development should someone wish to undertake a residential activity that is not consistent with the existing zone, being the GRUZ, or the relevant resource consent. The rezoning of these areas will also enable the MDRS to be applied, thereby enabling increased housing opportunities.

Evaluation of Proposed Rezoning

Objectives and Policies of the Proposed District Plan

Section 32(1)(a) requires examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.

The proposed rezoning of already consented, and largely established areas within the PIB, does not seek to alter the objectives or policies of the PDP, either as notified or as recommended to be varied through the recent hearing processes, or as part of this Variation.

In regard to the purpose of the proposed rezoning, the objective is to align the consented use with an appropriate underlying zoning, thereby making it more efficient to undertake urban development consistent with the MDRS, and providing certainty to land owners and developers.

Evaluation of Proposal

Section 32(1)(b) requires an evaluation of whether the provisions of the proposal are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

In assessing the proposed rezoning of the areas identified in this section, two options have been considered, as set out in the table below:

⁷ The proposed development area, DEV-RO13, will encompass both the COVID area and the proposed greenfield areas discussed elsewhere in this report.

Options and Recommendations	
<ol style="list-style-type: none"> 1. Status Quo (Retain proposed GRUZ); or 2. Amend the PDP to rezone those areas that have been consented for urban development through alternative pathways from GRUZ to MRZ. <p>Option 2 is the preferred option as this will align the consented use with an appropriate underlying zoning, thereby making it more efficient to undertaken urban development consistent with the MDRS, and providing certainty to land owners and developers.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendment	Summary of Evaluation
To vary the PDP to rezone the four areas identified from GRUZ to MRZ	<p>The amendments are considered the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> • assist Council to undertake its functions under s31 and gives effect to higher level documents • guide decision-making • will not result in unjustifiably high costs on the community or parts of the community • are realistically able to be achieved within the Council's powers, skills and resources

Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> • Provides the ability for denser forms of housing typologies in the four areas, which assists in achieving a compact urban form, thereby minimising the loss of productive soils and reducing travel costs. 	Environmental: <ul style="list-style-type: none"> • Provisions provide for changes in housing typologies that may result in increased built density and potentially a change to residential amenity.
Economic: <ul style="list-style-type: none"> • More housing, as facilitated by the MDRS, would contribute to the economic prosperity of the district. • Improved ability to provide more residential housing as a permitted activity, reducing consenting costs • Encourages a more efficient use of land for residential purposes and increases efficiency of existing and future infrastructure within townships. 	Economic: <ul style="list-style-type: none"> • The ability to provide for more housing does not necessarily equate to improvements in housing affordability. No measures are proposed to improve housing affordability. • Potential increase in infrastructure costs associated with residential intensification.
Social: <ul style="list-style-type: none"> • Provides for choice in housing, enabling people to remain in their community even though their housing needs may change through their life. 	Social: <ul style="list-style-type: none"> • The typologies enabled by the MDRS may not respond to the housing needs or living preferences of the district.

<ul style="list-style-type: none"> Provides certainty for land owners as to the future level of change or development that can be expected. 	<ul style="list-style-type: none"> Increased scale and bulk permitted within the proposed zone, which may have an effect of amenity of adjacent areas. Provide for a population increase, which in-turn may place increased pressure upon community facilities and services, such as schools and doctors
Cultural: <ul style="list-style-type: none"> None identified 	Cultural: <ul style="list-style-type: none"> None identified
Summary of Efficiency Assessment:	
Option 2 is considered the most efficient method of giving effect to the RMA, and so is considered the most efficient option.	
Effectiveness Assessment	
The proposed rezoning is considered to be the most effective means of achieving the purpose of the RMA as it will: <ul style="list-style-type: none"> ensure that adverse effects of built form on people, communities and the environment can be managed appropriately by rules, rules requirements and assessment matters appropriate to the consented form of development within the four areas. enable Council to give effect to the MDRS requirements in an already consented urban environment. enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	
Options less or not as appropriate to achieve the purpose of the Act	
Option 1: Status quo Retain the GRUZ as notified in the PDP.	Retaining the current GRUZ is not considered the most appropriate way to achieve the purpose of the RMA because, through other processes, residential development has been allowed to establish in a manner that is inconsistent with the rural environment.
Risk of acting or not acting	
Given the relatively recent consents granted for urban development within these four areas, the relevant issues associated with the proposed rezoning of this land is well understood. Acknowledging that technical assessments were required and assessed in relation to the consents granted, there is minimal uncertain or missing information in relation to this proposal. It is therefore considered that there are no notable risks of acting or not acting	

Conclusion

It is considered that the proposed rezoning of those areas already consented urban purposes, from GRUZ to MRZ, will make it more efficient to undertaken urban development consistent with the MDRS, provide certainty to land owners and developers and is consistent with the objectives and policies of the PDP including those relating to urban growth. The rezoning of these areas will also enable the MDRS to be applied, thereby enabling increased housing opportunities.

4.2 Land within Future Development Areas in Rolleston

There are a number of sites in Rolleston identified as FDA within the CRPS that have not, to date, been subject to any other process that would facilitate residential development, such as a PC request to the Operative District Plan or a resource consent.

In the PDP, the underlying zoning of these sites is GRUZ but all have been recognised in Urban Growth chapter and the associated overlay, which identifies land for future urban growth.

The Sites and Surrounding Environment

The sites that are subject to this section are set out below.

Location/Address	Legal Description	Area (ha)
606 Selwyn Road	Pt Rural Sec 5192	1
545 East Maddisons Road	Lot 1 DP 326339	4
890 Selwyn Road	Lot 1 DP 355996	4
Springston Rolleston Road	Lot 2 DP 61162	16
435 Springston Rolleston Road	Lot 2 DP 82966	11.5
Springston Rolleston Road	Lot 1 DP 82966	10.7
	Total Area	47.2 ha

The sites are generally located on the southern side of Rolleston, between Dunns Crossing Road and Lincoln Rolleston Road, north of Selwyn Road.

The roads that the sites have frontage to are identified in the PDP as either an arterial road (Dunns Crossing Road, Selwyn Road and Springston Rolleston Road) or a collector road (East Maddisons Road)

Land immediately adjacent all of the above sites is in the existing Rolleston township, and is either recently developed for residential purposes or progressively being developed for the same, through various processes as previously discussed in this chapter.

With the exception of 606 Selwyn Road, the sites themselves are still of a rural-residential nature, generally containing a residential dwelling and associated outbuildings, with the balance of the site being used as farm paddocks. 606 Selwyn Road contains a similar array of built form, but the remainder of the site comprises lawn and garden areas. The attributes of the site and locality are further described in the technical reports linked to this section and discussed below.

Research

The Council has commissioned technical advice and assistance from various internal and external experts to inform the proposed rezoning of the greenfield sites. This advice includes the following:

Title	Rolleston FUDA Plan Change ITA
Author	Flow Transportation
Brief Synopsis	<p>Provides a traffic assessment of impact that development of the six greenfield sites in Rolleston will have on the current and likely future transport environment and estimated traffic generation that development of these sites would provide for.</p> <p>Provides recommendations for what should be included in the ODPs, particularly focussing on connectivity to frontage roads and adjacent land</p>

	uses, and identifies likely infrastructure upgrades that may be required at the time of development or into the future.
Conclusion	The transport safety and efficient effects of the proposed rezoning can be managed by implementing ODPs and by requiring the future upgrading of various intersections, which should be led by Council and funded by development contributions leverages on a proportional basis.
Link to Document	Rolleston FUDA Plan Change - Integrated Transport Assessment August 2022

Title	Land Constraints Assessment
Author	Geotech Consulting Ltd
Brief Synopsis	Presents the findings of a desktop geotechnical investigation carried out in relation to the six greenfield sites.
Conclusion	The report does not identify any geotechnical hazards that would make any of the land unsuitable for future residential development.
Link to Document	Land Constraints Assessment 16 June 2022

Title	Site Contamination Investigations
Author	Prattle Delamore Partners Ltd and Eliot Sinclair & Partners Limited
Brief Synopsis	PSIs were carried out in relation to the greenfield sites to gain an understanding of any land use practices that may have resulted in potential ground contamination sources and assist Council in determining any future compliance assessment necessary in relation to the intended future residential zoning.
Conclusion	HAIL activities were identified on three sites investigated. While any potential contamination resulting from these HAIL activities is likely limited in extent, the requirements of the NESCS should be taken into consideration should any regulated activity be undertaken within the area where the HAIL activity has been identified. This also takes into account that further investigations and mitigation or remediation measures will be managed through existing processes such as consent requirements under the NESCS and regional plans.
Link to Documents:	606 Selwyn Road
	890 Selwyn Road
	Lot 1 DP 82966, 435 Springston Rolleston Road
	Lot 2 DP 82966, 435 Springston Rolleston Road
	Lot 2 DP 61162 Springston Rolleston Road
	545 East Maddisons Road

Title	Rolleston Infrastructure Assessment
Author	Murray England (Selwyn District Council)
Brief Synopsis	Provides a three waters infrastructure capacity assessment of the proposed rezoning.
Conclusion	Capacity is available within the network, and further capacity upgrades are proposed and planned for, therefore the areas under consideration can be serviced.

Link to Document	Infrastructure Report - Murray England, Asset Manager Water Services
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Title	Rolleston Urban Design Assessment
Author	Gabi Wolfer (Selwyn District Council)
Brief Synopsis	Provides an evaluation of the potential effects of the proposed rezoning on landscape and visual amenity, taking into account the existing environment and the statutory context for the proposed rezoning. This evaluation has also considered the need for reserve space, in conjunction with Council's Manger Open Space and Strategy, Mark Rykers.
Conclusion	The proposed rezoning is an appropriate response in terms of location, accessibility and the contribution it will make towards creating a compact urban form. The character of the sites will change, but the sites are able to absorb changes likely to result from a residential zoning. It is appropriate to incorporate two outline development plans, along with accompanying narratives, into the PDP to ensure that development on these sites is integrated with existing or proposed development in the immediate vicinity.
Link to Document	Urban Design Assessment - Gabi Wolfer, Senior Urban Designer/Town Planner

Consultation and Engagement

Council has consulted with those greenfield landowners affected by the proposed rezoning of their land from GRUZ to MRZ. Some land owners are supportive the approach taken by Council, while others are less so, but do acknowledge that the development of this land for residential purposes has been forecast through both the RSP and the CRPS.

Council staff have also been engaged, primarily to ensure that the development can be adequately serviced.

No other consultation has been undertaken to date, including with the following agencies who may have direct or indirect interests in the proposed rezoning: Waka Kotahi NZ Transport Agency and the Ministry of Education.

Regulatory and Policy Direction

Part 2 Resource Management Act

The most relevant sections of Part are sections 5 and 7 as there are no relevant matters of national importance that are relevant to this proposal. As the proposed rezoning of these sites is in an area already earmarked for residential growth in district and regional planning documents, it is considered that the proposal is an efficient and sustainable use of the land resource. This increase in housing supply within Rolleston will provide more choice in housing options.

National Instruments

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

Objective 1 of the NPS-UD seeks that well-functioning urban environments enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Objective 2 seeks that planning decisions improve housing affordability by

supporting competitive land and development markets. Objective 3 seeks that district plans enable more people to live in areas of an urban environment that is in or near a centre zone or other area with many employment opportunities, or well-served by existing or planned public transport. Objective 4 seeks that urban environments are provided that, over time, develop and change in response to the changing needs of people and communities and future generations.

Policy 1 seeks that planning decisions contribute to well-functioning urban environments that, as a minimum have or enable a variety of homes that meet the needs of different households and have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. Policy 6 recognises that the planned urban built form may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types and that these are not, of themselves, an adverse effect.

The identified sites lies within Rolleston's PIB and forms part of the RSP which was prepared to ensure future growth was planned in an orderly and consolidated manner. The proposal will allow for the compact urban shape and well-functioning urban environment envisioned by the RSP to be fulfilled. The sites are able to be serviced adequately and will allow for both land use and transport efficiencies. As such, the proposed rezoning is consistent with the objectives and policies of the NPS-UD.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The NESCS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed. The Preliminary Site Investigation identifies areas within the site where the NESCS is likely to apply.

Regional Instruments

Canterbury Regional Policy Statement

The relevant objectives and policies of the CRPS are primarily encompassed by Chapters 5 and 6 of the CRPS, relating to land-use and infrastructure and the recovery and rebuilding of Greater Christchurch.

Chapter 5 addressed the location, design and function of development and seeks that development is located and designed so that it achieves consolidated, well designed and sustainable growth in and around existing urban areas, provides sufficient housing choice to meet the region's housing needs and avoids conflicts between incompatible activities. The proposed rezoning of the sites will not result in any significant displacement of rural activity. The sites have been anticipated by the CRPS to be developed for urban purposes at some future point. There are no activities nearby with which the proposed zoning might be incompatible. The proposal is considered to be not contrary to the objectives in Chapter 5.

Chapter 6 identifies priority areas for urban development within Greater Christchurch and applies urban consolidation principles to manage urban growth and development across the sub-region. Objective 6.2.2 establishes that any expansion to the township of Rolleston is to be within greenfield priority areas or FDA, as shown on Map A. Development within these areas is required to support a range of housing types, encourage sustainable and promote the self-sufficient growth of Rolleston. Policies 6.3.1 and 6.3.7 'give effect' to the desired urban form illustrated in Map A, requires a minimum net density of 10hh/ha in greenfield areas in Selwyn and promotes housing affordability through the provision of greenfield land that

provides a range of lot sizes and densities to meet the housing development capacity targets identified in Objective 6.2.1a and Policy 6.3.12. The sites are identified within a FDA in CRPS Map A. The proposed rezoning therefore aligns with the preferred urban form and is consistent with the desired consolidated settlement pattern. The application of the proposed MRZ to the sites will support a range of housing types.

Policy 6.3.12 establishes the circumstances that need to be satisfied to enable the FDA identified on Map A to be zoned and developed. The proposed rezoning would contribute to the medium-term plan-enabled capacity that has been identified as being required for Rolleston, and the Greater Christchurch 'Tier 1 urban environment' and the housing targets in Table 6.1, Objective 6.2.1a. The proposed rezoning would also promote the efficient use of urban land and support the desired settlement pattern and principles for future urban growth set out in both the CRPS and the RSP. The proposed rezoning to MRZ would provide opportunities for higher density living environment and greater housing choice for the community. The timing and sequencing of development has been anticipated in the RSP and can be coordinated through the Long Term Plan and development contributions. ODPs have been developed that include some of the sites. These show that the development of the sites can be integrated with the adjoining urban environment. In respect to the pre-requisites set out under Policy 6.3.11(5), evidence confirms that there is sufficient capacity available in the reticulated public water and wastewater networks, that the rezoning does not present an unreasonable risk to the drinking water supply, and that there are viable options to manage stormwater. Further, the proportional impact of the proposed rezoning of the sites on the wider transport network can be effectively managed by Council through a future upgrade programmed to ensure there is capacity.

Chapter 17 addresses contaminated land, seeking to identify areas of contaminated land and protect people and the environment from the adverse effects of contaminated land. HAIL activities have been identified on some of the sites, which will require further investigation and potential remediation as part of any future development of these sites, consistent with protecting both human health and the environment, in accordance with the objectives and policies of this chapter.

Overall, the proposed rezoning of the sites identified is consistent with the relevant objectives and policies of the CRPS.

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

The CLWRP broadly seeks to manage land and water within the Canterbury Region, by setting water allocation limits and limits on the type and amount of discharges permitted. The CARP broadly seeks that, in relation to those activities that emit discharges to air, best practicable options to address the effects of discharges.

The establishment of activities within the site will either need to meet the permitted activity conditions of these plans or resource consents will be required to be obtained under the regional plans that are in place at the time. There is nothing unique about the sites or their proximity to other land uses that would preclude any future consenting process should the rezoning proposal be granted.

The proposed rezoning can be efficiently and effectively developed and serviced in a manner that is consistent with the outcomes sought by the CLWRP and CARP.

Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan provides statements of Ngāi Tahu issues, objectives and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect

toanga. There are no specific resource management issues, or specific sites of significance to Mana Whenua, that would be compromised by the rezoning of the proposed sites.

Local policies, plans or strategies

Selwyn 2031 District Development Strategy

Selwyn 2031 provides an overarching strategic framework for achieving sustainable growth across the district through to the year 2031. The strategy identifies solutions to the key underlying planning issues relating to population growth, spatial planning and earthquake recovery. Selwyn 2031 is intended to guide the future development of the district and to inform Council's capital investment decisions. It is focused on consolidating urban growth in and around existing townships, as well as providing for a choice of living environments and housing types.

The proposed rezoning of the sites to MRZ is consistent with Selwyn 2031 in that it will allow for the consolidation of urban growth and provide for a range of housing types for the community.

Rolleston Structure Plan

The RSP was prepared in 2009 with the primary goals of a sustainable, well designed, realistic and attainable township. The RSP boundary follows Dunns Crossing Road as the western boundary, Weedons Road on the eastern boundary and Selwyn Road on the southern boundary. The RSP looks at many aspects of development including the strategic locations of the town centre, neighbourhood centres and local centres, land use patterns and community facilities and movement networks and development within the township over the last 10 years has largely been consistent with the RSP. The proposed rezoning of the identified sites is consistent with the RSP.

Rezoning Framework

Council staff have prepared a report in accordance with s42A of the RMA to provide a framework for the assessment of rezoning requests.

As the sites are greenfield in nature, seeking rezoning for residential purposes and located within the Urban Growth Overlay in the PDP, rezoning of these sites is to be tested against the greenfield framework⁸. This framework reflects the objectives and policies, as altered by s42A Urban Growth recommendations, within the Urban Growth Chapter and the outcomes sought by overarching strategic planning documents.

Criteria	The request demonstrates this as follows:
Does it maintain a consolidated and compact urban form?	<p>As the sites are located within the Rolleston PIB, they do not extend the township; rather they will assist in maintaining the compact and consolidated urban form of the township.</p> <p>The sites are generally surrounding by land that has been approved for residential development though other processes and the proposed rezoning would 'fill the gaps' within the PIB.</p>

⁸ As set out in Section 11 of the Re-zoning Framework s42A https://www.selwyn.govt.nz/_data/assets/pdf_file/0017/931310/Re-Zoning-Framework-s42A-report-01-July-2022-inc-Appendix-1.pdf

Criteria	The request demonstrates this as follows:
Does it support the township network?	Rezoning of the sites concentrates growth in Rolleston, maintaining the relative scale of the township network.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The sites are located within the scope of the RSP and the rezoning of these accord with the outcomes sought by the plan.
Does not effect the safe, efficient, and effective functioning of the strategic transport network?	The proposed rezoning of the sites will not affect the safe, efficient and effective functioning of the strategic transport network. Any upgrades to the network required by the proposed rezoning will be led by Council and funded by development contributions leveraged on a proportional basis.
Does not foreclose opportunity of planned strategic transport requirements?	The proposed rezoning of the sites will not foreclose the opportunity of planned strategic transport requirements. Rather, the ODPs identify upgrades to some key intersections and how these are to be integrated with the surrounding network.
Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or Area of Significance to Māori?	None of the sites are located within areas of this nature.
Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours	The sites are not located within the 50 db Ldn Air Noise Contours.
The loss of highly productive land	The proposed rezoning will not result in the loss of highly productive land as the sites do not contain any Class 1 or 2 soils.
Achieves the built form and amenity values of the zone sought	The adoption of the proposed MRZ provisions without amendment will ensure the rezoning achieves the built form and amenity values of the zone sought.
Protects any heritage site and setting, and notable tree within the re-zoning area	The sites do not contain any heritage sites or settings, or notable trees.
Preserves the rural amenity at the interface through landscape, density, or other development controls	Two of the sites proposed to be rezoned share an interface with the rural environment. Within Rolleston, the rural interface is largely addressed by road separation, which provides a physical separation from rural land. Consistent with existing urban development at the rural interface, no additional landscaping or density controls are proposed to manage this interface.
Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones	There are no dairy processing, industrial, inland port, or knowledge zones adjoining the sites. Consistent with existing urban development, the existing road network will provide separation between rural and urban uses.

Criteria	The request demonstrates this as follows:
Does not significantly impact the operation of important infrastructure, including strategic transport network	The proposed rezoning of the sites will not impact on the operation of either any important infrastructure or the strategic transport network.
How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available	The provision of infrastructure within the PIB has been planned by Council and the connection of these sites to the network can be provided for at the time of development for urban purposes.
Ensuring waste collection and disposal services are available or planned	Waste collection and disposal services are available in Rolleston and can be extended via the proposed road network connections to support the rezoned sites.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services	The ODPs shows how the sites will be linked to the adjoining land currently being developed for urban purposes. These also demonstrate how the sites will be connected, and accessible to, parks and commercial areas, both within the sites or adjoining areas.
Promotes walking, cycling and public transport access	The ODPs incorporate walking, cycling and public transport routes that are connected to the existing network.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha	The adoption of the MRZ provisions will enable the proposed density of 15hh/ha to be achieved, if desired.
The request proposes a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district	The MRZ proposed will enable a range of housing types, sizes and densities.
An ODP is prepared	Two ODPs have been prepared which incorporate the sites, which will ensure that the sites are integrated with existing or proposed development in the immediate vicinity.

Relevant Qualifying Matters to this Chapter

There are no relevant qualifying matters to this Chapter.

Proposed District Plan Amendments

The proposed amendments to the PDP are:

- Amending the Planning Maps, by rezoning the areas identified from GRUZ to MRZ
- Amending the Planning Maps to include two new Development Areas⁹
- Adding two new Development Areas, including outline development plans and accompanying narratives

No amendments are proposed to the broader plan provisions for the proposed MRZ.

⁹ The proposed development area, DEV-RO13, will encompass both a number of the greenfield areas and the Faringdon South West COVID fast track area discussed elsewhere in this report.

Scale and Significance Evaluation

The level of detail of analysis in this report is low-moderate.

The rezoning of land in Rolleston within the PIB has been anticipated by the RSP and is recognised in the CRPS, through the inclusion of these sites as FDAs within Map A. As discussed above, significant areas of land within the PIB that currently have a GRUZ have either been consented for urban development or rezoning for residential is currently being undertaken through a range of PCs to Operative Plan. The result of this is that the sites identified will be surrounded by urban development. Rezoning of the sites is consistent with the proposed residential zoning for the majority of the Rolleston township. Facilitating residential development within these sites is unlikely to adversely affect the surrounding environment, or increase servicing requirements. It is appropriate that the future development of these sites for urban purposes align with current and proposed development beyond these sites therefore ODPs are proposed to guide this.

Evaluation of Proposed Rezoning

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

Objectives and Policies of the Proposed District Plan

The proposal does not involve any new, or the alteration of any of the proposed objectives or policies in the PDP. The proposed objectives and policies, either as notified or as proposed to be varied through the hearing processes to date, are considered to be the most appropriate for achieving the purposes of the RMA.

In terms of the more general objective of the proposed rezoning of the sites identified from GRUZ to MRZ, which is considered to be the purposes of this component of the Variation, the objective is to provide for additional residential areas in Rolleston. 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 land resource.

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives

Relevant objectives:

SD-DI-O1	Sensational Selwyn
SD-DI-O2	District Well-being and Prosperity
SD-DI-O3	Integration and Land Use, Ecosystems and Water - Ki Uta Ki Tai
SD-UFD-O1	Compact and Sustainable Township Network
SD-UFD-O2	Urban Growth and Development
SD-UFD-O3	Integration of land use and infrastructure
UG-O1¹⁰	Urban growth is provided for in a strategic manner that:

¹⁰ Wording of all UG Objectives as per the Council's Right of Reply for the Urban Growth chapter, dated 1 July 2022.

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives	
	<ol style="list-style-type: none"> 1. Achieve attractive, pleasant, high quality and resilient urban environments; 2. Achieves the built form, amenity values and character anticipated within each residential, kainga nohoanga, or business area; 3. Recognises and protects identified Heritage Sites, Heritage Settings and Notable Trees; 4. Protects the health and well-being of water bodies, freshwater ecosystems, and receiving environments; 5. Provide for the intensification and redevelopment of existing urban sites; 6. Integrate with existing residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas; 7. Is coordinated with the provision of available infrastructure, the strategic transport network and utilities, including land transport infrastructure; and 8. Enables people and communities, now and future, to provide for their needs, wellbeing, and their health and safety. 9. Does not affect the efficient operation, use, development, appropriate upgrading, and safety of important infrastructure; 10. Does not compromise the ability to use adjoining rural land for rural production; and 11. Has particular regard to the finite nature and life supporting capacity of highly productive land.
UG-02	<p>Townships maintain a consolidated and compact urban form to support:</p> <ol style="list-style-type: none"> 1. Accessible, sustainable and resilient residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas; 2. The reduction in future effects of climate change and greenhouse gas emissions; 3. The role and function of each urban area within the District's Township Network and the economic and social prosperity of the District's commercial centres; and 4. The efficient servicing of townships and integration with existing and planned infrastructure.
UG-03	<p>There is sufficient feasible housing and sufficient business development capacity within Greater Christchurch to ensure:</p> <ol style="list-style-type: none"> 1. The housing bottom lines are met; 2. Competitiveness within the market; 3. A wide range of housing types, sizes, and densities are available to satisfy social and affordability needs and respond to demographic change; and 4. Commercial and industrial growth is supported by a range of working environments and places to appropriately locate and operate businesses consistent with the District's Activity Centre Network.
RESZ-01	Safe, convenient, pleasant and healthy living environments that meet the needs and preferences of the community.
RESZ-03	A wide range of housing typologies and densities are provided for to ensure choice for the community and to cater for population growth and changing demographics.

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives

Summary of the proposed provisions that give effect to the above objectives:

- Amending the Planning Maps, by rezoning the areas identified from GRUZ to MRZ
- Amending the Planning Maps to include two new Development Areas¹¹
- Adding two new Development Areas, including outline development plans and accompanying narratives

It is considered that the proposed rezoning of the six sites identified is generally consistent with the objectives and policies of the PDP. The proposed sites to be rezoned are within the Urban Growth Overlay and the rezoning will contribute to a well-functioning urban environment. The resultant character, amenity and environmental effects of the proposal are consistent with those provided for in the PDP, and in this variation. Given this, it is considered that the proposal is an appropriate means of achieving the outcomes sought by the objectives and policies of the PDP.

Assessment of Efficiency and Effectiveness

In assessing the benefits and costs of the proposed rezoning of the sites identified in this section of the Variation, four options have been considered, as set out in the table below:

Options and Recommendations

1. Status Quo (Retain proposed GRUZ); or
2. Rezone the sites to GRZ, being the zone proposed in PDP for similar areas within Rolleston; or
3. Rezone the sites to MRZ, being the zone proposed in the Variation to give effect to the MDRS; or
4. Apply for resource consents for subdivision and development under the current zoning, being the Rural (Inner Plains) zoning in the Selwyn District Plan.

Option 3 is the preferred option as the future use of these sites for residential purposes has been signalled in various higher documents and the rezoning would be consistent with the surrounding urban environment.

Most Appropriate Way to Achieve the Purpose of the RMA

Proposed Amendment	Summary of Evaluation
To rezone the vary the PDP to rezone the sites identified from GRUZ to MRZ	<p>The amendment is considered the most appropriate way to achieve the purpose of the RMA because it:</p> <ul style="list-style-type: none">• enables residential development of the sites at an appropriate density;• provides for residential development in accordance with an outline development plan;• integrates development with existing infrastructure;• will not result in unjustifiably high costs on the community or parts of the community;• is realistically able to be achieved within the Council's powers, skills and resources

Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

¹¹ The proposed development area, DEV-RO13, will encompass both a number of the greenfield areas and the Faringdon South West COVID fast track area discussed elsewhere in this report.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> The rezoning will maintain a compact urban form and link existing residential areas that are currently separated by proposed GRUZ 	Environmental: <ul style="list-style-type: none"> Provisions provide for changes in housing typologies that may result in increased built density and potentially a change to residential amenity.
Economic: <ul style="list-style-type: none"> Provides increased opportunities for residential development in Rolleston Encourages a more efficient use of land for residential purposes and increases efficiency of existing and future infrastructure within townships. 	Economic: <ul style="list-style-type: none"> Loss of land for rural purposes
Social: <ul style="list-style-type: none"> Provides certainty for land owners as to the future level of change or development that can be expected. 	Social: <ul style="list-style-type: none"> None identified
Cultural: <ul style="list-style-type: none"> None identified 	Cultural: <ul style="list-style-type: none"> None identified
Summary of Efficiency Assessment	
<p>Overall, the anticipated benefits from rezoning the land from GRUZ to MRZ is considered to outweigh any costs. While the rezoning will result in the loss of land for primary production, this is outweighed by the benefits of its availability for residential use.</p> <p>The future use of these sites for residential purposes has been signalled in various higher documents for some time and the retention of these sites as GRUZ is inconsistent with this direction. Further, as the urban environment develops around these sites, they become less viable to be used for rural activities.</p>	
Effectiveness Assessment	
<p>The proposed rezoning is considered to be the most effective means of achieving the purpose of the proposal as it:</p> <ul style="list-style-type: none"> enables residential development of the sites at an appropriate density; integrates development with existing infrastructure; will not result in unjustifiably high costs on the community or parts of the community; and is consistent with the CRPS as the sites are located within the FDA; is consistent with the RSP; is based on technical assessments undertaken for the Council which did not identify any fundamental barriers to the proposed MRZ. 	
Options less or not as appropriate to achieve the purpose of the Act	
Option 1 : Status Quo (Retain proposed GRUZ)	Continuing to apply rural zone provisions to the identified sites will not assist in achieving residential development across the sites, though it would continue to achieve the objectives of the District Plan.
Option 2:	Rezoning to GRZ would not achieve the density of residential development required by the RMA, nor

Rezone the sites to GRZ, being the zone proposed in PDP for similar areas within Rolleston	would it provide for growth which has a compact and sustainable urban form.
Option 4: Apply for resource consents for subdivision and development under the current zoning, being the Rural (Inner Plains) zoning in the Selwyn District Plan.	It is likely to be highly difficult to obtain resource consent for non-complying status subdivisions, thereby provide little flexibility in the land being able to be developed for residential purposes. Should a consent be granted, this would create an unwanted precedent in terms of allowing large scale residential activity in the rural zone through consent only.
Risk of acting or not acting	
The Council has sufficient information to determine the zoning of additional residential land in Rolleston. Consideration of the rezoning has included the commissioning of a number of technical reports which have assessed land contamination, land constraints, servicing, landscape and urban design and transport related effects. The approach proposed takes into account the technical advice. Therefore, there is a low risk of acting in the manner proposed.	

Conclusion

It is considered that the proposed rezoning of the sites identified, from GRUZ to MRZ, will align the zoning of these sites with that of the surrounding environment and make it more efficient to undertake urban development consistent with the MDRS, provide certainty to land owners and developers and is consistent with the objectives and policies of the CRPS and the PDP, including those relating to urban growth. The rezoning of these areas will also enable the MDRS to be applied, thereby enabling increased housing opportunities.

4.3 Land approved for residential purposes through a Schedule 1 process

As set out in the Overview s32, since the introduction of the NPS-UD and more specifically Policy 8 of that NPS, Selwyn District has been subject to a multitude of PCs seeking the rezoning of land in the Operative Plan from rural to urban.

Since the PDP was notified in October 2020, SDC has approved seven PCs adjacent to the townships of Rolleston, Prebbleton and Lincoln, determining that it was appropriate that land zoned for rural purposes be rezoned for urban purposes, following the process set out in Schedule 1 of the RMA.

In the PDP as notified, the underlying zoning of these areas is GRUZ. Through this instrument, it is proposed that these areas be rezoned to MRZ.

The Areas and Surrounding Environment

It is proposed to rezone land adjacent to the townships of Rolleston, Prebbleton and Lincoln that are considered to fall within the geo-spatial reach of the RMA in the context of Selwyn.

Rolleston

Approximately 137 hectares of land is proposed to be rezoned in Rolleston, in three areas. The areas are located to the south and east of Rolleston, outside of the existing township boundary but immediately adjoining existing urban development.

The majority of the areas are located within the boundary of the Rolleston Structure Plan 2009 and within the Rolleston Projected Infrastructure Boundary. The areas are also largely also identified as FDA within Map A in the CRPS and within an Urban Growth Overlay (UGO) within the PDP. The exception to the above is a portion of the area located on the eastern side of Rolleston.

The areas are generally flat and are generally used for rural purposes. There are a range of residential units located on land within the areas, as well as structures associated with rural activities. Plantings consist of shelterbelts and amenity garden planting. All of the areas have frontage to roads that are classified as arterial or collector roads in the PDP.

Land immediately adjacent the majority of the areas has either recently been, or is in the process of being developed for residential purposes or progressively being developed for the same, through various processes as previously discussed in this instrument.

The attributes of the areas and their general locality are further described in the following PCs:

- [PC71](#) – approved by Council on 10 August 2022.
- [PC75](#) – approved by Council on 13 April 2022.
- [PC76](#) – approved by Council on 23 March 2022.
- [PC78](#) – approved by Council on 13 April 2022.

Prebbleton

In Prebbleton, approximately 95 hectares of land is proposed to be rezoned, across two areas.

The first area is located on the southwest side of Prebbleton. It is generally located between Trents, Shands, and Hamptons Roads. Shands and Hamptons Roads are classified as arterial roads in the PDP, but formed as rural roads. Trents Road is also formed as a rural road, but this is classified as a collector road in the PDP.

Within this area, there are approximately 20 existing residential units, with associated gardens and accessory buildings, primarily located around the external periphery of the area. The balance of the area, which is generally flat, is comprised of grassed paddocks with shelterbelt planting demarcating legal and paddock boundaries.

Land to the east is zoned and has been developed for residential purposes, while land to the north, is zoned and used for rural lifestyle purposes. Land to the west and south is zoned and used for rural purposes

The second area is located on the southwest side of Prebbleton between Trices, Birches, and Hamptons Roads. Within this area there are nine existing dwellings and associated gardens and accessory buildings located within the area, primarily along the Trices Road frontage. The balance of the area is comprised of grassed paddocks with shelterbelt planting demarcating legal and paddock boundaries.

To the north of Trices Road is suburban Prebbleton, to the east is rural land, to the south of Hamptons Road is land being developed by Council as a large new district park which will feature several sports fields, bike tracks, areas of native bush, and a dog park, along with a strip of rural paddocks. Land to the west of Birches Road is zoned as used for rural lifestyle purposes.

Trices Road is classified as a collector road and has a 60 km/h speed limit. Birches Road is likewise classified as a collector road and has a 50 km/h speed limit, increasing to 60 km/h 100m south of the Trices Road intersection. Hamptons Road is a local road that adjacent to the area is formed as a rough asphalt and gravel cul-de-sac and has an 80 km/h speed limit.

These areas are not within the Urban Growth Overlay within the PDP.

The attributes of the areas and their general locality are further described in the following PCs:

- [PC68](#) – approved by Council on 10 August 2022.

Lincoln

In Lincoln, approximately 190 hectares of land, to the south of the existing township, is proposed to be rezoned. This land is bounded by the Te Whāriki and Verdeco Park subdivisions to the north, Collins Road to the south, an ephemeral waterway termed the 'Western Boundary Drain' to the west, and the Ararira/LII River to the east.

The area has frontage and access to/from Springs Road and Collins Road to the south. Springs Road is an arterial road providing access to Ellesmere Junction Road, Gerald Street and connections through to Christchurch city further north. The area also has access to Moirs Lane, currently an unformed legal road to the east, which connects to Ellesmere Road.

The majority of the area comprises a dairy farm, with an existing cluster of buildings located east of Springs Road, near the northern boundary. The area includes the Springs' O'Callaghan farmhouse ('Chudleigh'), which was constructed in circa. 1877, which is listed as a heritage item in the PDP. Other dwellings and accessory buildings are located within the area. The balance of the land is generally used for rural lifestyle purposes.

Land to the north of the area has been developed residentially within the past five years.

This area is not within the Urban Growth Overlay within the PDP.

The attributes of the area and its general locality are further described in the following PC:

- [PC69](#) – approved by Council on 8 June 2022.

Research

The areas proposed to be rezoned have already been subject to a Schedule 1 process. Through this process, evidence related to the suitability of the areas for residential purposes was presented, peer reviewed, and considered and accepted by Council. As such, no additional research has been undertaken as part of this process.

Consultation and Engagement

The Schedule 1 processes undertaken in relation to these areas to date have allowed for extensive consultation, including with the wider community.

No additional consultation has been undertaken as part of this process, including with the following agencies who may have direct or indirect interests in the proposed rezoning: Waka Kotahi NZ Transport Agency and the Ministry of Education.

Regulatory and Policy Direction

Part 2 Resource Management Act

Section 5 of the RMA states the purpose of the Act is "to promote the sustainable management of natural and physical resources". The term 'sustainable management' is defined in the RMA as meaning:

...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while;

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposed rezoning is consistent with the purpose and principles of the Act through providing an expansion of the Rolleston, Prebbleton and Lincoln townships in areas that immediately adjoining the existing townships. It is considered that the purpose of the RMA is reflected in the objectives and policies of the PDP as notified, which this proposal does not seek to change. Further, it is considered that the proposed rezoning of the areas for more intensive residential development is consistent with section 5 of the Act as land within the areas is largely being for rural-residential purposes rather than productive rural use.

Section 6 of the Act requires certain matters to be recognised and provided for in relation to managing the use, development and protection of natural and physical resources. In terms of the proposed rezoning in Lincoln¹², through the relevant Schedule 1 process, it was determined that, in terms of s6(a), the preservation of the natural character of the wetlands and the waterways and their margins and their protection from inappropriate subdivision, use and development is better achieved by the rezoning of the area for residential purposes. In terms of s6(c), the proposed rezoning will assist in the protection and enhancement of significant indigenous vegetation and significant habitats. In terms of s6(d), the proposed reserves network and shared pedestrian and cycling facilities will maintain and enhance public access to the rivers and other waterways. Finally in relation to s6(f), the PDP as notified recognises the heritage values and setting of the Springs O'Callaghan farmhouse.

None of the other s6 matters of national importance are considered to be relevant to the proposed rezoning of the various areas within Rolleston, Prebbleton and Lincoln.

Section 7 of the Act lists other matters for which particular regard shall be given to. Subsections (b), (ba), (c), (f), (g) and (i) are considered to be relevant to the assessment of the proposed rezoning. Through the Schedule 1 processes to date, it has been considered that the rezoning of the proposed areas from rural to residential represents an efficient use and development of natural and physical resources which will enable the maintenance and enhancement of amenity values and the quality of the environment. It is acknowledged that the proposed rezoning of some of the areas will result in the loss of productive soils, which is a finite resource, however it was determined that the use of such land for residential purposes was a more efficient use of the land than the current uses.

In terms of s8, which requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account, the areas do not contain any identified sites of cultural significance and, through the Schedule 1 processes, the proposed rezoning of any of the areas was not found to be inconsistent with s8.

It is considered that the relevant Part 2 matters have been addressed through the Schedule 1 processes undertaken to date, with the conclusion being reach that the rezoning of the land from rural to urban achieves the purpose of the RMA.

¹² PC69 Recommendation of the Commissioner paragraphs 368-371

National Instruments

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

Objective 1 of the NPS-UD seeks that well-functioning urban environments enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Objective 2 seeks that planning decisions improve housing affordability by supporting competitive land and development markets. Objective 3 seeks that district plans enable more people to live in areas of an urban environment that is in or near a centre zone or other area with many employment opportunities, or well-served by existing or planned public transport. Objective 4 seeks that urban environments are provided that, over time, develop and change in response to the changing needs of people and communities and future generations.

Policy 1 seeks that planning decisions contribute to well-functioning urban environments that, as a minimum have or enable a variety of homes that meet the needs of different households and have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. Policy 6 recognises that the planned urban built form may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types and that these are not, of themselves, an adverse effect.

Policy 8 states that *“local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- a) unanticipated by RMA planning documents; or*
- b) out-of-sequence with planned land release”.*

The land proposed to be rezoned in Rolleston is generally identified in a location where Council and the community would prefer urban growth to be located based on the spatial plans and statutory instruments in place to facilitate its development. The identification of the majority of the areas within a FDA in the CRPS and the Urban Growth Overlay within the PDP, confirms that the areas are part of the responsive planning undertaken within the Greater Christchurch sub-region to add development capacity and contribute to a well-functioning urban environment. As such, the proposed rezoning is not considered to be ‘unanticipated’ or ‘out of sequence’ development in the context of Policy 8.

However, in Prebbleton and Lincoln, this policy has been seen as ‘opening the door’ for rezoning proposals to be considered as the CRPS does not identify these areas as greenfield priority areas or FDAs i.e. they are ‘unanticipated by a RMA planning document’. Likewise, the areas in Prebbleton and Lincoln have not been identified as suitable for more intensive residential development within the PDP. As such, in order to be able to pass through the Policy 8 doorway, plan changes need to meet two prerequisites, namely that the plan change would add significantly to development capacity, and secondly that it would contribute to a well-functioning urban environment.

In terms of the first prerequisite of Policy 8, in the relevant Schedule 1 processes related to the rezoning of land within Prebbleton and Lincoln, it was determined that each underlying plan change in their own right would add significantly to development capacity. Therefore, collectively, it is considered that the proposed rezoning of these areas to enable the incorporation of MDRS would also add significantly to development capacity, which will in turn allows Selwyn to meet the requirement of the NPS-UD to provide at least sufficient development capacity to meet the expected demand for housing within the district.

In relation to the second prerequisite of Policy 8, again the previous Schedule 1 processes determined that the rezoning of the areas in Prebbleton and Lincoln can broadly be considered as contributing to a well-functioning urban environment as set out in Policy 1 in that the rezoning:

- would provide for a variety of homes in terms of type, price and location of different households (Policy 1 (a)(i) and (ii))
- would have good accessibility and connection to the respective township (Policy 1(c))
- would support the competitive operation of land and development markets (Policy 1 (d));
- through the consolidated and compact urban form, located in and around the townships, support reductions in greenhouse gas emissions (Policy 1(e)); and
- be resilient to the likely current and future effects of climate change.

As has been determined through the Schedule 1 processes undertaken to date, the proposed rezoning of the identified areas from rural to residential gives effect to the requirements of the NPS-UD.

National Policy Statement for Freshwater Management 2020 (NPS-FM) & National Environmental Standard for Freshwater (NES-F)

The NPS-FM introduces the fundamental concept of Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

There is a hierarchy of obligations set out in Objective 2.1, which prioritises:

- a) first, the health and well-being of water bodies and freshwater ecosystems
- b) second, the health needs of people (such as drinking water)
- c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policy 6 refers to there being no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. Policy 9 is that the habitats of indigenous freshwater species are protected. Policy 15 refers to communities being enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

In terms of the NES-F, certain vegetation clearance, earthworks and land disturbance activities required to be undertaken during the construction phase of any subsequent land development may require additional consents depending on the setback and impact on any wetland. This can be further assessed at that time.

The NPS-FM is only considered to be relevant in relation to the proposed rezoning of land in Lincoln, as there are significant wetlands and springs within the area. However, it was determined through the earlier Schedule 1 process that the provisions and ODP approved, which required a more definitive buffer from identified spring heads and the assessment of construction measures to address potential loss of spring flow due to penetration of the confining layer, would achieve consistency with, and give effect to, the NPS-FM.

The requirements of the NES-F can be determined at the time of any construction or site development and are not a barrier to the proposed rezoning.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The NESCS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed.

As this is a proposal to rezone the areas, and not to determine the actual use of the areas, the NESCS does not strictly apply. The requirements of the NESCS will have to be appropriately addressed at any subsequent subdivision or building consent stage and, depending on the nature of any future activity, may either satisfy the permitted activity requirements or require resource consent under the NESCS.

As identified through the previous Schedule 1 processes, any risk of developing the land for residential purposes to people's health can be effectively managed under the NESCS at the subdivision consent stage of the process.

Regional Instruments

Canterbury Regional Policy Statement

The CRPS provides a clear framework for managing urban growth throughout the Canterbury region.

Chapter 5 applies to the whole of the Canterbury region, but key growth provisions do not relate to the Greater Christchurch area. The CRPS acknowledges that urban development, and the associated provision of infrastructure and transport networks, results in changes to environments and that this needs to be managed to promote the sustainable management of natural and physical resources. There is a focus on ensuring urban growth does not adversely impact on community wellbeing or foreclose the ability to use land for primary production. Objectives seek to encourage a consolidated settlement pattern that maintains the quality of the natural environment, providing for the efficient use of infrastructure and resources and avoids conflict between incompatible activities.

Chapter 6 applies to the Greater Christchurch area and encompasses the towns of Rolleston, Lincoln, and Prebbleton, amongst others. The CRPS seeks to provide certainty to the wider community, as well as providing for infrastructure, around how recovery and growth will be enabled within the sub-region to encourage and support the earthquake rebuild through to 2028. Objectives seek to establish and manage a framework for recovery that identifies both the priority areas for urban development and the constraints that will affect the long-term sustainable management of natural and physical resources. Related policies prescribe how urban growth is to be managed by determining the:

- a. urban form and settlement pattern through the identification of the location, type and mix of residential and business activities, including the spatial extent of the priority areas for urban development through to 2028 in Map A;
- b. network of key activity centres needed to provide a focus for commercial activity, medium density housing, community facilities, public greenspace, and public and active transport networks;
- c. methods to integrate land use with natural, cultural, social and economic outcomes, transport and other infrastructure, including stormwater management planning;
- d. areas where rebuilding and development may not occur, including areas constrained by natural hazards and environmental values;
- e. minimum residential densities in greenfield and brownfield housing locations;
- f. requirements for urban design to be addressed at various scales for business, housing and mixed-use development; and
- g. development of housing options on Māori reserves.

The areas proposed to be rezoned within Rolleston have been identified as FDAs within the CRPS along with a policy to establish criteria for when rezoning within a FUDA was appropriate. As such, the proposed rezoning aligns with the preferred urban form and is consistent with the desired consolidated settlement pattern. The application of the proposed MRZ to the areas will support a range of housing types.

The areas in Prebbleton and Lincoln are not identified in the CRPS as FDAs, as such the proposed rezoning is inconsistent with Objectives 6.2.1, 6.2.2 and Policy 6.3.1 which, amongst other matters, seek to direct urban growth to specific areas. However, the objectives are also broader than simply specifying the locations for future urban growth. Objective 6.2.1 also seeks that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework. Objective 6.2.2. requires the management of the urban form and settlement pattern to *“provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban area, by”* amongst other matters *“encouraging sustainable and self sufficient growth of the towns of... Lincoln, ... and Prebbleton ...”*.

Through the Schedule 1 processes to date, the proposed rezoning of land in Prebbleton and Lincoln is consistent with the relevant objectives and policies of the CRPS, other than the locational directives, which is resolved through consideration of the NPS-UD, as set out above.

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

The CLWRP broadly seeks to manage land and water within the Canterbury Region, by setting water allocation limits and limits on the type and amount of discharges permitted. The CARP broadly seeks that, in relation to those activities that emit discharges to air, best practicable options to address the effects of discharges. The establishment of activities within the areas will either need to meet the permitted activity conditions of these plans or resource consents will be required to be obtained under the regional plans that are in place at the time.

In regards to the proposed rezoning in Lincoln, the CLWRP contains numerous policies, objectives, and rules relating to freshwater protection. Of particular relevance is Policy 11.4.21 which is to *“Enable catchment restoration activities that protect springheads, protect, establish or enhance plant riparian margins, create restore or enhance wetlands and target removal of macrophytes or fine sediment from waterways.”* As determined through the relevant Schedule 1 process, the proposed rezoning will enable potential restoration activities.

More broadly, in relation to all of the areas proposed to be rezoned, it is considered that the effects associated with requirements under these regional plans can be considered at the time of detailed development and the necessary consents obtained and that the proposed rezoning of the areas can be efficiently and effectively developed and serviced in a manner that is consistent with the outcomes sought by the CLWRP and CARP.

Mahaanui Iwi Management Plan (MIMP)

The MIMP provides statements of Ngāi Tahu issues, objectives and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect toanga.

Assessments of the relevant provisions within the MIMP, and statements from Mahaanui Kurataiao Limited, have been undertaken as part of the Schedule 1 processes to date. Based on these, it is considered

that any matters raised have been appropriately addressed and the proposed rezoning will not have any adverse effects on the cultural values of iwi.

Local policies, plans or strategies

Selwyn 2031 District Development Strategy

Selwyn 2031 provides an overarching strategic framework for achieving sustainable growth across the district through to the year 2031. The strategy identifies solutions to the key underlying planning issues relating to population growth, spatial planning and earthquake recovery. Selwyn 2031 is intended to guide the future development of the district and to inform Council's capital investment decisions. It is focused on consolidating urban growth in and around existing townships, as well as providing for a choice of living environments and housing types.

The proposed rezoning of the areas to MRZ is consistent with Selwyn 2031 in that it will allow for the consolidation of urban growth and provide for a range of housing types for the community.

Structure Plans

Structure plans are in place for Rolleston (2009), Lincoln (2008), and Prebbleton (2010). The primary purpose of each structure plan is to provide the localised strategic planning frameworks to implement the policy directions contained in Chapter 6 of the CRPS. The structure plans have coordinated outline development plans that cover the Greenfield Priority Areas in Map A of the CRPS. This includes setting urban limits to growth, identifying housing intensification areas and densities, determining the provision and timing of infrastructure and integrated transport networks and the location and scale of community facilities and open space reserves. This has ensured coordinated land development and subdivision and that the appropriate funding is allocated to ensure the necessary capital works upgrades occur to support urban growth in the larger townships within the Greater Christchurch area of the district.

The Rolleston Structure Plan differs from the other two structure plans as the geographic area and timeframe it covers goes beyond what is covered in the CRPS. It provides a masterplan for managing urban growth within the 'Projected Infrastructure Boundary' of Map A of Chapter 6 of the CRPS. Council has also allocated funding in the LTP to ensure that infrastructure is being progressively installed to ensure integrated land use and infrastructure planning occurs in the medium to long term. The Rolleston Structure Plan has assisted to ensure that the development of the two Special Housing Areas has been able to be coordinated to achieve efficiencies in the provisions of infrastructure, utilities and land transport networks.

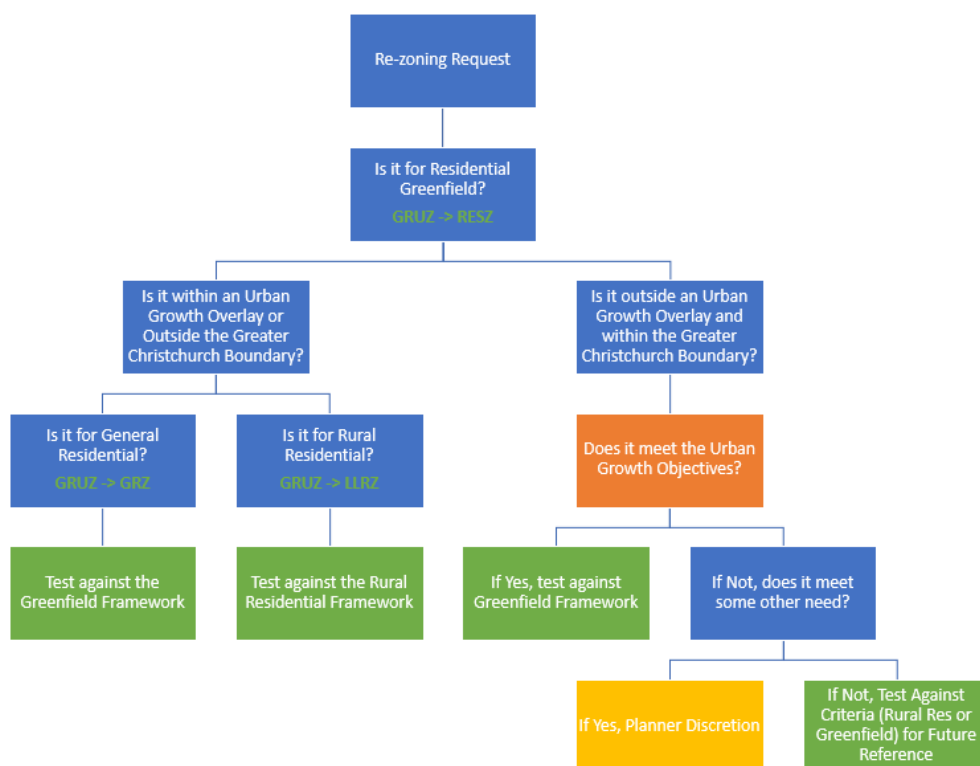
The proposed rezoning of the identified areas is consistent with the Rolleston Structure Plan. As the Prebbleton Structure Plan does not identify the location of future growth areas, it is not considered relevant to this proposal. The Lincoln Structure Plan does identify land for growth, however little of this land remains undeveloped.

Rezoning Framework

The PDP provides for urban growth across the district and this is set out in the Urban Growth Chapter. The chapter has two key elements to it: a geographic identification of preferred areas for future growth; and a framework of elements to consider when rezoning for future growth.

The geographic identification is through the Urban Growth Overlay, which shows areas Council has considered through Area Plan or Structure Plan work. Outside of these areas, the chapter considers a rezoning proposal's 'status' in line with the CRPS.

Council staff have prepared a report in accordance with s42A of the RMA to provide a framework for the assessment of rezoning requests. This framework uses the Urban Growth objectives and policies to create criteria to consider for assessment, and is illustrated in the flow chart below.



The areas identified in this section are all greenfield areas, proposed to be rezoned for residential purposes.

The areas within Rolleston are located within the Urban Growth Overlay in the PDP. As such, the rezoning of these areas is to be tested directly against the greenfield framework¹³. This framework reflects the objectives and policies, as altered by s42A Urban Growth recommendations, within the Urban Growth Chapter and the outcomes sought by overarching strategic planning documents.

For the areas in Prebbleton and Lincoln, as these are within the Greater Christchurch boundary but outside an Urban Growth Overlay, they must first be considered against the Urban Growth Objectives, which encompass the NPS-UD Policy 8 criteria, then tested against the greenfield framework.

Urban Growth Objectives

For any greenfield rezoning outside of an Urban Growth Overlay, the first test is whether it meets the NPS-UD Policy 8 significance criteria. As discussed previously, this policy in the NPS-UD opens a doorway for the rezoning of land that has not previously been available within the District. In the absence of additional criteria developed by the regional council, the Urban Growth Chapter Right of Reply proposes an approach of considering any such rezoning requests against the Urban Growth Objectives 1-3.

¹³ As set out in Section 11 of the Re-zoning Framework s42A https://www.selwyn.govt.nz/_data/assets/pdf_file/0017/931310/Re-Zoning-Framework-s42A-report-01-July-2022-inc-Appendix-1.pdf

These objectives include those elements of Policy 8 and Implementation 3.8 that particular regard must be had to when considering whether a plan change is providing for significant development capacity. These are:

- it contributes to a well-functioning urban environment;
- is well-connected along transport corridors; and
- any regional council criteria.

Objectives	Response
<p>UG-O1</p> <p>Urban growth is provided for in a strategic manner that:</p> <ol style="list-style-type: none"> 1. Achieves attractive, pleasant, high quality, and resilient urban environments; 2. Achieves the built form, amenity values and character anticipated within each residential, kainga nohoanga, or business area; 3. Recognises and protects identified Heritage Sites, Heritage Settings, and Notable Trees; 4. Protects the health and well-being of water bodies, freshwater ecosystems, and receiving environments; 5. Provides for the intensification and redevelopment of existing urban sites; 6. Integrates with existing residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas; 7. Is coordinated with the provision of available infrastructure, the strategic transport network, and utilities, including land transport infrastructure; 8. Enables people and communities, now and future, to provide for their needs, their wellbeing, and their health and safety; 9. Does not affect the efficient operation, use, development, appropriate upgrading, and safety of important infrastructure; 10. Does not compromise the ability to use adjoining rural land for rural production; and 11. Has particular regard to the finite nature and life supporting capacity of highly productive land. 	<p>The proposed rezoning of the areas in Prebbleton and Lincoln is consistent with UG-O1 as it will provide for a variety of site sizes, with connectivity provided within and to surrounding areas.</p> <p>The use of the MRZ will enable built form, amenity values and the character anticipated by the zone to be established and maintained once the areas are developed. In Lincoln, this can be done in a manner that will protect the identified heritage site and setting, as well as the freshwater ecosystem within the area.</p> <p>As demonstrated in the previous Schedule 1 processes, the areas can be serviced through connection to existing Council services, although this will require upgrades and extension to existing infrastructure, with the detailed design to be determined at the time of any future subdivision consent.</p> <p>The areas in Prebbleton and Lincoln are on the periphery of the established townships; however, they directly adjoin existing residential areas, providing a connection and integration with the existing and future neighbourhoods.</p> <p>The proposed rezoning of these areas will enable the townships of Prebbleton and Lincoln to add to their economic self-sufficiency by providing for a future critical mass of population in the long term.</p> <p>While the proposed rezoning in Lincoln will result in the loss of an area of versatile/productive soils, it has been determined that the benefits of rezoning this area outweighs the loss of these soils.</p>
<p>UG-O2</p> <p>Townships maintain a consolidated and compact urban form to support:</p>	<p>The rezoning of areas in Prebbleton and Lincoln, while is outside of the current recognized township boundaries, provides for a consolidated form as it will connect to existing urban areas.</p>

1. Accessible, sustainable and resilient residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas;
2. The reduction in future effects of climate change and greenhouse gas emissions;
3. The role and function of each urban area within the District's Township Network and the economic and social prosperity of the District's commercial centres; and
4. The efficient servicing of townships and integration with existing and planned infrastructure.

UG-03

There is sufficient feasible housing and sufficient business development capacity within Greater Christchurch to ensure:

1. The housing bottom lines are met;
2. Competitiveness within the market;
3. A wide range of housing types, sizes, and densities are available to satisfy social and affordability needs and respond to demographic change; and
4. Commercial and industrial growth is supported by a range of working environments and places to appropriately locate and operate businesses consistent with the District's Activity Centre Network.

The areas are able to integrate into the existing transport networks surrounding the areas, including providing walking and cycling opportunities.

The proposed ODPs provides for accessible, sustainable and resilient neighbourhoods, with a variety of site sizes, and multimodal connectivity within and integrated to the townships.

Providing for future population growth will provide certainty and critical mass for the existing commercial centre of each township and provide confidence for commercial enterprises to locate within the townships.

The proposed rezoning will enable a range of housing types, sizes and densities in the townships of Lincoln and Prebbleton and will contribute to meeting the anticipated long-term shortfall of housing within Selwyn, supporting housing bottom lines and providing for competitiveness in the market required to achieve this objective.

Having resolved that the rezoning of land in Prebbleton and Lincoln does meet the Urban Growth Objectives, the rezoning of all of the proposed areas is to be tested against the greenfield framework¹⁴. This framework reflects the objectives and policies, as altered by s42A Urban Growth recommendations, within the Urban Growth Chapter and the outcomes sought by overarching strategic planning documents.

Criteria	The request demonstrates this as follows:
Does it maintain a consolidated and compact urban form?	All of the areas are either connected to the existing urban boundary of the relevant townships. While the proposed rezoning of the areas in Prebbleton and Lincoln will extend the township boundaries, the appropriateness of this has been previously been determined by a Schedule 1 process and it is considered that rezoning of these areas will broadly maintain a consolidated and compact urban form.

¹⁴ As set out in Section 11 of the Re-zoning Framework s42A https://www.selwyn.govt.nz/_data/assets/pdf_file/0017/931310/Re-Zoning-Framework-s42A-report-01-July-2022-inc-Appendix-1.pdf

Criteria	The request demonstrates this as follows:
Does it support the township network?	The proposed rezoning acknowledges the role that the three townships have within the township network and will assist in achieving an integrated and sustainable network of townships that support a connected community and encourage active participation in business and community activities.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The proposed areas in Rolleston are generally within an UGO and are consistent with the goals of the Rolleston Structure Plan. While the areas in Prebbleton and Lincoln are not in areas where urban growth has been identified, the schedule 1 processes to date have determined that these are appropriate areas for the growth of the townships.
Does not effect the safe, efficient, and effective functioning of the strategic transport network?	As determined through the previous Schedule 1 processes, the rezoning of these areas will not affect the safe, efficient, and effective functioning of the strategic transport network. Any upgrades to the network required by the proposed rezoning will be led by Council and either funded through developer agreements or by development contributions leveraged on a proportional basis.
Does not foreclose opportunity of planned strategic transport requirements?	The proposed rezoning of the areas will not foreclose the opportunity of planned strategic transport requirements. Rather, the ODPs identify upgrades to key intersections and how these are to be integrated with the surrounding network.
Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or Area of Significance to Māori?	With the exception of the area in Lincoln, none of the areas are located within areas of this nature. Within Lincoln, part of the area is located within a High Hazard Area, which is acknowledged and addressed via the proposed ODP. No residential activity is proposed to occur within this area.
Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours	None of the areas are located within the 50 db Ldn Air Noise Contours, however it is proposed to rezone land on the eastern side of Rolleston to the north and south of this contour.
The loss of highly productive land	The areas within Prebbleton and Lincoln have been identified as containing Class 1 and 2 soils. While these soils will be lost for productive use, in the context of the areas location to urban form, through the previous Schedule 1 processes, this loss has been considered acceptable.
Achieves the built form and amenity values of the zone sought	The adoption of the proposed MRZ provisions without amendment will ensure the rezoning achieves the built form and amenity values of the zone sought.

Criteria	The request demonstrates this as follows:
Protects any heritage site and setting, and notable tree within the rezoning area	With the exception of the area in Lincoln, none of the areas contain any heritage sites or settings, or notable trees. In Lincoln, the heritage values associated with Chudleigh homestead are proposed to be addressed through the ODP.
Preserves the rural amenity at the interface through landscape, density, or other development controls	The majority of the areas share an interface with the rural environment, and this interface is largely addressed by road separation, which provides a physical separation from rural land. Consistent with existing approach within the district, no additional landscaping or density controls are proposed to manage this interface.
Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones	With the exception of the area in Lincoln, there are no dairy processing, industrial, inland port, or knowledge zones adjoining the areas. In Lincoln, a portion of the area adjoins land zoned, but not yet developed for industrial purposes. This land is subject to a submission seeking that it be rezoned to residential, which is yet to be considered. The ODP for Lincoln proposes that development be setback from the boundary of the GIZ so as to not significantly impact the zone as proposed when the PDP was notified. Consistent with existing urban development, the existing road network will provide separation between rural and urban uses.
Does not significantly impact the operation of important infrastructure, including strategic transport network	The proposed rezoning of the areas will not impact on the operation of either any important infrastructure or the strategic transport network.
How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available	Within Rolleston, the provision of infrastructure within the PIB has been planned by Council and the connection of these areas to the various networks can be provided for at the time of development for urban purposes. Through the previous Schedule 1 processes, it was also determined that development of the areas in Prebbleton and Lincoln for residential purposes can be serviced, with specific upgrades to be confirmed at the time of subdivision, when the density and thus demand is confirmed.
Ensuring waste collection and disposal services are available or planned	Waste collection and disposal services are available in the various townships and can be extended via the proposed road network to support the areas to be rezoned.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services	The ODPs demonstrate how the areas will be connected, and accessible to, parks and commercial areas, both within the areas themselves and the adjoining urban areas of the townships.
Promotes walking, cycling and public transport access	The ODPs incorporate walking, cycling and public transport routes that are able to be connected to existing networks within the townships.

Criteria	The request demonstrates this as follows:
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha	The adoption of the MRZ provisions will enable the proposed density of 15hh/ha to be achieved, if desired.
The request proposes a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district	The MRZ proposed will enable a range of housing types, sizes and densities.
An ODP is prepared	ODPs have been prepared which incorporate the sites, which will ensure that the sites are integrated with existing or proposed development in the immediate vicinity.

Relevant Qualifying Matters to this Chapter

There are no relevant qualifying matters to this Chapter.

Proposed District Plan Amendments

The proposed amendments to the Proposed District Plan are:

- Amending the Planning Maps, by rezoning the plan change areas identified from GRUZ to MRZ
- Amending the Planning Maps to include seven development areas
- Amending the PDP to incorporate seven outline development plans and accompanying narratives.

No amendments are proposed to the broader plan provisions for the proposed MRZ.

Scale and Significance Evaluation

The level of detail of analysis in this report is low-moderate.

The scale of the effects is considered to be township wide in Rolleston, Lincoln and Prebbleton. The most significant change from the PDP as notified is the rezoning of land from rural to residential zoning. However, as this has previously been considered and determined appropriate through a Schedule 1 process, it is considered that rezoning of these areas to MRZ is consistent with the proposed residential zoning for the majority of the three townships.

Evaluation of Proposed Provisions

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

Objectives and Policies of the Proposed District Plan

The proposal does not involve any new, or the alteration of any of the proposed objectives or policies in the PDP. The proposed objectives and policies, either as notified or as proposed to be varied through the hearing processes to date, are considered to be the most appropriate for achieving the purposes of the RMA.

The more general objective of the proposal to rezone the identified areas from GRUZ to MRZ, being the purpose of the proposal, is to provide for an extension of the existing urban areas of Rolleston, Lincoln and Prebbleton in a manner that provides for increased residential supply and choice, and the provision of associated community services and facilities.

While the proposal will result in a change to an urban form from the rural form that exists currently, the rezoning of these areas for residential purposes has been determined as appropriate through the Schedule 1 processes to date and is considered to be an efficient use of the land resource.

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives

Relevant objectives:

SD-DI-01 Sensational Selwyn

SD-DI-02 District Well-being and Prosperity

SD-DI-03 Integration and Land Use, Ecosystems and Water - Ki Uta Ki Tai

SD-UFD-01 Compact and Sustainable Township Network

SD-UFD-02 Urban Growth and Development

SD-UFD-03 Integration of land use and infrastructure

UG-01¹⁵ Urban growth is provided for in a strategic manner that:

12. Achieve attractive, pleasant, high quality and resilient urban environments;
13. Achieves the built form, amenity values and character anticipated within each residential, kainga nohoanga, or business area;
14. Recognises and protects identified Heritage Sites, Heritage Settings and Notable Trees;
15. Protects the health and well-being of water bodies, freshwater ecosystems, and receiving environments;
16. Provide for the intensification and redevelopment of existing urban sites;
17. Integrate with existing residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas;
18. Is coordinated with the provision of available infrastructure, the strategic transport network and utilities, including land transport infrastructure; and
19. Enables people and communities, now and future, to provide for their needs, wellbeing, and their health and safety.
20. Does not affect the efficient operation, use, development, appropriate upgrading, and safety of important infrastructure;
21. Does not compromise the ability to use adjoining rural land for rural production; and

¹⁵ Wording of all UG Objectives as per the Council's Right of Reply for the Urban Growth chapter, dated 1 July 2022.

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives	
	22. Has particular regard to the finite nature and life supporting capacity of highly productive land.
UG-02	<p>Townships maintain a consolidated and compact urban form to support:</p> <ol style="list-style-type: none"> 5. Accessible, sustainable and resilient residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas; 6. The reduction in future effects of climate change and greenhouse gas emissions; 7. The role and function of each urban area within the District's Township Network and the economic and social prosperity of the District's commercial centres; and 8. The efficient servicing of townships and integration with existing and planned infrastructure.
UG-03	<p>There is sufficient feasible housing and sufficient business development capacity within Greater Christchurch to ensure:</p> <ol style="list-style-type: none"> 5. The housing bottom lines are met; 6. Competitiveness within the market; 7. A wide range of housing types, sizes, and densities are available to satisfy social and affordability needs and respond to demographic change; and 8. Commercial and industrial growth is supported by a range of working environments and places to appropriately locate and operate businesses consistent with the District's Activity Centre Network.
RESZ-01	Safe, convenient, pleasant and healthy living environments that meet the needs and preferences of the community.
RESZ-03	A wide range of housing typologies and densities are provided for to ensure choice for the community and to cater for population growth and changing demographics.
<p>Summary of the proposed provisions that give effect to the above objectives:</p> <ul style="list-style-type: none"> • Amending the Planning Maps, by rezoning the areas identified from GRUZ to MRZ • Amending the Planning Maps to include seven new Development Areas • Adding seven new Development Areas, including outline development plans and accompanying narratives 	

It is considered that the proposed rezoning of the areas identified is generally consistent with the objectives and policies of the PDP. The proposed rezoning will contribute to a well-functioning urban environment within each of the three townships. The resultant character, amenity and environmental effects of the proposal are consistent with those provided for in the PDP, and in this variation. Given this, it is considered that the proposal is an appropriate means of achieving the outcomes sought by the objectives and policies of the PDP.

Assessment of Efficiency and Effectiveness

In assessing the benefits and costs of the proposed rezoning of the sites identified in this section of the Variation, three options have been considered, as set out in the table below:

Options and Recommendations
<ol style="list-style-type: none"> 1. Status Quo (Retain proposed GRUZ); or 2. Rezone the areas to MRZ, being the zone proposed in the Variation to give effect to the MDRS; or

3. Rezone other areas within the townships to achieve an equivalent level of residential development. Option 2 is the preferred option as this recognises decisions of the previous Schedule 1 processes that have determined that the areas are suitable for residential purposes, and will enable an increase in housing supply and housing choice.

Most Appropriate Way to Achieve the Purpose of the RMA

Proposed Amendment	Summary of Evaluation
To rezone the vary the PDP to rezone the areas identified from GRUZ to MRZ	<p>The amendment is considered the most appropriate way to achieve the purpose of the RMA because it:</p> <ul style="list-style-type: none"> • enables residential development of the areas consistent with previous Schedule 1 determinations; • enables the areas to be developed at densities consistent with the balance of the township; • provides for residential development in accordance with an outline development plan; • integrates development with existing infrastructure; • will not result in unjustifiably high costs on the community or parts of the community; • is realistically able to be achieved within the Council's powers, skills and resources

Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Efficiency and Effectiveness	
Benefits	Costs
<p>Environmental:</p> <ul style="list-style-type: none"> • Will maintain a compact urban form and link existing residential areas • Provision of reticulated water and wastewater services • Additional stormwater treatment and reserve areas would be provided and vested in Council • Housing choice with a range of density creating vibrant residential area 	<p>Environmental:</p> <ul style="list-style-type: none"> • Loss of rural land • Loss of rural outlook / character • Increase in impermeable area and increased discharges for stormwater • Provisions provide for changes in housing typologies that may result in increased built density and potentially a change to residential amenity
<p>Economic:</p> <ul style="list-style-type: none"> • Provides increased opportunities for residential development in Rolleston, Lincoln and Prebbleton • Encourages a more efficient use of land for residential purposes and increases efficiency of existing and future infrastructure within townships • Short-medium term employment opportunities during construction 	<p>Economic:</p> <ul style="list-style-type: none"> • Loss of land for rural purposes • Economic cost for development of urban infrastructure (services and roading) for landowner

<ul style="list-style-type: none"> Enables development certainty sooner without certification consent and further plan change rezoning costs 	
Social: <ul style="list-style-type: none"> Provides for integrated development which is located adjoining to existing residential areas, and in close proximity to community facilities and commercial areas Provision of higher density in proximity to existing residential and public transport network Provides certainty for land owners as to the future level of change or development that can be expected 	Social: <ul style="list-style-type: none"> Pressure on existing community services from housing intensification
Cultural: <ul style="list-style-type: none"> None identified 	Cultural: <ul style="list-style-type: none"> None identified
Summary of Efficiency Assessment	
<p>Overall, the anticipated benefits from rezoning the land from GRUZ to MRZ is considered to outweigh any costs. While the rezoning will result in the loss of land for primary production, as has been determined through the various Schedule 1 processes, this is outweighed by the benefits of its availability for residential use.</p> <p>The future use of these areas for residential purposes has been determined to be appropriate through the various Schedule 1 processes and the retention of these areas in the PDP as GRUZ is considered inconsistent with these approvals. The inclusion of these areas in the PDP through this process is considered to be the most efficient option.</p>	
Effectiveness Assessment	
<p>The proposed rezoning is considered to be the most effective means of achieving the purpose of the proposal as it:</p> <ul style="list-style-type: none"> provides for consolidated residential development of the areas at an appropriate density; gives effect to the determinations made through the relevant Schedule 1 processes; contributes to the well-functioning urban environments of the three townships and improves the supply of housing in these townships in the short, medium and long term; integrates development with existing infrastructure; will not result in unjustifiably high costs on the community or parts of the community; and is based on technical assessments which did not identify any fundamental barriers to the proposed MRZ. 	
Options less or not as appropriate to achieve the purpose of the Act	
<p>Option 1 : Status Quo (Retain proposed GRUZ)</p>	<p>Continuing to apply rural zone provisions to the identified sites is not consistent with the determinations reached through the various Schedule 1 processes and will not assist in achieving residential development within both the areas and the relevant townships.</p>
<p>Option 3: Rezone other areas within the townships to achieve an equivalent level of residential development.</p>	<p>This option is considered less effective and efficient as there are likely to be significant time and costs associated with the identification of and proposed rezoning other areas within or adjacent the</p>

	townships which delay the provision of housing supply and choice in these townships in the short, medium and long term.
Risk of acting or not acting	
<p>The Schedule 1 processes undertaken to date have provided sufficient, high level, technical reports to confirm the suitability of the areas for residential purposes. As such, it is considered that the Council has sufficient information to determine the appropriateness of rezoning the areas in Rolleston, Lincoln and Prebbleton for residential purposes within the PDP. Therefore, there is a low risk of acting in the manner proposed.</p> <p>The risk of not acting is that, through the PDP, the Council will not meet its requirements under the RMA to meet the needs of future generations as the PDP as notified has not enabled further land to be bought forward for residential development to increase housing supply and housing choice.</p>	

Conclusion

It is considered that the rezoning of the areas from GRUZ to MRZ provides for high level of certainty and integrated development where any potential adverse effects have already been considered through a Schedule 1 process and determined to be less than minor. Aligning the zoning of these areas with that of the adjoining township will make it more efficient to undertake urban development consistent with the MDRS, providing certainty to land owners and developers as well as increasing the supply and choice of housing in the townships of Prebbleton, Lincoln and Rolleston. Overall, as it has previously been determined that these areas are suitable for urban residential purposes, it is considered that the areas are similarly suitable for residential development under the MRZ provisions.

Part B – Variation 1 to PC68, PC69, PC71, PC72, PC73, PC75, PC76, PC78 to the Operative District Plan



5. Variation to PC68, 69, 71, 72, 73, 75, 76, & 78 (Part B of the IPI)

As set out in the Overview s32, since the introduction of the NPS-UD and more specifically Policy 8 of that NPS, Selwyn District has been subject to a multitude of PCs seeking the re-zoning of land in the Operative District Plan from rural to urban.

Clause 34 of Schedule 12 of the RMA requires that Council notify a variation to those PCs requesting changes to a relevant residential zone or a new residential zone, that were notified before the commencement date¹⁶ of the RMA-EHS but where decisions had not been notified, are to be varied to incorporate the MDRS, as required by s77G(3).

As set out in the Overview s32, it is considered that the area within Selwyn that must give effect to MDRS are the relevant residential zones in the townships of Lincoln, Prebbleton, and Rolleston. In terms of the PCs, within the context of the Operative Plan, the Living Z zone is considered to be a relevant residential zone.

The purpose of this report is limited only to the evaluation of the amendments to the PCs to incorporate the MDRS, including where the PCs are to be less enabling of development than is required by the MDRS. This report does not evaluate the appropriateness of the broader issue of the rezoning of the land from rural to residential, as it is considered that this was the domain of the initial PC requests.

It is considered that the density requirements are inappropriate within the scope of PC73 and this report sets out Council's reasoning for this in accordance with the requirements of s77L.

Identification of Relevant Private Plan Changes

To give effect to the direction in clause 34, it is considered that eight PCs must be varied by the Council to implement the MDRS. These PCs are:

[PC68](#) – Prebbleton

- Proposed rezoning of approximately 67ha on the western side of Prebbleton, with frontage to Hamptons Road and Shands Road, from Rural (Inner Plains) to Living Z
- Notified on 15 September 2021
- Approved by Council 10 August 2022

[PC69](#) – Lincoln

- Proposed rezoning of approximately 190ha on the southern side of Lincoln, with frontage to Springs Road and Collins Road, from Rural (Outer Plains) to Living Z
- Notified on 28 April 2021
- Approved by Council on 8 June 2022
- Decision appealed on 4 August 2022. Currently subject to proceedings before the Environment Court

¹⁶ The commencement date of the RMA-EHS is considered to be the day after the date on which it received Royal assent, which was 20 December 2021. Therefore the commencement date is the 21 December 2021.

[PC71](#) – Rolleston

- Proposed rezoning of approximately 53ha on the eastern side of Rolleston, with frontage to Levi Road and Lincoln Rolleston Road, from Rural (Inner Plains) to Living Z
- Notified on 30 June 2021
- Approved by Council 10 August 2022

[PC72](#) – Prebbleton

- Proposed rezoning of approximately 28ha on the eastern side of Prebbleton, with frontage to Trices Road and Birches Road, from Rural (Inner Plains) to Living Z
- Notified on 30 June 2021
- Approved by Council on 27 April 2022
- Decision appealed on 17 June 2022. Currently subject to proceedings before the Environment Court

[PC73](#) – Rolleston

- Proposed rezoning of approximately 160ha on the western side of Rolleston, with frontage to Dunns Crossing Road, from Living 3 to Living Z
- Notified on 31 March 2021
- Declined by Council on 23 March 2022
- Decision appealed on 29 April 2022. Currently subject to proceedings before the Environment Court

[PC75](#) – Rolleston

- Proposed rezoning of approximately 25ha on the eastern edge of Rolleston, with frontage to Lincoln Rolleston Road, from Rural (inner Plains) to Living Z
- Notified on 5 May 2021
- Approved by Council on 13 April 2022
- Appeal period concluded on 9 June 2002. No appeals received

[PC76](#) – Rolleston

- Proposed rezoning of approximately 13ha on the western side of Rolleston, with frontage to East Maddisons Road, from Rural (Inner Plains) to Living Z
- Notified on 2 June 2021
- Approved by Council on 23 March 2022
- Appeal period concluded on 23 May 2002. No appeals received

[PC78](#) – Rolleston

- Proposed rezoning of approximately 63ha on the eastern edge of Rolleston, with frontage to Lincoln Rolleston Road and Selwyn Road, from Rural (Inner Plains) to Living Z
- Notified on 2 June 2021
- Approved by Council on 13 April 2022
- Appeal period concluded on 9 June 2002. No appeals received

Regulatory and policy direction

In carrying out an s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. It is noted that this s32 evaluation is focused on the changes required to the PCs to respond to the requirements set out in the RMA. For context on the original requests, refer to the relevant s32 evaluations that accompanied the request.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management '*means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment'.*

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

None of the s6 matters of national importance are considered to be relevant to the variation to the PCs.

While a number of s7 matters are broadly relevant to the rezoning of the land included in the various PCs, there are none that are directly relevant to the scope of this proposal.

It is considered that s8, which requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account, is not relevant to this proposal.

National Instruments

National Policy Statement on Urban Development 2020

The NPS-UD came into effect on 20 August 2020 and recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- providing sufficient development capacity to meet the different needs of people and communities.

While a number of the objectives and policies of the NPS-UD are broadly relevant to the rezoning of the land included in the various PCs, there are none that are directly relevant to the scope of this proposal.

National Planning Standards

All of the PCs are seeking changes to the SDP, which does not align with the National Planning Standards. Further, none of the PCs sought to change the SDP to align the operative district plan with the National Planning Standards. However, to give effect to the MDRS, a number of definitions from the Definitions Standard are proposed to be included in the SDP through this process, although the reach of those definitions is limited to the extent of the proposed new zone.

Regional Instruments

While there are a number of CRPS objectives and policies, and Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan matters, that are relevant to the purpose of the initial PCs, being the rezoning of land, there are none that are directly relevant to the scope of this proposal.

Mahaanui Iwi Management Plan (MIMP)

The MIMP provides statements of Ngāi Tahu issues, objectives and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect toanga. It is considered that the purpose of the proposed variations to the PCs will not have any adverse effects on the cultural values of iwi.

Local policies, plans or strategies

There are no relevant plans or strategies that directly relate to the increased density that the proposed variations will provide for within the PC areas.

Resource Management Analysis

Background

Council has been directed to vary the above PCs such that the MDRS are incorporated into those plan changes.

Research

The Council has reviewed the RMA and the SDP, sought assistance from various internal experts and utilised this to develop a framework that would fit within the SDP to give effect to MDRS and to inform this s32 evaluation.

Council has also relied upon the recommendations reports prepared in accordance with the requirements of the RMA by accredited Hearings Commissioners when considering the appropriateness of the location where MDRS should be applied.

Consultation and Engagement

Council have consulted with the PC proponents on the requirements to prepare and notify a variation to their PC, acknowledging the directive nature of the RMA in this regard.

No other consultation has been undertaken to date, including with the following agencies who may have direct or indirect interests in the variations: Waka Kotahi NZ Transport Agency and the Ministry of Education.

Scale and Significance Evaluation

The level of detail of analysis in this report is low-moderate.

In line with the permitted activity status and density standards directed by the RMA, the varying of PCs will change the nature and scale of residential activities that can occur, as well as the anticipated character of the relevant townships. As the RMA directs that the PCs identified be varied to incorporate MDRS, it is considered that there is no discretion to Council not to include all of the identified PCs, including those that were declined by Council or that may be subject to an appeal. However, it is considered that qualifying matters apply in relation to PC73, making it inappropriate to apply MDRS to this area.

Proposed Provisions

MDRS Assessment

The proposed amended provisions contained within this report will allow Council to vary the PCs to implement the MDRS as required by the RMA, in a manner which is consistent with the structure of the SDP. To incorporate the MDRS into the PCs, and to ultimately include the same within the SDP, it is proposed that the PCs be varied so as to seek rezoning to Living MD1, a new zone to implement the MDRS.

The two objectives and five policies in Schedule 3A are proposed to be inserted as Objectives and Policies in the Township Volume of the SDP. The MDRS are proposed to be inserted through amendment of equivalent rules in C4 Living Zone Rules – Building and C12 Living Zone Rules – Subdivision, as set out in the table below:

MDRS	Location
Objectives	
Objective 1	New Objective B3.4.7 – Quality of the Environment
Objective 2	New Objective B4.1.3 – Residential Density
Policies	
Policy 1	New Policy B4.1.14 – Residential Density
Policy 2	New Policy B3.4.9A – Quality of the Environment: Zones
Policy 3	New Policy B3.4.27A – Quality of the Environment: Building Design
Policy 4	New Policy B3.4.27B – Quality of the Environment: Building Design
Policy 5	New Policy B3.4.27CA – Quality of the Environment: Building Design
Density Standards	
Number of residential units per site	New Rule 4.19.1
Building height	New Rule 4.19.2
Height in relation to boundary	New Rule 4.19.4
Setbacks	New Rule 4.19.5
Building coverage	New Rule 4.19.7
Outdoor living space (per unit)	New Rule 4.19.8
Outlook space (per unit)	New Rule 4.19.9
Windows to street	New Rule 4.19.10
Landscaping	New Rule 4.19.11
Subdivision Standards	
Clause 3 Activity status	New Rule 12.1.A1
Clause 5 Notification requirements	New Rule 12.1.A2
Clause 8	New Rule 12.1.3.6A and Table C12.1

To integrate the required objectives, policies and standards into the PCs, it is also necessary to vary the outline development plans originally proposed. Minor modifications are proposed to the objectives, policies and standards, to ensure that the provisions are consistent with the SDP or reflect the terminology required by the National Planning Standards. Consequential amendments are also proposed to the SDP for the same reasons. These are identified by way footnotes within **Appendix 8**.

It is also proposed to vary the planning maps to reflect the proposed zone.

Notification preclusions are also proposed to be inserted, where relevant, in accordance with cl 5 of Schedule 3A.

Relevant Qualifying Matters to this Chapter

Section 77G(1) of the Act requires that the Council incorporate the MDRS provisions into every relevant residential zone. Section 77I then provides for the Council to make the requirements of the MDRS less enabling, where any one or more of a range of specified 'qualifying matters' apply. Section 77I(j) provides for:

any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied

It is considered that there is no need to make the MDRS less enabling in relation to the majority of the PCs. The exception to this is in relation to PC73¹⁷, where it is proposed to exclude the areas contained in PC73 completely from the application of MDRS, on the grounds that urban form connectivity and reverse sensitivity matters form the basis of a qualifying matter.

For the purposes of preparing this evaluation report for the exclusion of these areas, Council is required, under section 77J(2), to satisfy the following in relation to applying a less permissive approach to medium density development in an area to accommodate any qualifying matter to which section 77I(j) applies:

- (a) to demonstrate why –
 - (i) it considers that the area is subject to a qualifying matter; and
 - (ii) the qualifying matter is incompatible with the level of development permitted by the MDRS for that area; and
- (b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
- (c) assess the costs and broader impacts of imposing those limits; and
- (d) include –
 - (i) a description of how the provisions of the district plan are consistent with the specified development outcomes;
 - (ii) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters, and in particular how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—
 - (A) any operative district plan spatial layers; and
 - (B) any new spatial layers proposed for the district plan.

Further to this, pursuant to section 77L, the evaluation report is also required to address the following:

- (a) Identify the specific characteristic that makes the level of development provided by the MDRS inappropriate in the area; and
- (b) Justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- (c) Include a site-specific analysis that –
 - (i) identifies the site to which the matter relates; and
 - (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

¹⁷ It is noted that PC73 has been subject to a Schedule 1 process, with the outcome being that the plan change was declined.

- (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics.

Analysis against s77J and s77L

Why the areas within the scope of PC73 are subject to a qualifying matter and that the qualifying matter is incompatible with the level of development permitted by the MDRS (s77J(a) and (b)) and identification of the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area (s77L(a))

PC73¹⁸ relates to two areas of land on the western side of Rolleston's current urban area. The Holmes Block is approximately 87.5 hectares and located on the west side of Dunns Crossing Road, south of SH1 and north of Burnham School Road. The Skellerup Block is approximately 72.7 hectares and is located on the west side of Dunns Crossing Road, between, but not adjacent to, Brookside Road (to the north) and Selwyn Road (to the south). Both areas are outside of the PIB established in the RSP and not identified as either a GPA or FDA in the CRPS.

Land along the Holmes Block's western boundary and further to the southwest contains the Pines Wastewater Treatment Plant (WWTP). Land adjoining the south-west corner of the Holmes Block contains the Rolleston Resource Recovery Park (RRP). These facilities comprise important strategic infrastructure for the Selwyn District. The WWTP and the RRP are designated within both the SDP and PDP.

The WWTP is the main wastewater treatment plant and disposal area for the District, providing services for the three townships proposed to be rezoned to respond to the direction in the RMA-EHS, being Rolleston, Prebbleton and Lincoln. As well the plant processes wastewater from West Melton, Springston, Darfield, Kirwee, and recently the NZDF base at Burnham has also been connected to the plant. In 2024 Leeston, Southbridge, Doyleston will also be connected.

The WWTP is current at or near capacity. The plant is designed to be progressively upgraded to accommodate up to 60,000 person equivalents (PE) of incoming flow, with plans to increase the treatment capacity up to 120,000 PE. The current connected catchment (2021) has a population equivalent of approximately 42,000 - 45,000 PE. The extension of the WWTP to 120,000 PE capacity has been identified and funded in the LTP, with design and consenting works programmed for the forthcoming years, to allow for development within the district, including all those areas where MDRS will enable intensification.

The RRP is the main waste handling facility for the District. The facility accepts a range of recyclable materials, household hazardous waste, cleanfill, food and garden waste for composting, as well as general waste for items that are currently unable to be recycled. In the year ending 30 June 2021, the site received 21,136 tonne of general waste (an increase of 16% over 2019/20), and 7,957 tonne of organics as well as 982 tonne of hardfill and tonnes of other recyclable and hazardous waste streams. The general waste is received from kerbside bins, commercial and industrial waste from private collectors, building waste and the general public. Some sorting and separation of waste occurs, and this is expected to increase over time. Residual waste and recovered materials are consolidated before being (generally) trucked off site for further processing.

¹⁸ Refer to <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-73-rezone-approximately-160-hectares-of-living-3-to-living-z-and-business-1-west-rolleston>

The RRP currently accepts less than 10,000 tonnes of mixed green and household waste per year, and the treatment technology is of the more basic type which consists of open air receipt and maturation with open turned windrows. However the PRRP is currently consented to accept 53,000 tonnes of organic material to be composted (which can comprise kerbside organics, commercial food waste and green waste), 120,000 tonnes of general waste, and a further 11,000 tonnes comprising hazardous waste, cleanfill and plasterboard materials, with no limit on the volume of recyclable or reusable waste that can be received on site.

In terms of reverse sensitivity effects, allowing for future growth within the District, there is a critical need to ensure that future development does not result in any reverse sensitivity effects that would obstruct the continued operation of both the WWTP and the RRP, as well as any planned upgrading of these facilities, or lead to an increase in odour or other complaints. The consequence of such obstructions would be insufficient capacity to provide for additional growth. As such, it is considered that the level of development permitted by the MDRS is incompatible with this location.

The Skellerup Block is largely surrounded by rural land, with a single frontage addressing Dunns Crossing Road. Development within this area would form a 'peninsula' and would provide for a low level of connectivity with the Rolleston township. It is considered that residential development within this area, to the level enabled by MDRS, would not contribute to a compact urban form or a well-functioning urban environment.

Assessment of the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity (s77J(3)(b)) and justification of why the characteristic of the area makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD (s77L(b))

When considered in isolation, limiting the development capacity of the area will have an impact on the provision of the development capacity proposed by the MDRS. Or, put another way, applying a qualifying matter to these areas will mean that no development will be able to be provided in accordance with the MDRS.

In terms of capacity the most recent housing development capacity assessment¹⁹ indicates that Selwyn has sufficient urban capacity in the short term (2021-2024), with a surplus of 1,864 households. In the medium term (2021-2031), including the FDA areas being developed at 12 households per hectare, Selwyn has a surplus of 3,667 households. It is noted that this density is predicated on current minimum densities established in the CRPS and does not account for either the MDRS or the new residential areas proposed to be included in the PDP, being those plan changes approved through a Schedule 1 process to the SDP.

It is noted that the same housing development capacity assessment indicated that if the FDA areas alone are developed at 15 households per hectare, surplus in the medium terms increases to 4,961 households. Again, this does not account for the potential increase in density that is enabled by the MDRS.

As such, having regard to the extent of the areas within Selwyn where MDRS will be applied, including the proposed inclusion of a significant amount of new residential areas where MDRS would apply, it is considered that the impact of limiting the development capacity within these areas would be low.

¹⁹ <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf>

Assess the costs and broader impacts of imposing those limits (s77J(3)(c))

The primary cost of imposing a limit on development within the areas that comprise PC73 is considered to be the loss of development capacity. However, as addressed above, it is considered that there is sufficient development capacity within the district in the medium term, even without the potential increase in capacity enabled by the MDRS.

Conversely, it is considered there would be significant costs and broader impacts if the MDRS was enabled within the area of PC73.

Council has invested very significant levels of ratepayer funding into infrastructure at the WWTP (asset value of \$89M in 2019) and the RRP (estimated asset value of \$15M after recent developments). Extensive further development and investment by Council is planned or is already underway at both sites.

As discussed above, located within close proximity to the Holmes Block are two pieces of important infrastructure for the district. Both currently sit within a rural environment, some distance from urban development and the capacity of materials processes through these facilities is likely to increase as urban development increases within the district. Even provided that the current good management procedures are maintained, and the conditions of various consents for these facilities are met in that there are no discharges of offensive or objectionable odour from the facilities, it is considered that there is the potential for reverse sensitivity issues.

Reverse sensitivity is used to refer to the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those other activities²⁰. Council has made, and is continuing to make, significant investment in the WWTP and RRP and the broader impact of enabling MDRS in close proximity to these facilities has the potential to impose significant costs on Council, and its ratepayers, if these established uses may be required to restrict their operations or mitigate their effects so as not to adversely affect the new activity²¹, being residential activities established to densities enabled by MDRS.

It is acknowledged that both the WWTP and RRP operate under various consents that they should not cause odour which is offensive or objectionable beyond the boundary of the property on which the consent is exercised. However, this does not prevent people from making a complaint. While this in itself is not a reverse sensitivity effect, the consequences that follow the complaint may create a reverse sensitivity issue. Even if there is little likelihood of a complaint being upheld, responding to it is likely to be a distraction for the facilities and could result in the Council incurring unnecessary costs.²²

There are also broader impacts and costs to the community from poor urban form. The Skellerup Block, and to a lesser extent the Holmes Block, would be 'peninsula' urban forms, surrounded by roads, infrastructure, and rural land. Good connectivity allows people to choose their preferred routes and modes of travel, supports increased resilience by providing alternative routes for emergency access and evacuation, and creates safer places²³. Research indicates that a lack of connection between new

²⁰ *Auckland Regional Council v Auckland City Council* (1997) 3 ELRNZ 54 (EnvC) at 56. Described as the leading reverse sensitivity case in *Ports of Auckland Ltd v Auckland City Council* [1999] 1 NZLR 601 (HC).

²¹ *Gateway Funeral Services v Whakatane DC* EnvC W005/08.

²² *Strata Title Admin Body Corporate 176156 v Auckland Council* [2015] NZEnvC 125 at [120].

²³ *People Places Spaces: A design guide for urban New Zealand*, Ministry for the Environment, 2002, p.32

neighbourhoods and surrounding areas is linked to vehicle dependence, social isolation and consequent public health risks²⁴.

Without rezoning and developing adjacent areas of land, it is considered that development within the PC73 areas will not support walking cycling or public transport or provide a well-functioning urban environment. The lack of pedestrian and cycling facilities outside the immediate plan change area is likely to discourage the uptake of active transport, and the lack of residential density in surrounding areas is likely to limit the viability of public transport.

How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—

- (iii) any operative district plan spatial layers; and*
- (iv) any new spatial layers proposed for the district plan. (s77J(4)(b))*

Modifications to the MDRS are limited to only that necessary to accommodate the qualifying matters. The only spatial layer that the modifications to the MDRS apply to is the Zones Overlay. The areas of PC73 will not be shown as Medium density residential zone (without immediate legal effect).

Evaluation of Proposed Provisions

This section of the report evaluates the proposed provisions as to whether they are the most appropriate to achieve the purpose of the Act.

MDRS Assessment

The proposed variations to the PCs contained within this chapter will allow the same greater level of development as the MDRS. While minor modifications have been proposed to the MDRS, these are only to ensure that the provisions are consistent with the SDP or reflect the terminology required by the National Planning Standards. Consequential amendments are also required to a number of existing provisions in the SDP for the same reasons.

The only instance where the provisions are otherwise constrained by a qualifying matter is with respect to PC73 where it is proposed that MDRS not be applied at all.

Evaluation

Options and Recommendations	
<ol style="list-style-type: none"> Do not vary the PCs; or Vary all of the identified PCs to give effect to the RMA; or Vary all of the identified PCs to give effect to the RMA, excluding PC73 as a qualifying matter applies. <p>Option 3 is the preferred option as, while the RMA directs Council to vary the PCs, it is considered that the MDRS are inappropriate within the PC73 areas due to reverse sensitivity and urban form considerations.</p>	
Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Amendment	Summary of Evaluation
Variations to PCs 68, 69, 71, 72, 75, 76 and 78 to implement the MDRS	<p>The amendments are considered the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> are required by the RMA

²⁴ *The Value of Urban Design: The economic, environmental and social benefits of urban design*, Ministry for the Environment, 2005, p.31

to enable medium density residential development	<ul style="list-style-type: none"> • enable residential development within the PCs areas at the density required by the MDRS; • guide decision-making • will not result in unjustifiably high costs on the community or parts of the community, <ul style="list-style-type: none"> • are realistically able to be achieved within the Council's powers, skills and resources
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Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

It is considered that the benefits and costs of the proposed amendments required to PCs 68, 69, 71, 72, 75, 76 and 78 have already been evaluated by Parliament in association with the RMA-EHS, which has resulted in the objectives, policies and standards being mandatory requirements to be included within the above private plan changes. Therefore, an evaluation of the proposed amendments themselves is not considered necessary.

Rather, the following efficiency and effectiveness assessment relates only to the application of the qualifying matter to PC73.

Efficiency and Effectiveness	
Benefits	Costs
Environmental: <ul style="list-style-type: none"> • Focuses development in locations that are closer to the township which contributes to a well-functioning environment 	Environmental: <ul style="list-style-type: none"> • Adds to climate change effects due to increased emissions from private vehicles due to poor connectivity
Economic: <ul style="list-style-type: none"> • Reduces potential cost implication to the Council and it's ratepayers should the WWTP or RRP need to be modified or relocated due to reverse sensitivity effects 	Economic: <ul style="list-style-type: none"> • Will not enable more housing and therefore reduces the contribution to the economic prosperity of the district. • Reduces the amount of housing available within the district
Social: <ul style="list-style-type: none"> • Maintains a buffer from significant infrastructure which has the potential to for reverse sensitivity issues which could affect the amenity of an urban area • Retention of rural residential capacity thereby providing choice in housing diversity 	Social: <ul style="list-style-type: none"> • Increased costs of travel and contribution to climate change due to poor urban form and subsequent reliance on private vehicles • Increased density of housing in close proximity to significant infrastructure which has the potential to cause reverse sensitivity
Cultural: <ul style="list-style-type: none"> • None identified 	Cultural: <ul style="list-style-type: none"> • None identified
Summary of Efficiency Assessment	
The benefits of Option 3 significantly outweigh costs. This option will enable the MDRS, and their proposed densities, within the majority of the plan change areas. Whilst there would be a loss of	

economic prosperity to the district through excluding the PC73 areas, this is outweighed by the social, environmental and economic costs associated with enabling residential intensification in this location.	
Effectiveness Assessment	
The proposed variations are considered to be the most effective means of achieving the purpose of the RMA as together they will:	
<ul style="list-style-type: none"> • give effect to the RMA • enables the Council to fulfil its statutory obligations • enables the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	
Options less or not as appropriate to achieve the purpose of the RMA	
Option 1: Do not vary the PCs	The current provisions are not considered the most appropriate method in which to achieve the purpose of the RMA because they do not give effect to the objectives, policies and density standards required by the RMA. The current provisions do not permit the level of development provided for by the MDRS.
Option 2: Vary all of the identified PCs to give effect to the RMA	Including PC73 in the variation is not considered appropriate as it will give rise to poor urban form and increases the risk of reverse sensitivity effects in relation to significant Council infrastructure which is essential to supporting growth within the District
Risk of acting or not acting	
<p>As the provisions are those required by the RMA, the Council has a good understanding of the changes required to give effect to the RMA. Therefore there is no risk in acting as identified in relation to PCs 68, 69, 71, 72, 75, 76 and 78.</p> <p>The risk of enabling the MDRS in relation to PC73 is considered significant as the Schedule 1 process undertaken to date in relation to this PC has concluded that intensification of residential activities in this area was not appropriate due to the potential reverse sensitivity effects related to the development of the Holmes Block, and matters relating to urban form and connectivity, particularly in relation to the Skellerup Block.</p>	

Conclusion

It is considered that the proposed variations to PCs 68, 69, 71, 72, 75, 76, and 78 are appropriate and will align the zoning of these areas with that of the relevant township and will enable additional housing to be built, in line with the intent of the RMA-EHS.

Excluding the areas contained in PC73 completely from the application of MDRS is considered to be appropriate as the intensification of residential activities within this area will not contribute to a well-functioning urban environment or compact urban form and have the potential to cause reverse sensitivity effects of two pieces of significant infrastructure that are critical to support the broader intensification that the RMA-EHS seeks to enable.

6. Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs, and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The most appropriate way to support the inclusion of the MDRS within the SDP is to incorporate a new zone, Living MD1, within the SDP. The proposed zone will give effect to the permitted activity status and density standards directed by the RMA.

Bibliography

The following publications have been reviewed in the context of this Section 32 Evaluation:

- Canterbury Regional Policy Statement <https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/canterbury-regional-policy-statement/>
- National Planning Standards <https://environment.govt.nz/acts-and-regulations/national-planning-standards/>
- National Policy Statement on Urban Development Capacity 2016 <https://environment.govt.nz/publications/national-policy-statement-on-urban-development-capacity-2016/>
- National Policy Statement on Urban Development 2020 (May 2022) <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>
- New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) <https://worksafe.govt.nz/dmsdocument/1565-new-zealand-electrical-code-of-practice-for-electrical-safe-distances-nzecp-34-2001>
- NZS 4404:2010 Land development and subdivision infrastructure (chargeable) <https://www.standards.govt.nz/shop/nzs-44042010/>
- Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 <https://www.legislation.govt.nz/act/public/2021/0059/latest/LMS566213.html>