



Planning Assessment

Kevler Development Ltd

Springston-Rolleston Road, Rolleston

September 2022

Selwyn District Council

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The Subdivision and Land Use Proposal

1. The Site at Springston-Rolleston Road is owned by CJFA Holdings Ltd and comprises 15.9123 ha (**Figure 1**).
2. The proposal is for a fee simple subdivision creating:
 - a) 274 residential lots as shown on the subdivision plan (**Attachment 3**) with a mix of lots that comply with the Operative Selwyn District Plan (OSDP) LZ subdivision standards (Table C12.1 Allotment Sizes) Medium Density (Comprehensive):
Maximum average allotment size of 350m², with no minimum site size, except that the average lot size is 380m².
 - b) Minimum lot size 282m², maximum lot size 511m²
 - c) 1 x neighbourhood reserve and 2 x access reserves comprising 2955m² in total.
 - d) 1 x utility lot (pump station)
 - e) 1 x large 1948m² lot (Lot 500) for possible pre-school.
3. There are 150 lots less than 400m² and 124 lots greater than 400m² in area.
4. Land use consent is also sought for a dwelling on each lot which complies with the applicable bulk, location and other relevant performance standards of the MDRS density standards in Variation 1.



Figure 1: The Site (outlined red)

Planning History and Context

5. The Site is zoned Rural (Inner Plains) Specific Control Area 1 in the Operative Selwyn District Plan (OSDP).
6. The applicant has submitted on the Proposed Selwyn District Plan seeking General Residential zoning for the site.
7. Since the submission on the Proposed Selwyn District Plan (PSDP) was lodged:
 - a) ECAN prepared Change 1 to the Canterbury Regional Policy Statement (CRPS) which was approved by the Minister for the Environment in July 2021 using the streamlined process under the Resource Management Act. Change 1 was promulgated in response to the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC), and brought the site, and all other future residential land in Rolleston inside the Projected Infrastructure Boundary, as Future Development Areas (FDAs).
 - b) The Resource Management Enabling Housing (and Other Matters) Amendment Act 2021 (the RMA-EHS Act) has come into force. In response, the Selwyn District Council has
 - Rezoned the Rolleston Future Development Area (FDA), except for land east of Lincoln Rolleston Road (unless subject to approved private plan changes) to Residential Medium Density (RMZ) Zone as part of Variation 1.
 - Amended the Operative District Plan (OSDP) by the introduction of a Living MD Zone.
8. Kevler now proposes subdivision and development of the Site in accordance with the provisions of the Intensification Planning Instrument Variation to the PDP, notified on 20 August 2022.
9. Kevler has lodged a submission on the Variation supporting MRZ zoning of the Site under the Proposed Selwyn District Plan.

Resource Management (Enabling Housing Supply & Other Matters) Amendment Act 2021 (RMA-EHS Act)

10. Since 2020, the Government has directly intervened in the RMA processes on two separate occasions to address housing supply issues nationally. The first intervention being the National Policy Statement-Urban Development 2020 (NPS-UD), which became operative in August 2020. The second, more recent, intervention is the

enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act on 20 December 2021 (RMA-EHS Act).

11. The purpose of the RMA-EHS Act is to enable additional housing supply by way of introducing mandatory medium density residential standards (MDRS) for all residential zones (except Larger Lot and Small Settlement zones) located in urban environments of Tier 1 local authorities, Selwyn District included.
12. Generally, MDRS will enable the development of three houses on one site up to three stories in height, subject to various requirements such as setbacks, height in relation to boundary, etc. The Council can also investigate and identify areas with 'qualifying matters' that would make applying MDRS, or full MDRS, inappropriate.
13. As such the District Plan must provide appropriate enabling policies and rules. The Amendment Act does not go so far as making the construction of MDRS mandatory in the relevant zones, but a District Plan cannot restrict or otherwise debar applicants from pursuing MDRS housing where it is enabled by a District Plan.
14. The present application for non-complying subdivision and land use consent for the Site under the OSDP anticipates the effect of Government interventions through the RMA-EHS Act.
15. The subdivision enables proposed medium density residential under the operative zone of Rural Inner Plains and is non-complying until such time as the proposed Variation to the PSDP is made operative (August 2023). If the applicant waits for the decision on the Variations prior to progressing the subdivision, this will create a substantial delay obtaining the necessary consents, at a time when there is a critical need for further land for housing at Rolleston to meet a significant shortfall.
16. An unintended consequence of the Amendment Act is that at Rolleston it has in fact delayed rather than sped up the delivery of housing.

PLANNING STATUS OF THE SITE

Chapter 6 of the Canterbury Regional Policy Statement

17. Change 1 to the RPS enabled development in Future Development Areas on Map A to meet shortfalls in the sufficiency of feasible residential development capacity to meet the medium term housing capacity targets set out in the RPS in Table 6.1, Objective 6.2.1a.
18. The Site is within the Rolleston FDA.

Operative Selwyn District Plan

19. Zoning: Rural Inner Plains.
20. Minimum lot size for permitted subdivision and a dwelling is 4 ha.
21. Planning status: Non-complying.

Proposed Selwyn District Plan

22. Zoning: General Rural Zone Inner Plains Special Control Area (SCA-RD1) (**Figure 2**)
23. Minimum lot size for permitted subdivision and a dwelling is 4 ha.
24. The Site is within the Urban Growth Overlay.



Figure 2: Proposed Selwyn District Plan: Urban Growth Overlay (Site outlined in black and white hatch)

RELEVANT STATUTORY MATTERS

22. In accordance with s104D of the RMA, a proposal for a non-complying activity must meet one or both of the following threshold tests:
 - a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

23. If one or both of the 'threshold tests' are met, the Council in considering the application must, subject to Part 2 and section 77M, have regard to:
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of—*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
24. The application assesses effects on the environment, and concludes any such effects are less than minor, if any. This assessment focuses on the applicable planning policy framework, in particular the significant weighting to be given to the recent Government directives as against the Operative District Plan.

RELEVANT PLANNING DOCUMENTS

- National Policy Statement – Urban Development 2020 (NPS-UD)
- National Policy Statement – Highly Productive Land
- Canterbury Regional Policy Statement (CRPS)
- Operative Selwyn District Plan (OSDP)
- Proposed Selwyn District Plan (PSDP)

PLANNING ASSESSMENT

Summary

25. The proposal is inconsistent with OSDP Rural Inner Plains Zone, and the PSDP General Rural Zone, objectives and policies relating to residential density and subdivision because it does not achieve the low level density of development anticipated for the respective Rural Zones. Limited weight should be given to these

documents notwithstanding the fact that, at least in respect of the OSDP, the Rural Inner Plains provisions remain technically applicable.

26. The proposal is entirely consistent with the OSDP Township Volume objectives and policies except for those that restrict urban development to CRPS Map A existing and greenfield priority urban areas. However, these policies do not take into account recent changes to the CRPS (in particular identification of the Site as within an FDA as part of Change 1 to the CRPS, together with the associated Policy 6.3.12 (discussed below).
27. The proposal is entirely consistent with the Strategic Directions for urban growth as it helps consolidate development at Rolleston, it helps ensure sufficient feasible development capacity to meet future demands for housing, and is well integrated with existing and planned infrastructure.
28. The issue of land availability and the documented and forecast likely shortage of zoned and serviced land that will constrain land and housing choices with impacts on the construction industry, on land prices and on people's ability to provide for their housing needs is relevant to the decision on the application as any other matter under s104 RMA.
29. The fast moving regulatory landscape and the directives imposed by Government over increasing housing supply and enabling more intense development are recent developments that significantly shape any assessment of applications that do not fit planning documents that have yet to be fully amended to reflect the new requirements of the NPS-UD and RMA-EHS Act. These new directives should be given the greatest weight in assessing compliance with policy frameworks.
30. The NPS-HPL does not apply to the Site and does not limit its potential for subdivision for urban purposes.

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

31. The NPS–UD does apply to this proposal as it is directed at Tier 1 urban environments, and Tier 1 local authorities which includes Selwyn District as part of the Christchurch urban environment that is defined in Table 1 of the NPS, and additionally defined as *any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.*
32. The NPS-UD recognises the national significance of:

- a) 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
- b) Providing at least sufficient development capacity to meet the different needs of people and communities.

33. This outcome is to be achieved through these objectives

- a) Planning decisions improving housing affordability by supporting competitive land and development markets.
- b) Regional policy statements and district plans enabling more people to live in areas of urban environments near centres or areas with employment opportunities, area well serviced by public transport or a high demand for housing in the area.
- c) Urban environments developing and changing over time in response to diverse and changing needs of people, communities and future generations.
- d) Local authority decisions on urban development being integrated with infrastructure planning and are strategic over the medium term and long term.
- e) Local authority decisions on urban development are responsive particularly for proposals supplying significant development capacity.

34. The key method to achieve these objectives is by development of a Future Development Strategy (FDS). This will set out how the Councils will provide for sufficient development capacity over the next 30 years to meet expected demand. There is no FDS for the Greater Christchurch Urban Area that meets the requirements of the NPS-UD 2020.

35. An analysis of development capacity completed for the NPS -UDC 2016 by the Greater Christchurch Partnership took the form of an Update of the existing Urban Development Strategy (UDS) – Our Space. This work confirmed what feasible development capacity was available to support future housing and business growth for the medium (next 10 years) and long term (10 to 30 years) periods. It is now out of date as it does not address the requirements of the NPS-UD 2020.

36. Our Space directed all new growth in Selwyn District to Future Development Areas in south Rolleston notwithstanding that there is very little remaining development capacity at Rolleston.

37. The subsequent Change 1 to the CRPS includes the subdivision site as it is within the Southern Rolleston FDA area on Map A of Chapter 6. The Change enabled development in the FDAs to meet shortfalls in the sufficiency of feasible residential development capacity to meet the medium term housing capacity

targets set out in the CRPS in Table 6.1, Objective 6.2.1a. Those targets, now called housing bottom lines, were amended by ECAN on 16 September 2022. That decision effectively amended the Selwyn District Plan as well. Those housing bottom lines are based on a Housing Development Capacity analysis from July 2021.

38. This continues the allocative approach to urban growth which is demonstrably out of step with the land development and housing market and is a command and control mechanism which is clearly not responsive and timely as required by the NPS-UD.
39. The proposal is assessed against the NPS-UD below:

NPS-UD Objective	Assessment
Objective 1: well-functioning urban environments	<p>The Site adjoins the existing zoned urban area of Rolleston to the north. Residential development of the Site will continue a pattern of planned and staged outward expansion of Rolleston. This has a compelling logic to it as the Site is within the Projected Infrastructure Boundary and has an Urban Growth Overlay over it in the SPDP signalling an intended change in use of the land to residential development.</p> <p>Rolleston has excellent connectivity to the City, both via the Southern Motorway, and a cycleway link into the City. There is a very regular bus service to the Bus Exchange in the City Centre.</p> <p>Subdivision of the land will provide continuity in the urban form of Rolleston. The Site has geographical propinquity with the town centre, and to many of the town's community facilities and amenities. Rolleston is, even at its burgeoning size, still a small town. There are not huge distances to travel to any point. This will enable easy walking and cycling access.</p>
Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.	<p>The Rolleston housing development market is dominated by a limited number of big companies. PC 64 is for 1000 lots & Plan Change 70 is for 800 lots (both advanced by Hughes Developments Ltd); and PC 73 is for 2000 lots. PCs 75 and 78 at south east Rolleston are for 296 and 756 lots respectively. These plan change applicants are</p>

	<p>controlled by entities representing existing major development companies – the Carter Group, RD Hughes, Gillman Wheelans and Urban Estates.</p> <p>PCs 76 and 71 have been approved by the Council. This has introduced two smaller scale developers but who have experience in Rolleston.</p> <p>That said, additional development opportunities provides more competition in the land and development markets and avoids a market domination situation.</p> <p>There is a risk that the GRZ/MRZ land supply is controlled by a limited number of large developers, who will act out of self-interest in either land-banking or staging release of land to maximise returns. Allowing smaller proposals than those identified in the larger Plan Changes will provide a supply of serviceable land, and provide competition to the housing/land supply market. That is giving effect to an element of the NPS-UD.</p>
Objective 6: Local authority decisions on urban development that affect urban environments are integrated with servicing, strategic and responsive	The proposal will be a full urban development so engagement and agreement with the Council over services will happen; the Council has a duty to be responsive to new proposals to provide additional capacity.
NPS-UD Policy	Assessment
<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p>(i) meet the needs, in terms of type, price, and location, of different households; and</p>	<p>The proposal is for intensive residential development yielding about 17hh/ha and as such is completely aligned to the Government's direction to enable housing development and to enable affordable housing. It achieves this in part by reducing the size of the land parcels for each residential unit yet provides for a variety of homes that provide for a range of housing needs.</p> <p>An audit of typical housing layouts has confirmed they all comply with the Schedule 3A density standards</p> <p>The Site has been identified as suitable for MRZ in Variation 1.</p>

<p>(ii) enable Māori to express their cultural traditions and norms; and</p> <p>(b) N/A business sectors; and</p> <p>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p> <p>(e) support reductions in greenhouse gas emissions; and</p> <p>(f) are resilient to the likely current and future effects of climate change.</p>	<p>The development of the site will help meet the needs of different households while the site location provides good accessibility to workplaces, community facilities and open spaces within Rolleston..</p> <p>The applicants by pursuing a high density but low profile development will provide choice and competition to the local housing market.</p> <p>The Site provides good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;</p>
<p>Policy 2 - Sufficient development capacity</p> <p>Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</p>	<p>The proposed rezoning is anticipated to provide for approximately 275 lots/houses. This represents about 3.2% of the housing stock of Rolleston in 2018 and as such represents necessary additional capacity.</p> <p>A report to the 9 December 2020 Council meeting confirmed a shortfall in capacity for Selwyn in the medium term 2020-2030 of -2737 lots.</p> <p>Attachment 4 to the application addresses this Policy.</p> <p>In summary, sections may be available for the short term (up to 3 years), but not into the medium term (3-10 years) if adopting a more conservative outlook.</p>

	<p>The locational and amenity advantages of Rolleston also favour strong ongoing demand.</p> <p>Variation 1 to the PSDP will add to available capacity when decisions are made in August 2023.</p>
<p>Policy 8 – Responsiveness to plan changes</p> <p>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:</p> <p>(a) unanticipated by RMA planning documents; or</p> <p>(b) out-of-sequence with planned land release</p>	<p>The Change to the RPS anticipates urban development within FDAs only to the extent necessary to meet medium term housing capacity targets specified in the RPS.</p> <p>Whilst this subdivision on its own will assist in meeting the medium term targets, in combination with all the other Rolleston plan changes, the amount of land sought to be rezoned may exceed the amount required to just meet (but not exceed) the medium targets. To this extent, the subdivision may be considered as “unanticipated” by RMA documents and “out of sequence” with the RPS approach, which, however, in turn, does not provide for future urban growth consistent with NPS-UD 2020.</p> <p>The proposal on its own and in combination the neighbouring plan changes adds significantly to development capacity in Rolleston.</p> <p>The proposed development meets the Policy 8 criteria:</p> <ul style="list-style-type: none"> • it provides necessary capacity to serve expected demand for housing in Rolleston, • it may be considered as an “out-of-sequence” release of land (although its location immediately adjoining the existing urban boundary favours an early release of this land for urban development) • contributes to a well-functioning urban area • is well-connected to public transport and alternative mode routes <p>Variation 1 to the PSDP is a responsive albeit Government directed response to ensuring there is at least sufficient development capacity when decisions are made in August 2023. The Variation sweeps up the Site as part of land to be part of the sequenced release of land for urban development.</p>

40. This assessment confirms this subdivision proposal, to the extent proportionate to its scale, achieves those policy outcomes.
41. The absence of operative criteria in the RPS for determining what constitutes “adding significantly to development capacity” has been overtaken by the Government directive in the RMA-EHS Act that facilitates a way to meet known housing needs.
42. As such there is no bar to considering this subdivision on its merits.
43. The Site is land which has been identified as suitable for future urban development, will enable the supply of a range of housing types to assist in addressing supply capacity issues and it clearly contributes to a well-functioning urban environment
44. The residential development enabled by the subdivision will assist in meeting the projected medium term capacity shortfall for the District. It will assist Council in meeting its obligations under Policy 2 which requires that it, at all times, provides at least sufficient development capacity to meet expected demand for housing land over the short term, medium term, and long term for the District. In doing so, the subdivision also assists the Council in carrying out its functions under s31(1AA) by ensuring there is sufficient demand capacity in respect of housing land to meet the expected demands of the District.
45. A more detailed assessment of land supply and demand is set out at **Attachment 5**.

National Policy Statement – Highly Productive Land (NPS-HPL)

46. The NPS-HPL was released on 18 September 2022. It will be operative from 17 October 2022.
47. It has one objective: Highly productive land is protected for use in land-based primary production, both now and for future generations. That Objective is supported by nine policies. Highly productive land is defined as land classified as LUC 1, 2, 3 land.
48. Part 3 implementation requires every regional council to map land classified as highly productive but excludes the mapping of land that, at the commencement date of the NPS-HPL, is identified for future urban development (Clause 3.4 (2)).
49. Land that is identified for future urban development is defined in the NPS-HPL to mean:
 - (a) *identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or*
 - (b) *identified:*
 - (i) *in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*
 - (ii) *at a level of detail that makes the boundaries of the area identifiable in practice*

50. The application Site is within an FDA arising from Change 1 to the CRPS (**Figure 4**). It is also subject to an Urban Growth Overlay in the PSDP (**Figure 2**). On that basis the Site is exempt from the restrictions on subdivision in the NPS-HPL.
51. Additionally the Site does not contain LUC 1, 2, 3 land and on that basis the NPS-HPL does not apply (**Figure 3**).

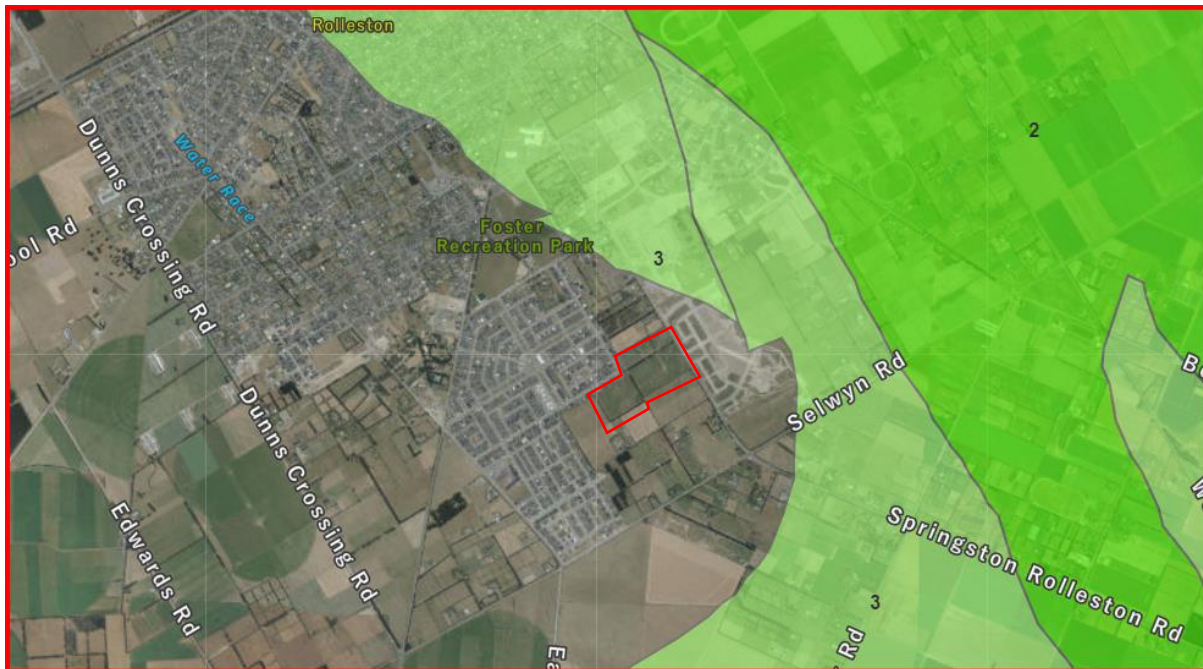


Figure 3: Soil quality – green grey – Class 3, bright green – Class 2 (source: ECAN GIS maps). Site outlined in red.

Canterbury Regional Policy Statement (CRPS)

52. The subdivision is consistent with the CRPS. The most directly relevant and most critical policy is Policy 6.3.12.
53. For completeness, a more detailed assessment of the subdivision and land use consent against the CRPS is set out at **Attachment 1** and summarised below:
- The key chapters of the CRPS relevant to this application are Chapter 5 Land Use and Infrastructure and Chapter 6 Recovery and Rebuilding of Greater Christchurch.
 - The key objectives and policies of CRPS are assessed below in Attachment 1.
 - A full assessment of the CRPS is not required as the Operative Selwyn District Plan (OSDP) gives effect to the CRPS other than with respect to Chapter 6 Recovery and Rebuilding of Greater Christchurch. The purpose of Chapter 6 is to enable recovery of Greater Christchurch by providing for development in a way that achieves the purpose of the Resource Management Act 1991.

- d) The Site is located within a Future Development Area – Residential as indicated on Map A Greenfield Priority Areas in Chapter 6 of the Canterbury Regional Policy Statement (**Figure 4**). It is also within the Rolleston Projected Infrastructure Boundary (outlined in black). It therefore benefits from Change 1 to Chapter 6 of the CRPS made operative on 28 July 2021 that enables residential development of the FDAs.
 - e) The Change inserted Policy 6.3.12 to enable land within these Future Development Areas to be rezoned by the Selwyn Council if required to meet its medium term (ten year) housing needs.
 - f) There were associated and consequential changes to objectives, policies, text and definitions within Chapter 6.
 - g) The OSDP has not been changed to reflect the new regional policy position.
54. The proposed subdivision is consistent with the future zoning of the Site enabled and anticipated by Change 1 and to that extent is consistent with the new regional policy direction for providing for growth and development of Rolleston.

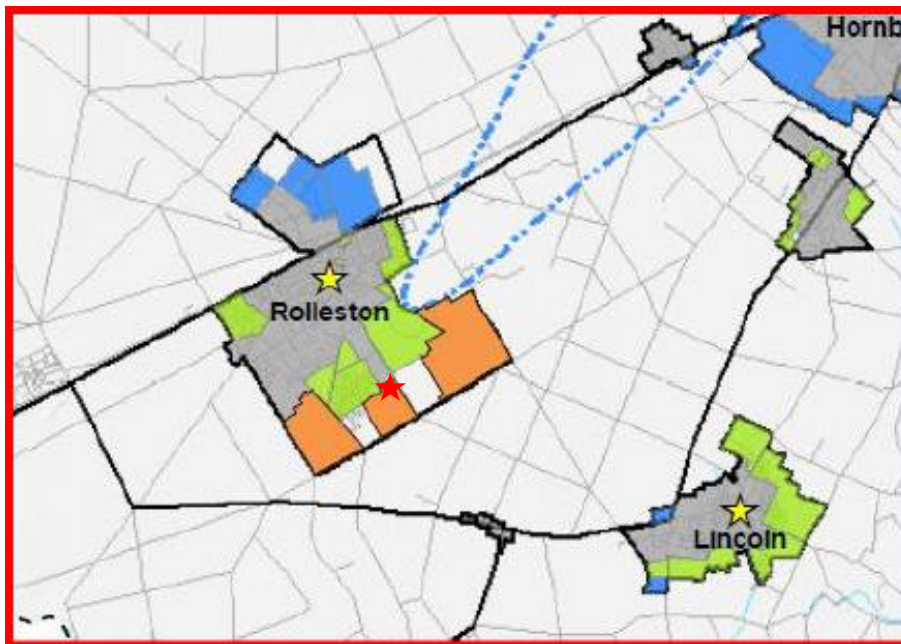


Figure 4: Map A Proposed Change 1 to RPS Future Development Areas
Site location (approx) marked with red star

Operative Selwyn District Plan

35. The proposal is inconsistent with Rural Zone objectives and policies relating to residential density and subdivision because it does not achieve the low density of development anticipated for the Rural Inner Plains zone (Objective B4.1.1, B4.1.2, Policy B4.1.4 b).

36. The proposal is entirely consistent with the OSDP Township Volume objectives and policies except for those that restrict urban development to CRPS Map A existing and greenfield priority urban areas. They do not take into account recent changes to the CRPS (in particular identification of the Site as within an FDA) or the NPS-UD.
37. These policies have also largely been over taken by the directives of the RMA-EHS Act. The OSDP has been amended to give effect to the RMA-EHS and the Council's decisions to adopt a number of Plan Changes. The consequential amendments to the OSDP to give effect to those now operative Plan Changes include making provision for a Living MD1 Zone which takes up the directed RMA-EHS density standards.
38. Overall, the OSDP Objectives and Policies carry minimal, if any, weight in the assessment of proposals such as the Kevler proposed development.
39. In summary the subdivision and land use proposal:
 - a) Is for a 15.9 ha block presently used for rural lifestyle activities. It does not create shortages of land or soil resources for other primary production activities in the future.
 - b) Is a site which is identified for future urban growth in the strategic growth document Rolleston Structure Plan (2009) and Change 1 to the CRPS. It is proposed to rezone the Site MRZ in Variation 1 to the PSDP. It is more efficient and appropriate for the land to be used for full urban residential for the full site. It is ideally located and suited to help meet the substantial shortfall in land for housing at Rolleston and provide additional development capacity.
 - c) Can be serviced with a reticulated public water supply, sewerage, telecoms, solid waste, and with on-site stormwater management within the Site.
 - d) Provides an integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads and adoption of existing road hierarchies for roads within the Site.
 - e) Achieves a high level of connectivity within the Site and to other parts of Rolleston to encourage use of public and active transport.
 - f) Will ensure residents in the development area and Rolleston have access to Council reserve areas to meet their needs for space for active and passive recreation including provision of a new reserve within the Site.
 - g) Is on a Site with no risk from liquefaction, and with some flooding risk which can be readily mitigated, and contains no sites with special ecological, cultural, heritage or landscape values, nor any existing trees, bush, or other natural

features that should be retained (but some existing mature planting is proposed to be retained as it has local amenity value). There are no water courses or bodies that need to be incorporated into the new development.

- h) Will contribute to Rolleston Township being a pleasant place to live and work in.
- i) Will contribute to the growth of Rolleston Township in a compact urban form and provide a variety of living environments and housing choices for residents, focussing on a medium density housing typology.
- j) Will provide a residential area that will build on the existing quality of the Rolleston environment, character and amenity values and as enabled by the density standards of the new Living MD1 zone.

39. A full assessment against the relevant OSDP objectives and policies is set out in **Attachment 2**.

Proposed Selwyn District Plan: Variation 1

40. The proposal has been assessed against the mandatory Objectives and Policies of the RMA-EHS Act to demonstrate how the proposal will align with the new Government directive of more intensification of housing.

Objective/ Policy	Assessment
Objective 2 (b) a relevant residential zone provides for a variety of housing types and sizes that respond to— (i) housing needs and demand; and (ii) the neighbourhood's planned urban built character, including 3-storey buildings.	The housing market targeted by the proposal is single storey family homes but within that typology the integrated design/ subdivision approach is to ensure a mix of house sizes and configurations to appeal to different family needs.
Policy 1 (a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:	The target market for the development is detached single storey family homes on smaller sections to provide an efficient yield that delivers about 17hh/ha.

<p>Policy 2</p> <p>(b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):</p>	<p>The site is not subject to a qualifying matter.</p>
<p>Policy 3</p> <p>(c) encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:</p>	<p>The 274 lot proposal has been designed in a manner that integrates the subdivision lot size/ lot layout with specific dwellings for each lot depending on orientation and lot size.</p> <p>The dwellings will provide streetscape interest by the use of a mix of claddings, different facade treatments facing the roads, variety in landscaping, colours, and roof pitches.</p> <p>All dwelling designs provide for passive surveillance over the street.</p> <p>Provision is made for appropriate reserves.</p>
<p>Policy 4</p> <p>(d) enable housing to be designed to meet the day-to-day needs of residents:</p>	<p>The applicant is an experienced developer and has targeted a housing market not well catered for in Rolleston.</p> <p>The co-ordination design development will meet the day-to-day needs of the target market residents.</p>
<p>Policy 5</p> <p>(e) provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p>	<p>The development complies with all MDRS density standards. All lots will have dwellings proposed for them or will be capable of containing complying dwellings in terms of the built density standards. The vacant lot standard of 400m² proposed by Variation1 will not apply.</p>

41. In summary the subdivision and land use proposal:

- a) Is a site which is identified for future urban growth in the strategic growth document Rolleston Structure Plan (2009), the PSDP Urban Growth Overlay, Change 1 to the CRPS as a Future Development Area, and Variation 1. It is more efficient and appropriate for the land to be used for medium density urban residential for the full site than for it to adopt a mix of densities. It is ideally located and suited to help meet the substantial shortfall in land for housing at Rolleston and provide additional development capacity.
- b) Will reinforce the role of Rolleston as the District Centre within the Township Network promoted by the PSDP.
- c) Achieves a high level of connectivity within the Site and to other parts of Rolleston to encourage use of public and active transport.
- d) Will ensure residents in the development area and Rolleston have access to Council reserve areas to meet their needs for space for active and passive recreation including provision of a new neighbourhood reserve within the Site.
- e) Has no risk from liquefaction, and with some flooding risk which can be readily mitigated. It contains no sites with special ecological, cultural, heritage or landscape values, nor any existing trees, bush, or other natural features that should be retained (but some existing mature planting is proposed to be retained as it has local amenity value).
- f) Will contribute to Rolleston township being a pleasant place to live and work in and enable people and communities, now and future, to provide for their wellbeing, and their health and safety.
- g) Will contribute to the growth of Rolleston township in a consolidated and compact urban form and provide accessible, sustainable and resilient residential neighbourhoods.
- h) Provide a variety of living environments and housing choices for residents, including medium density housing typologies together with standard residential.
- i) Will provide a residential area that is based on the existing quality of the Rolleston environment, character and amenity values set through adopting existing development and activity PSDP standards.

Section 104(c)

44. There are two relevant matters that fall under s104(c):

- Land availability
- The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

Land availability

45. In determining whether to grant or refuse consent to a non-complying activity the Council must have regard to *any other matter the consent authority considers relevant and reasonably necessary to determine the application*.
46. This application has to be assessed against the planning history and context of the Site as set out in para 4 - 7 above. It has to be mindful of, and give specific consideration to, the trends and patterns of consenting for new housing in the District as a whole, and in Rolleston in particular. It must turn its mind to the resource management implications of a well-documented probable shortfall in zoned and serviced land availability in Rolleston and the effect of that on housing stock availability. This documentation can be found in a number of Commissioner decisions on re-zone requests for Rolleston sites.
47. **Attachment 4** sets out the Selwyn District context of well-established building trends that reflect the community's and people's preferences for housing by location, type and price point in Rolleston.
48. The prospect of the District Plan, and land use/ subdivision decisions of the Council, not ensuring at least sufficient development capacity to enable residential development cuts across the directions set by the Government to address the housing market issues in New Zealand. More fundamentally the prospect of the land and housing market being unnecessarily restricted by Council decisions not providing a planning and resource management response to well-established building trends could be said to be a failure of the Council's s31 RMA functions.
49. That is why the issue of land availability is a key part of whatever decision the Council may make on this application to subdivide 15.9 ha of rural land to provide 274 residential lots. The Council has an application for a Site that has been identified in a number of relevant planning documents that act as precursors for enabling residential development: Change 1 to FDA Map A CRPS, Urban Growth overlay in PSDP, MRZ zoning under Variation 1.
50. Additionally in this case there is a developer with the desire and momentum to subdivide and release land to the market. The only technical barrier to the development proceeding is a consenting step that will occur in the midst of a fluid planning context driven off national directions and Council moves to prepare a new district plan.
51. This context, the very real existing situation with respect to forecast future land availability, and the forecast brake on land development in Rolleston while various statutory processes are worked through out to at least August 2023 is "any other

matter” which should be given significant weight when compared to other planning considerations such as the technically operative status of the outdated Rural Inner Plains provisions.

52. Support for a forecast land availability crisis that undermines resource management outcomes, and that fails to enable people and communities to provide for the well-being has been well-documented in evidence produced at a number of Plan Change hearings for land at Rolleston. That evidence has been tested and accepted by the Commissioners, and subsequently adopted by the Council in its decisions to adopt the Plan Changes. An example of that is Mr Sellar’s evidence for Plan Change 78. That evidence is quite detailed in terms of what is available in Rolleston on the ground, together with an analysis of what might be available in the future. His conclusion is that there are serious issues with regards to section availability and that the land market in Rolleston is dysfunctional.
53. **Attachment 4** to this planning assessment is a summary by Blackburn Management of whether there is sufficient land available across the District to meet the demand for new residential construction and population growth in the District over the next three to four years.
54. The conclusion based on detailed numbers in Appendix A of the Blackburn Report is that:
 - a) A comparison of likely building consent numbers against available zoned land shows only an estimated additional 105 sections more than the number of new dwellings being consented by year end 2023.
 - b) If the Selwyn District Council does not approve a number of the currently proposed Plan Change requests for new subdivision developments before the Council approves the new District Plan (and now also the Residential Medium Density variation) late in 2023 that the District will effectively run out of land to build on. Subsequent to that advice the Council has now approved and made PCs 75, 78 and 76 operative.
 - c) This will have a devastating impact on the construction sector and will see the cost of land increase significantly.
 - d) This in turn will have a significant negative impact on the short and medium term population growth of the District.
55. The land availability matter has been well-documented with a substantial concurrence among different experts. It is a very significant consideration for this subdivision application and justifies significant weight being applied to it in determining the application.

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the Proposed Intensification Variation

56. A Variation to the Proposed Selwyn District Plan to give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 was notified by the Council on 20 August 2022. Ministerial direction requires decisions on submissions on the Variation to be issued by August 2023. There are no appeal rights other than on points of law.
57. The Variation rezones all of the Rolleston existing urban area and the FDA west of Lincoln Rolleston Road east of Goulds Road and any other land which is the subject of approved Private Plan Changes to Residential Medium Density Zone (RMZ) **(Figure 5).**

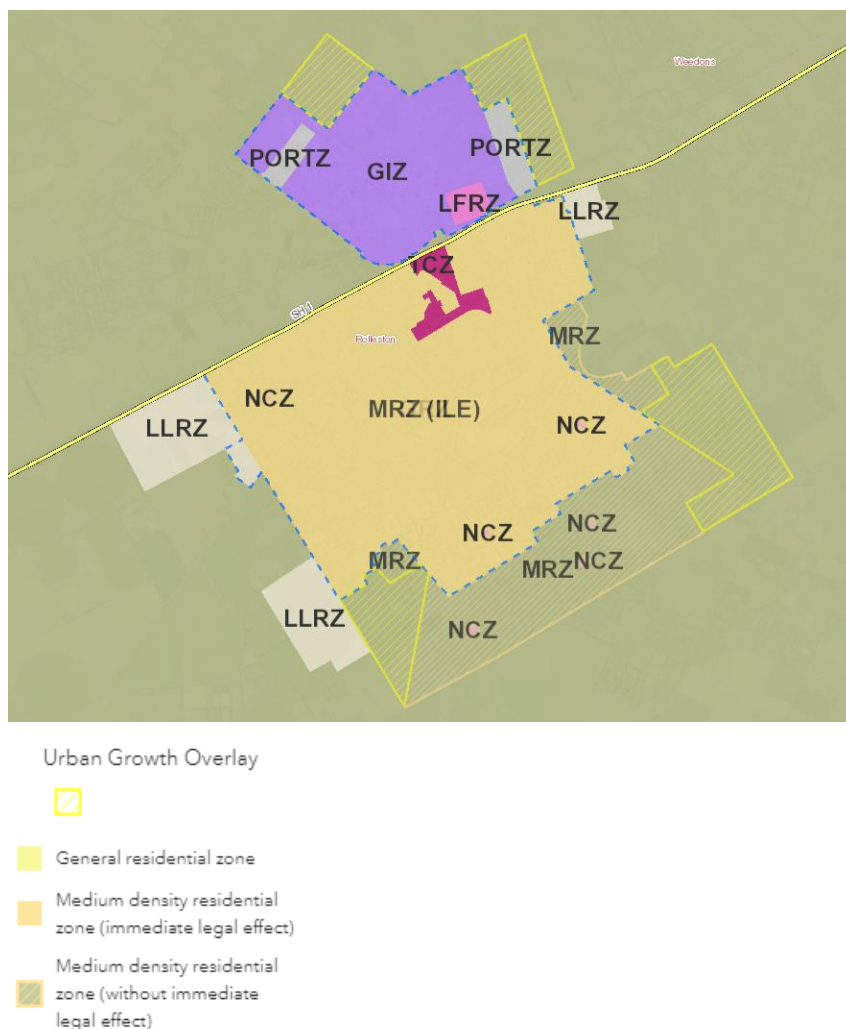


Figure 5: Extent of land in Rolleston subject to Variation 1

58. The Council resolved at its meeting on 23 February 2022 to:

include additional areas beyond the existing zoning in parts of the Future Development Areas (FUDA) in Rolleston, including the Housing Accords and Special Housing Areas. This will enable investigation of these areas, but their final inclusion will be depend on more detailed analysis through the development of the Variation.

59. The Variation enables but does not require RMDS development (up to 3 units per site, up to 3 storeys). The minimum net density requirement is 15 hh/ha.
60. The proposals in the Variation will not affect the proposed subdivision which has an overall design approach to enable significantly higher density than conventional GRZ zones as shown on the proposed scheme plan (**Attachment 3**). That said, the design approach is to not maximise the potential enabled by the RMA-EHS density standards. That is clearly demonstrated by all proposed dwellings being single storey.
61. To that extent the subdivision and land use application gives effect to the expected Variation and so is entirely consistent with the outcomes sought by the RMA-EHS Act and the Variation. The Variation objectives and policies density standards are as prescribed by the Amendment Act and cannot be changed through the submission process. The proposal is consistent with them as assessed at para 40-41 above.
62. Compliance with the density standards is set out at para 68-74.
63. Approving the subdivision ahead of decisions on the Variation does not create issues of consistency or precedence, as it goes quite some way to providing for appropriate density that is being driven by Government direction.

Assessment of the Proposal against Variation 1 Rolleston Development Area 14

64. The applicant has lodged a submission on Variation 1 that seeks to introduce the new density requirements of the RMA-EHS Amendment Act. Relevantly for this subdivision and land use consent the submission:
 - a) Supports the re-zoning of the Site as MRZ
 - b) Seeks the deletion of the proposed DEV-RO14 ODP and for it to be replaced with an ODP that respects the development layout being pursued by Kevler (**Figure 5a and 5b**).
 - c) Opposes the introduction of a minimum lot size for vacant lots and some associated lot shape controls that step outside the prescriptive standards of the RMA-EHS Amendment act Schedule 3A.
65. The key issue for this subdivision application is the inconsistency with the alignment of the northernmost east-west road and the eastern north-south road. There is a design and traffic management logic for the applicant's preferred road alignments.
66. The subdivision layout has been prepared with all required technical inputs, including a traffic assessment from Stantec (attached as **Attachment 6**). The areas where the

differences compared with DEV-RO14 are

- a) The position of the east-west connection onto Springston Rolleston Road. The ODP shows it as aligning with Kate Sheppard Drive whereas the proposed subdivision shows an offset.
- b) The 'eastern' north-south connections. The ODP shows an offset south of the 'northern' east-west connection whereas the proposed subdivision plan shows a straight north-south alignment.

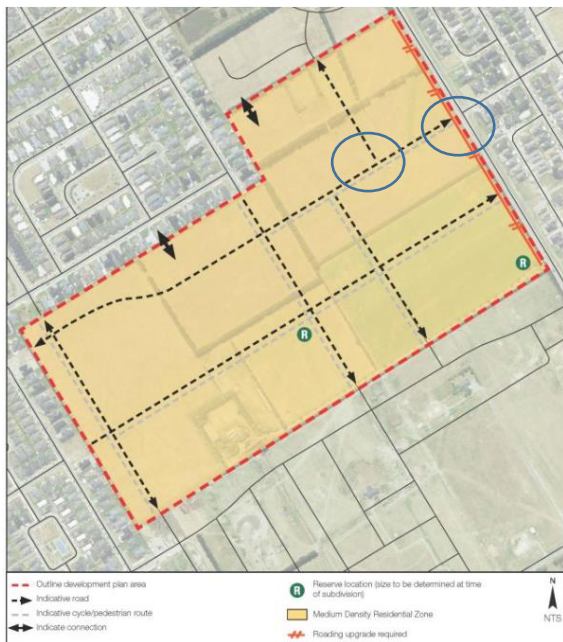


Figure 5a: Variation 1 Proposed DEV-RO14

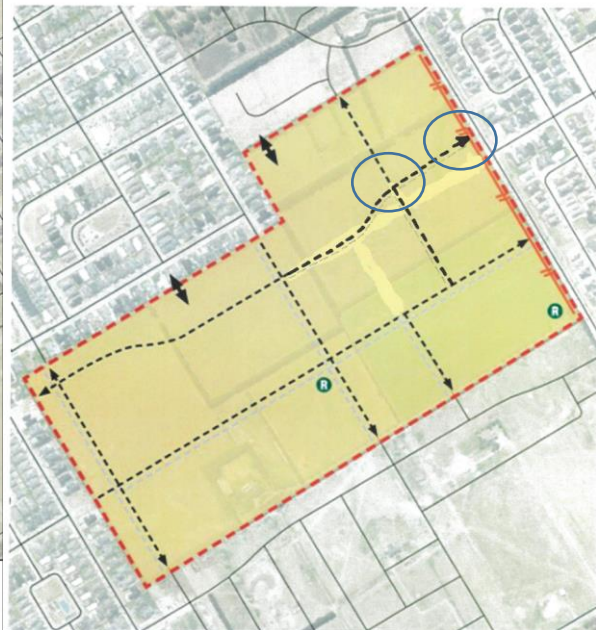


Figure 5b: Submission Amended DEV-RO14

67. The Kate Sheppard Avenue offset is explained in the Traffic Assessment as follows:
43. *It is proposed that the new local road intersection is off-set north of Kate Sheppard Drive. I recommended the inclusion of the off-set primarily for road safety related reasons.*
 44. *Off-set T-intersections are less complex and therefore safer than crossroad intersections. The proposed stagger will mean that right turn movements from Springston Rolleston Road into the side roads will not overlap.*
 45. *The off-set arrangement will allow for a pedestrian (and possibly cyclist) crossing point to be provided between the two intersections. It is important that a safe crossing point is provided given the likely demand to walk / cycle to Acland Park where there are reserves and playgrounds, a primary school which is under construction and a future commercial development planned. Having a dedicated crossing point between two T-intersection will be safer and more appropriate than requiring people to cross at a crossroad intersection.*
 46. *Off-setting the new intersection from Kate Sheppard Drive will also reflect the road hierarchy, with there being no need to allow for a large number of through crossing movements between two local roads. If off-setting the intersections*

results in less through traffic use of the two local roads, then I consider that is a desirable outcome for residents on the adjacent local roads.

47. *The exact position of the new intersection would be confirmed at the subdivision design stage, and would also be subject to standard transport rules in the District Plan. However, as I have described, I consider that the proposed location close to Kate Sheppard Drive is a suitable location.*
66. The amended north-south alignment includes an offset south of the Kevler Site and does not affect the position of connections to land to the south of DEV-RO 14.
67. The north-south road alignment amendment is internal to the development and has influenced the scheme plan layout. The Kate Sheppard intersection is more fundamental but an offset intersection has significant urban design merit as it avoids a long unbroken line of sight through the urban area, and traffic merit from a traffic management viewpoint as well as avoiding loss of land for a roundabout.
68. The traffic assessment in support of Variation 1 did not identify compelling reasons for the proposed DEV-RO 14 ODP roading layout, so the alternative and amended ODP must be assessed on its merits.

Assessment of the Proposal against MDRS Standards

68. An assessment of the proposal has been undertaken by auditing three house designs on three different size lots with different orientations to north. The objective of the audit was to test whether it is possible to erect dwellings that comply with the density standards of Schedule 3A Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).
69. The sample lots are Lot 10 (300m²), Lot 131 (473m²) and Lot 150 (401m²).
70. The assessment shows that all house designs of all three lots fully comply with the proposed MDRS density standards. This check confirms that the entire 274 lot proposal can be treated as a package of subdivision and land use consent for dwellings that will be permitted activities (RMA-EHS Schedule3A clauses 2 and 3)..
71. On the basis of a subdivision and land use joint proposal complying with the MDRS standards there is no minimum lot size that applies (RMA-EHS Schedule 3A clause 8).
72. The proposal is a subdivision application accompanied by a land use application that will be determined concurrently and the applicant has demonstrated that:
- a) It is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit, and
 - b) Each residential unit complies with the density standards in the district plan, and
 - c) No vacant allotments are created. (RMA-EHS Schedule 3A clause 8(b)).

73. The assessment and the relevant house plans are in **Attachment 5**.
74. In summary, the proposal will deliver an integrated subdivision and housing package that is aligned with the density outcomes sought by Variation 1 and directed by the RMA-EHS Amendment Act Schedule 3A. It will introduce to the Rolleston housing market a distinctive housing product driven by the applicant's design and build approach while allowing individual buyers to modify house plans and provide for their own housing needs as required. The development will not introduce three storey residential units to Rolleston, but it will set a new benchmark for intensification of residential development by emphasising the effective use of small lots.