

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Applications for subdivision and land use consent by Kevler Development Limited

RC225715 and RC225716

EVIDENCE OF PAULINE FIONA ASTON
Dated 10 July 2023

Christchurch
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A handwritten signature in dark ink, reading "Anthony Harper". The signature is written in a cursive, flowing style with a large initial 'A' and 'H'.

1 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Pauline Fiona Aston.
- 1.2 I have the qualification of MA Cambridge University, England and M.Phil Town Planning, University College London.
- 1.3 I am a member of the New Zealand Planning Institute and the NZ Resource Management Law Association.
- 1.4 I have 40 years resource management and planning experience. I am currently Principal of Aston Consultants Ltd Resource Management and Planning (Aston), and have operated the practice, based in Christchurch, since 1995.
- 1.5 Aston works extensively in the Selwyn and wider Canterbury area, with numerous clients with interests in land development, subdivision and land use planning matters.
- 1.6 I am very familiar with the Operative Selwyn District Plan, having prepared a wide range of consents in accordance with its provisions. I am also very familiar with the Proposed Selwyn District Plan (PSDP) and the Variation of August 2022, having advised numerous submitters on the First Schedule process associated with the development of both.
- 1.7 Aston has been engaged to provide planning advice to Kevler Developments Ltd, including preparation of a submission evidence on the notified PSDP and Variation 1. Aston has also assisted in the preparation of the present application for subdivision and housing development.
- 1.8 I am very familiar with the site and surrounding environment.

2 CODE OF CONDUCT

- 2.1 I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

3 SCOPE OF EVIDENCE

- 3.1 My evidence addresses the following: -
 - (a) The Kevler Development Ltd (**Kevler**) South Rolleston proposal ('the Kevler Proposal');

- (b) Planning History of the Site
 - (c) Section 104D Threshold (including an assessment of existing and likely future environment)
 - (d) Submissions.
 - (e) The section 42A Report.
- 3.2 The key documents I have relied upon in preparing my evidence are the following:
- (a) National Policy Statement on Urban Development 2020 (NPS-UD);
 - (b) The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMAA-EHS);
 - (c) The Operative Canterbury Regional Policy Statement (CRPS);
 - (d) The Operative Selwyn District Plan (OSDP);
 - (e) Proposed Selwyn District Plan (PSDP);
 - (f) Selwyn District Council s42A Report.
- 3.3 In addition to the above, this evidence has been informed by various reports and evidence filed in the Proposed District Plan and Variation 1 processes, including s 32 and s 42A Reports prepared by Council.

4 SUMMARY OF EVIDENCE

- 4.1 The Kevler site is subject to a number of overlapping planning provisions. At the date of this hearing its future status has been well signalled in various statutory processes albeit the final decisions on the Proposed Selwyn District Plan and Variation 1 are unknown.
- 4.2 This uncertain future planning state underpins the approach to assessment of the 266 lot non-complying subdivision and land use application. I agree with the s42A Report that despite its Rural Inner Plains zoning in the OSDP, any assessment should properly be on the basis of a future urban and residential zone. This is necessary to align with the anticipated future planning framework, and to adopt a real world analysis of the potential effects that will arise from such a fundamental change in future land use.
- 4.3 The key effects of the application are related to potential transportation and potential urban amenity effects. The significance of these effects are driven off an assessment of the likely future environment of the site. Overall the context for this is a 266 lot subdivision in the southern part of a town undergoing rapid subdivision and land development at scale.
- 4.4 In my opinion the proper approach is to examine the application against the imminent MRZ zone Objectives and Policies and its built standards and to place the greatest weight on that

planning framework. The s42A Report adopts the Living Z zone and its medium density provisions as its point of reference. That, I consider, is unhelpful both because the application does not seek to adopt nor draw on these medium density or Living Z provisions, and because the Living Z zone will soon cease to exist when decisions on the PSDP are released. The Living Z zone is not future focussed. It will not, in my opinion, have any influence on future urban residential development in Rolleston. In contrast the MRZ is the zone that will shape the future residential environments of Rolleston and of which the Kevler site will be part. On that basis it must be the point of reference for an assessment of potential future effects.

- 4.5 The urban design expert evidence that I rely upon from Mr. Compton-Moen confirms that the application will yield a high-quality residential environment with appropriate medium density amenity and environmental qualities supporting a well-functioning urban environment. As such it sits squarely with the policies of the NPS-UD and Variation 1 which has adopted those of Schedule 3A of the RMAA-EHS.
- 4.6 In terms of transportation effects, the proposed development will not result in more than minor safety effects on identified intersections prior to planned upgrades. The transportation evidence from Mr. Metherell factors in the range of safety improvements already implemented by the Council for the Selwyn Road/ Springston Rolleston Road.
- 4.7 There is no inconsistency with the higher order planning documents; ECAN has made a neutral submission that provides the regional/ strategic policy framework with which the Kevler application is consistent.

5 THE KEVLER PROPOSAL

- 5.1 Kevler has lodged combined subdivision and land use consent applications (RC225715 & RC225716).
- 5.2 Approval is sought to undertake a 266-lot fee-simple subdivision, together with earthworks, construction of roading/access and establishment of residential dwellings on each of the proposed allotments.
- 5.3 In developing its proposal, Kevler focused on delivering an outcome that was consistent with that anticipated under the RMAA – EHS, specifically the density standards included in Schedule 3A. These standards can logically be said to inform how development can satisfy the policy approach included in the RMAA -EHS, as directly incorporated into the Variation to the Proposed District Plan.
- 5.4 Three exemplar dwelling designs on three different lots, including one less than 400m² and one a corner site, were used to demonstrate that it could deliver a Schedule 3A density standards compliant built development as a permitted activity if the MRZ was in place, and the mandated Schedule 3A density standards applied. In addition, a purpose of the exemplar housing designs was to demonstrate how the development will provide for a variety of house positions and relationship to the street such that good urban amenity can be achieved given the flexibility in space for landscaping and front yard treatments.

- 5.5 That design exercise was not straightforward. It was challenging to ensure that all nine mandated Schedule 3A density standards would work on each lot for each of the exemplar dwellings.
- 5.6 The most difficult density standard to achieve compliance with was the 20% glazing density standard for the street-facing façade in windows or doors. That alone required a number of re-works and iterations so that the logic of the internal dwelling layout and the arrangement with garaging was met for the different lot orientations to the north, and for sites on the south side of streets. Kevler's design criteria calls for garaging on every site to reduce the number of vehicles parking on the road. This will help achieve a less congested looking development. The three exemplar designs met this criterion but with a degree of sacrifice to the overall design and look of the houses.
- 5.7 All other density standards were much more straightforward to meet.
- 5.8 The applications were lodged on 11 October 2022 but were on hold until 6 April 2023 pending resolution of responses to three separate RFI's, a key focus of which were urban design and traffic related matters.
- 5.9 Notwithstanding the exemplar designs demonstrating compliance with the Schedule 3A mandated density standards, the Council sought changes to the exemplar layouts through the RFI process.
- 5.10 The changes sought by the Council to the Kevler proposal included the following related to urban design:
- (a) The streetscape effects of small lots with 11m frontages on the arterial Springston Rolleston Road;
 - (b) Managing risks to shared pathway users and traffic by confirmation that no reverse manoeuvring off lots fronting Springston-Rolleston Road could be achieved;
 - (c) Grouping of small lots with narrow frontages spaced among wider frontage lots;
 - (d) Outdoor Living Spaces (OLS) to not be between the dwelling and the road;
 - (e) An expectation that OLS will have privacy put that in tension with the MRZ fencing standards on road frontages;
 - (f) Avoiding what the Council described as "Cookie cutter" housing by ensuring a variety in housing typology, materials, design, roof pitches and colours.
- 5.11 The effect of these additional requirements that are not part of the mandated density standards was to:
- (a) Require multiple redesigns of the Scheme Plan of subdivision;

- (b) Reduce the overall lot yield;
- (c) Create more 400m²+ lots than originally planned;
- (d) Effectively add to the density standards of Schedule 3A that Kevler had demonstrated could be met by its exemplar house designs;
- (e) Create delays with associated investment and consenting uncertainty for Kevler.

5.12 All of these additional requirements are over and above the RMAA-EHS mandated density standards. These standards were established on the basis that they were all that was needed to simplify the planning interventions to facilitate and enable the supply at pace of more housing and in a well-functioning urban living environment in which a variety of housing types and sizes respond to housing needs and the neighbourhood's planned urban built character.

5.13 Ultimately, the list of changes made by Kevler through the RFI process included:

- (a) Several revisions of the Scheme Plan. Revision H was submitted with the application for 274 Lots. The current Revision O (**Attachment A**) has 266 lots being a reduction of 6 Lots, to accommodate Council concerns.
- (b) The intersection of Springston Rolleston Road (SRR) and the main access road has been re-aligned.
- (c) Lot widths along Springston Rolleston Road have been amended as requested.
- (d) The layout has been altered to comply with Urban Design Lead's request that no more than 6 allotments of < 400m² are within in a "cluster":
- (e) The RoW along Lots 240- 274 has been altered:
- (f) Altered layout along Springston Rolleston Road to > 15 metres wide lots as requested by Urban Design Lead:
- (g) The RoW between Lots 224 - 227 has been relocated to between Lot 205-208:
- (h) Reserve Lot 2002 has been repositioned within the site, with the width confirmed as 8 metres, as requested by the Urban Design Lead.
- (i) "Visual Breaks" have been inserted into the layout e.g., Lot 195 is a slightly bigger lot.
- (j) Changed access points for some lots to reduce impact on Springston- Rolleston Road.
- (k) The number of lots on Springston Rolleston Road has been reduced so as to reduce the number of accesses and potential conflicts with users of the shared path and arterial road.

- (l) The layout has been amended to facilitate on-site turning thereby avoiding the need for reverse manoeuvring onto Springston Rolleston Road.
 - (m) Commitment to specific driveway/ vehicle access positions for specified lots.
 - (n) Altered layout of lots 84-89.
 - (o) Demonstrated how OLS/OS can be accommodated in side yards especially for lots on the south side of internal roads. **Attachment B** is a visual that demonstrates this approach for a lot of 327m².
 - (p) Confirmed that there will be a variety of building materials, colours, landscaping and roof pitches, which will provide a high-quality development with good amenity and visual quality outcomes.
- 5.14 The proposal is for the whole development to be comprised of single storey, detached dwellings. There are no two storey dwellings contemplated, and no multi-unit attached dwelling units. That is not the housing market being targeted by Kevler and is not identified as a preferred housing typology for Rolleston in its market research.
- 5.15 Kevler is an experienced builder and developer that sees an opportunity to control all elements of this proposal to provide a distinctive medium density housing package focussing on the efficient use of land in Rolleston. The company will provide a range of house designs to clients. This will enable Kevler to take advantage of scale and reproducibility of the housing product in a cost effective, efficient and timely manner.
- 5.16 The intention is for Kevler to exercise control over all elements of the land acquisition, site works, site development and built elements that conventionally are split between several companies or contractors. In that way Kevler will maximise the consistency and quality of the housing to be built while providing a variety of designs, materials, and street appeal so as to achieve a high-quality residential environment.
- 5.17 Being able to control all elements of the development encouraged Kevler to embrace the provisions of Schedule 3A of the RMAA-EHS which support the integrated design/ build approach with respect to lot sizes.
- 5.18 Rather than having standard lot sizes and dimensions within which a house must fit, the integrated approach enables choice in the relationship of the house design to lot size, lot position and lot orientation. In my opinion, the RMAA-EHS supports a flexible planning framework where the focus is on the outcome of high-quality urban environments, not a focus on compliance with rules although the mandated density standards are still in the mix of considerations. In that regard RMAA-EHS is clearly speaking to the problem definition set out in its supporting Regulatory Impact Statement:

A major constraint on the ability of the market to deliver housing is the planning system, under the Resource Management Act 1991 (RMA), which limits efficient land use. Zone

provisions, the cumulative impact of rules, and lengthy appeal processes can hinder intensification and expansion in areas where it would otherwise contribute to housing supply.¹

6 PLANNING HISTORY OF THE SITE

Rolleston Structure Plan

- 6.1 The Rolleston Structure Plan (RSP) was adopted by the Council on 23 September 2009.
- 6.2 The RSP was developed as part of the Greater Christchurch Urban Development Strategy to manage the predicted, rapid growth of Rolleston. Its intended purpose is to create a framework to guide development in Rolleston, one that would be used as a basis for future changes to the District Plan, the development of infrastructure programmes and an input into the Long-Term Council Community Plan process. The RSP adopted a flexible approach to staging of growth; it provided for development to be developer led.

¹ Regulatory Impact Statement: Bringing Forward the Upzoning of Land for Housing.

6.3 The Site is identified in the RSP as an area for future residential development (**Figure 1**)

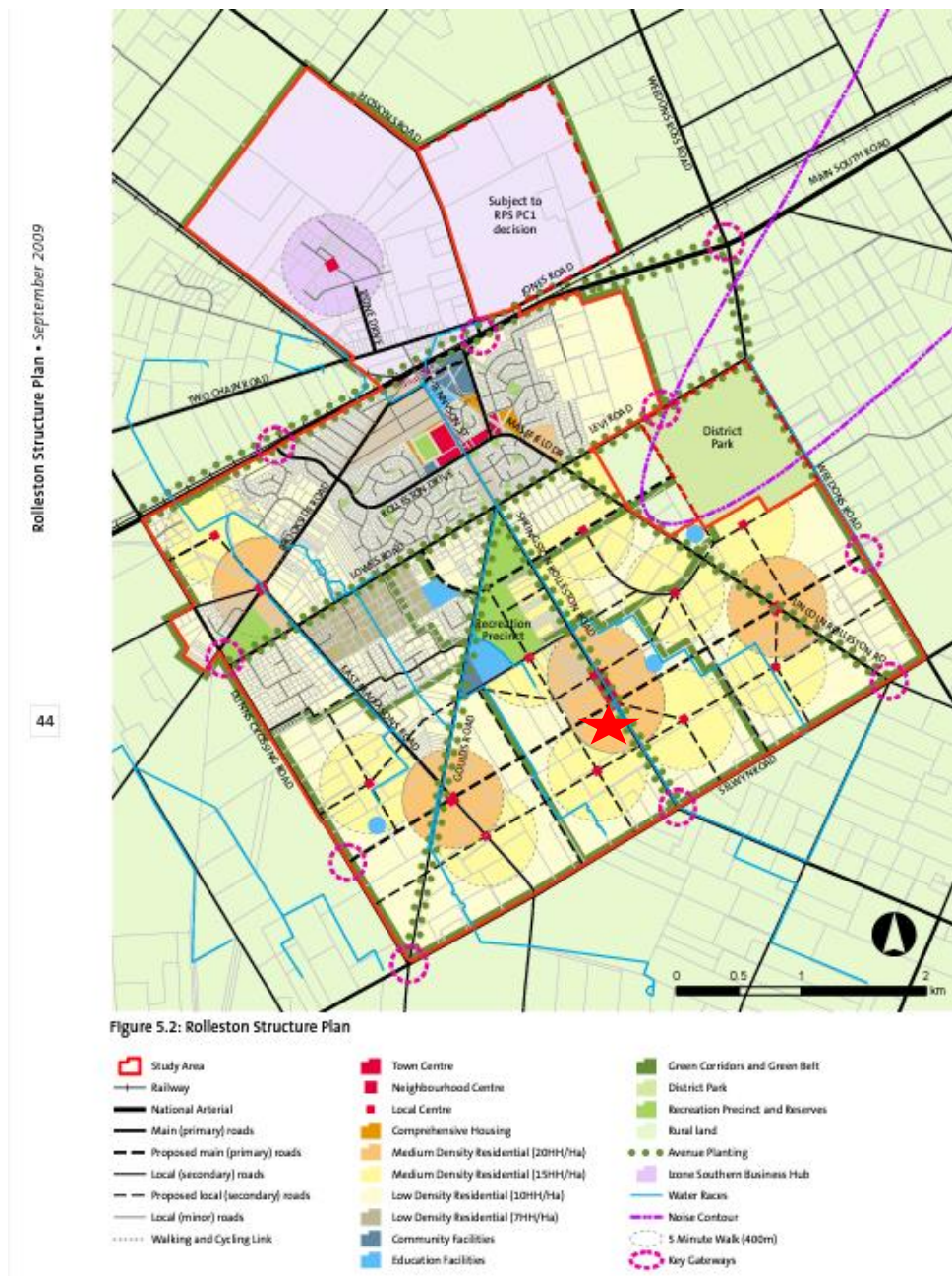


Figure 1: Rolleston Structure Plan. Approximate location of site marked with red star.

Canterbury Regional Policy Statement

6.4 Chapter 6 of the Canterbury Regional Policy Statement (**CRPS**) provides the over-arching strategic direction and location for urban growth and development, including by reference to Map A (**Figure 2**). The Kevler site was originally not located in a Greenfield Priority Area – Residential, however was identified within the Projected Infrastructure Boundary for Rolleston.

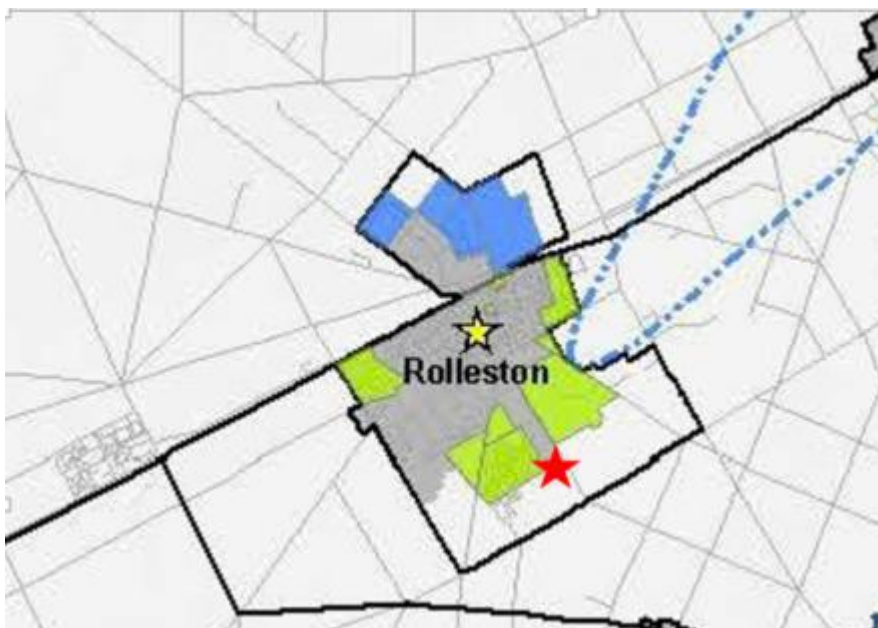


Figure 2: Map A Chapter 6 Regional Policy Statement Greenfield Priority areas
Site location marked with red star (approx).

- 6.5 The Greenfield Priority Areas were intended to accommodate the increased demand for households resulting from the Canterbury earthquakes (along with the 'twin policy' of intensification of existing urban areas).
- 6.6 Change 1 to the CRPS enabled development in Future Development Areas on Map A (as shown below) 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. The Site is within the Rolleston FDA (**Figure 3**). For clarity I advise that the white rectangles in Figure 4 either side of the Kevler site are sites approved via the Special Housing Areas development process (Faringdon).

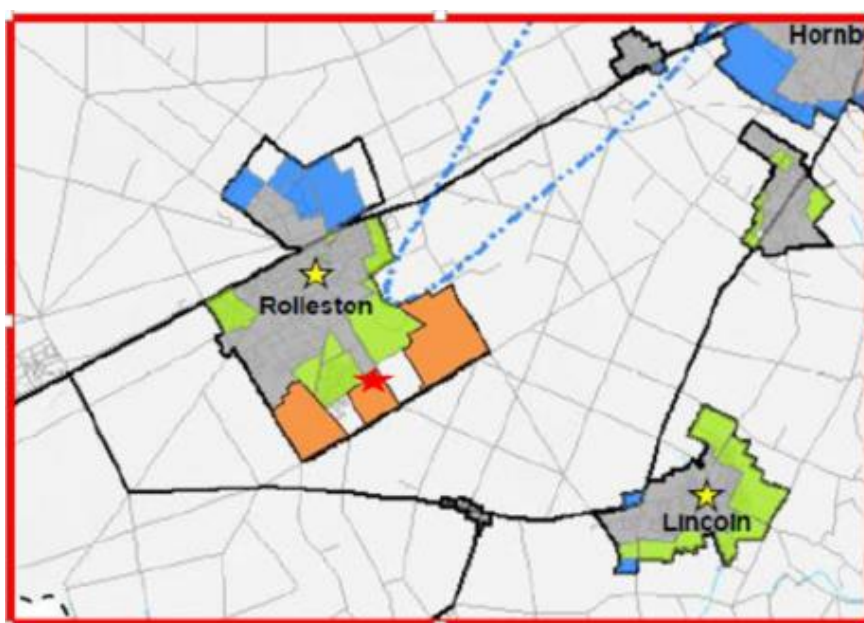


Figure 3: Map A Change 1 to CRPS Future Development Areas
Site location (approx) marked with red star

Selwyn District Plans

Operative Selwyn District Plan

- 6.7 The Site is zoned Rural Inner Plains in the Operative District Plan (ODP). The minimum lot size for subdivision and a dwelling is 4 ha. The plan was made operative on 3 May 2016, so predates Change 1 summarised above.

Proposed Selwyn District Plan

- 6.8 The Site is zoned General Rural Zone Inner Plains Special Control Area (SCA-RD1) in the Proposed Selwyn District Plan (PSDP). The minimum lot size for subdivision and a dwelling is 4 ha. The PSDP was publicly notified on 5 October 2020.

- 6.9 The Site is subject to five planning measures:

- (a) The Plains Flood Management Overlay;
- (b) Urban Growth Overlay;
- (c) Liquefaction Damage Unlikely Overlay;
- (d) EIB Management Overlay: EIB Canterbury Plains Area
- (e) Inner Plains/ Te Urumanuka ki Ana-ri rural density overlay.

- 6.10 For the purposes of this hearing, the most relevant overlay is the Urban Growth Overlay which, for this part of Rolleston, extended from the Kevler site south to Selwyn Road, and from Springston-Rolleston Road to the Special Housing Area/ Housing Accord Area to the west **(Figure 4)**.

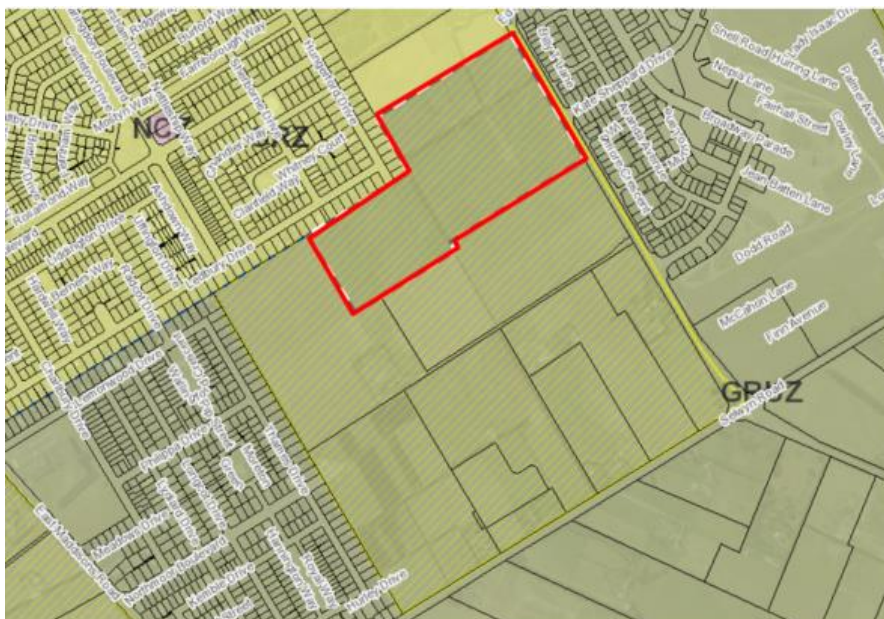


Figure 4: Urban Growth Overlay (Site outlined in red)

6.11 The Urban Growth Overlay is a prerequisite planning control or a gateway provision to enable application for, and more favourable consideration of, full urban/ residential development of the identified parcels of land subject to the overlay.

6.12 Kevler lodged a submission on the PSDP seeking a change in zoning for its site from GRUZ to General Residential Zone (GRZ). The s 42A Report recommended in respect of this submission:

Submitter evidence has been provided in support of this submission point; however this has not been peer reviewed as all rezoning requests on the PDP seeking a change from GRUZ to GRZ have been superseded by Variation 1 that had immediate legal effect from 20 August 2022. Therefore, there is no scope to be able to grant the relief being sought through submissions on the PDP for a GRZ in this initial process. The proposed MRZ should be evaluated through the hearing of submissions and evidence on Variation 1 that is scheduled to take place at a later date. Therefore, it is recommended that this submission point be rejected.

6.13 On the basis of scope, the merits of Kevler's evidence were therefore not evaluated by the s 42A Reporting Officer, however Kevler were advised by the Panel that the issue of scope did not arise and that it would be making a decision.

Variation 1 to Proposed District Plan

6.14 On 20 August 2022 the Council notified a Variation to the Proposed District Plan following the Government's introduction of the NPS-UD and the RMAA-EHS.

6.15 The effect of the Variation was three-fold for the Kevler site:

- (a) It re-zones land in the Future Development Areas of Map A CRPS to Medium Density Residential Zone (MRZ), with the relevant provisions (objectives, policies, rules and density standards) applying being those in Schedule 3A to the RMAA-EHS;
- (b) It enabled a higher density of housing development in line with the Schedule 3A provisions;
- (c) The Kevler site was not subject to any qualifying matter under the RMAA-EHS.

6.16 In support of rezoning FDA land, Kevler's included, the Council commissioned technical advice and assistance from various internal (Murray England, Gabi Wolfer) and external (Flow Transportation, Geotech Consulting, Paddle Delamore and Elliot Sinclair) experts.

6.17 Given the conclusions in the s 42A Report for the land use and subdivision consents the subject of this hearing, the following summary of the advice from Flow Transportation and Ms Wolfer is considered relevant and is included here²:

² Summaries taken from Proposed Selwyn District Plan: Section 32 Report

Title	Rolleston FUDA Plan Change ITA
Author	<i>Flow Transportation</i>
Brief Synopsis	<i>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. Provides recommendations for what should be included in the ODPs, particularly focussing on connectivity to frontage roads and adjacent land uses, and identifies likely infrastructure upgrades that may be required at the time of development or into the future.</i>

Title	Rolleston Urban Design Assessment
Author	<i>Gabi Wolfer (Selwyn District Council)</i>
Brief Synopsis	<i>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.</i>
Conclusion	<i>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.</i>

- 6.18 As part of the urban design assessment, an Outline Development Plan was proposed for what is referred to as Area B and includes the Kevler Site as Site 4 (**Figure 5**):



Figure 5: Outline Development Plan RO-10-B (Wolfer)

- 6.19 The section 32 Report considers a rezoning of the FDA land, the Kevler site included, to be the most appropriate means to give effect to the higher order planning instruments i.e. the NPS-UD and the CRPS. In addition, the section 32 Report includes a positive evaluation of the rezoning against the most up to date greenfield framework developed during the Proposed District Plan hearing process.
- 6.20 Kevler lodged a submission on the Variation supporting the proposed MRZ and the notified mandated subdivision and development standards adopted from Schedule 3A of RMAA-EHS. There were no submissions opposing a re-zoning of the Kevler site or the wider development area (DEV-RO14)
- 6.21 The s42A Report on Variation Part A recommended that the proposed rezoning of DEV-R014 to MRZ be confirmed, subject to a number of amendments including a minimum requirement

of 15 households per hectare and an updated ODP to reflect the realignment of a north-south road (**Figure 6**).



Figure 6: Recommended ODP for DEV-R014.

- 6.22 The Hearing Panel decisions on the Variation will form part of the overall decisions on the PSDP due on 19 August 2023.

Summary of the Planning History

- 6.23 In my opinion this planning history shows very clearly that the Kevler site has been identified at several levels in the planning hierarchy to have a long term urban and residential future, not a rural future. And this is true despite its Rural Zone status under both the OSDP, and the PSDP as notified.
- 6.24 For much of the rural land on the edge of Rolleston south of the State Highway a combination of initiatives by the Government (NPS-UD and RMAA-EHS), the Regional Council in Change 1 to Chapter 6 CRPS, initiatives by the development sector in the form of private Plan Changes and consent application, and the Council through Variation 1 has inexorably shifted

the long term and for some, the immediate, planning outlook and outcomes for much of that rural land to a very different land use potential.

- 6.25 To accommodate a growing population and to meet national housing goals and directives, suitably located land that will contribute to a well-functioning urban area and that will provide for people's well-being and housing needs has been tagged for an urban residential future. Such is the circumstance of the Kevler site.
- 6.26 That is no surprise to me. That is how the planning system is supposed to work: it has identified significant resource management issues (housing supply), it proposed a strategic regional policy response to that issue (CRPS Change), and that in turn is given effect to by the relevant district plan (urban growth overlay and in turn MRZ zoning in the PSDP). In an ideal world resource consents or permitted activities would follow from that structured and planned response to the housing issue.
- 6.27 All this is relevant context to the consideration of the Kevler consent applications. They may be out of step in terms of the timing of statutory decisions (on the PSDP and on Variation 1 to the PSDP) wherein, subject to decisions, the status of the current applications would shift from Non-complying to Restricted Discretionary. But to my mind, nothing changes the elephant in the room, or the structured planned response to the residential and urban future of the Kevler land.
- 6.28 The planning history of the site, including its current status under the Proposed Plan, as varied, is also of course relevant to an analysis of the receiving environment and a policy assessment of the Kevler proposal, including the tests in s 104D. These are discussed below.

7 NON-COMPLYING ACTIVITY THRESHOLD TEST (S.104D)

- 7.1 For non-complying activities, before granting an application the Commissioner must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).
- 7.2 The Section 42A Reporting Officer has reached the conclusion that neither threshold test can be passed by the current application, a conclusion with which I disagree.

Effects on the Environment

- 7.3 With respect to the first leg of s104D, I understand that the assessment of effects is to be approached on the basis of first determining the character of the environment so that there is a basis for assessing potential effects and the nature/ scale and intensity of those effects. This exercise involves characterising both the existing environment, as well as the future environment that is possible from permitted activities, the likely implementation of resource consents, and undertaking a context specific assessment to determine if there are:

- (a) Any relevant objectives and policies, excluding objectives and policies that are yet to be determined with finality – such as those in a proposed plan on which a decision is yet to issue;
- (b) The realistic future use of the land; and
- (c) Any other relevant practical considerations supported evidence about what is, or will undoubtedly be, part of the future environment.

Existing Environment

7.4 The Kevler Site at Springston-Rolleston Road comprises 15.9123 ha (**Figure 7**).



Figure 7: The Site context (Source: Canterbury Maps)

7.5 As is evident from Figure 7 the site is presently surrounded by residential development that is based on the Living Z Zone standards of the Operative Selwyn District Plan (OSDP). It is effectively part of the hole in the centre of an urban environment donut. It is part of a remnant block of undeveloped land still held as farmland.

7.6 My assessment is supported by Mr Bigsby at his para 78 where he opines that:

...while the Operative Rural Inner Plains zone applies to the application site, the site is effectively part of a zoning anomaly within a 'pocket' that is entirely surrounded by an urban environment of an appreciable scale. This urban environment includes land that is zoned Living Z under the Operative District Plan (Townships Volume).

- 7.7 The dominant present effect on the block is, in my view, clearly driven off the surrounding residential development, not the low-level rural use of the hole in the donut of which the site is a part.
- 7.8 The existing environment is also shaped by the presence of a largely fully developed roading hierarchy with major roads like Northmoor, Shillingford, Broadway, Faringdon Boulevard and Hungerford Drive either surrounding the site or requiring passing through the remnant rural block in order to complete the links and connections to service the extensive residential development surrounding the site.
- 7.9 In a broader context the site is part of the fast developing southern and SW Rolleston that has fundamentally changed the landscape from rural to urban on the back of the Housing Accords and Special Housing Area and COVID-19 Recovery (Fast-track Consenting) areas, and a raft of private Plan Changes **(Figure 8)**. These private Plan Changes are at different stages of approval and appeal ³ but, regardless of that, they signal to me a huge existing demand for housing and business land development, and a huge development appetite in Rolleston.
- 7.10 In my opinion the map is quite remarkable in conforming the scale and location of development interest around the established parts of Rolleston. It shows to me the basis of the growth of Rolleston, and graphically portrays why the town has grown at such a rate over the last decade.

³ Plan Change 64 is subject to an approved Covid Fast Track Consent; Plan Change 70 is an advanced stage under the same process; Plan Changes 75,76 & 78 are operative and subject to the Variation. Plan Change 71 is subject to an appeal in part only, relating to land under the air noise contour with the majority rezoned as MRZ under the Variation. Plan Changes 73, 81 & 82 are subject to Environment Court appeal.

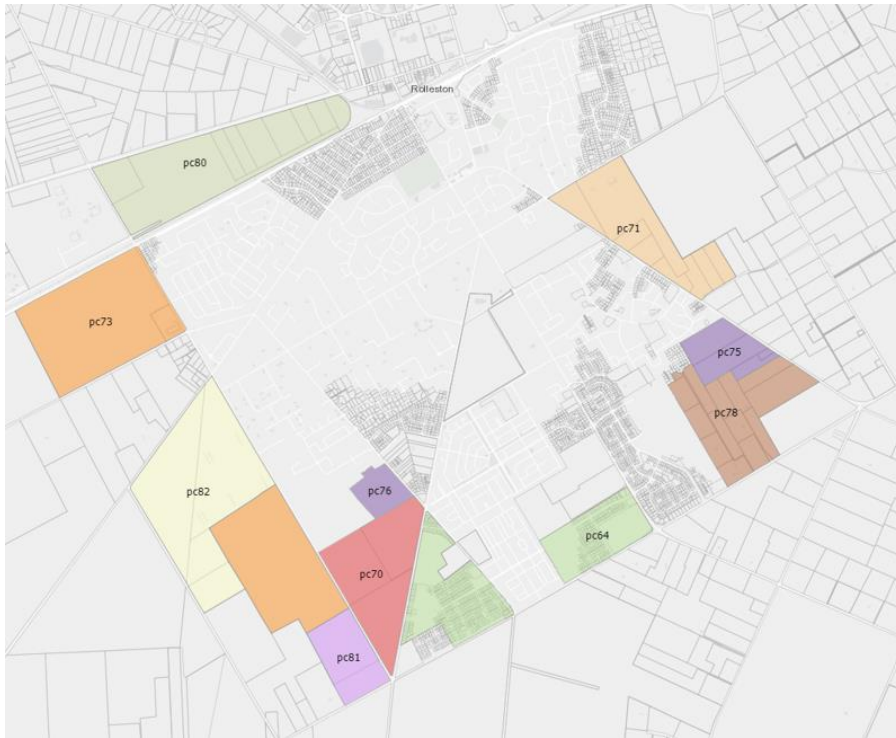


Figure 8: Plan changes in Rolleston (Council web site)

- 7.11 The Kevler site has PC 64 (Faringdon) on its southern side being developed now, and the Housing Accords and Special Housing Area development areas to its east and west are largely completed.



Figure 2: Nearby proposed Plan Changes and Special Housing Areas subdivisions

Current residential zone boundary hatched blue, PC 64 outlined in blue, PC 70 outlined in purple, PC 71 outlined in pink, PC 73 outlined in green, PC 75 outlined in dark blue, PC 76 outlined in grey, PC 78 outlined in orange, Special Housing Areas outlined in brown. Site outlined in red.

- 7.12 For completeness, I consider that there are other elements that characterise the existing on and off-site environment:

- (a) The Site is not actively used for rural productive purposes; it is grassed open space with some fencing and vegetation; it borders to the south another block of land also lightly used for rural productive purposes;
- (b) The passive use of the Site yields no adverse off-site amenity or quality of environment effects from productive activities or animal grazing;
- (c) There are no built elements on the Site and no physical features of any note;
- (d) The Site generates very low levels of traffic;
- (e) The Site provides a gap in, or open space to contrast with, the relentless built environment landscape of residential development that surrounds it on four sides.

7.13 In my view it is fair to characterise the existing environment of the site as a block of left-over rural land that is passively farmed with minimal off-site effects. The site sits as a block of open space in a wider environment dominated by housing and the roading network that supports that housing.

Likely Future Environment

- 7.14 In assessing the environment, I also consider it appropriate in the present circumstances to assess what the likely future on-site and receiving environment will be in the foreseeable future.
- 7.15 I have considered what can fall within a context specific assessment for the future environment of the Kevler site and, in doing so rely heavily on the planning history discussed above.
- 7.16 In brief, the Variation re-zones qualifying GRZ land (and other specifically identified land including FDA land such as the Kevler site) as MRZ. It also replaces in its entirety the zone specific Objectives and Policies of this land.
- 7.17 The Variation has a package of objectives and policies clearly directed at enabling relatively intensive housing development and land subdivision. The re-zoning for the Kevler site was not challenged by submissions. The s42A Report recommendation supported the re-zoning. The Hearing Panel has no contested position from which to make a decision to not adopt the medium density residential zoning.
- 7.18 In my opinion there is little, if any, prospect that the land will not hold MRZ zoning as its immediate and long-term development future. The future environment for the Kevler site is a housing and residential use future, not a rural future. With that urban residential future is the full range of urban and residential effects that are largely present on all sides of the site now. The site will form part of a bigger, coherent, well-functioning part of the wider Rolleston urban area. There is nothing in the zoning as MRZ that will set the Kevler site apart from most of southern Rolleston.

- 7.19 Mr Bigsby at his para 80 concedes that *"it is appropriate that the site may be viewed as part of the future urban environment"* but I disagree with his analysis at para 81 that the MRZ zone *"(being a new residential zone) is not a certainty"*. On the contrary in my view, the zone is a certainty but perhaps the built form that emerges from the future MRZ zone is less certain.
- 7.20 The RMAA-EHS will prevail for qualifying residential land, and the scope for the Hearings Panel to amend mandated provisions for subdivide and build proposals such as Kevler's just do not exist. Schedule 3A is mandated. My evidence for Kevler at the subdivision hearing on the Variation was unequivocal: Schedule 3A is mandated, and there is no lot size standard for dwellings that comply with Schedule 3A. Changes to mandated standards can only arise to address a qualifying matter. No qualifying matter applies to the Kevler land.
- 7.21 That said, if Mr Bigsby is simply suggesting that the effects or outcomes from a new residential zone are uncertain, then I agree with him. Until the MRZ has been taken up by developers then there is no real-world example of how the application of the Schedule 3A standards will translate in to built form. In my opinion what is not uncertain is the minimum standards of subdivision and development. They are clear. The Kevler proposal shows an example of what giving effect to those standards may look like. I expand on this later in my evidence in relation to possible future urban design effects.
- 7.22 There is competition for development enabled land and that will put pressure on the Kevler block not to stay as an island of land not used for residential or urban purposes.
- 7.23 The future use of the Kevler land for residential use is consistent with and has been enabled by the higher order planning documents as confirmed in the reasons for submission from ECAN:
- (3) *The proposed application seeks to subdivide and use land that has been identified as a Future Development Area on Map A of Chapter 6 of the CRPS.*
 - (5) *The existing lot and proposed lots while located within a rural zone in Selwyn's operative and proposed district plans (PDP), are generally in accordance with the Outline Development Plan in Variation 1 of the PDP at DEV-RO14 with some minor adjustments to the location of roads from a traffic safety perspective.*
 - (6) *Under Variation 1, the site is located in a Medium Density Residential Zone with decisions due in August, the variation has no appeal rights except on points of law. This site would then be subject to the medium density residential standards under the RMA – Enabling Housing Supply and Other Matters Amendment Act 2021. Under this Amendment Act there is no minimum lot size or shape size requirements.*
 - (7) *The proposal gives effect to the NPS-UD Objectives including:*
 - *Objective 1 that New Zealand has well-functioning urban environments,*
 - *Objective 2 that decisions improve housing affordability,*
 - *Objective 3 to enable more people to live in areas where there is high demand for housing, and*
 - *Objective 6 for decisions on urban development to be integrated with infrastructure planning and funding decisions, strategic over the medium and long term and responsive.*

- (8) *The provisions in the NPS-HPL are not applicable because of the site's classification as a future urban development as per clause 3.5(7).*

7.24 Other relevant practical considerations include that the site can be fully serviced, that the provisions in the NPS-HPL are not applicable because of the site's classification as a future urban development as per clause 3.5(7) of the NPS, there are no site restrictions acting as a bar or barrier to residential development (such as contaminated land, sites of significance to iwi, remnant indigenous vegetation, heritage feature, significant trees) and there is no qualifying matter that restricts the development and use of the site as proposed in the application.

Assessment of Effects

7.25 Mr Bigsby has identified nine potential adverse effects but I prefer to focus on what in my experience are the most probable dominant potential effects for this site: urban design and urban character, and traffic effects.

Urban design and urban character effects

7.26 I have considered the evidence of Mr. Compton-Moen with regard to urban design effects. I adopt his overall conclusions and rely on his assessment in providing comment on the s42A Report including Ms Wolfer's urban design assessment.

7.27 My evidence is focused on the planning context that I consider is relevant to any assessment of urban design effects.

7.28 I agree with Mr Bigsby at his para 86 where he assesses character and amenity that "*it is pragmatic to assess the effects of the proposal in the context of an urban environment, rather than as rural, where it would be clearly incoherent*" but I do not accept that the appropriate residential reference point for the site is Living Z rather than MRZ.

7.29 It is clear to me that the Living Z zone will imminently be overtaken by the MRZ zone. The Living Z zone will be a "relic" zone from an earlier planning framework, with its rules already having ceased to have legal effect on notification of the Variation.⁴ Living Z or GRZ for that matter, will no longer direct future growth and development in most of Rolleston, when it is replaced by the MRZ Zone through Variation 1. The requirement in s104D to consider whether any adverse effect on the environment will be minor, must direct an assessment to the likely future zone.

7.30 The fact that adjoining and existing Living Z land may become MRZ is also not the issue as the existing Living Z zone development is relatively new, and the development potential of MRZ is most unlikely, in my experience, to be realised where housing stock has quite a design life left in it. The issue for me is not whether the MRZ provisions have legal effect as seems to concern Mr Bigsby, but rather what is the most likely future environment that will

⁴ Section 86BA (2) of the RMA

characterise the site and what will be the effects of that accepting that it will be surrounded by Living Z and Special Housing Developments that will become MRZ. The urban future against which to measure effects of the proposal is certainly not more of the standard Rolleston Living Z type of development. In any event it is unrealistic to assess against a zone simply because it is an operative zone; that zone and its standards are not what is being applied for here.

- 7.31 Ms Wolfer's urban design assessment is founded on the Living Z medium density provisions but with respect I think that is the wrong future urban environment reference point notwithstanding it is an operative and existing urban environment as I discuss above.
- 7.32 Ms Wolfer's assessment as I read it is predicated on an assumption that the Kevler development has to produce, or be consistent with, the full spectrum of design outcomes she identifies. Her analysis examines a number of urban design elements against the proposal but does not systematically assess how the Kevler proposal for that urban design element undermines or detracts from the urban design qualities or the urban design outcomes sought by the zone as a whole.
- 7.33 My approach is that an inconsistency with a pattern of development or quality exhibited by a zone is just that; it would need to be an inconsistency or create an adverse effect at a scale that challenges the zone qualities as a whole to become an adverse effect. The assessment does not identify the qualities and attributes generated by the Kevler proposal and does not assess their significance for the zone as a whole; any assessment of urban design should not be driven by a preference for a particular form or outcome of new development replicating what has already been built in adjoining areas and elsewhere in Rolleston. That, in my opinion. Is what Ms Wolfer has done in her assessment of residential interface, spaciousness, density, site layout, typology, building design and design commitment.
- 7.34 Equally I consider that any development drawing on MRZ does not have to, and should not be required to, deliver all the range of enabled development in the zone as suggested in Ms Wolfer's para 91. I do not support the notion that there must be an element of three-storey development, or that a variety in building form (duplex/ terrace) is required, or that there has to be an (unspecified) number of larger lots in order for the proposal to satisfy what are enabling provisions. That does not happen now in Living Z or GRZ zones. The potential in all zones is seldom realised for a host of reasons. It is a trite example, but frequently lots are not created at the minimum size. That does not create an adverse effect, it simply reduces the yield from each hectare of developed land. The same is true for heights or any other built standard in a zone.
- 7.35 It follows in my opinion that a particular development like Kevler, being a segment within a zone, has to be assessed in terms of its contribution to the overall zone outcomes as well as its consistency with the zone objectives and policies. A failure to be consistent with one or a number of objectives or policies does not mean, in a broad and balanced judgement on the proposal that adverse effects arise. That is a paint by numbers approach that is one of the

explicit reasons why the Government intervened in planning policies by enacting the RMAA-EHS.

- 7.36 The absence of constraints, the lack of specific design/ engineering/ servicing responses on the Kevler site means, in my view, that any effects of subdivision and development for urban residential activities will be no more than minor and entirely acceptable within context.
- 7.37 The future use of the Kevler land is most certainly going to be urban and residential. In that form its effects will complement those of the surrounding existing residential areas. In that way the future effects of the most likely land use will be less than minor.
- 7.38 There are, in my view, no distinguishable effects that are significant or adverse. Being part of a bigger urban and residential whole, the future effects arising from a real world prediction of the future environment on the Kevler site are at worst minor.
- 7.39 Mr Compton-Moen in his expert urban design evidence considers that the proposal will integrate well with the adjoining urban environment and is consistent with the urban consolidation outcomes sought in the relevant planning documents.

Traffic effects

- 7.40 I have considered the evidence of Andrew Metherell with regard to traffic effects. I adopt his assessment that the proposed development will not result in more than minor safety effects on identified intersections prior to planned upgrades. I have noted in particular that his advice factors in the range of safety improvements already implemented by the Council for the Selwyn Road/ Springston Rolleston Road.

Positive effects

- 7.41 I agree with the summary of positive effects at para 171 of the s42A Report noting that the proposal will achieve 17hh/ha. It will address what is seen as a gap in the present Rolleston housing market and in doing so help people and communities provide for their well-being and housing needs.
- 7.42 The construction of 266 homes will add to the housing stock in an area of extremely high growth and demand;
- 7.43 There are ongoing economic benefits associated with the construction of the proposal, including direct employment benefits and downstream benefits to suppliers and the wider Rolleston and Selwyn economy.

Summary of effects

- 7.44 Overall it is my opinion that the proposal will not have effects that are more than minor.
- 7.45 The proposal anticipates a new form of intensive housing and development based on a particular housing typology that falls within the scope of what is enabled and mandated by,

and which is consistent with, the RMAA-EHS. The proposal sits in the vanguard of what will be a new form of residential development for Rolleston. This may be different from what has been delivered by the Living Z zone and to that extent only may be visible in the Rolleston townscape as a different form of housing. That said, it is clearly urban in nature and will be of a high quality providing appropriate amenity while contributing to a well-functioning urban area as connecting roads and services are linked in to the development.

7.46 As a 266 lot development the effects of the proposal within the Living Z/ MRZ as a whole will be less than minor. Minor effects on the roading network will be influenced by the staging proposed, and by the incremental effect of traffic from the development on the roading network. The Council has planned and programmed intersection upgrades that will address any residual safety effects.

7.47 I agree with the assessment of all other effects identified in the s42A Report as minor or less than minor.

Objectives and policies of a proposed plan and/or plan

7.48 I understand that in order to pass the second gateway in s 104D, where there is both a proposed plan and an operative plan, an application need only meet the test under one of those plans.

Operative Selwyn District Plan

7.49 I see little point in examining the objectives and policies for the site under the Rural Inner Plains Zone of the OSDP (Rural Volume). The site is zoned Rural and the proposal is for a full urban residential development. As such the outcome from a grant of consent is quite contrary to the outcomes expected from its present zoning.

7.50 The s42A Report assesses the proposal against the OSDP (Townships Volume) noting that there have been two assessments in the application of these Objectives and Policies. I accept that all relevant Objectives and policies have been identified.

7.51 I agree with the s42A assessment that the proposal is consistent with Objective B1.1.1 and its policies at para 176 and 181; Objective B1.2.1 and Policies at para 182; Policy B2.1.4 (a), Policy B2.1.5 and Policy B2.1.10 at para 184; Objective B2.2.1 and Policy B2.2.2 at para 185; Objective B2.3.2 at para 186; Objective B3.11, Objective B3.1.2 and policy B3.1.2 at para 187; Objective B4.1.1, Objective B4.1.2 and Objective B4.2.2 at paras 191-193.

7.52 I do not agree with the assessment that the proposal is contrary to Objective B2.1.1 and B2.1.3 and policies with respect to transportation. I rely on Andrew Meatherall's evidence that the proposed development will not result in more than minor safety effects on identified intersections prior to planned upgrades because of the improvements already made to the identified intersections.

- 7.53 I read the assessment of the proposal against Objectives B3.4.1, B3.4.4, Objective 3.4.5 and policies as being equivocal. These are all narrative or qualitative Objectives and Policies. In my opinion the 266 lot development will create a pleasant place to live, its location contributes to a compact urban form, it provides a variety of living environment when viewing the Living Z/ MRZ as a whole and provides a new housing choice not generally available in Rolleston, its layout is consistent with the proposed ODP included in the Variation but accepting there is no OSDP ODP given the Rural zoning, and it provides a high level of connectivity. Freedom in choice in building design is provided both in terms of the designs on offer, but also in terms of cladding, colour and positioning on a site.
- 7.54 My conclusion is that the proposal is not contrary to Objectives B3.4.1, B3.4.4, Objective 3.4.5 and their associated policies.
- 7.55 I disagree with the assessment at para 190 and Policy B3.4.23. In my opinion the point of the proposal (and the MRZ zone) is not necessarily to “*cumulatively maintain the character of the receiving environment and associated amenity values*”. That assessment in my opinion is only looking at the present environment that has been created by Living Z policies and its associated rules and standards. If one accepts that the likely future environment against which that assessment is to be made is not Living Z or GRZ, it is MRZ then the likely future urban residential environment will create a new set of attributes and qualities of a new receiving environment (given Living Z will be re-zoned MRZ under Variation 1).
- 7.56 I consider that the s42A assessment against Objectives B4.3.1 and B4.3.3 is unfair because it relies on concerns about uncertainty in the building designs and with the allotment density and distribution proposed. These matters are not part of these particular Objectives and Policies that are directed at expansion of towns, and urban form and function at a zone level.
- 7.57 The proposal is for a form of residential development in a location that provides compact urban form. It adopts standards from a future residential zone that has been well signalled in the changes to the planning framework. The proposal will deliver new housing choices to people and communities in a manner that will create amenity values that are clearly urban and residential in nature albeit the qualities and attributes of the new residential area may be different or distinctive to those generated by the existing planning framework.
- 7.58 Overall, in my assessment, the proposal is not contrary to those “urban growth” Objectives and Policies in the OSDP.

Proposed Selwyn District Plan

- 7.59 The relationship of the proposal to the Objectives and Policies of the PSDP is quite different notwithstanding that at notification the Kevler site was zoned GRUZ with an Urban Growth Overlay. I say that because the guiding planning policy framework has been fluid since notification as I set out in my evidence about the planning history of the Kevler site. The planning framework has been amended to respond to relevant Government interventions in the Resource Management Act to address the national housing shortage (NPS-UD and RMAA-

EHS), the CRPS has been amended to address a shortfall in capacity for future residential land uses, and the PSDP has, through Variation 1, fundamentally changed the future zoning of the Kevler site.

- 7.60 The s42A Report identifies what I agree are the relevant TRAN, RESZ and MRZ Objectives and Policies of the PSDP.
- 7.61 For efficiency reasons only I rely on my assessment of the equivalent matters under the OSDP as my response to these Objectives and Policies. In short in adopting the evidence of Mr. Metherell on transportation matters, and Mr. Compton-Moen on urban design matters, I consider the proposal to not be contrary to these Objectives and Policies.
- 7.62 With respect to the assessment at para 204-206 of the s42A Report on the RESZ and MRZ provisions I disagree that an issue arises from the urban design assessment that had concerns:
- with the absence of a building design commitment, as the exemplar designs and impressions provided by the applicant are conceptual only, covering a small proportion of overall number of dwellings proposed and may not actually be developed. Without commitment to building designs, the future design standard and appearance remains uncertain, ...*
- 7.63 I have concluded above that likely future environment is a residential environment based on a MRZ zone. The Kevler proposal sits square with the Objectives and Policies of Variation 1 and the MRZ zone. The proposal provides for a range of housing types and sizes (two and three bedroom/ single and double garaging), it provides a higher density within the MRZ at an average of 17hh/ha, it provides for medium density on smaller lots with single storey housing typology. Overall the proposal is driven by a focus on delivering a high-quality and well-functioning living environment. Mr. Compton-Moen considers that this outcome will be achieved.
- 7.64 The application showed three exemplar house designs on a range of lot sizes and lot position (corner site). These are more than conceptual. They are buildable options that will be offered to the market. A conventional subdivision proposal does not confirm future dwelling designs; it creates a range of lots within which buyers have to fit house designs or seek consents for any non-compliance with built standards. In the Kevler case significant work was done to establish that on the range of lots proposed it was possible to erect Schedule 3A compliant dwellings.
- 7.65 It is encouraging that the Urban Design Lead was supportive of the exemplar designs included in the application (para 204).
- 7.66 With respect, the future design standard and appearance is not uncertain. The applicant has provided exemplar designs. It will control all aspects of the site development and building. That is how it intends to generate efficiencies and scale of production for the building phase.

It has through the RFI process confirmed that it will offer a range of building finishes in terms of colours, cladding, materials and plantings. This has been confirmed in this public process.

- 7.67 As I have said elsewhere in my evidence, the urban residential outcomes are to be achieved by the zone. The MRZ zone does not require three storey buildings; it mandates minimum standards; it enables a range of responses within the scope of these permitted standards. The proposal will contribute to these outcomes and to the quality of environment and amenity attributes and qualities as part of the zone within which it sits. It will provide a range of house sizes, it has not ruled out two storey development if requested by a buyer, the house designs to be offered will, based on Kevler's market research, cater for what is seen as an unmet demand for a particular housing needs.
- 7.68 I consider it is important when assessing the objectives and policies of MRZ to not be misled by the type of development Kevler proposes. It is important to emphasise that the MRZ zone, as mandated and as framed by its Objectives and Policies, is enabling of development. Enabling means it provides for a range of design and development responses within the mandated standards. It is entirely appropriate and consistent with the RMAA-EHS, in my view, for this development to be single storey housing (three storey development is not mandatory) on smaller lots while meeting all Schedule 3A standards. It does not count against the proposal that the densities that may be enabled (up to three storeys) is not the typology being pursued here. The design will yield a density of 17hh/ha; that is intensive when compared to the GRZ zone of 10-12hh/ha.
- 7.69 To the extent that the proposal may not comply with some residential built standards does not diminish its consistency with the Objective and Policies as the focus of MRZ—P2 is on the outcome of a high-quality development, not a slavish compliance with permitted standards.
- 7.70 Overall, for the reasons stated above, in terms of the exercise of an overall discretion I consider the application meets the OSDP Township Volume and the PSDP Objectives and Policies, including as varied.
- 7.71 As such the proposal satisfies the second leg of the s104D test and can be assessed and determined against s104(1) RMA.

The Higher Order Planning Documents

- 7.72 The planning application included a full assessment of the higher order planning documents. These documents are also identified by Mr Bigsby in his s42A Report.

Relevant Provisions of the NPS -UD – s 104 (1)(b)(iii)

- 7.73 I have reviewed the assessment of the NPS-UD as included in the application and adopt it for this evidence.

7.74 The summary of that assessment states:

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.*

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

7.75 I agree with Mr Bigsby (para 229-230) that the Site does not contain land that qualifies for consideration under the NPS-HPL.

7.76 For completeness I note that the application Site is within an FDA arising from Change 1 to the CRPS. It is also subject to an Urban Growth Overlay in the PSDP. On that basis the Site is exempt from the restrictions on subdivision in the NPS-HPL.

Relevant Provisions of the CRPS – s 104 (1)(b)(v)

7.77 Recognising that the CRPS identifies the Site as an FDA, in my opinion there is an extremely strong presumption that the development is consistent with the provisions of the CRPS, Chapter 6 in particular. Certainly this is the case for all of the objectives and policies that adopt a strategic approach towards the management of growth. These provisions are to be implemented in practice by the rezoning and subsequent urban development of land in locations identified as having a wide range of benefits, and as being capable of integration with planned infrastructure.

7.78 The ECAN submission usefully summarises how the application sits square with the provisions of the CRPS. It is relevant that the regional council has not opposed the application.

7.79 The s42A report at para 221 sees some inconsistencies with regional policies, particularly in respect of transportation. On this issue I rely on Mr. Meatherall's evidence to conclude that the proposal will not impact on the continued safe, efficient and effective use of the transport network (Objective 5.2.1.2.f).

Any other Matter Relevant and Reasonably Necessary – s 104 (1)(c)

- 7.80 In my opinion, there are no other matters falling within this category. In that respect, I fully agree with Mr. Bigsby that approval of the Kevler applications will not result in any precedent effect. Nor do I consider there to be any possibility that approval could be seen as undermining the OSDP, a document which of course will shortly become a legacy planning document.

8 SUBMISSIONS

- 8.1 The application was publicly notified on 3 May 2023.
- 8.2 At the close of submissions on 31 May 2023 four submissions has been received. A late submission from ECAN was accepted by the Commissioner (Minute 1).
- 8.3 A pre-hearing meeting was held with the Ministry of Education on 13 June 2023 and agreement reached over the need for a traffic management Plan and condition of consent relating to routes and hours of construction traffic to and from the site. The applicant drafted a traffic management plan and submitted it to the Ministry's agents for consideration **(Attachment C)**. No specific response has been received.
- 8.4 The submitter accepted that appropriate regional consents have been applied for and that the Earthworks Management Plan (EMP) addresses its concerns about site development effects.
- 8.5 In my opinion a condition of consent set out in the traffic management plan restricting hours of travel on named roads will be helpful in addressing a potential effect on nearby schools from construction traffic.
- 8.6 I note that the s42A Report at para 108 states that Mr Colins in reviewing submissions relating to transportation matters:
- doesn't support the prohibition of use of Springston Rolleston Road or Broadlands Drive. However, prohibition on the use of Lemonwood Drive during school travel hours is supported. Specified conditions of consent can appropriately mitigate construction phase effects.*
- 8.7 A pre-hearing meeting with FENZ was held on 15 June 2023 from which a technical memo was shared with FENZ as to its concerns about fire-fighting water pressure and evidence that fire trucks could access buildings at the end of accessways within the 75m fire hose run.
- 8.8 With respect to the FENZ submission, Aston has been advised that Fire and Emergency are satisfied that the concerns with respect to access and firefighting water supply are addressed, subject to the imposition of a condition relating to firefighting water supply being developed in accordance with the SNZ PAS 4509:2008 Code of Practice. I consider such a condition to be acceptable.
- 8.9 Mr Bigsby fairly summarises the submissions from two residents at his para 67.

8.10 With respect to the issues raised I consider that:

- a) The traffic and safety effects are for appropriate traffic experts to assess. There have been concessions and amendments made to the proposal to address some of the Council's concerns with respect to roading, footpaths, cycling and connectivity. As identified above, I rely on Mr. Meatherall's opinion which is essentially that the traffic effects resulting from the Kevler proposal are acceptable.
- b) The Ministry of Education has requested a traffic management plan and a condition limiting the hours of travel of construction vehicles on named roads. Both points have been addressed by the applicant.
- c) I consider it is for the Ministry to provide informed views about effects on schools, and in its submission, it has expressly advised that future growth in school rolls has been anticipated and provided for in Rolleston.
- d) Any loss of existing vegetation will be a short-term effect as with housing comes a desire to plant and landscape, including in the proposed reserve. In my opinion that is not an adverse effect of the proposal.
- e) The Council has overall responsibility to ensure that Rolleston grows in a balanced and co-ordinated fashion and so impacts on shopping is a bigger strategic planning issue not requiring, in my view, to be addressed by this application.

8.11 Overall therefore, I consider that all matters raised in submissions have been appropriately addressed.

8.12 **SECTION 42A REPORT**

8.13 In my evidence above, I have addressed all of the relevant matters raised in the s 42A Report. In brief, I have come to a different conclusion to Mr. Bigsby regarding the threshold tests in s 104D of the Act and formed the overall opinion that the Applications can be approved.

Fiona Aston

10 July 2023.