

REZONING REQUESTS – ROLLESTON

CONTENTS

1	Scope of Report.....	2
2	Our Approach.....	2
3	Hearing and Parties Heard.....	4
4	Support for applying GRZ to specific sites in Rolleston	4
4.1	DPR-0013 Mark Batty and DPR-0117 Gurinder Singh.....	4
5	Opposition to GRZ and requests to maintain Living 1C.....	4
5.1	DPR-0172 Stephen Bensberg, Sharon Bensberg & Ryan Bensberg	4
6	Requests to Rezone GRUZ to GRZ.....	4
6.1	DPR-0034 MR & KM Davenport.....	4
6.2	DPR-0060 Roger and Viv Hubbard, DPR-0158 Peter Tilling, DPR-0207 SDC, DPR-0221 Jeffery Heyl & Alison Winter, DPR-0266 Richard Graham, DPR-0339 Hayley & Michael Moynihan, DPR-0355 Ellis Darusette, DPR-0404 AJ Cartwright & PA Day, DPR-0411 Hughes Developments Ltd, DPR-0459 Urban Estates, DPR-0461 Dunweavin 2020 Ltd, DPR-0465 Yoursection Ltd, DPR-0492 Kevler Development Ltd.....	5
6.3	DPR-0344 Four Stars Development Ltd & Gould Developments Ltd.....	5
7	Land West of Dunns Crossing Road	7
8	Requests for 1 Acre Lots	12
8.1	DPR-0020 Roger and Gwenda Smithies	12
9	Other Matters	12
	Appendix 1: List of Appearances and Tabled Evidence	14

1 Scope of Report

- [1] This Recommendation Report relates to the submissions and further submissions that were received in relation to requests to rezone land in the Rolleston area of Selwyn District, including properties within the township itself as well as the surrounding peri-urban area.
- [2] The Hearing Panel members were:
- Debra Hasson¹
 - Lindsay Daysh
 - Raewyn Solomon
 - Rob van Voorthuysen (Chair)
- [3] The Section 42A Report² was:
- Section 42A Report, Report on submissions and further submissions, Rezoning: Rolleston, Vicki Barker, 5 December 2022
- [4] We do not recommend any amendments to the notified zonings.

2 Our Approach

- [5] The Section 42A Report helpfully outlined relevant background information on a number of matters:
- Resource Management Act 1991;
 - Rezoning Framework Section 42A Report, which sets out the higher order planning framework, including the relationship between the NPS-UD and the CRPS with respect rezoning land for urban purposes;
 - Variation 1 to the PDP, which is the Council's Intensification Planning Instrument (IPI) prepared in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021;
 - National Policy Statement on Highly Productive Land 2022;
 - Class 1, 2 and 3 soils in and around Rolleston;
 - Overview of the Rolleston area;
 - Private plan change requests (PC71, PC73, PC75, PC76 and PC78);
 - Canterbury Regional Policy Statement (CRPS) Map A showing the Greenfield Priority Areas - Residential and the Future Development Areas for relation to Rolleston, contained within a Proposed Infrastructure Boundary;
 - The 50 dB Airport Noise Contour;
 - Rolleston Structure Plan (September 2009);
 - Selwyn 2031 District Development Strategy;
 - Selwyn District Council Rural Residential Strategy 2014 (RRS14); and

¹ Commissioner Hasson recused herself from the first two days of the Hearing due to a conflict of interest. She took no part in the consideration of the submissions of Rolleston West Residential Limited (RWRL), Rolleston Industrial Holdings Limited (RIHL), Rolleston Industrial Developments Limited (RIDL) and CSI Property Limited.

² No Section 42A Reply Reports were provided for the rezoning request hearings.

- Maps showing the areal extent of each rezoning request.
- [6] We adopt that background information without repeating it here.
- [7] We note that Variation 1 to the PDP introduced a new Medium Density Residential Zone (MRZ) on all existing General Residential Zone (GRZ) land in Rolleston; on land covered by Council approved private plan changes to the Operative District Plan in Rolleston (namely PC71, PC75, PC76 and PC78); the Housing Accords and Special Housing Area (HASHA) and COVID-19 Recovery (Fast-track Consenting) areas in Rolleston; and 47 hectares of rural land on six different sites within the Future Development Area (FDA) that are in between existing residential and PC areas in Rolleston.
- [8] Private Plan Changes 73, 81 and 82 are contained within the land sought to be rezoned to the west of Dunns Crossing Road (see section 7 of this Recommendation Report). The land covered by PC73 was not included in Variation 1 to the PDP, but it was subject to a SDC initiated variation to assess the appropriateness of a MRZ as required by clause 34 of Schedule 12 to the RMA (as inserted by Schedule 3 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021). The land comprising PC81 (the property on the corner of Selwyn and Dunns Crossing Roads) and PC82 (the 'Brookside Block') was not varied by SDC to MRZ because those private plan changes were not sufficiently advanced when Variation 1 was notified on 20 August 2022. We note that PC73, PC81 and PC82 were recommended to be declined by independent commissioners and those decisions were adopted by SDC but are now subject to appeal.
- [9] Ms Barker advised that all rezoning requests on the PDP seeking a change from GRUZ to GRZ have been superseded by Variation 1 and so she considered that we had no scope impose a GRZ.
- [10] Rather than defining this as a scope issue, we consider that where the SDC has included land in Variation 1 and zoned it MRZ, it would be administratively inefficient for us to recommend zoning that same land GRZ, given that SDC's decisions on our recommendations are to be released by SDC at the same time as the Independent Hearings Panel's decision on Variation 1 is released. If, based on generally the same submitter evidence provided in support of the rezoning submissions seeking GRZ, the IHP finds that a MRZ is not appropriate it follows that neither would a GRZ be appropriate. Conversely if the IHP finds that a MRZ is appropriate, then there is little administrative utility in us recommending a GRZ for that same land.
- [11] Having said that, if based on the evidence presented to us, we conclude that rezoning to enable residential land use is appropriate, we will state that as a finding in this Report. Conversely, where we conclude such rezoning is not appropriate, we will also state that as a finding.
- [12] Ms Barker provided a description of each submitter's rezoning request. We adopt those descriptions without repeating them here. It is therefore imperative that readers of this Recommendation Report also read Ms Barker's Section 42A Report.
- [13] Further submitters are not generally referred to in this Recommendation Report, because further submissions are either accepted or rejected in conformance with our recommendations on the primary submissions to which they relate.

3 Hearing and Parties Heard

[14] The hearing for the Rolleston rezoning requests was held over the period 30 January to 2 February 2023. The parties who wished to be heard and who appeared at the hearing were:

Sub #	Name
DPR-0032	Christchurch City Council
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd
DPR-0355	Ellis Darusette
DPR-0358	Rolleston West Residential Limited (RWRL)
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)
DPR-0384	Rolleston Industrial Developments Limited (RIDL)
DPR-0392	CSI Property Limited
DPR-0371	Christchurch International Airport Limited (CIAL)
DPR-0461	Dunweavin 2020 Ltd
DPR-0492	Kevler Development Ltd
DPR-0503	Voyna Crofts

[15] The witnesses and counsel we heard from in person are listed in Appendix 1. A copy of their legal submissions and evidence is held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.

4 Support for applying GRZ to specific sites in Rolleston

4.1 DPR-0013 Mark Batty and DPR-0117 Gurinder Singh

[16] No submitter evidence was provided in support of these two submissions. We note that the submissions have been superceded by Variation 1 which replaced all existing GRZ within Rolleston with the Medium Density Residential Zone (MRZ) and that the MRZ had immediate legal effect. We adopt Ms Barker’s recommendations that these submissions be rejected.

5 Opposition to GRZ and requests to maintain Living 1C

5.1 DPR-0172 Stephen Bensberg, Sharon Bensberg & Ryan Bensberg

[17] No submitter evidence was provided in support of this submission. The Waterbridge Way area is zoned Living 1C under the Operative District Plan, however under Variation 1 MRZ now has immediate legal effect in Waterbridge Way. For that reason, we adopt Ms Barker’s recommendation that the submission be rejected.

6 Requests to Rezone GRUZ to GRZ

6.1 DPR-0034 MR & KM Davenport

[18] The land that is the subject of this submission is outside of the UGO and is not subject to Variation 1. The land is also outside the Rolleston Structure Plan boundary and is outside of areas identified as suitable for rural-residential development in RRS14. The land contains LUC 2 and 3 soils, and under Policy 5 of the NPS-HPL the urban rezoning of such land must be avoided because none of the exemptions in NPS-HPL clause 3.6(1) have been shown to apply. The land is also currently partly traversed by the Christchurch Airport 50dB Noise Control Overlay. For these reasons we adopt Ms Barker’s recommendation that the submission be rejected.

6.2 DPR-0060 Roger and Viv Hubbard, DPR-0158 Peter Tilling, DPR-0207 SDC, DPR-0221 Jeffery Heyl & Alison Winter, DPR-0266 Richard Graham, DPR-0339 Hayley & Michael Moynihan, DPR-0355 Ellis Darusette, DPR-0404 AJ Cartwright & PA Day, DPR-0411 Hughes Developments Ltd, DPR-0459 Urban Estates, DPR-0461 Dunweavin 2020 Ltd, DPR-0465 Yoursection Ltd, DPR-0492 Kevler Development Ltd

- [19] Apart from DPR-0355 Ellis Darusette, DPR-0465 Yoursection Ltd³ and DPR-0492 Kevler Developments,⁴ no submitter evidence was provided in support of these submissions seeking a GRZ zoning. The subject land is all within the UGO⁵ and under Variation 1 it is proposed to be zoned MRZ with immediate legal effect.
- [20] For the reasons outlined in section 2 of this Report, we consequently adopt Ms Barker’s recommendation that these submissions be rejected. Having said that, we find that the land should be rezoned for residential land use.
- [21] We record that Ivan Thomson presented brief planning evidence on behalf of DPR-0461 Dunweavin 2020 Ltd, DPR-0492 Kevler Development Ltd and DPR-0355 Ellis Darusette⁶. He stated that he did not necessarily agree that as a result of Variation 1 there was no scope to be able to grant the relief being sought through submissions on the PDP for a GRZ. As mentioned above, while we agree that the land should be zoned for residential land use, as outlined in section 2 of this Report, recommending GRZ for the land would be administratively inefficient.
- [22] MON Group Limited as a further submitter provided planning evidence seeking a NCZ area fronting Lincoln Rolleston Road in accordance with their submission on PC75. That evidence was lodged prior to PC75 becoming operative and the operative provisions include an amended ODP which includes NCZ zoning. Therefore, we adopt Ms Barker’s recommendation that this further submission be rejected.

6.3 DPR-0344 Four Stars Development Ltd & Gould Developments Ltd

- [23] The Four Stars Development Ltd & Gould Developments Ltd land is subject to PC71 which sought to rezone approximately 53 hectares of rural land to residential yielding approximately 660 residential sites. An Independent Commissioner recommended that PC71 be approved in part and in August 2022 the SDC approved PC71 in part.
- [24] In terms of the PDP, the submitter is seeking to rezone land outside the Christchurch Airport 50 dB Noise Control Overlay from GRUZ to GRZ along with a Deferred or Future GRZ for land within the Christchurch Airport 50 dB Noise Control Overlay. There is no Deferred or Future GRZ specified in the National Planning Standards. We assume that the equivalent zone would be ‘Future urban zone’, which is one of the special purpose zones specified in the Standards.
- [25] Counsel for the submitter said⁷ *“It is submitted that because the operative 50 Contour is patently inaccurate and out of date, it cannot serve any useful resource management purpose”*. We

³ We note that the IHP decided to recommend zoning the Yoursection land as MRZ.

⁴ The SDC did not peer review that evidence for this hearing as the land is proposed to be zoned MRZ and so the evidence will be considered as part of Variation 1.

⁵ Under the Operative District Pland the Hayley & Michael Moynihan land at 627 East Maddisons Road was been rezoned Living Z as a result of PC76. The Urban Estates land was rezoned Living Z as a result of PC78. The Dunweavin land was rezoned Living Z as a result of PC76.

⁶ Mr Thomson did not attend the hearing and his evidence was presented by Fiona Aston.

⁷ Submissions on behalf of Four Stars Development Limited and Gould Development Limited, paragraph 2.17

acknowledge that the CIAL noise contours are being remodelled, but even if that remodelling exercise was completed, we find that the current Noise Control Overlay (as also shown on Map A of the CRPS) would remain applicable until it was amended through a Schedule 1 process.

- [26] Under section 75(3)(c) of the RMA we must give effect to the CRPS. We have no discretion in that regard. Consequently, we must give effect to the Noise Control Overlay currently contained in the CRPS.
- [27] On that basis we prefer the legal submissions and evidence from Christchurch International Airport Limited (CIAL). Counsel for CIAL submitted⁸ that *“A deferred zoning is only appropriate where the event in anticipation of which the zoning is deferred is certain to occur, or is within the power of the Council or applicant to make happen (for example, future planned provision of servicing). That is not the case here as the Panel and the Submitter do not have the expertise to predict the outcome of the [airport noise contour] peer review process, nor to direct where aircraft noise effects are felt.”*
- [28] We agree with Darryl Millar⁹ that it would be inappropriate to rezone land within the 50 dB Noise Control Overlay from GRUZ to either GRZ Deferred or Future GRZ or Future Urban Zone. To do so would rely on an as yet unknown outcome of CRC’s review of the airport noise contours. It would also not give effect to Objectives 5.2.1(f) and (g) and Policy 6.3.5(4) of the CRPS. As noted by Mr Millar¹⁰, that directive policy requires that new development should only be provided for if it does not affect the efficient operation, use, development, upgrading and safety of existing strategic infrastructure, *“including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area...”*. As we know from *King Salmon*, the phrase ‘avoiding’ has its ordinary meaning of ‘do not allow’.
- [29] From the verbal evidence presented by CIAL at the hearing, we understand that the process for amending the airport noise contours involves firstly the completion of noise contour modelling, followed by the inclusion of any new contours in the GCP spatial planning exercise that will be a precursor to a change to the CRPS. That CRPS change is scheduled for notification in December 2024 and it will thereafter follow a Schedule 1 process and eventually become operative. Following that the Selwyn District Plan would be changed to reflect any new contours included in the then operative CRPS in an amended CIAL Noise Control Overlay. That District Plan change will then need to follow a First Schedule process. The result is that it could be quite some time before the SDP has an amended Noise Control Overlay that can be considered in rezoning decisions.¹¹ At the hearing counsel for the submitter made the same point.
- [30] We find that the land within the current Christchurch Airport 50 dB Noise Control Overlay should remain GRUZ. We note that to be consistent with Variation 1 which retains that land as GRUZ subject to SCA-RD1.

⁸ Legal submissions on behalf of Christchurch International Airport Limited, paragraph 29.

⁹ CIAL planning expert.

¹⁰ EIC Darryl Millar, paragraph 21.

¹¹ It is of course arguable that amended noise contours in an operative CRPS could be taken to ‘override’ an outdated (at that time) Noise Control Overlay in the Selwyn District Plan as the CRPS is the superior instrument.

- [31] PC71 rezoned the land outside the CIAL 50 dB Noise Control Overlay as Living Z. That land is subject to Variation 1 which proposed to rezone it as MRZ (without immediate legal effect). Submitter evidence has been provided seeking amendment to the approved PC71 ODP. However, given the PC71 land is subject to Variation 1, the SDC did not peer review that evidence as part of this rezoning hearing. It was instead considered as part of the Variation 1 process. We note that the NPS-HPL¹² was also considered as part of the Variation 1 process insofar as it relates to the land within the CIAL 50 dB Noise Control Overlay. For the land within the operative CIAL 50 dB Noise Control Overlay, the IHP recommended rejecting the rezoning of that land from GRUZ to MRZ.
- [32] The Section 42A Report author, Ms Barker, advised that for the land outside the CIAL 50 dB Noise Control Overlay, the GRZ sought by the submitter was no longer available, having been replaced by the MRZ as a result of Variation 1 to the PDP. Conversely, counsel for the submitters was of the view that notwithstanding Variation 1 we could recommend rezoning the land outside the CIAL 50 dB Noise Control Overlay as GRZ.
- [33] On the evidence we consider that the land outside the CIAL 50 dB Noise Control Overlay is suitable for residential use. However, as was discussed in section 2 of this Report, we consider that requests for GRZ are best left to the Variation 1 process. The evidence of Mr Thomson was that Four Stars Development Ltd & Gould Developments Ltd submitted on Variation 1 requesting a MRZ which enables densities in excess of 15 hh/ha on all of the PC71 land. In the event, for the land outside the CIAL 50 dB Noise Control Overlay, the IHP recommended retaining the MRZ as provided for by Variation 1¹³.
- [34] For all of the above reasons we concur with Ms Barker's recommendation that submission DPR-0344 Four Stars Development Ltd & Gould Developments Ltd be rejected.

7 Land West of Dunns Crossing Road

- [35] In this section we address the submissions of:
- DPR-0302 Alison Smith, David Boyd & John Blanchard;
 - DPR-0358 Rolleston West Residential Limited (RWRL);
 - DPR-0392 CSI Property Ltd; and
 - DPR-0493 Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan.¹⁴
- [36] CSI Property Ltd sought to rezone several lots fronting Selwyn and Edwards Roads from GRUZ to GRZ¹⁵. CSI Property Ltd¹⁶ sought to rezone RS 25807 and RS23614 (the property on the corner of Selwyn and Dunns Crossing Roads) from GRUZ to GRZ¹⁷. RWRL¹⁸ sought to rezone the 'Holmes Block' and 'Skellerup Block' from LLRZ to GRZ and NCZ and that the Outline Development Plans for those two blocks (zoned LLRZ in the PDP) be amended.

¹² The evidence of Ivan Thomson notes that the amount of such land potentially subject to the NPS-HPL is approximately 13 ha, of which a further 1-2ha is identified as a reserve and roading connections.

¹³ Variation 1 established DEV-RO12.

¹⁴ Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan¹⁴ are seeking to rezone an approximate 46 hectare site at 201-236 Dunns Crossing Road from GRUZ to GRZ. The site is subject to PC82.

¹⁵ DPR-0392.002 CSI Property Ltd

¹⁶ DPR-0392.003 CSI Property Ltd

¹⁷ The submission from Alison Smith, David Boyd & John Blanchard (DPR-0302) concerns the same land in part.

¹⁸ DPR-0358.001, DPR-0358.002, DPR-0358.386, DPR-0358.387 RWRL.

- [37] We discussed PC73, PC 81 and PC 82 in section 2 of this Recommendation Report.
- [38] We refer to the land sought to be rezoned by the above listed submitters as ‘Land West of Dunns Crossing Road’ or LWDCR. We understand from counsel for Carter Group that all of the above land is now in Carter Group’s common ownership.
- [39] The LWDCR does not contain LUC 1, 2 or 3 soils and therefore the NPS-HPL does not apply to it.
- [40] However, rezoning the land as sought would be contrary to CRPS:
- Objective 6.2.1(3) which seeks to avoid urban development outside of existing urban areas or Greenfield Priority Areas (GPA) unless expressly provided for in the CRPS;
 - Objective 6.2.2 which seeks an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas; and
 - Policy 6.3.1 which states that urban development outside of certain identified areas is to be avoided, unless expressly provided for in the CRPS.
- [41] The Policy 6.3.1 term ‘identified areas’ refers to Map A of the CRPS, which identifies GPA and Future Development Areas (FDA) for both residential and business land. The FDAs were introduced by way of Change 1 to the CRPS, which sought to reflect the outcomes of the updated July 2021 Housing Capacity Assessment (HCA) prepared by the Greater Christchurch Partnership.
- [42] The LWDCR land falls outside CRPS Map A’s Rolleston GPAs and FDAs. The LWDCR land is also outside SDC’s Urban Growth Overlay (UGO)¹⁹. This would indicate that urban zoning of the land in question is inappropriate.
- [43] However, we must also consider the NPS-UD. Counsel²⁰ for SDC has previously advised that (our emphasis) “...Objectives 2, 5 and 6 and Policies 1, 6 and possibly 8 and Part 3 Implementation [of the NPS-UD] apply, as required by the context, to planning decisions made for the DPR [District Plan Review or PDP].”
- [44] NPS-UD Policy 8 states:
- Policy 8.** Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:
- (a) unanticipated by RMA planning documents; or
 - (b) out-of-sequence with planned land release.
- [45] Regarding Policy 8, as noted by Jeremy Phillips²¹, rezoning the LWDCR land “...would enable at least 3500 residential households and four commercial centres over an area of approximately 300 hectares extending along the majority of the western side of Dunns Crossing Road.” We accept that would add significantly to Rolleston’s development capacity.
- [46] We also accept that the Outline Development Plan (ODP) for the LWDCR²² would in itself constitute a ‘well-functioning urban environment’ containing neighbourhood centres, reserves

¹⁹ Both as it exists in the PDP and as it would be amended by Variation 1.

²⁰ Legal advice from Paul Rogers (SDC counsel) dated 13 September 2021. Attachment 1 to the Re-zoning Framework Section 42A Report.

²¹ EIC, paragraph 19.

²² As attached to the evidence of Dave Compton-Moen (urban design witness for the submitters).

and internal connectivity. However, as the LWDCR land resides outside the SDC's UGO, we need to consider whether or not it would contribute to a well-functioning urban environment for Rolleston as a whole.

[47] In that regard we received submitter evidence from urban designer Nicole Lauenstein. She advised²³ that *"The rezoning request will result in a cohesive and well-connected extension of Rolleston township and contribute to retaining a compact urban form."* We are not persuaded by that evidence because we understand Rolleston's existing western township boundary is specifically designed to maintain a compact urban form and the rezoning proposal extends beyond that boundary. We also note Mr Compton-Moen's view when asked that LWDCR is a considerable distance to other core amenities within Rolleston.

[48] We have also turned our minds to NPS-UD Policy 2. That policy is:

Policy 2: 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.

[49] By way of background, we have recommended that PDP UG-P13.4 requires that any new residential growth area in the Selwyn District that falls within the Greater Christchurch area shall only occur where a minimum net density of 15hh/ha for residential activities is met, unless there are demonstrated constraints, in which case a minimum net density of no less than 12 hh/ha is met.

[50] The July 2021 HCA concluded that within Greater Christchurch, at a density of 15hh/ha, there was a surplus of 48,344 households in the long-term, with SDC being the only territorial authority with a shortfall in the long-term (10 years onwards) with that shortfall being around 11,800 lots. In the short (0 – 3 years) and medium term (3 – 10 years) Selwyn District as a whole had surplus development capacity of around 1,900 and 5,000 lots respectively.²⁴ We note that for the submitter's economist Fraser Colegrave sought to cast doubt on these HCA figures. However, we prefer to take the 'official' HCA figures as they stand as the starting point for our assessment.

[51] Our reason for saying that is that the HCA figures do not allow²⁵ for the additional development capacity provided by recent private plan changes. In Rolleston alone, according to the evidence of Chris Jones²⁶, PC64²⁷, PC70²⁸, PC71, PC75, PC76 and PC78 collectively provide around an additional 3,650 residential lots.

[52] Nor do they take into account the implications of more intense residential development that will be enabled by Variation 1 to the PDP and the introduction of the MRZ²⁹ on both existing

²³ EIC, paragraph 15.

²⁴ EIC Kirk Lightbody for CCC, paragraph 8.2.

²⁵ Ibid, paragraph 8.5.

²⁶ EIC, August 2022, page 33 of 38.

²⁷ PC64 was withdrawn as it became a COVID-19 Recovery (Fast-Track Consenting) Act 2020 application

²⁸ Dave Compton-Moen advised that *"... I understand that this plan change is still progressing, and being within the FUDA, is highly likely to become urban in the near future."* EIC, paragraph 45.3.

²⁹ EIC Kirk Lightbody for CCC, paragraph 8.6.

residential land³⁰ and the additional 47 hectares of rural land (on six different sites) within the FDA that are in between that existing residential land and the private plan change areas in Rolleston. At a development density of 15hh/ha as required by UG-P13.4 the 47 hectares of rezoned land alone would yield around 700 lots. As noted by counsel³¹ for CCC/CRC “*This [introduction of MRZ] change will reduce the modelled [HCA] long-term shortfall, adding capacity in the short and medium term.*” We note the outcome of MRZ rezoning is subject to the Variation 1 process and so we cannot make a recommendation on it here.

- [53] However, what we can rely on are the recommendations of other PDP rezoning Hearings Panels dealing with rezoning requests within the Greater Christchurch area. Favourable recommendation from those Panels will yield around 650 additional lots³².
- [54] In total then, disregarding any intensification that might result from the implementation of the MRZ, we might expect around 4,300 additional lots over and above the 2021 HCA figures which increases the medium-term Selwyn-wide capacity surplus to over 9,000 lots.
- [55] We observe that to be a significant surplus, and even if our estimates are incorrect by say 50% it is still significant. In that regard we are satisfied that the issues raised by Mr Colegrave do not detract from a finding that there is no Selwyn-wide capacity shortfall in the medium term. Nor is there likely to be a medium-term capacity shortfall in Rolleston alone.
- [56] With regard to short term demand, and as observed by Gary Sellars³³, since early 2022 the residential property market in Rolleston has entered a correction phase following increases in interest rates and a drop in market confidence. Developers and real estate agents report there is now reduced enquiry, with marketability poor for all but titled lots. ‘Off the plans’ section purchases are also low.
- [57] Mr Sellars helpfully advised³⁴ that in August 2022 Colliers physically inspected all developed and undeveloped land to quantify the number of vacant lots developed, those under construction and the potential for future development of existing vacant land in Rolleston. His conclusion was that there was at that time a total vacant land capacity in Rolleston of around 6,500 lots. We note that exceeds the HCA medium term surplus capacity estimate of 5,000 lots for the entire Selwyn District by 30% which is in our view a substantial margin.
- [58] Rezoning the LWDCR to residential would yield around 3,500 additional lots. We find, including on the submitters’ own evidence, that amount of additional development capacity in Rolleston is simply not required in the short or medium term. It may or may not be required in the long term, depending on how housing supply and demand plays out over the next decade. We accordingly accept the submissions of counsel for CRC/CCC³⁵ who stated “ ... *the Panel should*

³⁰ We note the evidence of Mr. Colegrave and the peer review of Mr Foy that the new MDRS standards (MRZ zone) is likely to result in very limited additional residential supply in Selwyn, principally due to the fact that much of the dwelling stock in the highest growth parts of the District has been built since 2000.

³¹ Legal Submissions for Christchurch City Council and Canterbury Regional Council, Hearing Topic 30.1: Rezoning – Rolleston, 20 January 2023, paragraph 6.3.

³² Allendale Lane in Lincoln (116 lots), DPR-0443 in West Melton (271 lots), DPR-0243 in West Melton (145 lots), DPR-0411 in West Melton (124 lots)

³³ Paragraphs 10 and 11.

³⁴ Paragraph 88.

³⁵ Legal Submissions for Christchurch City Council and Canterbury Regional Council, Hearing Topic 30.1: Rezoning – Rolleston, 20 January 2023, paragraph 6.5.

be comfortable that there is no need to rezone land for residential purposes outside of the PDPs UGO ...”.

- [59] We also accept the evidence of Kirk Lightbody³⁶ that *“Enabling rezoning requests and exceeding development capacity demand could give rise to significant adverse effects, principally being a torpor [slow] uptake of existing capacity and intensification opportunities, and a resulting urban environment that is predominately low density and not well-functioning or achieving the outcomes sought by the NPSUD.”*
- [60] We conclude that the residential rezoning of the LWDCR would be contrary to the CRPS, finds only limited support from NPS-UD Policy 8, and in terms of NPS-UD Policy 2 is not required to provide at least sufficient development capacity to meet expected demand for housing land over the short term or medium term in Rolleston, or indeed in the Selwyn District as a whole. Given that the ‘long-term’ capacity shortfall for the whole of the Selwyn District identified in the 2021 HCA extends beyond the life of the PDP, we consider that any additional need for urban zoned land in Rolleston over the long term would be better determined by the pending Greater Christchurch Spatial Plan (GCSP). We understand that the GCSP will inform a review of the CRPS urban growth provisions, including its Map A.
- [61] For the record we observe that one of the reasons why PC73 was declined related to odour from the Pines Waste Water Treatment Plan (PWTP) and the Pines Resource Recovery Park (PRRP) potentially giving rise to reverse sensitivity effects. From the evidence of Mr van Kekem and Mr Iseli we are satisfied that potential adverse effect could be resolved through the imposition of buffer zones within which residential housing would be precluded. Having said that, we would not find in favour of an alternative approach of relying on ‘no complaints covenants’ because such covenants do not actually mitigate adverse odour effects, they simply preclude people complaining about them.
- [62] Finally, we address the view of the Section 42A Report author Ms Barker that a GRZ as sought by the submitters is no longer available, having been replaced by the MRZ as a result of Variation 1 to the PDP. As discussed in section 2 of this Report, we are comfortable with such an ‘administratively efficient’ approach where the SDC has imposed a MRZ over the land through Variation 1.
- [63] However, in this case the MRZ has not been imposed on the LWDCR land by Variation 1. It is at least arguable that it would have been open for us to have recommended that the LWDCR should be zoned for residential development and for that zoning to be introduced as MRZ by way of a submitter submission on Variation 1. In that regard we acknowledge counsel for the submitters’ assertion that³⁷ *“Submissions seeking rezoning of land that was not zoned GRZ in the Proposed Plan as notified (and is not a new area of MRZ in Variation 1) must necessarily be considered at this hearing and determined as part of the original Proposed Plan process.”*
- [64] Turning to Variation 1, we note the submitters initially lodged a submission seeking that the entirety of the LWDCR be zoned MRZ. However, on 10 March 2023 the submitters amended their Variation 1 submission³⁸ such that it no longer applied to the entirety of the LWDCR and

³⁶ EIC Kirk Lightbody for CCC, paragraph 8.11.

³⁷ Paragraph 103.

³⁸ By way of a letter from Chapman Tripp to our Hearings Administrator.

instead opposed LLRZ on land to the west of Dunns Crossing Road bounded by Burnham School Road, Brookside Road, and Dunns Crossing Road. They sought for that land to be zoned MRZ, however that request falls within the jurisdiction of the ISPP Independent Hearing Panel.

- [65] For all of the above reasons we recommend that these submissions on the PDP be rejected.
- [66] Having said that, we make no finding on whether or not we would have scope to assign MRZ to the LWDCR in the absence of the submitters seeking MRZ through Variation 1 had we (this PDP rezoning Panel) decided that the LWDCR should be zoned residential.

8 Requests for 1 Acre Lots

8.1 DPR-0020 Roger and Gwenda Smithies

- [67] Roger and Gwenda Smithies requested provision for smaller rural sections beyond and around the fringe of the Rolleston Structure Plan boundaries by allowing for subdivision into 1-acre (0.4 hectare) sections within the area bounded by Selwyn Road, Springston Rolleston Road, Waterholes Road and Boundary Roads. No submitter evidence was provided in support of this submission point. This land is zoned GRUZ, is outside of the UGO and is not a 'rural residential location' in the RRS14. The land is classified as LUC 2 and 3 and under Policy 3.7 of the NPS-HPL the rezoning of that land as rural residential must be avoided because none of the matters listed in clause 3.10(1) of the NPS-HPL apply.
- [68] For all of the above reasons we adopt Ms Barker's recommendation that these submissions be rejected.
- [69] We note that Vonya Crofts³⁹ (a further submitter) appeared at the hearing and spoke in support of the Smithies' submission. However, we were not persuaded by her evidence which, other than contesting the productivity of LUC 1 to 3 land on '10 acre' lots, failed to address the fundamental matters outlined above.

9 Other Matters

- [70] Evidence was tabled by the Ministry of Education who were a further submitter. That evidence reiterated their request for education facilities to be provided for as a permitted activity within land zoned LLRZ that was the subject of PC73. However, that is not a 'zoning' matter and instead was a matter that should have been directed to the RESZ hearing. Consequently, we decline to make a finding on that matter here. We also note that the relief sought in their further submission was "*That the Proposed Plan is consistent with the final decision on Private Plan Change 73,*" which is not relief that we can consider because the decision on PC73 is before the Environment Court.
- [71] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:

- Hearing Panels considering submissions and further submissions on other chapters of the PDP;

³⁹ Commissioner Hasson recused herself from this further submission as she owns land that falls within the area addressed by the Smithies submission.

- the Hearing Panels considering rezoning requests, and
- the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP

[72] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair⁴⁰ and Deputy Chair⁴¹ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.

[73] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.

[74] No other matters were brought to our attention.

⁴⁰ Who is also the Chair of the IHP.

⁴¹ Who chaired one stream of hearings.

Appendix 1: List of Appearances and Tabled Evidence

Appearances

Sub #	Submitter	Author	Role
DPR-0032	Christchurch City Council	Kat Viskovic Kirk Lightbody	Counsel Planning
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	Gerard Cleary Fiona Aston ⁴²	Counsel Planning
DPR-0358 DPR-0374 DPR-0384 DPR-0392	Rolleston West Residential Limited (RWRL) Rolleston Industrial Holdings Limited (RIHL) Rolleston Industrial Developments Limited (RIDL) CSI Property Limited	Joe Appleyard Lucy Forrester Tim Carter Gary Sellars Chris Jones Fraser Colegrave Dave Compton-Moen Nicole Lauenstein Donovan Van Kekem John Iseli Mark Lewthwaite Mark Taylor Nick Fuller Paul Farrelly Tim McLeod Victor Mthamo Jeremy Phillips	Counsel Counsel Company Valuer Real estate Economics Urban design Urban design Odour Odour Noise Ecology Transport Climate change Infrastructure Soils and water Planning
DPR-0371	Christchurch International Airport Limited (CIAL)	Jo Appleyard Felicity Hayman Darryl Millar	Counsel Company Planning
DPR-0461 DPR-0355 DPR-0492	Dunweavin 2020 Ltd Ellis Darusette Kevler Development Ltd	Fiona Aston	Planning
DPR-0503	Voyna Crofts	Self	

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0378	Ministry of Education	Lydia Shirley	Planning

⁴² Ms Aston presented the evidence of Ivan Thomson who could not attend due to a family bereavement.