

Operative Selwyn District Plan

Private Plan Change 79 by Birchs Village Ltd and NTP Development Holdings Ltd

Section 42A Report

Request to rezone 36.58 hectares of Rural Inner Plains Zone to Living MD and Business 1 Zones

10 April 2023

Report prepared by

Jonathan Clease

Consultant Planner

Introduction

Qualifications and Experience

1. My full name is Jonathan Guy Clease. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a Senior Planner and Urban Designer. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full member of the New Zealand Planning Institute and currently sit on the NZPI Board.
2. I have some twenty five years' experience working as a planner, with this work including policy development, providing s42A reports on plan changes, the development of plan changes and associated s32 resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
3. I have recently been involved in the review of the Christchurch District Plan and presented evidence on the notified provisions on behalf of submitters on commercial, industrial, Lyttelton Port, natural hazards, hazardous substances, and urban design topics. I have likewise been recently involved in the development of second generation Timaru, Selwyn, Waimakariri, and Kaipara District Plans and the preparation of s42a reports on the Rural, Village, Medium Density, and Future Urban Zones as part of the review of the Waikato District Plan.
4. I prepared the s42a reports on both PC68 and PC72 in Prebbleton. In the past I have prepared s42a reports on behalf of Selwyn Council regarding Private Plan Changes 8, 9, 28, 36, and 41 to establish rural residential zones. I have also provided an officer report in response to submissions received on Land Use Recovery Plan Action 18 which established the zone provisions and policy framework for managing rural residential development within the Greater Christchurch portion of Selwyn District and the associated Living 3 Zone provisions in the Operative District Plan ('the District Plan').

Scope of Report

5. I have been asked by the Council to prepare this report under section 42A of the Resource Management Act (the Act) to document the assessment of the subject private plan change request (PC79) to the District Plan.
6. This report effectively acts as an audit of the detailed information lodged (and subsequently updated) with the plan change request. The request was lodged with the Council on 22 May 2021 and prepared by Baseline Group Ltd on behalf of Birchs Village Ltd ('the Applicant'). Following lodgement, the applicant has partnered with NTP Development Holdings Ltd (Ngāi Tahu's commercial property company), who are now the joint proponent of the plan change. Should PC79 be successful, it is understood that NTP Development Holdings Ltd will become the future land developer.
7. A full copy of the plan change request, the amended request as a result of a Request for Further Information, submissions, summary of submissions, and other relevant documentation can be found on the Council's website¹.

¹ <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-request-79-rezone-approximately-37ha-of-land-from-rural-inner-plains-to-living-3-birchs-road-prebbleton>

8. The purpose of this report is to both assist the Hearing Commissioner in evaluating the request and deciding on submissions made on PC79, and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations on matters raised in submissions, and any changes to the District Plan considered appropriate having considered the statutory requirements.
9. **For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner.** It should not therefore be assumed that the Hearing Commissioner will reach the same conclusions or decisions having considered all the evidence from the Applicant and submitters.
10. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
11. In preparing this report I have:
 - a) Visited the site (Thursday 10 December 2021) and the surrounding area of Prebbleton;
 - b) Reviewed the original plan change request, the Request for Further Information ('RFI') and the updated plan change documentation received in response;
 - c) Read all the submissions received on the plan change request;
 - d) Considered the statutory framework and other relevant planning documents; and
 - e) Reviewed, and where necessary relied on, the peer reviews provided by other technical experts engaged by the Council to assist with the reporting on this private plan change, as follows:

Appendix 1:	Water/Wastewater/Stormwater Servicing (Hugh Blake-Manson, Selwyn District Council)
Appendix 2:	Transportation peer review (Mat Collins, Flow Transport Ltd)
Appendix 3:	Selwyn Residential Capacity and Demand – IPI 2023 (Formative Ltd, on behalf of Selwyn District Council)
Appendix 4:	Urban Design peer Review (Hugh Nicholson, Urban Shift Ltd)

Statutory Framework

12. The functions of Council as set out in s31 of the RMA include the establishment, implementation and review of objectives, policies and methods to:
 - a) achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b) control any actual or potential effects of the use, development or protection of land.
13. Provided that the proposed rezoning aligns with the outcomes sought in the District Plan objectives and policies, the change in zone will be in accordance with the role and function of the Council.
14. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Resource Management Act 1991 (RMA).

15. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1².
16. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change; contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.
17. In this case, the tests to be applied to the consideration of PC79 under Schedule 1 Part 2 of the RMA are summarised below and include whether:
 - a) It accords with and assists the Council to carry out its functions (s74(1)(a) and s31).
 - b) It accords with Part 2 of the Act (s74(1)(b)).
 - c) It accords with a national policy statement, a national planning standard and any regulation (s74)(1)(ea) and (f)).
 - d) It will give effect to any national policy statement, national planning standard or operative regional policy statement (s75(3)(a)(ba) and (c)).
 - e) The objectives of the request (in this case, being the stated purpose of the request) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)).
 - f) The provisions in the plan change are the most appropriate way to achieve the objectives of the District Plan and the purpose of the request (s32(1)(b)).
18. In evaluating the appropriateness of PC79, the Council must also:
 - a) Have particular regard to an evaluation report prepared in accordance with s32 (s74(1)(d) and (e)).
 - b) Have regard to any proposed regional policy statement, and management plans and strategies prepared under any other Acts and consistency with the plans or proposed plans of adjacent territorial authorities (s74(2)).
 - c) Take into account any relevant planning document recognised by an iwi authority (s74(2A)).
 - d) Not have regard to trade competition or the effects of trade competition (s74(3)).
 - e) Not be inconsistent with a water conservation order or regional plan (s75(4)).
 - f) Have regard to actual and potential effects on the environment, including, in particular, any adverse effect in respect to making a rule (s76(3)).
19. The functions of Council set out in s31 of the Act that are required to be maintained when evaluating the appropriateness of PC79 include the establishment, implementation and review of objectives, policies, and methods to:
 - a) Achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources (s31(1)(a)).

² Part 5 of Schedule 1 relates to the use of the 'streamlined planning process' and is not relevant to this plan change.

- b) To ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).
 - c) Control any actual or potential effects of the use, development, or protection of land (s31(1)(b)).
20. The request considers the actual and potential effects of the plan change on the environment, and where necessary, I have made further comment and assessment of these later in this report. Similarly, an assessment of PC79 against the various statutory documents is set out further below.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2022 and process implications

21. In December 2022, Parliament passed the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2022 ('the Enabling Act'). Amongst other matters, the Enabling Act seeks to increase housing supply through directing Councils (including Selwyn) to update their District Plans to provide for medium density housing across all urban environments, unless 'qualifying matters' such as natural hazards or heritage are in play. Large lot/ lifestyle zones and settlements of less than 5,000 people are likewise excluded.
22. The Enabling Act sets out the zone objectives, policies, and rules, collectively referred to as Medium Density Residential Standards ('MDRS').
23. For Selwyn District, this means the Enabling Act directions apply to Rolleston, Lincoln, and Prebbleton as townships that have (or are anticipated to have shortly) a population greater than 5,000.
24. The timing of the Enabling Act has added considerable complexity to the planning context in Selwyn, with several planning processes operating in parallel, but with differing statutory frameworks. In summary these planning processes are:
- a) This private plan change application to amend the Operative District Plan;
 - b) The Proposed District Plan ('the Proposed Plan') process which is a comprehensive review and replacement of the Operative District Plan. This District Plan review process has been underway for several years;
 - c) A variation to the Proposed District Plan to introduce MDRS provisions.
25. For PC79, the implications of the Enabling Act are as follows:
- a) Any private plan changes that had not been notified at the time the Enabling Act came into force are required to implement the MDRS. PC79 has therefore been amended post-lodgement so that it now seeks a Medium Density Residential Zone ('Living MD'), with rules that align with the MDRS requirements.
 - b) As the 'first cab off the rank', PC79 is the first private plan change that includes MDRS to be drafted. Because the Operative Plan does not include a stand-alone medium density zone, the PC79 proponents have had to include a new zone framework in their plan change. PC81 and 82 also included the new MDRS provisions and have been heard (and declined). As such, if approved PC79 will be the first plan change to introduce this zone framework into the Operative Plan.

- c) The introduction of a new zone framework is unusual for private plan changes, which more typically are able to rely on an existing suite of zone provisions in the Operative Plan and therefore the extent of Plan amendments is generally limited to a change in zone boundaries, the inclusion of an Outline Development Plan to guide the layout of the site, and if need be a limited package of bespoke rules to address site-specific issues (if any).
 - d) The proposed Living MD Zone package has been developed with input from Council officers.
26. In addition to having significant implications for private plan changes which were mid-process at the time the Enabling Act came into force, the Enabling Act has also required a series of actions by the Council as follows:
- a) Council has notified Variation 1A to the Proposed Plan to rezone the existing residential zones in Rolleston, Lincoln, and Prebbleton to a Residential Medium Density Zone, in accordance with MDRS.
 - b) Variation 1A includes within its scope those geographic areas that are subject to private plan changes to the Operative Plan and that at the time that Variation 1A was notified had progressed through submissions and hearings, with Council having adopted the Commissioners' recommendations to approve the plan changes. PC68 and PC72 in Prebbleton were therefore included within Variation 1A.
 - c) In parallel with Variation 1A to the Proposed Plan, Council concurrently notified Variation 1B to the Operative Plan to again rezone the various private plan change areas that had progressed to the point of decision to a medium density zoning.
 - d) The Operative Plan Living MD provisions set out in Variation 1B align with the Living MD provisions sought in PC79.
27. In terms of process:
- a) The PC79 hearing follows the standard process as set out in Schedule 1 RMA;
 - b) In parallel, the plan change proponent has lodged submissions seeking rezoning on both the Proposed Plan, and Variation 1A to the Proposed Plan³;
 - c) Both Variation 1A to the Proposed Plan and Variation 1B to the Operative Plan are programmed to be heard together in the middle of 2023, with decisions released in August 2023;
 - d) These two variations will be considered under a bespoke Intensification Streamlined Planning Process ('ISPP'), as set out in the Enabling Act. Decisions on the variations are only appealable on points of law;
 - e) Decisions on the balance of the Proposed Plan are likewise programmed to be released in August 2023. These decisions will remain subject to appeal on merit;
 - f) As soon as decisions on Variation 1A to the Proposed Plan are beyond challenge, those aspects of the Proposed Plan will be able to be made operative, and the Operative Plan (and Variation 1B) become moot and are superseded. In essence, the Variation 1B process is only necessary due to a quirk in the drafting of Clause 34 of the Enabling Act and in practice is otherwise redundant given the timing of the District Plan Review.

³ Submission DPR-0432 and V1-0066

28. So where does that leave us (apart from needing a cold towel, some soft music, and a couple of Panadol)? In a nutshell, the primary focus of this hearing is to determine whether the zoning of the plan change site is better as a rural or a medium density residential outcome. Forming a view on this question is the focus of the balance of this report.
29. It is therefore anticipated that the key 'merit-based' assessment of whether this block is rural or a medium density urban zone will occur through this PC79 process. Whilst the Commissioner is tasked with making a recommendation to Council (rather than the actual decision), it is highly unusual for the Council to not accept Commissioner recommendations. It follows that whatever the answer, the subsequent Panel considering submissions seeking rezoning through the later Proposed Plan and Variation 1A processes are likely to place considerable weight on the findings of this PC79 hearing process. It would likewise be unusual for Council to make a decision on the PC79 site through the later Proposed Plan process that conflicted with the earlier decision that they would have made on PC79 through this hearing, unless significant new information came to light in the interim.
30. As an aside, whilst the content/ drafting of the proposed Living MD zone framework falls squarely within the scope of the PC79 hearing, the focus of submissions has been on the more strategic question of whether this site should be rural or urban. The detailed content of the Living MD zone (and the equivalent medium density zone in the Proposed Plan) will be resolved primarily through the later ISPP process. No submissions have raised any concerns with the drafting of the Living MD Zone provisions themselves.
31. As a final note, the introduction of MDRS makes assessing the impacts of new plan changes on infrastructure capacity challenging. Under the Living Z zoning which has been consistently applied to greenfield areas over the last decade, there was a high level of certainty that the ultimate household yield from sites would be close to 12 households/ ha. With MDRS, there is a theoretical potential for the yield to be at least three times that amount. Because MDRS is new, there is no track record of on-the-ground development to know how the market will respond or what the rate of take up will be i.e. just because the zoning permits it does not mean that it will happen. As a parallel, the Living Z zoning permits two storey dwellings, yet the vast majority of new builds across the Inner Plains have been single storey.
32. PC68 and PC72 provide some 1,150 dwellings at 12 hh/ha. If there is very modest take up of MDRS such that as-built density is 15 hh/ha, then the yield will be 1,430 units. A density of 15 hh/ha is the rate that has been consistently achieved in Christchurch greenfield areas over the last decade so is seen as being plausible. If an additional 10-15 units are delivered each year through infill within the existing township then this would give medium term (10 year) capacity of approximately 1,550 dwellings. This is considered to be both conservative and readily plausible – it may well be that additional capacity is released over time as the PC68 and PC72 sites gradually build out and if more intensive forms of housing find market acceptance.
33. The PC79 site will enable some 440 households at 12hh/ha, which would increase to approximately 530 at 15 hh/ha, and a theoretical yield of some 1,600 households. For the purpose of infrastructure servicing, the focus has been on considering capacity at 15 hh/ha as a plausible outcome, noting that in the event that additional take-up occurs then infrastructure design and upgrades will need to be reviewed.

PC79 Acceptance, Notification and Submission Process

34. PC79 was lodged on 22 May 2021, with Council issuing a Request for Further Information ('RFI') dated 20 September 2021. Following the Enabling Act coming into force, the application was revised to align with the directions contained in the Enabling Act, with the amended application received on 13 April 2022. Following further review, the application was accepted for public notification at Council's meeting held on 24 August 2022⁴.
35. A copy of the notified application is available on the Council's website⁵.
36. PC79 was publicly notified in the Selwyn Times newspaper on 7 September 2022, with the submission period closing on 5 October 2022. A total of 36 submissions were received by the due date, with an additional three late submissions. All submissions were then summarised and publicly notified for further submissions in the Selwyn Times on 5 December 2022. The period for further submissions closed on 11 January 2023. 5 further submissions were received.
37. The submissions, submission summary, and further submissions are available at the plan change webpage⁶. From my reading there are 30 submissions in opposition, 5 in support, and 4 that have either not stated a position or that seek amendments to the plan change rather than complete rejection.
38. PC79 has reached the point where a hearing is now required⁷. Following the hearing, the Council is required to give a decision on the plan change and the associated submissions⁸.

Procedural Matters

Late Submissions

39. Three late submissions were received after the submission period formally closed:

Name	Address	Support/ Oppose	Heard	Date received	Submission #
A Radburnd	92 Stationmasters Way	Oppose	Yes	6 October	PC79-0039
Mervyn Claxton	117 Hamptons Road	Support	No	27 October	PC79-0040
Phil & Kate Williams	59 Charwell Lane	Support	No (but yes to a joint case)	27 October	PC79-0041

40. Section 37(1)(b) of the Resource Management Act 1991 allows a consent authority to waive a failure to comply with a required time limit. Section 37A requires the consent authority to take into account:

- The interests of any person who, in its opinion, may be directly affected by the waiver - section 37A(1)(a);

⁴ Under Clause 25(2)(b) RMA

⁵ https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/844672/Application-for-Private-Plan-Change-Birchs-Road,-Prebbleton.pdf

⁶ <https://extranet.selwyn.govt.nz/sites/consultation/PC79/SitePages/Documents.aspx>

⁷ Clause 8B, Schedule 1 RMA

⁸ Clause 10, Schedule 1 RMA

- The interests of the community in achieving an adequate assessment of the effects of a proposal – section 37A(1)(b); and
 - The duty to avoid unreasonable delay – section 37A(1)(c).
41. The applicant is the person most likely to be affected by a waiver. It is noted that two of the submitters are in support, and that none of the submitters raise issues that have not already been raised by either other submitters or the plan change proponent.
 42. All three submissions were received within a timeframe that is less than double the specified 4 week period. Accepting the three late submissions does not alter overall plan change timing or the timing of the hearing and therefore acceptance of the submissions will not result in any unreasonable delay.
 43. It is therefore recommended that the three late submissions be accepted.

Scope

44. A submission by Shannon and Michelle Gilmore⁹ seeks that their 4ha property located at 61 Hamptons Road be included in the plan change (in the event that the plan change is approved). The Gilmores property is located immediately west of the plan change site and is shown in black with a yellow star in **Figure 2** below. The submission raises a procedural matter regarding whether or not the inclusion of this strip of land falls fairly within the scope of PC79. Ultimately questions of scope are as much legal as they are planning considerations. It is my understanding as a planner that case law is reasonably conservative on questions of scope and whether the changes sought by a submitter can be said to be ‘on’ the plan change. This is particularly the case for private plan changes seeking the rezoning of a specifically identified block of land are concerned, and as opposed to more thematic plan changes that address broad matters such as zone policy and rule frameworks.
45. In terms of whether the relief sought is ‘on’ the change, PC79 seeks the rezoning of a large block of land on the southern side of Prebbleton. The inclusion of the submitter’s site could therefore be said to fall within the broad ambit of PC79 insofar as the plan change examines the appropriate formation of the southern edge of the township. Conversely the landholding is a reasonable size at 4ha, and further extends the plan change area to the west without creating any clear edge i.e. it is not a consequential ‘infilling’ of a small gap in urban form created by the plan change or a squaring up of an otherwise uneven boundary.
46. I understand that the second issue expressed in case law concerns matters of natural justice i.e. potential submitters not being aware that substantive changes are being proposed via submissions. In this instance I note that whilst the strip of land in question is bounded by the PC79 site to the east, there are several other immediate neighbours potentially affected by the submission who are not otherwise already engaged in the plan change process. As such I consider that there is the potential for a natural justice issue to arise were this property to be included in the plan change.
47. Similar ‘within scope’ submissions were raised in both PC68 and PC72 hearings. Whilst decisions on scope are necessarily site and context specific, I note that for both those cases the Commissioners determined that the submissions were out of scope and as such did not agree to an enlargement in the plan change area. The Gilmores may wish to provide the Commissioner

⁹ Submission by S & M Gilmore, PC79-0038

with a legal opinion on the matter of scope to assist in his deliberations regarding whether he can progress to a merit-based determination.

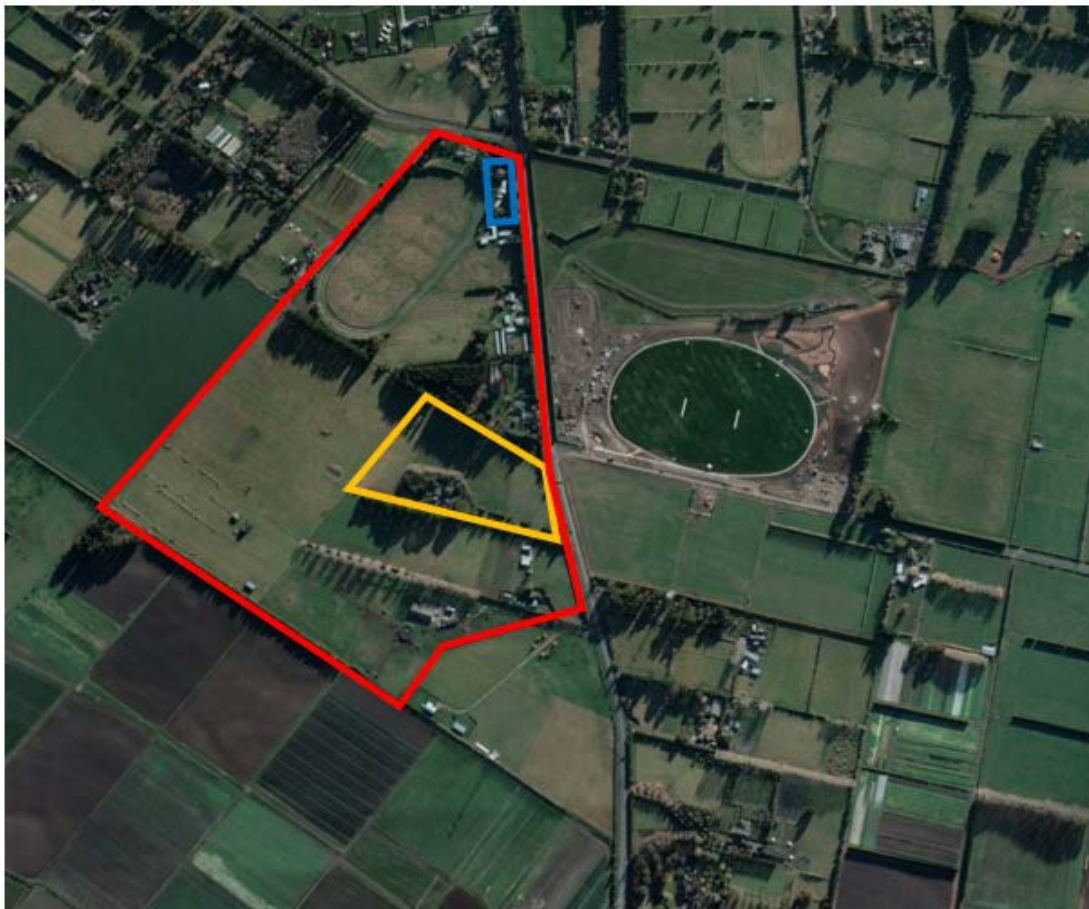
The Plan Change Proposal

48. In terms of land ownership, the application states the following¹⁰:

The applicant is the owner of 212A Birchs Road and the prospective purchaser of 144 Hamptons Road. The owners of 160, 176, 198, 212 and 214B Birchs Road have been consulted by the applicant and are aware of the process. The owner of 142 Birchs Road has indicated they are not interested in the plan change process. It is noted 142 Birchs Road is the smallest of the allotments comprising the application site and given its location on the corner of Hampton and Birchs Road it is logical to include this site in the plan change area - particularly as it does not comply with the density requirements of the current zoning (Inner Plains).

49. Submissions have been received in opposition¹¹ from the owners of 142 and 198 Birchs Road, both of which form part of the plan change site. The location of these two submitters is shown in **Figure 1** below. Submissions in support¹² have been received from the owners of 160, 176, and 212 Birchs Road which are also located within the plan change site (north and south of the Fraser property respectively).

Figure 1. Sheaf property (blue) and Fraser property (orange)



¹⁰ PC79 Application, pg. 41

¹¹ Submissions by Tom & Helen Fraser PC79-0014; Susan Sheaf PC79-0005; John Sheaf PC79-0006

¹² Submissions by John & Bev Broadway PC79-0013; Anthony Sutton PC79-0022; Jason Rademaker PC79-0035

54. In order to give effect to the Enabling Act direction, the proponent has worked with Council planning officers to develop a set of amendments to the Operative District Plan to enable a new Living MD Zone to be introduced. As well as introducing a new Living MD Zone and associated suite of policies and rules, the plan change also includes the introduction of an Outline Development Plan, and amendments to the planning maps to show the change in zoning sought.
55. Whilst the introduction of a medium density zone on the edge of Prebbleton is unusual when compared to the current Operative Plan zoning pattern, it is important to recognise that the balance of the township (excluding the large lot lifestyle zones) is to also be rezoned to medium density through the Variation 1A and 1B processes, as directed by legislation.
56. The application includes an Outline Development Plan ('ODP') and associated narrative regarding the outcomes sought. Key roading connections are shown in the form of a new north-south road running parallel with the site's western boundary, and two east-west roads that provide linkages between this new western road and Birchs Road. As is common with greenfield ODPs, future detailed subdivision plans will show the more fine-grained local road network within the block. Walking and cycle connections are shown with a key feature being a proposed 1.54ha north-south oriented greenway that acts as a central open space spine running through the site and that has also been designed to incorporate stormwater ponding areas.
57. The site does not contain any listed heritage buildings, protected trees, or areas with high ecological, landscape, or cultural value identified in the Operative District Plan. Road boundary fencing and landscaping outcomes are anticipated to be secured via developer covenants on the titles (rather than District Plan rules), as will any necessary bespoke boundary treatments along the western and southern boundaries of the site to manage interface issues with adjacent Rural Zoned properties.

Assessment of the Request and Issues Raised by Submitters

58. This section provides an assessment of the material included within the request, submissions received and outlines the expert advice received to inform the overall recommendations within this report.
59. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled in terms of assessing this plan change, are:
 - a) Land Suitability (Geotech, Land Contamination, and Flood risk);
 - b) Infrastructure Servicing (Water, Wastewater and Stormwater);
 - c) Transportation
 - d) Urban Design, Urban Form, Density and Character;
 - e) School capacity;
 - f) Environmental nuisance/ construction effects; and
 - g) Alignment with national direction on urban growth in the National Policy Statement – Urban Development ('NPS-UD') and the management of versatile soils in the National Policy Statement - Highly Productive Land' ('NPS-HPL).

60. Given the number of submitters and the various issues raised within each, the approach to the reporting below is issue-based. Individual submissions are for the most part not therefore referenced. I confirm however that I have read and am familiar with the content of every submission and further submission that has been lodged.

Land Suitability

61. In relation to the land affected by PC79, there are considered to be three primary matters to consider under this topic:
- a) Geotechnical natural hazards e.g. liquefaction and land stability;
 - b) Land Contamination; and
 - c) Flood risk
62. Each of these are considered in turn below. The use and development of versatile soils is considered in more detail in the below section on the NPS-HPL.

Geotechnical Considerations

63. The request included a geotechnical assessment prepared by Coffey Services (NZ) Ltd dated 9 March 2021¹³. This initial report was then supplemented by an updated report dated 7 July 2022 by rebranded Tetra Tech Coffey Ltd. The later report benefited from having the results of additional soil tests and 3 piezometers (instruments used to measure depth to groundwater).
64. Both reports identify that the site is comprised of topsoil underlain by a mix of silts and sand, with deeper gravel layers. The initial report assumed conservatively that ground water was present at 2m below ground level, although depths deeper than 3m were anticipated over the majority of the site. The later report prepared with the benefit of piezometer testing considered ground water to be between 3.5-5.25m below ground level, albeit that such depths may be subject to seasonal variance.
65. The site is generally flat and as such is not subject to rockfall or subsidence risks. The key potential geotechnical hazard is liquefaction should a seismic event occur. The reports conclude that *"...the majority of the site is TC1 like with some minor pockets of TC2 like performance. This categorisation is generally in line with the ECan mapping of the site which place it on the boundary of an area where liquefaction assessment is required and an area where damaging liquefaction is unlikely. We consider that the site is suitable for residential development subject to further investigation and design at the subdivision consent stage. Additional geotechnical investigation may be required to refine the technical categories for the proposed lots once a subdivision plan has been further developed. We also recommend that a groundwater monitoring programme is implemented to allow for more accurate liquefaction analyses"*.
66. The first report was peer reviewed by Ian McCahon of Geotech Consulting Ltd on behalf of the Council¹⁴. Given that the second applicant report reached identical conclusions with the benefit of further data that showed lower risk elements i.e. a greater depth to ground water, it was considered that a further review by Mr McCahon was not necessary. Mr McCahon identified

¹³ PC79 Application – Appendix 9

¹⁴ https://www.selwyn.govt.nz/data/assets/pdf_file/0005/511457/PC79-RFI-Attachment-1-Geotech-Feedback.pdf

that the number of site tests undertaken in the first report met the MBIE guidance for the density of deep tests.

67. He concluded that *“The report shows that the site has some liquefaction potential, but generally falls within MBIE Foundation Technical Categories TC1 and TC2. However, observations following the September 2010 earthquake suggest that a small part of the site may be more susceptible than the analysis suggests. We accept the Coffey conclusion that the site is suitable for residential development subject to further investigation and design at the subdivision consent stage, but emphasise that further testing and assessment is needed at subdivision stage, along the Birchs Road side in particular”*.
68. At plan change stage, the key outcome is to identify if there are any significant ‘deal breaker’ geotechnical hazard reasons that would prevent the land from being rezoned. Both geotechnical experts are satisfied that there are no significant geotechnical hazard risks present. It is standard practice for the subsequent subdivision consent processes to include provision for more detailed site investigations and if need be land remediation through bulk earthworks. The later Building Consent process likewise enables consideration of the suitability of specific foundation designs to ensure the chosen foundation solutions are appropriate for the underlying ground conditions. On that basis it is considered that there are no geotechnical considerations that impact on the ability to re-zone the plan change area.

Land Contamination

69. Contaminated soils are managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the ‘NES-CS’). This applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change that would be facilitated by PC79.
70. The request included a Preliminary Site Investigation (PSI) prepared by Malloch Environmental Ltd¹⁵. The PSI covers the application site and notes that whilst the plan change is a single ‘site’, the area is comprised of a number of separate smaller landholdings/ titles. Several landholdings have been identified on ECan’s Listed Land Use Register as potentially having contained activities on the Hazardous Activities and Industries list (‘HAIL’). The PSI was reviewed by ECan’s contaminated land team as part of the RFI process, with ECan confirming that the PSI is thorough and has been prepared in line with the Government’s Contaminated Land guidance.
71. The PSI confirms that a number of HAIL activities have occurred across the site. These activities vary in nature and extent and include activities common with rural land use such as the use and storage of pesticides, asbestos used as a construction material in several buildings, a horse training track that may have been surfaced with coal ash in the past, and several burn areas/ drums used for the burning of non-green waste. The location of these activities is shown graphically in Appendix D of the report, with the activities generally concentrated along the Birchs Road frontage and in the southeast corner of the site (essentially reflecting the location of farm buildings).
72. The PSI identifies that given the presence of these historic activities, a Detailed Site Investigation (‘DSI’) should be undertaken as part of any future subdivision consent process. The need for a subsequent DSI has likewise been identified by ECan in their review.

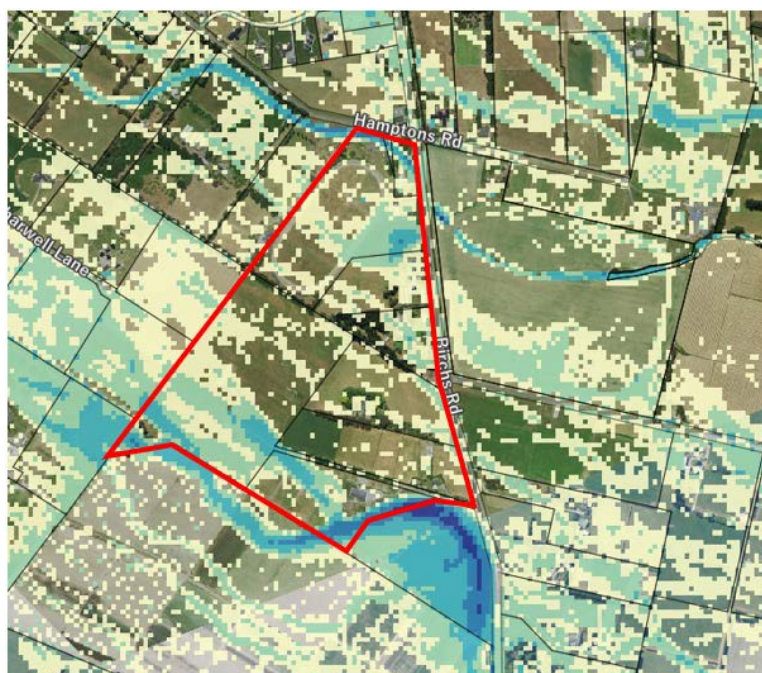
¹⁵ PC79 Application – Appendix 8

73. The report concludes that *“the identified HAIL activities/ risk are not likely to preclude eventual subdivision of the land. As each stage of the plan change area is developed, the need for an updated Preliminary Site investigation and/or site inspections should be considered, along with Detailed Site Investigations as required”*.
74. The NES-CS requires that where a PSI has identified the risk of contamination, a DSI is carried out when the use of the land changes or is proposed to be subdivided to identify the extent of the contaminants, and a Remedial Action Plan or Site Validation Report prepared if required. The implementation of such plans is a standard part of the conditions that typically accompany subdivision consents for sites where contamination risk is known to be present.
75. Whilst there is a risk of soil contamination being present, these risk factors are not untypical of rural landholdings. The DSI process and subsequent ability to document and undertake site remediation where necessary provides a well-established process for managing the risk to human health when changes in land use occur. At this stage of the development process there is nothing to suggest that the potential contamination is of a type or extent that would render the land incapable of being remediated or made safe for residential development.

Flooding

76. The plan change request includes correspondence from the Canterbury Regional Council¹⁶ which confirms that the site is not located in the the floodplain of any major rivers or streams. The Canterbury Regional Council does identify that the site can be subject to surface flooding and ponding during significant local rainfall events i.e. from heavy rain falling directly on the site, rather than heavy rain in the headwaters of a major river that then causes downstream flooding. Figure 3 shows potential flooding in a 1 in 500 year event (yellow = <0.2m; green = 0.2-0.5m; blue = 0.5m+).

Figure 3. 1 in 500 year flooding¹⁷



¹⁶ PC79 application, Appendix 10

¹⁷ <https://apps.canterburymaps.govt.nz/FloodModelResults/?extent=1558346.492%2C5171277.1726>

77. The District Plan does not contain any mapped flood hazard areas applicable to the site. The Proposed Plan includes several overlays that identify Flood Management Areas on the plains. These overlays map the 1 in 200 year and 1 in 500 year flood depths. There is an overland flow path to the south of the site, and the existing water race is shown wrapping around the Hamptons/ Birchs corner. Otherwise the site is relatively free of flood risk. I am therefore satisfied that the site is not exposed to any flood hazard risks that would prevent rezoning. I note that the management of stormwater and the detailed design and formation of flow paths is a matter that is required to be resolved as part of the subdivision consent process (subject to the required regional consents) through bulk earthworks prior to sections being developed and raised where necessary to ensure future building floor levels will be clear of at least the 1 in 200 year event.

Infrastructure Servicing (Water/Wastewater/Stormwater)

78. The application includes an Infrastructure Servicing Report prepared by Baseline Ltd¹⁸.
79. The applicant's servicing report has been peer reviewed by Mr High Blake-Manson, with his report attached as **Appendix 1**. I note that the introduction of medium density zoning means that there is the potential for a significant difference between the theoretical capacity enabled by the proposed zoning and the likely market take-up/ what actually gets built. This difference between theory and likelihood makes the assessment of the demands placed on infrastructure capacity challenging.
80. In this regard Mr Blake-Manson has focussed his assessment on a realistic yield of 530 households i.e. 15 hh/ha. In the event that the yield is higher, then the capacity limitations that he identifies simply become even more challenging to resolve.
81. A number of submissions raised concerns regarding servicing, including the adequacy of the existing reticulated networks to service a development of this scale, impacts on current users, and how the upgrades might be funded. A general concern expressed was that existing ratepayers should not have to subsidise any infrastructure development required by the developer.
82. Council programmes and funds infrastructure to align with the locations where urban growth is anticipated i.e. the area shown on Map A of the Canterbury Regional Policy Statement. The Council then charges future developers a Development Contribution for the additional capacity which Council has provided. Out of sequence growth proposals may be able to utilise any existing capacity in the network (whilst still playing development contributions), or where no such capacity exists enter into a developer agreement to fund the necessary infrastructure upgrades as part to the subdivision process. In my view, the funding of any upgrades necessitated by the plan change is not therefore an impediment to the rezoning per se. That said, a challenge for this site (discussed below) is that the wastewater infrastructure may require a new pump station (rather than just an upgrade) and new rising main back to Rolleston, and that the costs for such utilities can be significant.

Water Supply

83. Mr Blake-Manson identifies that Prebbleton's water is currently supplied via a number of Council bores, with Council holding the necessary regional consents for this water take. In terms

¹⁸ PC79 application, Appendix 7

of water source, there is likely to be sufficient capacity within the existing water takes to service the PC79 site, although this is dependent on the final overall household yield. If the number of households is higher than the 15hh/ha anticipated, there is a risk that the existing supply will not be sufficient to service the plan change at peak times. Should capacity be reached, the delivery of supplementary water sources may be possible through the transfer to Council of any existing water take consents held by the owners of the plan change site and/or additional bores being consented and built by Council.

84. In terms of transporting the water from source to site, there is no existing reticulated network adjacent to the site. An extension to the existing mains will therefore be necessary in order to bridge this gap in the piped network. Such pipework extensions for water supply infrastructure are reasonably common for large plan change sites and are not technically challenging to design or construct.
85. As noted by the applicant, and as sought in the submission by Fire and Emergency New Zealand¹⁹, any reticulated supply would need to be designed to have sufficient pressure and capacity to meet the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. It is anticipated that the design of water supply systems and pressure to achieve this standard is a matter that will form part of the subdivision consent process, following confirmation that sufficient source water can be obtained.
86. Mr Blake-Manson concludes that the existing water supply sources should be sufficient, and if not there are plausible options for securing additional supply. The reticulated network will need to be extended, but again such extensions are not unduly challenging to implement. I therefore consider that there are no fundamental barriers to water supply that would prevent the site from being rezoned.

Wastewater

87. Wastewater from Prebbleton is currently treated at the Pines Waste Water Treatment Plant ('Pines WWTP') located on the western side of Rolleston. Mr Blake-Manson has confirmed that the Pines WWTP has been designed as a modular system where additional capacity can be developed to keep pace with the growth of the Inner Plains townships. Work is currently well advanced to increase the Pines WWTP capacity to service a population of 60,000 people, with the current catchment population being circa 45,000 people. The ultimate design capacity of Pines WWTP is for it to be able to service a 120,000 population. There is therefore sufficient capacity in the Pines WWTP to treat the wastewater generated by the plan change site (and other recently approved plan changes in the wider catchment). As such there are no constraints in terms of waste water treatment.
88. The challenge is in getting the wastewater from Prebbleton to the Pines WWTP i.e. conveyance. Because Prebbleton is at a lower elevation than Rolleston, wastewater needs to be pumped uphill to the Pines WWTP. Selwyn Council's infrastructure is designed to meet programmed urban growth. As such the Prebbleton terminal pump station on Springs Road has capacity sufficient to accommodate flows from the existing zoned urban area, the two new retirement villages currently under construction, and modest ongoing infill i.e. the urban growth shown on Map A of the Canterbury Regional Policy Statement. Any out of sequence or unanticipated growth beyond the Map A boundary is serviced on a 'first in first served' basis. The existing pump station currently has 'spare' capacity for a further 460 households beyond the growth

¹⁹ Submission by Fire and Emergency New Zealand PC79-0023

anticipated in Map A. PC68 and PC72 have now more than taken up this existing capacity. The evidence as part of the PC68 hearing was that the developer would need to fund an upgrade to the pump station to increase capacity in order for the balance of the PC68 site to be serviced. Such upgrades may be able to generate some additional capacity over and above what is required by PC68 and 72 if they are developed at 12 hh/ha. If PC68 and 72 are developed to 15 hh/ha then there is unlikely to be any spare capacity even once the pump station upgrades have taken place.

89. The recent shift to medium density zoning makes it challenging to determine how much if any additional capacity will remain available for PC79. There is a real risk that the existing pump station will not be able to be upgraded beyond the works proposed for PC68 to provide the capacity necessary to service the PC79 site. If this is the case then an entirely new pump station will be required, along with the potential for an entirely new rising main for conveyance back to Rolleston.
90. In short, there is no capacity to accommodate PC79 flows now that PC68 and 72 have both been approved. Upgrades to the pump station necessary to enable PC68 to be developed may result in some surplus capacity, however the extent of this is dependent on the rate of infill and higher density development that occurs.
91. The installation of a new pump station and potentially additional pipe network to Pines WWTP is a significant investment that is not currently programmed in the Long Term Plan and would need to be funded by the developer. There is therefore considerable uncertainty as to whether the site can be serviced with reticulated wastewater infrastructure, at least in the short-medium term.

Stormwater

92. The applicant's servicing report identifies that the site will be designed to achieve hydraulic neutrality – in essence that post-development it will discharge no more stormwater into the wider network than what currently occurs under rural landuse.
93. The proposed solution is to treat and dispose of stormwater to ground via retention basins, with the size and location of these to be determined as part of the subdivision consent (although given current contours is likely that such basins will be in the southwest corner adjacent to Birchs Road where the site is at its lowest).
94. Mr Blake-Manson confirms that disposal of stormwater to ground is a common and effective solution across the Inner Plains townships. Such systems will need to be appropriately designed and will need to obtain the necessary regional consents (including assessment of effects on any nearby drinking water sources), however such solutions have been widely implemented and as such are considered to be reasonable for the site.
95. In addition to retention basins, it is common for the road network will be designed to help accommodate temporary storage of stormwater in very high (1 in 200 year+ events). If necessary, direct soakage to ground could also be employed on individual house sites to reduce the overall load placed on the proposed stormwater network.
96. Overall the management of stormwater to ground to achieve hydraulic neutrality is considered to be appropriate and plausible.

Conclusion – Servicing

97. In conclusion, the site is able to be serviced for stormwater and is also able to be serviced for water supply (subject to an extension of the reticulated pipe network and potentially the need for additional supply bores/ sources to be secured).
98. In terms of waste water, there is sufficient treatment capacity at the Pines WWTP. A significant constraint is with conveyancing and the capacity of the Prebbleton terminal pump station to transfer waste water from Prebbleton to the Pines WWTP. There is limited capacity within the pump station to accommodate existing flows, with this capacity insufficient to accommodate the flows expected from the approved PC68 and 72 sites at 12 hh/ha densities. Upgrades to the pump station will be needed to accommodate the balance of the PC68 flows however even after these upgrades there is unlikely to be any surplus capacity, especially if PC68 and 72 are developed to 15 hh/ha densities. Either a major upgrade or potentially a new pump station will be required in order to accommodate PC79 flows. Such a pump station is not programmed by Council in its Long Term Plan. There is also a strong possibility that a completely new rising main back to Rolleston will also be required if yields across the greenfield areas exceed 15 hh/ha and PC79 is approved. The lack of certainty regarding funding and delivery of pump station and rising main capacity is therefore a significant constraint on the site being developed.

Transportation/Traffic Effects on the Roding Network

99. PC79 included an Integrated Transport Assessment (ITA) prepared by Lisa Williams of Novo Group Ltd²⁰. As noted above, the uncertainty created by MDRS on the ultimate household numbers is also an issue for assessing potential effects on the transport network. The applicant's ITA uses 600 households as the base for the assessment, which is slightly more than 15 hh/ha and as such is reasonably conservative figure relative to likely demand. The ITA also undertook a sensitivity test of the modelling using a yield of 1,581 dwellings were every site to be developed to full MDRS opportunities.
100. Adjacent to the site frontage, Birchs Road is classified as a collector road, currently has an 80 km/h speed limit, and carries some 4,400 vehicles per day. Hamptons Road is classified as a local road, has an 80 km/h speed limit and carries some 330 vehicles per day west of Birchs Road. Leadleys Road is a local road, has an 80 km/h speed limit, and carries some 1,174 vehicles per day.
101. The applicant's ITA identified that there have been 5 reported crashes in proximity to the site between 2010 and 2020, centred around the Birchs/ Leadleys Road intersection. The reasons for the recorded crashes do not appear to point towards any inherent safety concerns with current road and intersection formation.
102. Public transport is limited to a route connecting Lincoln with Christchurch. A bus stop is located on Birchs Road south of Hamptons Road (adjacent to the proposed Business 1 Zone shown on the ODP). The ITA identifies that services are currently limited to two buses per hour, with some additional services during peak hours. A school bus route is also available between Prebbleton and Lincoln High School.
103. The proposed ODP shows new two new east-west road connecting to Birchs Road (with the northern connection located opposite Leadleys Road) and providing possible future

²⁰ PC79 application – Appendix 6

connections to the rural land to the west. A new north-south spine road runs close to the site's western boundary, with a north-south walking and cycling route shown in a new central green space. The Rail Trail cycleway runs along the eastern side of Birchs Road opposite the site.

104. Ms William's modelling and conclusions have been reviewed by Mr Mat Collins, a transport engineer with Flow Transportation Specialists Ltd ('Flow'). Mr Collins' report is attached as **Appendix 2**. Mr Collins generally agrees with the description of the existing traffic environment, with Ms William's assumptions regarding peak hour traffic generation, and with the methodology used to underpin the traffic modelling.
105. Mr Collins makes a number of recommendations in order to mitigate transport-related effects as follows:
- a) Mr Collins has identified the need for further modelling to be undertaken on the functioning of the Birchs/ Springs Road intersection as this intersection is already congested at peak times and is likely to be a key commuting route to and from the PC79 site.
 - b) Mr Collins identifies a number of roading upgrade projects that are either already programmed to be undertaken by Council or are upgrades that are required as part of the PC68 process (with staging rules limiting build-out until the upgrades are in place). These upgrades are generally programmed to take place over the next 1-3 years and will make a material improvement in the Prebbleton roading network and intersection functionality and safety. Mr Collins recommends that should PC79 be approved, it be subject to similar staging rules as PC68 regarding development not occurring until the upgrades to the roads/ intersections listed in his report have been completed.
 - c) Mr Collins raises concerns with the safety of the proposed new road access to the Birchs/ Leadleys Road intersection and recommends that the ODP be amended to make clear that the approach to the intersection is realigned, and that the intersection is to be formed as a roundabout rather than a cross roads. The intersection design should also provide for a safe pedestrian and cyclist crossing in order to be able to easily access the Rail Trail. I note that the part of the application site opposite the Leadleys Road intersection is 198 Birchs Road which is owned by Tom and Helen Fraser. The Frasers have submitted²¹ in opposition to the plan change. As such there is considerable uncertainty as to whether this important road link can actually be delivered (at least to an optimal alignment).
 - d) Mr Collins likewise considered that widening of Leadleys Road will be necessary to link with the widening of Ellesmere Road (which is an existing Council project).

Mr Collins recommends a number of amendments to the ODP as follows:

- e) That the ODP be amended to clarify that the north-south spine road intersection design and location with Hamptons Road will need to provide safe intersection sight distances and formation (depending on whether there is a concurrent reduction in the posted speed limit to 50 kph).
- f) That the ODP be amended to make explicit that the Birchs and Hamptons Road frontages are to be upgraded to urban standards i.e. foot paths, kerb and channel etc.

²¹ Mr & Mrs Fraser submission PC79-0014

- g) That the ODP be amended to show an additional north-south spine road running up the eastern side of the linear greenspace as a 'proposed secondary road'. This additional route is considered necessary to insure there is appropriate levels of internal connectivity.
 - h) The ODP be amended so that the indicative roading cross-sections align with Council's Engineering Code of Practice.
 - i) The ODP be amended to require walking and cycling facilities along the primary roads and along the Birchs road frontage, with such facilities separated from general traffic.
 - j) The ODP be amended to show an additional future road link the west (at the northern end of the site).
106. The above ODP amendments are shown graphically in Figure 7 of Mr Collin's report.
107. Mr Collins identifies that in itself, the Plan Change will result in only modest increases to traffic movements on the wider network and that such additional movements will be able to be accommodated provided the above localised roading improvements are in place. He raises concerns not so much with the traffic generated by PC79 per se, but rather with the cumulative traffic effects that might be generated by the suite of plan changes proposed in the wider area, including those in Rolleston and Lincoln.
108. In considering the traffic implications on the wider commuter network (to Christchurch and Rolleston/ Lincoln), Mr Collins notes that without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment. He assumes that PC79 will create additional demand i.e. more people living in Selwyn, rather than a reallocation of demand i.e. fewer people living in say Rolleston as they instead live in Prebbleton, with sections in Rolleston remaining vacant.
109. Assessing the effects of such development on the long-term planning and funding commitments associated with bulk transport infrastructure is complex and requires assessment of multiple land use scenarios. At present this assessment does not form part of the applicant's ITA (and in fairness is a Selwyn-wide issue).
110. As is discussed in more detail in the statutory assessment below, the integration of transport upgrades and urban growth has until recently been reasonably settled, with growth areas identified in the Canterbury Regional Policy Statement and road network improvements programmed accordingly. The National Policy Statement on Urban Development ('NPS-UD') has provided an opportunity for locations outside of these identified growth areas to be advanced through private plan changes. This has led to a proliferation of private plan change requests being received across the Selwyn Inner Plains townships. These plan changes are currently being heard on a first come first served basis. In the event that all (or most) of the applications are approved, significant new housing capacity will be released in both Lincoln and Rolleston. In particular, residential growth in Lincoln has implications for the traffic volumes on Springs Road, and residential growth towards the southern end of Rolleston has implications for the traffic volumes on Shands Road.
111. Mr Collins identifies that in the event that the majority of these plan changes are approved, both Shands and Springs Road are likely to be at (or beyond) capacity during the morning and evening peak hours. His findings are complemented by the 'real-world' observations of numerous submitters who have identified an increase in traffic levels and congestion through Prebbleton resulting from recent developments in Lincoln and Rolleston. Such a congested

outcome is likely even if growth is limited to just those growth areas identified in the Canterbury Regional Policy Statement ('CRPS').

112. To a certain extent when routes become congested, commuters adapt by using other less direct (and also less congested) routes, for example commuters originating from the southern side of Rolleston using the Southern Motorway in preference to Shands Road, or commuters originating in Lincoln shifting to Ellesmere Road and thereby accessing Christchurch via Halswell. To help facilitate such options the Council has included in its LTP upgrades to the Ellesmere Road arterial to take some of the pressure off the Springs and Shands Road arterials from traffic originating in Lincoln (and townships further south such as Leeston). Mr Collins has found that such redistribution is the likely outcome. It does not mean that Shands and Springs Roads will not be congested, but it does mean that this congestion should not worsen beyond anticipated levels.
113. I understand from feedback from Mr Andrew Mazey, Council's roading asset manager, that the Greater Christchurch Partnership organisations are well aware of the potential changes to commuter volumes arising from the plethora of recent plan change applications. They are in the process of investigating how to support modal shift towards public transport, and the potential for commuter rail and/or high frequency bus services from Rolleston. Such changes to public transport services (and in particular rail-based services) are however likely to be more of a medium to long-term proposition. In the meantime the partner organisations are reviewing the functioning of the wider road network, noting that such is an iterative process that is having to proceed in the context of considerable uncertainty generated by the multitude of plan changes in locations that have not previously been identified for growth.
114. In my view such tension is inevitable with the door opening created by the NPS-UD. The NPS-UD creates a process whereby the coordination of urban growth with transport infrastructure becomes reactive and iterative, particularly where the effects derived from individual plan changes are found to be acceptable and any adverse effects are only felt cumulatively.
115. For PC79 it appears that the immediate road connections/ intersections can all function safely following programmed upgrades and the matters recommended in Mr Collins' report. There is a need for further modelling of this plan change's effects on the functioning and level of service of the Birchs/ Springs Rd intersection. Apart from a question mark regarding effects on this intersection, there are no other transport effects generated by this plan change on the immediate network that would lead to a recommendation that it should be declined.
116. The plan change will however add to the cumulative volume of traffic on the wider road network. The issues created by this additional volume in and of themselves are again not critical to network function, however when added to the volumes generated in the event that all or most of the plan change applications that are currently proposed upstream in Rolleston and Lincoln are approved, there will be a noticeable decline in road capacity and service. Because decisions on the other plan changes (and Proposed Plan submissions seeking rezoning) will not be fully known until decisions on the Proposed Plan are realised in August, any increase in traffic generated by them is simply speculative at the time of writing.
117. In the event that a number of plan changes are approved, the solution to transport implications first requires remodelling of the network once some certainty is gained regarding which specific plan changes are to proceed. Works will then need to be programmed (and weighed against other competing funding priorities), and the physical works commenced. In parallel, improvements to public transport to encourage modal shift can be undertaken. The reality is

though that such works are likely to be implemented over the medium to long term. There is therefore a strong likelihood that there will be an increase in congestion in the short term. Such is a trade-off with the provision of additional housing capacity (and the benefits of such to the wider community in terms of ensuring a competitive housing market).

118. In conclusion, there are a number of changes recommended to the ODP to improve the immediate transport environment around the plan change site. Mr Collins also recommends that the plan change be subject to a staging rule that prevents development until the suite of intersection improvements programmed over the next 1-3 years are completed. Provided these amendments/ staging rules are in place, Mr Collins is satisfied that the plan change will result in acceptable outcomes from a transport perspective.

Urban Design, Urban Form and the NPS-UD

119. The National Policy Statement on Urban Development ('NPS-UD') provides high level direction regarding the delivery of sufficient zoned capacity to meet residential and business needs over the short to long term. Such capacity is to be located in areas that result in a 'well-functioning urban environment'. Because the strategic direction in the NPS-UD is so closely linked with an assessment of urban design/ urban form outcomes, both matters are discussed in this section of the report.
120. In understanding what a well-functioning urban environment might look like in a Prebbleton context, it is helpful to first summarise the existing township planning that has occurred over the past decade or so.
121. As will be very familiar to many submitters, the planning history and growth of Prebbleton (and indeed the wider Inner Plains portion of Selwyn District) has evolved rapidly over the last decade. The statutory framework has likewise evolved through changes to both the District Plan and the Canterbury Regional Policy Statement ('CRPS'), recent National Policy Statements, proposed amendments to the RMA, and non-RMA planning processes such as township structure plans.

Prebbleton Structure Plan²²

122. Prior to the Canterbury earthquake sequence, the Council prepared a structure plan for Prebbleton. This plan was one of a series of similar structure plans prepared for the other Inner Plains townships of Rolleston and Lincoln. The structure plan identified a number of growth areas. These growth areas have largely now all been rezoned and developed for housing.
123. In addition to rapid growth of the township over the last decade, a new supermarket-anchored retail area has been developed, the Meadow Mushrooms factory site in the middle of the town has closed and replaced with a large retirement village (with concurrent removal of odour and associated limitations on residential infill adjacent to the factory site) and the Southern Motorway has been completed which has altered roading patterns in the wider area.
124. Given that the structure plan is over a decade old, with the identified growth areas taken up, the structure plan is now quite dated in terms of usefully informing how best to manage ongoing growth pressures. The structure plan nonetheless provides some broad guidance regarding the preferred direction of growth, namely that a clear separation should be maintained between

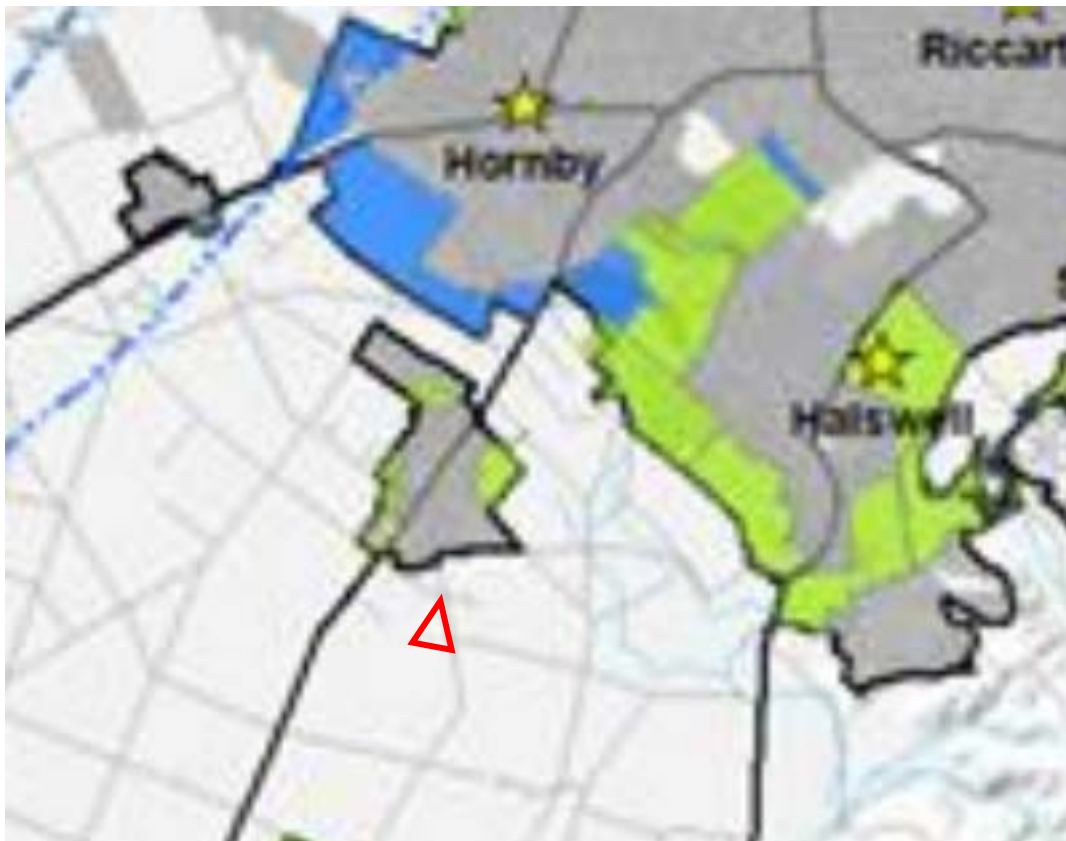
²² <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/prebbleton-structure-plan>

Prebbleton and the urban edge of Christchurch to the north, and secondly that growth should occur to the east and west in preference to ribbon development extending south along Shands and Springs Roads. This general growth direction is reinforced through policies in the District Plan which are considered in more detail below.

Land Use Recovery Plan

125. Following the Canterbury earthquake sequence, a Land Use Recovery Plan ('LURP')²³ was prepared in December 2013 to facilitate development and recovery in the Greater Christchurch area. Of significance, the LURP included amendments to the Canterbury Regional Policy Statement through a new Chapter 6 which directed land use change across the Greater Christchurch area.
126. The CRPS amendments included 'Map A' which showed growth locations around the various Selwyn townships as 'greenfield priority areas', with the location of these areas generally reflecting the findings of the earlier structure plan processes. The CRPS policy framework is discussed in more detail below, however for now it is sufficient to note that the provisions included directive policies that growth should only occur within the identified greenfield priority areas. This strong policy direction provided a settled framework for managing growth in Selwyn. It is important to note that the application site is not identified as a Greenfield Priority Area.

Figure 4. CRPS Map A



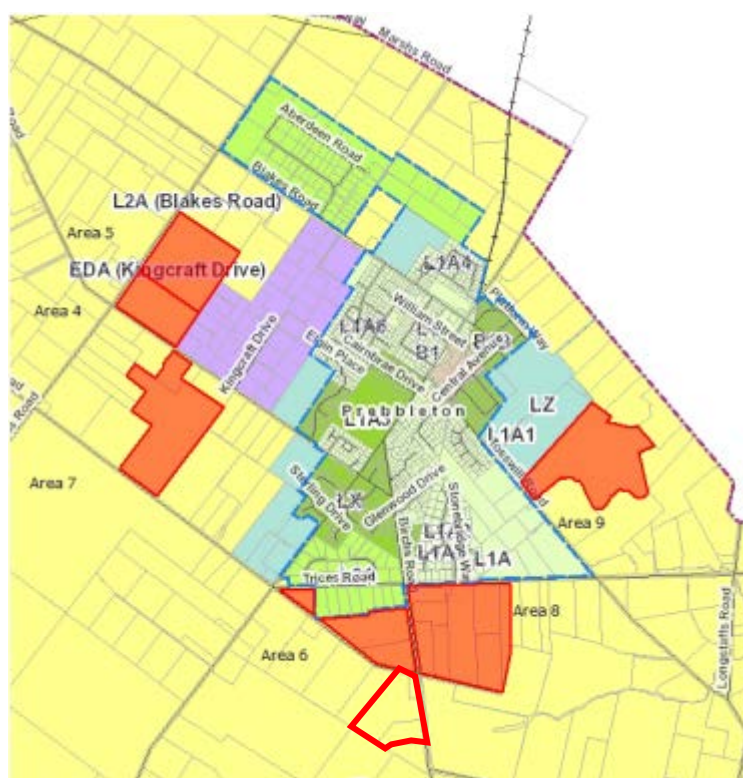
²³ The LURP was prepared under the Canterbury Earthquake Recovery Act 2011 rather than the RMA.

127. The LURP also directed a number of amendments to the District Plan, including changes in zoning of a number of the greenfield priority areas to enable their development for residential activities.
128. In addition to directing the location of urban growth, the new CRPS Chapter 6 also considered the provision of 'Rural Residential' development, which was defined as residential development at a density of 1-2 households per hectare and located outside of the greenfield priority areas. Policy 6.3.9 stated that new rural residential areas could only be provided where they were located in accordance with a Council-adopted rural residential development strategy prepared in accordance with the Local Government Act.

Rural Residential Strategy 2014²⁴

129. In response to the amendments to the CRPS, the Council prepared a Rural Residential Development Strategy in 2014 ('RRS-14'). The RRS-14 identified a set of criteria for identifying areas in the Inner Plains that would be suitable locations for rural residential development. As a generalisation, rural residential locations were chosen on the basis that they were located on the edge of existing townships (rather than as isolated rural enclaves), were able to be serviced by reticulated networks, and were sited in locations where they were not in an identified growth path for suburban density development and/or were located to provide a clear 'edge' to the township.
130. PC79 was not identified in the RRS14, and indeed is located on the southern side of 'Area 6', which was in turn intended to form the low density edge to the township as the long-term southern boundary for Prebbleton.

Figure 5. Rural Residential Areas in Prebbleton



²⁴ <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/rural-residential>

Image source: RRS14, Figure 31. PC79 site shown in red below 'Area 6'

131. Subsequent to the development of the RRS-14, the District Plan was amended to provide a rural residential zone (Living 3), including objectives, policies and rules²⁵.
132. A number of private plan changes have since been promulgated by landowners to rezone areas 4, 5, and 6 to Living 3, with these areas now all largely built out as low density housing. Area 7 has been incorporated into PC68 and Area 8 has been incorporated into PC72. Area 9 is therefore the only area in the RRS-14 that has yet to be rezoned.

Kakaha Park Management Plan²⁶

133. As noted above, Council has recently acquired a large 22ha block located to the east of the application site for development into a large new district park. The park has been designated in the District Plan for recreation purposes and a management plan to guide the development of the park has been prepared following public consultation. The management plan establishes the spatial layout and facilities that the park will contain.
134. Of particular relevance to this plan change is the change in urban form created by the park development. The RRS-14 was based on rural residential development forming a low density edge to townships, enabling a transition from suburban densities through to large lots on the margins, and then to farmland. The acquisition of the park means that the park now provides a clear alternative (and strongly defensible) southern edge to the township that was not available when the RRS-14 was developed. The ability of the park to provide a clear urban edge was a key element in the decision to rezone PC72 to a suburban rather than rural residential density.

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

135. Prior to July 2020, the planning framework for the Inner Plains was clearly established. Development to urban densities could only occur within greenfield priority areas identified on Map A of the CRPS.
136. Development to rural residential densities could likewise only occur in areas specifically identified in the RRS-14, and then only once a change in zoning to Living 3 had been confirmed through a private plan change process.
137. The Government gazetted the National Policy Statement for Urban Development 2020 (NPS-UD) on 20 July 2020. The NPS-UD was in response to growth pressures being faced nationally, and has particular relevance for 'Tier 1' Councils which include Selwyn District.
138. The NPS-UD defines an 'urban environment' as being an area of land that is or is intended to be predominantly urban in character; and is or is intended to be part of a housing and labour market of at least 10,000 people (regardless of size, and irrespective of local authority or statistical boundaries). Whilst the population of Prebbleton was a little over 4,500 people (2018 census), the Inner Plains townships in Selwyn function as a single (albeit complex) housing and employment market. As such the NPS-UD is considered to apply to Prebbleton. The inclusion of the Inner Plains townships within the ambit of the NPS-UD as urban environments is an interpretation that has been applied consistently across the numerous private plan changes that are currently in process and is also an interpretation that has been adopted by the Greater Christchurch partner Councils.

²⁵ This change was undertaken as a LURP action under CERA legislation.

²⁶ <https://yoursay.selwyn.govt.nz/birchs-rd-park/widgets/267320/photos/65557>

139. NPS-UD **Policy 8**, states that *“local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*
- a) unanticipated by RMA planning documents; or*
 - b) out-of-sequence with planned land release”.*
140. In short, Policy 8 ‘opens the door’ for private plan changes to be considered for blocks of land that were not identified as greenfield priority areas in the CRPS i.e they are ‘unanticipated by a RMA planning document’. This includes the PC79 block.
141. In order to be able to pass through the Policy 8 doorway, plan changes need to meet two tests, namely that the plan change would add significantly to development capacity, and secondly that it would contribute to a well-functioning urban environment.
142. In terms of the statutory framework, the alignment of the plan change with the outcomes sought in the NPS-UD, and the interplay of the NPS-UD with the CRPS, is the crux of my assessment, along with assessment on the national direction regarding versatile soils. As such I consider the NPS-UD in some detail as follows.

Development Capacity – is more required?

143. **Objective 6** of the NPS-UD seeks that local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and are responsive, particularly in relation to proposals that would supply significant development capacity.
144. This Objective is implemented by:
- **Policy 2**, which requires that “at least” sufficient development capacity is provided within the district to meet the expected demand for housing, in the short, medium and long terms.
 - **Policy 6**, which guides decision-makers to have particular regard to (amongst others) *“any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity”*; and
 - **Policy 8** discussed above
145. The NPS-UD requires the Council to have sufficient zoned and infrastructure-enabled land to meet short to medium term demand. Such capacity is to have a 20% buffer built in to ensure it is sufficient. Prior to PC68 and PC72 being advanced, there was little zoned and serviced land available in Prebbleton. As such there was a short-medium term shortfall in capacity for Prebbleton (and potentially also at that time medium-term shortfalls across the wider Inner Plains townships).
146. The application includes an assessment of housing supply and demand²⁷, however the provision of additional capacity in Selwyn has changed significantly over the past year through a combination of recently approved plan changes and the introduction of the Enabling Act. PC68 has been approved and is now operative. This plan change provides some 820 households (at 12 households/ha densities). PC72 has likewise been approved and is subject to a single Environment Court appeal. The scope of this appeal is narrow and simply seeks that the PC72 zone boundaries be extended to accommodate an extra 2.2ha of land between PC72 and the

district park. Regardless of the outcome of this appeal, the balance of PC72 is now beyond challenge.

147. The capacity provided by these recently approved rezonings is complemented by Variation 1 to the Proposed Plan which seeks to rezone all existing residential areas (large lot areas excluded) in Prebbleton to Medium Density. The proposed change to medium density zoning provides a significant *theoretical* increase in development capacity. I am however cautious that the changes will result in a significant *actual* increase in capacity. Much of the existing township has developed reasonably recently, and therefore it is considered that the potential for further intensification is limited, especially where many sites would require the demolition of the existing (modern) house in order to rebuild 2-3 dwellings and therefore is unlikely to be economically attractive. The greenfield areas of PC68 and PC72 provide further opportunity for more intensive development, although again simply because the proposed medium density zoning enables higher density outcomes does not necessarily mean that such will occur, especially given that demand to date has been for larger stand-alone dwellings. Whilst in practice the additional capacity is likely to be limited, the Enabling Act direction will nonetheless add some additional opportunity/ capacity for dwellings in Prebbleton.
148. The Variation 1 process will not be concluded until August 2023, however the implementation of MDRS is mandated in legislation and therefore much greater weight can be placed on it than is typically the case for mid-process plan changes. The MDRZ provisions likewise have legal effect now in the existing developed parts of the township.
149. Even if the take-up of medium density opportunities are limited and these two plan changes are only developed to a density of 12hh/ha, they still enable an additional 1,150 households i.e. a more than 50% increase in the size of Prebbleton. There is therefore considerable capacity available.
150. As part of the Variation 1 process, Council has recently commissioned a review of housing capacity and demand across the Inner Plains. This review is attached as **Appendix 3**. The key findings are that capacity has increased significantly in the last year through a combination of approved private plan changes, large-scale subdivision consented under 'Covid recovery' legislation in Southern Rolleston, and the Enabling Act rezoning of both existing suburban areas and undeveloped greenfield areas to MDRZ. Section 4.4 of the report summarises the situation for Prebbleton, with demand over the coming decade modelled to be 420 households using the high NZ Statistics projection plus 20% buffer. Feasible supply is some 1,580 households over the medium term (assuming very modest infill combined with some take-up of medium density opportunities in greenfield areas). Even if demand turns out to be double the 'high' projection, there is still ample capacity in the medium term.
151. The demand assessment of Council is very similar to the demand assessment undertaken in the PC79 application by Blackburn Management Ltd²⁸. The Blackburn report identifies demand as being for an additional 1,100 residents for the period between 2021-2028 (an 8 year period). This equates to 440 dwellings at a rate of 2.5 people per dwelling. The report notes that there are also two large retirement villages under construction. Whilst such facilities have a bespoke target demographic and therefore retirement village units aren't directly comparable to open market units in terms of providing additional capacity, it is reasonable to expect that at least

²⁸ PC79 application, Appendix 4

some of these units will be taken up by existing Prebbleton residents, thereby freeing up their existing homes to be on-sold.

152. In response to a request for further information, the applicant commissioned a separate assessment of demand and capacity from Insight Economics²⁹. This addendum references the 2021 Housing Capacity Assessment for the Greater Christchurch Partnership. It includes an estimate of demand for the combined Prebbleton and West Melton townships of 1,859 dwellings over the medium term and 5,530 over the long term. There is therefore a substantial difference in estimates between this older HCA and the current assessment provided by both Formative and Blackburn. Formative have informed me that the earlier HCA estimates were simply in error and over allocated the share of whole of district growth to Prebbleton and West Melton. The Formative report provides a more accurate assessment of growth demands across the District.
153. I note that in terms of capacity delivered the Insight Economics report assesses capacity for PC79 on the basis that it is developed to MDRS densities, but assesses all other plan changes on the basis that they are developed to no more than 12 hh/ha i.e. that no high density opportunities are taken up. This is a reasonable assumption for West Melton given that MDRS does not apply to that township, but it potentially overstates the feasible capacity that is likely to be delivered through PC79 and understates feasible capacity available through PC68 and 72.
154. On balance, and speaking as a planner rather than an economist, even at conservative rates of density (and assuming nil infill in the existing township), PC68 and 72 increase the size of Prebbleton by more than 50%, and as such I struggle to see that there is any shortfall in capacity for at least the next ten years.
155. Of course capacity considerations are not limited to just Prebbleton. The Inner Plains townships have been consistently treated as a single housing and employment market for the purposes of urban growth planning on the basis that if a prospective homeowner cannot find a house in say Prebbleton then they will look in Lincoln, West Melton or potentially Rolleston (or indeed Halswell or other parts of western Christchurch).
156. The Formative report identifies that medium term capacity is provided in Lincoln (demand of 2,510 cf feasible supply of 3,660). A small shortfall over the medium term is identified in Rolleston (demand of 6,980 cf feasible supply of 6,550), however the Independent Hearings Panel tasked with hearing submissions on the Proposed Plan will be required to demonstrate that this potential shortfall in Rolleston is resolved, with numerous submitters advancing evidence that their land in and around Rolleston is suitable for addressing any shortfall.
157. Councils are not required to have zoned and serviced land for meeting long-term capacity needs (although there is no barrier to doing so should they so choose). For long term demand the NPS-UD requires Councils to undertake a Housing and Business Capacity Assessment ('HBA') every three years, and prepare a Future Development Strategy ('FDS') every six years to ensure that long-term capacity is in place before medium term capacity is exhausted. Selwyn Council is partnering with the other Councils and agencies into prepare a FDS for Greater Christchurch, with consultation on this currently underway.
158. In summary, short to medium term capacity is provided for in Prebbleton, and is also provided for across the balance of the Inner Plains through a combination of recently approved plan changes, consented subdivisions, MDRZ, and potential rezoning in Rolleston through the

²⁹ Ibid, addendum at the end of Appendix 4

Proposed Plan process with decisions anticipated in August this year. The additional capacity provided by PC79 is not therefore required in order for Council to meet its obligations under the NPS-UD.

159. It is important to emphasise that the NPS-UD only requires that sufficient capacity is provided, it does not preclude greater capacity being provided, i.e. it is a tool for ensuring minimum capacity requirements are met, rather than being a tool for limiting further capacity (provided such additional capacity is in locations that meet the other NPS-UD policy tests). Policy 8 provides a pathway for considering proposals that add additional capacity (whether or not such capacity is required).

Is NPS-UD Policy 8 met?

160. Despite not being required in order to deliver capacity, Council still needs to be responsive to development proposals in unanticipated locations that seek to add significant additional capacity. Guidance in terms of the application of Policy 8 is found within the NPS-UD itself. Subpart 2 – Responsive Planning, 3.8 ‘Unanticipated or out of sequence developments’ sets out that:

- (2) *Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*
 - a) *would contribute to a well-functioning urban environment; and*
 - b) *is well-connected along transport corridors; and*
 - c) *meets the criteria set under subclause (3); and*
- (3) *Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*

161. In terms of (3) above, no such criteria have yet been included in the CRPS. In my view, if there are no criteria then it is only the first two matters listed in (2)(a) and (b) that are relevant.
162. Clearly PC79 is unanticipated by the District Plan and the CRPS. In order to be considered under Policy 8 it therefore first needs to be capable of delivering ‘significant development capacity’. The applicant’s assessment of PC79 is that it does represent significant additional capacity, especially when considered within the context of Prebbleton.
163. The question of what is ‘significant’ has been considered in a number of recent plan change decisions. The decision for PC72 found that in that case the provision of 330 households passed this test. Relying on this earlier finding, I am comfortable that a plan change that delivers at least 440 houses (at 12 hh/ha) and potentially significantly more depending on the take-up of medium density opportunities, also passes the threshold for significant capacity.
164. Delivering significant capacity is not however simply a numbers game. The NPS-UD defines development capacity as follows:

means the capacity of land to be developed for housing or for business use, based on:

- a) *the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and*
- b) *the provision of adequate development infrastructure to support the development of land for housing or business use*

165. The definition of development infrastructure includes water, wastewater and stormwater as well as land transport infrastructure. Therefore, if a proposal cannot be adequately serviced by

the necessary infrastructure it cannot be said to contribute to development capacity and therefore cannot use the Policy 8 pathway. The above assessment on servicing has confirmed that the site can be serviced for stormwater, and is able to be plausibly serviced for water supply subject to localised upgrades to the reticulated network and potentially sourcing additional bore water. Waste water treatment capacity is sufficient, but there is a potentially significant constraint on waste water conveyancing infrastructure due to a lack of capacity in the Prebbleton pump station and the associated rising main back to Rolleston. Whilst the funding and delivery of either a significant upgrade or a new pump station is not necessarily insurmountable over the medium term, it is a significant constraint in terms of the existing state of the township's infrastructure.

166. If the constraints on waste water pump station capacity cannot be overcome, then the capacity proposed by the applicant cannot be realised, and therefore PC79 will not pass through Policy 8.
167. Transport/ roading infrastructure likewise needs a number of localised upgrades to be in place before the PC79 site is developed. These upgrades are programmed to occur over the short-term. Their funding is either in place or is subject to a clear mechanism (staging rules associated with PC68) and therefore I consider that the site can be serviced by transport infrastructure. There is an existing bus route adjacent to the site. Whilst not a high frequency service, additional population growth can help to support higher frequency services, and there is no road alignment constraints that would prevent an expanded service being delivered.
168. If the applicant can provide evidence at the hearing that demonstrates how waste water capacity issues can be resolved, then the application will provide significant capacity, albeit that this capacity is unlikely to be delivered until close to the 'back end' of the next decade given the likely time required to design, consent, fund, and construct a new or significantly upgraded pump station and potential new rising main to Rolleston. There is no direction within the NPS-UD that prevents or discourages the provision of more than adequate capacity, provided such additional growth areas are appropriately located and serviced.

A well-functioning urban environment

169. As noted above, the provision of significant capacity is the first of two policy tests. The second test set out in Policy 8 is whether that additional capacity is located such that it will 'contribute to a well-functioning urban environment'. Such an assessment is informed by the other objectives and policies of the NPS-UD which work as a package.
170. **Policy 1** of the NPS-UD sets out what constitutes a 'well-functioning urban environment' and requires that planning decisions contribute to such environments. A well-functioning urban environment must meet all of the criteria in the policy, which includes that they: have or enable a variety of homes that meet the needs of different households; support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support reductions in greenhouse gas emissions.
171. The PC79 application included urban design and landscape assessments³⁰ prepared by Mr David Compton-Moen (DCM Urban Design Ltd). These assessments have been assessed by Hugh Nicholson (UrbanShift), with his report attached as **Appendix 4**.

³⁰ PC79 Application, Appendix 5 (Urban Design) and 11 (Landscape)

Range of housing typologies

172. I consider that the proposal will enable a variety of homes to meet the needs of different households and will support the competitive operation of land and development markets. Medium density zoning means that there is significant enablement (albeit with no requirement) to deliver a range of different housing typologies, sizes, and price points to meet the market.

Transport modal choice and connectivity

173. As discussed above, PC79 will provide limited accessibility to employment by way of active transport. This is because the site itself does not contain a large commercial area, and Prebbleton township likewise does not contain a large employment base. The application site is however located within cycling distance of the Lincoln, Rolleston, and Hornby Key Activity Centres. The location of the application site adjacent to a major cycle way connecting to the Lincoln Key Activity Centre, in close proximity of a large district park, and with internal cycle and pedestrian linkages shown on the ODP (and recommended to be further enhanced in the reports of Mr Nicholson and Mr Collins), mean that there are walking and cycling opportunities and connections within the site's localised context.
174. Public transport services are currently limited in Prebbleton, however there is the potential for such services to be enhanced, and stops are located adjacent to the site on Birches Road.
175. That said, active and public transport opportunities are unlikely to be practicable for the majority of residents in terms of access to employment and the services available in the larger commercial centres, at least in the short-term. As noted by Mr Nicholson, the peripheral location of the site means that the site is not particularly walkable relative even to the Prebbleton town centre. Whilst a local commercial centre is proposed, the applicant's ITA is based on this centre including a preschool and 600m² of shops. At a typical 120m² per small format shop, this equates to just five shops which whilst providing for some convenience needs, are nowhere near sufficient for achieving a walkable neighbourhood. The area proposed as the B1 Zone is located on what is currently 142 Birchs Road. The owners of this property (John and Sue Sheaf) have submitted³¹ in opposition to the plan change. Their submission states that they have no intention of selling their land or developing a commercial centre. Whilst individual circumstances can change over time, clearly the delivery of this local centre is speculative at this point and cannot be relied upon for meeting local convenience needs. This lack of proximity to services has flow on implications in terms of the degree to which the proposal is able to support reductions in greenhouse gas emissions, as it will introduce additional households into an area that is largely dependent on private vehicle movements (and more so compared with PC68 and 72 which were both located closer to the Prebbleton town centre).
176. An increase in commuter traffic will result in more people making trips, resulting in increased emissions, congestion and longer journey times. Clearly this is not an issue that is specific to just PC79 when compared to other growth areas within the Selwyn District, including for instance Rolleston, West Melton, and Lincoln where other private plan changes have been received. Compared with the other Inner Plains townships, Prebbleton is closer to Christchurch, and therefore arguably growth in Prebbleton reduces the potential for greenhouse gas emissions relative to other growth options in Selwyn District.
177. In summary, because Prebbleton does not have a large employment base, most residents will need to travel some distance for work relative to the wider urban environment. To some extent

³¹ Submissions by Sue Sheaf PC79-0005 and John Sheaf PC79-006

this situation is a feature of all the Inner Plains townships, albeit that both Rolleston and Lincoln have greater employment opportunities than Prebbleton. On the other hand, Prebbleton is closer to Christchurch and Hornby than these other townships. The peripheral nature of the site's location also means that walking opportunities to access local services such as the town centre and primary school are likewise limited (and less walkable than other recent plan changes). Conversely, the site has good access to the proposed district park (subject to the access improvements recommended by Mr Nicholson and Mr Collins). Overall the site location has some limitations in terms of connectivity and walkability such that it does not conclusively meet this aspect of Policy 1.

Urban form and township edges

178. The District Plan urban growth objectives and policies (discussed below) seek a consolidated pattern of growth. The specific policies relating to Prebbleton seek to direct growth to the east and west. Growth to the north would reduce the spatial separation between Prebbleton and Christchurch and reduce its detached village character, and growth the south along Springs Road is likewise sought to be discouraged. These preferred growth directions are reflected in both the Prebbleton Structure Plan, the Map A greenfield priority areas in the CRPS, and the RRS14.
179. The RRS14 in particular sought to create firm edges to the southern side of the township through locating rural residential areas between the suburban parts of the township and Hamptons Road. Hamptons Road was therefore intended to be the southern boundary and a clear gateway or transition from rural areas to the township. The recent acquisition of the park has strengthened this urban edge by creating a large and permanent area of open space on the southern side of Hamptons Road. Whilst parks are not rural activities per se, large 20ha+ district parks nonetheless comprise extensive areas of open space and mature tree planting and are visually and functionally quite different from suburban residential areas. The current form of Prebbleton therefore has a clear, defensible urban edge on its southern side formed through the park, Hamptons Road, and the existing rural residential areas on the northern side of Hamptons Road providing a visual transition from farmland to the township.
180. PC79 fundamentally changes this form and edge. As noted by Mr Nicholson, there is minimal adjacency between the plan change site and the existing urban edge. A very short northern section of the site boundary is opposite a large Orion substation (and thereafter a rural residential area), and apart from this short length of frontage there is no direct connection with existing urban areas. The plan change therefore forms a large peninsula jutting out into farmland and significantly extends the township's extent to the south. This relative isolation from the balance of the township means that it has poor integration and that direct connectivity is limited to a reliance on the Birchs Road corridor. The urban form concerns in relation to Policy 8 tests were also raised by the Canterbury Region Council in their submission³².
181. I accept that circumstances change, townships grow, and what were once appropriate edges get leap-frogged. That said, there still needs to be a clear rationale to the direction of growth, and the new urban growth areas need to provide clear urban edges. The plan change does not have any clear edge along its large western and southern boundaries – unlike PC68 or PC72 it does not align with roads or 'square up' existing blocks, but rather is a large insertion out into the rural hinterland.

³² Submission by Canterbury Regional Council PC79-0036

182. I therefore consider that the plan change does not create a well-functioning urban environment and does not provide clear, legible edges to the township or a logical extension to the township's urban form. As such I do not consider that the tests of Policy 8 are met and therefore the plan change does not align with the NPS-UD direction for unanticipated growth proposals.

Internal ODP outcomes

183. In addition to considering the site's impact on urban form and connectivity, Mr Nicholson has also assessed the more localised urban design outcomes of the site itself. In the event that the plan change is approved, Mr Nicholson has recommended a number of amendments to the ODP to improve the anticipated outcomes. These recommendations align with a number of recommendations made by Mr Collins from a transport perspective, namely:
- a) Amend the ODP to specify how the street edges of Hamptons and Birchs Roads will be treated, with a particular focus on the provision of walking and cycling facilities;
 - b) Identity how the ODP boundaries/ interface with rural areas will be treated to provide an appropriate landscape response;
 - c) Update the ODP narrative to provide some direction regarding the location of stormwater retention basins and local parks (if any);
 - d) Align a new north-south road adjacent to the eastern side of the linear park to improve passive surveillance and safety;
 - e) Enhance the crossing points between the site and the Rail Trail.

Other Matters

184. There were two other common themes raised in the submission, being the impact of PC79 on the existing community facilities and their ability to grow at the rate required to appropriately serve the new and existing population should PC79 proceed; and matters relating to environmental quality generally, including effects from construction of a development of this scale.

Educational Facilities

185. Several submitters, including the Ministry of Education³³ and the Board of Trustees of Ladbrooks School³⁴ are concerned about the additional pressure that PC79 will place on existing schools (Prebbleton and Ladbrooks Primary Schools and Lincoln High School), and the lack of provision for a new school site within the development area. The Ministry's submission states that school network planning and investment in Prebbleton in recent years has been guided by Council advice on future development and the current school network has generally not been designed to accommodate any development outside of these areas.
186. The Ministry also express concerns that if PC79 is approved, it may set a precedent for development occurring outside existing planned areas, which would make planning for school capacity and networks increasingly difficult. They consider that the direction in Policy 8 of the NPS-UD should be balanced against other parts of the NPS-UD that require councils to ensure sufficient additional infrastructure, including schools are provided.

³³ Submission by Ministry of Education PC79-0024

³⁴ Submission by Nick Draper on behalf of Ladbrooks School BoT PC79-0032

187. In some respects this is a similar issue to that raised in the transport section, namely cumulative effects of additional population pressure on infrastructure/ community facilities, and the manner in which this is coordinated (or retrofitted). If PC79 is approved, then in combination with PC68 and 72 it is very likely that a second (or even third) primary school will be required in Prebbleton. In this regard I note that in response to similar submissions from the Ministry on PC68 and PC72 the ODP narratives for both these plan changes were amended to include the following statement:

At the time of subdivision, consultation with Ministry of Education will consider whether it is appropriate and necessary for any land to be provided for education purposes within the Site, and the appropriateness of any amendments to the ODP to accommodate this.

188. If the plan change is approved it is recommended that a similar clause be added to the ODP.

Environmental Quality

189. A number of submitters raise concerns about the impact that the plan change will have on the amenity or environmental quality of the surrounding areas, including concerns about:
- a) Increase in noise, dust and heavy traffic dust during construction and the adverse health impacts arising; and
 - b) Pollution, contamination of waterways, quality of potable water, rubbish and health and safety.
190. I consider that effects resulting from construction can be appropriately managed and consider that this can be addressed by specific assessment at the time of subdivision through existing mechanisms, including the control of noise through the NZ Standard for construction noise; management of dust through requirements under the Regional Land and Water Plan; and through subdivision consent conditions relating to the construction phase and the management of effects on water quality.

Statutory Analysis

191. As noted earlier, the District Plan (including as amended by any plan change) must give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75(3)(c)); have regard to any management plan or strategy prepared under other Acts (s74(2)(b)(i)); take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and must not be inconsistent with any regional plan (s75(4)(b)). The content of these documents as they relate to PC79 is discussed in the application and is set out further below.

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

192. The NPS-HPL commenced on 17 October 2022 i.e. after PC79 was notified. Prior to the NPS-HPL being gazetted, urban development over versatile soils (‘Highly Productive Land/ ‘HPL’) was simply a matter to be considered, in the absence of any more specific higher order direction on this issue. Now the District Plan (and any associated plan changes) must give effect to the NPS-HPL.

193. The rezoning of HPL is a key concern raised by a large number of submitters including the Christchurch City Council³⁵, the Canterbury Regional Council³⁶, and the Ministry of Education³⁷.
194. The NPS-HPL provides specific direction as to how HPL is to be managed and uses very directive language. In summary, the policy framework in the NPS-HPL is comprised of:
- A single objective that seeks that HPL “*is protected³⁸ for use in land-based primary production, both now and for future generations.*”
 - Policy 4 which seeks “*the use of highly productive land for land-based primary production is prioritised and supported”;*
 - Policy 5 which seeks that “*the urban rezoning of highly productive land is avoided, except as provided in the National Policy Statement*”;
 - Clause 3.6 which in its title seeks to restrict urban rezoning of HPL;
 - Clause 6.6(1) which states that Tier 1 and 2 territorial authorities may allow urban rezoning of HPL only if the criteria set out in the balance of the clause are made out.
195. The implementation of the objective and policies is then expanded upon in Part 3 of the NPS-HPL. Sections 3.4 and 3.5 set out the process and criteria by which highly productive land is to be mapped, with regional councils having up to 3 years to map such soils (October 2025), and district councils having a further 6 months to incorporate the regional maps into their district plans.
196. Clause 3.5(7) sets out the identification of highly productive land during the transitional 3-year period prior to the regional mapping being completed as follows:
- Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*
- (a) is*
- (i) zoned general rural or rural production; and*
 - (ii) LUC 1,2, or 3 land; but*
- (b) is not:*
- (i) identified for future urban development; or*
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*
197. In assessing the application site against these criteria:
- The application site is zoned for general rural use (through a single ‘Rural Zone’ in the Operative Plan and as a ‘General Rural Zone’ in the Proposed Plan));
 - The application site is primarily LUC 2 with small pockets for LUC 1 along the Birchs Road frontage (see **Figure 6** below);

³⁵ Submission by Christchurch City Council PC79-0037

³⁶ Submission by Canterbury Regional Council PC79-0036

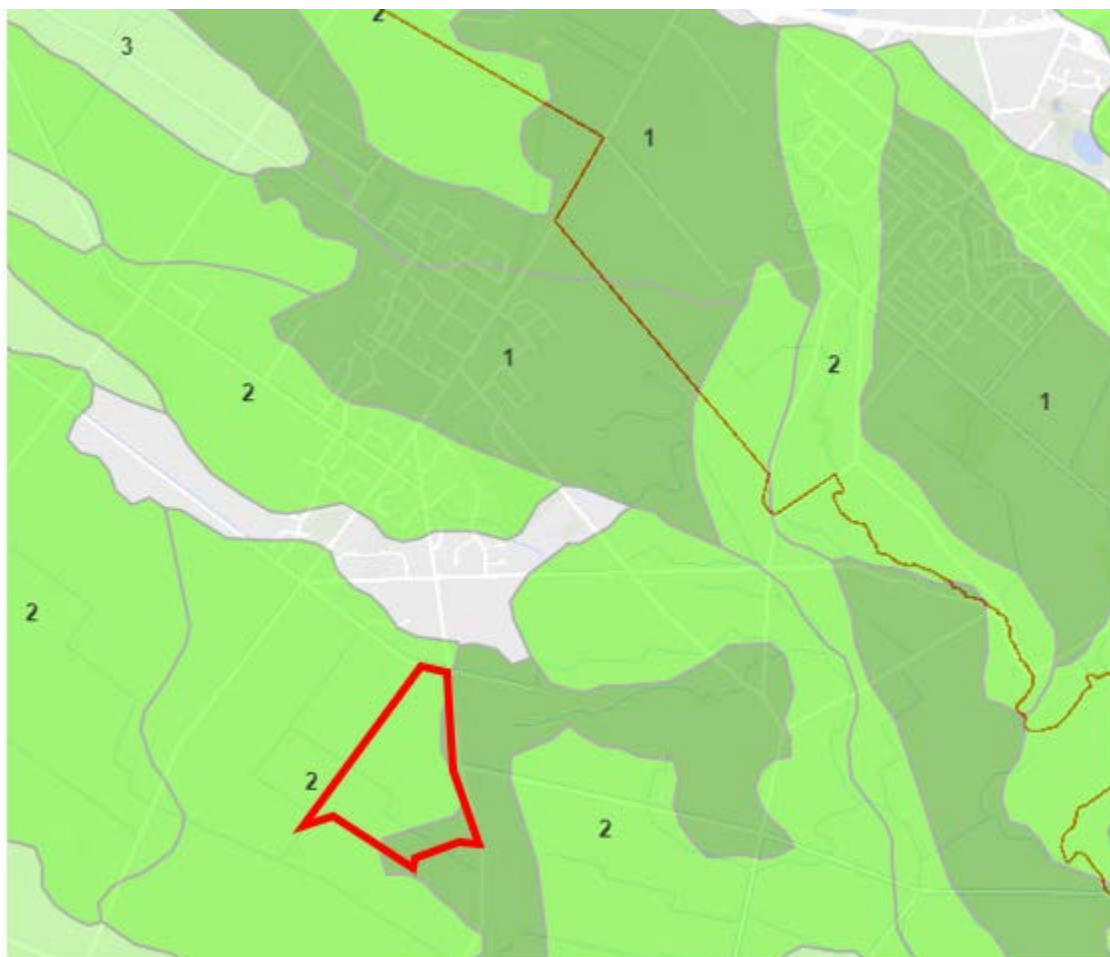
³⁷ Submission by the Ministry of Education PC79-0024

³⁸ Underlining my emphasis

- The application site is not identified for future urban development (as set out above in the section on urban form);
- The application site is not subject to a council initiated, adopted, or notified plan change to rezone it to a lifestyle or urban zoning.

198. As such the site contains Highly Productive Land.

Figure 6. Land Use Capability ³⁹



199. In coming to the above conclusion it is noted that Clause 3.5(7)(a)(i) uses zoning terminology as set out in the National Planning Standards. The Operative Plan, having been prepared prior to the National Planning Standards being confirmed, uses different zone labelling, namely the 'Rural Zone'. This single zone covers all of the rural areas in the District. It is separated into an 'Inner Plains' area which is approximately the area between Rolleston and Christchurch, and an 'Outer Plains' which is everywhere west of Rolleston. The Inner Plains area enables subdivision down to 4ha.
200. Submitters to the Proposed Plan process have questioned whether the Rural (Inner Plains) zone equates to an existing 'rural lifestyle' zone under National Planning Standards terminology and therefore whether the whole of the Rural Inner Plains zoned area is exempt from identification

³⁹ Image source: Canterbury Maps. (Land Resource Inventory, dark green = LUC 1, light green = LUC 2, grey = not LUC 1-3)

as HPL under 3.5(7)(b)(ii). Council has received legal advice on this matter as part of the PDP process⁴⁰. A copy of this advice is available via the below link, but in a nutshell concludes that the Rural (Inner Plains) zone is more analogous with a General Rural Zone than a Rural Lifestyle Zone and therefore the NPS-HPL is in play. The advice likewise notes that the Proposed Plan has been developed to align with National Planning Standards and zoning terminology. The Proposed Plan has labelled the Rural Inner Plains area as a 'General Rural Zone', whilst retaining the 4 ha minimum.

201. Relying on this advice, I have assessed the PC79 site against the NPS-HPL directions concerning the protection of HPL.
202. Clause 3.4 includes the ability for regional councils to exempt land from being mapped as HPL where it is comprised of a small discrete area of LUC 1-3 land; and that land is separated from any large and geographically cohesive area of LUC1-3 soils. Whilst land ownership within the PC79 area is somewhat fragmented, the land itself does not constitute a small, isolated pocket of LUC 1-3, but is instead part of a much wider area of HPL.
203. Clause 3.10 sets out further exemptions where HPL is subject to permanent or long-term constraints. Subclause 3.10(1) focusses the consideration of these exemptions for instances when the territorial authority is considering the use of HPL that is not otherwise enabled under clauses 3.7 (rural lifestyle), 3.8 (subdivision), or 3.9 (non-productive uses). Of significance, clause 3.6 which relates to urban rezoning proposals is not one of the specified clauses and therefore 3.10 is not of relevance to plan changes.
204. In short, the onus is on the regional council to map HPL in accordance with clauses 3.4 and 3.5 over the next three years. Until this exercise is complete, HPL is deemed to be all land that is LUC 1-3. Constraints or limitations on the productive use of that land such as fragmented ownership, limits on water supply, or economic viability are merit-based considerations that can feed into the regional council mapping process. They are not however matters that are in play now during this transitional mapping period, and for which the criteria for identifying (and excluding) HPL are limited to those set out in Clause 3.5(7).
205. Having identified the site as containing HPL, proposals to rezone it are subject to Clause 3.6. This clause provides critical direction to the assessment of PC79, and therefore this clause is set out in full as follows:
 - (1) *Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:*
 - (a) *The urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and*
 - (b) *There are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and*
 - (c) *The environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
 - (2) *In order to meet the requirements of subclause (1)(b) the territorial authority must consider a range of reasonably practicable options for providing the required development capacity, including:*

⁴⁰ https://www.selwyn.govt.nz/data/assets/pdf_file/0016/1603024/Advice-to-Selwyn-District-Council-on-application-of-the-NPS-HPL.pdf

- (a) Greater intensification in existing urban areas; and
 - (b) Rezoning of land that is not highly productive land as urban; and
 - (c) Rezoning different highly productive land that has a relatively lower productive capacity.
- (3) In subclause (1)(b), development capacity is within the same locality and market if it:
- (a) Is in or close to a location where a demand for additional development capacity has been identified through a Housing and Business Assessment (or some equivalent document) in accordance with the National Policy Statement on Urban Development 2020; and
 - (b) Is for a market for the types of dwelling or business land that is in demand (as determined by a Housing and Business Assessment in accordance with the National Policy Statement on Urban Development 2020).
- (4) ...⁴¹
- (5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.
206. The three tests set out in 3.6(1) are conjunctive and therefore the Council may only allow the rezoning of land where all three tests are able to be met.
207. The first test states that the rezoning must be required in order to provide sufficient capacity to give effect to the National Policy Statement on Urban Development ('NPS-UD'). The Ministry for the Environment has just released an updated guide to the implementation of the NPD-UD⁴². In relation to this first test the guide states the following:
- "sufficient development capacity" is defined in Part 3, subpart 1 of the NPSUD. The intention of this test is that rezoning HPL to an urban zone can only be considered if it is "required" to provide sufficient development capacity to meet demand for housing and business land (as assessed in a HBA for tier 1 and 2 local authorities). Where there is already sufficient development capacity to meet demand for housing and business land within the district, Clause 3.6(a) is not met and urban rezoning on HPL cannot occur.*
- The intent is the test could support the rezoning of HPL to an urban zone if needed to provide for short term (within next 3 years) and/or medium term (3–10 years) sufficient development capacity as this is required to be zoned for housing and business land for it to be 'plan-enabled' (refer Clause 3.4 of the NPS-UD). Rezoning HPL to an urban zone to provide for long-term development capacity (10–30 years) would not meet this test. This is to avoid the premature loss of HPL to urban rezoning and ensure the maximum amount of HPL remains available for land-based primary production until it is actually needed to be rezoned to provide sufficient development capacity.*
208. It is important to note that there is a key shift in terminology between the NPS-UD and NPS-HPL. The NPS-UD Policy 2 is focussed on ensuring that at least the minimum level of capacity is delivered, with there being no issue if more than the minimum is provided (as long as a well-functioning urban environment still results). The NPS-HPL inverts this direction through clause 3.6(5) whereby HPL should only be rezoned to the extent necessary to provide the minimum

⁴¹ Subclause (4) relates to Tier 3 territorial authorities and therefore is not applicable to Selwyn which is a Tier 1 Council.

⁴² <https://environment.govt.nz/assets/publications/National-Policy-Statement-Highly-Productive-Land-Guide-to-implementation-March-2023.pdf>

required capacity. The MfE guidance on clause 3.6(5) backs up the medium term focus by noting that “*significant additional development capacity (beyond what is required for the next 10 years) should not generally be provided on HPL*”.

209. In order for rezoning of HPL to be required, there must therefore be a demonstrable shortfall in the short-medium term capacity required under the NPS-UD. The NPS-UD was discussed in more detail above. In summary, Prebbleton currently contains approximately 1,780 households (as at 2022). At the time the s42a reports on PC68 and PC72 were written there was little urban zoned capacity remaining in Prebbleton. This lack of capacity has now been resolved (at least in the short-medium/ 10-year term), through PC68 and PC72. The two approved plan changes in combination represent an increase in the size of the township by more than 50%, without taking into account any additional capacity enabled through the introduction of MDRS across the existing urban (and greenfield) areas.
210. Given that this significant increase in supply is considered to be substantively more than modelled demand, I do not consider that rezoning is required in order to give effect to the NPS-UD as there is no shortfall of capacity over the short-medium term.
211. In the event that further capacity was able to be identified as being necessary over the long term (or indeed if there was a short-medium term shortfall), clause 3.6(1)(b) requires a comparative assessment of options to be undertaken to determine that there are no other reasonably practicable and feasible options available that would not use HPL in the same locality and market, whilst still achieving a well-functioning urban environment ie, be located in areas that otherwise meet the tests set out in the NPS-UD in terms of matters such as access to transport, services, and employment.
212. No such comparative analysis has been undertaken by the applicant (and in fairness was not required at the time PC79 was notified given that this was prior to the NPS-HPL coming into force).
213. The NPS-UD and NPS-HPL in combination set out a clear pathway for managing and providing for long-term urban growth at a strategic level across the Greater Christchurch area through requiring Council to:
- Undertake a Housing and Business Assessment every three years to ensure short-medium term capacity is available;
 - Ensure the District Plan provides sufficient zoned (and able to be serviced) land to meet the short-medium term capacity needs identified in the HBA. Council is currently well-advanced in its District Plan Review to do exactly that, with decisions expected to be released in August this year. Regardless of the DPR process, Prebbleton has significant capacity due to the approval of PC68 and PC72;
 - In parallel, the Canterbury Regional Council is to undertake a mapping exercise of HPL over the next 3 years. The PC79 applicants will have the opportunity to present evidence through this process regarding any site-specific matters that would point away from their site being HPL. If successful, they would then have a pathway for exploring subsequent rezoning;
 - Selwyn Council is to then incorporate the results of this mapping into the District Plan;

- Selwyn Council, in partnership with the other Tier 1 Councils in Greater Christchurch is to prepare a Future Development Strategy every six years. A FDS is currently underway and will assess long-term growth needs and how demand is to be provided for;
 - The FDS is to be linked to the LTP process to ensure the necessary infrastructure to enable that growth will be available;
 - In the event that the FDS, informed by the HBA, identifies the need for further capacity to be made available over the long-term, a comparative analysis is to be undertaken in accordance with NPS-HPL clause 3.6(1)(b) to examine all options without utilising HPL. This comparative analysis can only be properly undertaken following the mapping of HPL by the Canterbury Regional Council and therefore able to benefit from the identification of any small, isolated, or otherwise constrained pockets of current LUC 1-3 land that have been excluded (and are therefore available for consideration as locations for urban growth).
 - Even if the take-up of existing medium-term capacity happened much faster than anticipated, for instance if the 1,859 demand referenced in the applicant's Appendix 4 addendum were to occur, then any shortfall of capacity will only happen at the back end of the next decade. The significant waste water conveyancing constraints likewise mean that any capacity enabled through PC79 is unlikely to be development-ready until the latter half of the coming decade. There is therefore ample time for a properly robust and comprehensive assessment of alternatives to be undertaken following the required mapping exercise. In the absence of such a comprehensive assessment of alternatives the 3.6(1)(b) test cannot be met.
 - Such comparative options could for example include consideration of more intensive rezoning of the existing Large Lot Residential Zoned areas on the western and southern sides of Prebbleton. It could include more intensive rezoning of RRS14 Area 9 shown in **Figure 5** above (and as has occurred with other RRS14 blocks through the PC68 and 72 processes), or consideration of 'squaring up' the block left over from PC68. It could include consideration of additional rezoning in the wider urban environment to the west of Rolleston that is not located on HPL (the PC73, 81, and 82 sites), or consideration of constrained LUC 3 land if no non-HPL land is available around the other Inner Plains townships, or further intensification (or rezoning) within the western suburbs of Christchurch if such locations were considered to form the same housing market.
 - Such options will be weighed and tested through the mandated strategic growth management processes that are to occur over the coming decade.
214. Were the PC79 site to pass through that comparative sieving exercise, the costs and benefits of the loss of HPL could then be assessed in terms of Clause 3.6(1)(c). The MfE guidance confirms that such assessment must be comprehensive and must address the "full spectrum of environmental, economic, social and cultural benefits and costs". Whilst to some extent this final exercise mirrors that required under s32 for plan changes, to date it has not been undertaken with a focus on how the loss of HPL impacts on these costs and benefits.
215. In summary, until the Regional Council undertakes the required mapping exercise, the application site is deemed to be HPL by virtue of having LUC 1-2 soils. Policy 5 seeks to avoid the urban rezoning of HPL, except as otherwise provided in the NPS.

216. The pathway for assessing rezoning proposals is then set out in more detail in Clause 3.6. Tier 1 councils may allow rezoning of HPL only if the three conjunctive tests of Clause 3.6(1) are all met. In my view the rezoning is not required to provide sufficient development capacity in the light of PC68 recently becoming operative (and PC72 being approved), combined with the nationally directed shift to medium density zoning through Variation 1 and the additional rezoning in the wider locality taking in Rolleston and Lincoln. If Rolleston is found to have a medium-term shortfall, any such shortfall must be resolved through the current well-advanced District Plan Review process in order for the Proposed Plan to give effect to the NPS-UD and where there are a number of options for rezoning land located within the Future Development Areas shown in Map A of the CRPS. Decisions are due in August.
217. Even were additional capacity to be required in the long term, the PC79 site could only be approved following a comparative analysis of alternatives that demonstrated that this site was the only feasible option across the Inner Plains townships, and even then it could only be rezoned to the minimum extent necessary to make up any shortfall in the minimum capacity that was required at the time.
218. I simply do not therefore see a pathway through the NPS-HPL given the clear national direction to avoid rezoning of HPL, and which the District Plan must give effect to.

‘Our Space’ and the National Policy Statement – Urban Development Capacity (NPS-UDC)

219. In response to increasing concerns regarding housing affordability, supply, and integration with infrastructure, the Government gazetted the NPS-UDC in 2017. This NPS required Councils in high growth areas to undertake an assessment of housing (and business) demand and supply and to demonstrate there will be sufficient, feasible development capacity to support housing and business growth needs over the medium (next 10 years) and long term (10 to 30 years)⁴³.
220. In response to meeting the reporting obligations under the NPS-UDC, the Greater Christchurch Partnership organisations prepared a document titled ‘Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga*’ (‘Our Space’).
221. Our Space is essentially equivalent to a FDS. It is focused on how to best accommodate housing and business land needs in a way that integrates with transport and other infrastructure provision, builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of communities. It provides targets for housing for 30 years and outlines how any identified shortfall in capacity to meet these targets will be met, including through the identification of areas for housing growth. This planning was intended to promote *“a compact urban form, which provides for efficient transport and locates development in a manner that takes into account climate change and sea level rise”*⁴⁴. This is reflected in additional capacity being directed to Rolleston, Rangiora and Kaiapoi in support of the public transport enhancement opportunities identified⁴⁵. Given the significant crossover between Our Space and the CRPS, subsequent changes to the CRPS were signalled as being required to facilitate the outcomes set out therein. Our Space also highlights

⁴³ A partnership of Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Canterbury District Health Board and the Greater Christchurch Group of the Department of Prime Minister and Cabinet.

⁴⁴ Executive Summary.

⁴⁵ Page 28.

the value that versatile soil resource provides the sub-region and the need to consider this resource as part of the settlement pattern to promote a sustainable urban form⁴⁶, albeit that it was drafted prior to the NPS-HPL coming into force.

In summary, the matters raised by Our Space are effectively the same as those discussed below in relation to the CRPS.

Canterbury Regional Policy Statement (CRPS)

222. As set out above, a new Chapter 6 was added to the CRPS in late 2013 to specifically address growth and recovery in the Greater Christchurch area. The CRPS was recently updated through Change 1⁴⁷ which identified some 'Future Development Areas' ('FDAs') in Rolleston (and Rangiora and Kaiapoi) in response to the need to provide additional housing capacity identified through the Our Space process.
223. The application⁴⁸ sets out that the most relevant objectives and policies of the CRPS are those contained in Chapters 5 (to the extent relevant to the entire region), 6, and 11, with a focus on Chapter 6.
224. As noted above, prior to the NPS-UD, the CRPS Chapter 6 provided settled direction regarding urban growth, with growth anticipated within greenfield priority areas (and more recently FDAs), and conversely to be avoided outside of these areas. In terms of **Objectives 6.2.1** and **6.2.2**, and **Policy 6.3.1** the application is clearly not consistent with the prescriptive provisions in Chapter 6 directing urban growth to specific areas and avoiding development outside the areas shown on Map A. The submission from the CRC also identifies this clear lack of alignment.
225. **Policy 8** of the NPS-UD provides an opportunity to allow consideration of an 'out of sequence' proposal that meets the significant capacity threshold. I also consider that as a higher order document, the NPS-UD should be considered as providing an 'opportunity' that would otherwise be precluded by the CRPS and other planning documents. This reflects the central government objectives to facilitate greater opportunities for urban growth and housing opportunities. However, in order to be given this opportunity the NPS-UD requires such out of sequence development to be able to be serviced, and to contribute to a "*well-functioning urban environment*". As set out above, PC79 is unable to be serviced with reticulated wastewater in the short term and it is questionable whether such servicing is possible in the medium term. I do not consider that it will result in a well-functioning urban environment. In short, the NPS-UD only opens the door to overcome the prescriptive CRPS directions if the Policy 8 tests are met. If the plan change cannot meet Policy 8, then the clear CRPS direction regarding urban growth locations remains in play. The plan change does not give effect to this direction.
226. If Policy 8 were able to be met, proposed new growth areas still need to align with the other urban growth outcomes sought in the CRPS.
227. In summary, the PC79 site aligns with these outcomes by:
- Not exacerbating natural hazard risks⁴⁹;

⁴⁶ [Our-Space-2018-2048](#). Section 4. Our Challenges (Page 18), Figure 10: Example constraints on development across Greater Christchurch (Page 21).

⁴⁷ The Proposed Change was approved by the Minister for the Environment on 28 May 2021 and the changes became operative on 28 July 2021

⁴⁸ PC79 application, Appendix 11

⁴⁹ CRPS Objective 6.2.1(8), Objective 11.2.1, Policy 11.3.1

- Not being located in an area with identified high landscape or ecological values⁵⁰;
- Not being located in an area with identified heritage or cultural values⁵¹
- Not being located such that it would result in reverse sensitivity effects or otherwise affect the functioning of strategic infrastructure⁵²;
- Resulting in a yield of at least 10 households/ hectare⁵³;
- Encourages the self-sufficient growth of Prebbleton⁵⁴.

228. Conversely, the site is does not align with CRPS outcomes by:

- Being located on versatile soils⁵⁵;
- Not being connected to reticulated infrastructure networks for which there is sufficient existing or programmed capacity (although over the medium term and with significant investment by the applicant these constraints may be able to be overcome)⁵⁶;
- Is not located in a manner that results in good urban form, is not able to provide a clear edge to the township, and at a site-level is not able to be well-connected and integrated into the wider street and pedestrian/ cycle network given its very small interface with the existing urban edge⁵⁷;
- Does not currently have an ODP that shows the requisite matters set out in Policy 6.3.3 (although this shortcoming could potentially be resolved through including additional narrative and updates to address the issues raised by Mr Nicholson and Mr Collins);

Conclusion – CRPS

229. Clearly PC79 conflicts with the directive outcomes sought in regard to Objective 6.2.1(3) and Policy 6.3.1(4) of the CRPS.

230. The NPS-UD has changed the policy basis. Policy 8 of the NPS-UD opens the door to consider the merit of blocks of land that have not been previously identified in strategic planning documents such as the District Plan or the CRPS. The above assessment considers that due to waste water infrastructure constraints the proposal does not provide significant development capacity. Even if this infrastructure issue can be overcome, it is not in a location that would result in a well-functioning urban environment, informed by both Mr Nicholson’s urban design assessment, and informed by an assessment against the wider CRPS policy directions bullet-pointed above. As such NPS-UD Policy 8 is not met, and therefore the directive provisions of the CRPS in Objective 6.2.1 and Policy 6.3.1 remain in play.

231. I therefore consider that the plan change does not give effect to the CRPS.

⁵⁰ CRPS Objective 6.2.1(4)(5)

⁵¹ CRPS Objective 6.2.3(2)(3)

⁵² CRPS Objective 6.2.1(10)

⁵³ CRPS, Policy 6.3.7

⁵⁴ CRPS Objective 6.2.2(5)

⁵⁵ CRPS Objective 15.2.1

⁵⁶ CRPS Policy 6.3.5

⁵⁷ CRPS Objective 6.2.4 and Policy 6.3.2

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

232. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to this application include the LWRP and CARP. Appendix 15 of the application includes an assessment against the LWRP. The establishment of activities within the plan change site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent.
233. In broad terms I consider that the effects associated with requirements under these regional plans can be considered at the time of detailed development and the necessary consents obtained.

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

234. The NPS-FM introduces the fundamental concept of Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
235. There is a hierarchy of obligations set out in **Objective 2.1**, which prioritises:
- a) first, the health and well-being of water bodies and freshwater ecosystems
 - b) second, the health needs of people (such as drinking water)
 - c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
236. **Policy 6** refers to there being no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. **Policy 9** is that the habitats of indigenous freshwater species are protected. **Policy 15** refers to communities being enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.
237. The site does not include any waterways or wetlands, with subdivision-phase earthworks and associated management of stormwater subject to obtaining the necessary regional consents. Given the absence of waterways and wetlands within the site, a change in zoning does not threaten the values that the NPS-FM seeks to protect.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

238. As this is a request for a zone change, and not to determine the actual use of the site, the NES-CS does not strictly apply. The requirements of the NES-CS will have to be appropriately addressed at any subsequent subdivision or building consent stage and, depending on the nature of any future activity, may either satisfy the permitted activity requirements or require resource consent under the NES-CS.

239. As identified above in terms of the discussion on land suitability, I consider that any risk of developing the land for residential purposes to people's health can be effectively managed under the NES-CS at the subdivision consent stage of the process.

Mahaanui Iwi Management Plan (IMP)

240. The Mahaanui Iwi Management Plan (IMP) is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district's resource management issues. Under s74(2A) of the RMA, the Council, in considering this plan change, must take into account the IMP. The application includes an assessment of IMP⁵⁸. The application notes that there are no cultural sites identified in the District Plan applicable to the site, and neither are there any known archaeological sites. As noted above there are no waterways or wetlands on the site, and no mahinga kai areas.
241. Sewage resulting from the development will be reticulated and treated in the Council's Pines WWTP. Whilst infrastructure constraints have been noted, there is no suggestion that waste water would not be reticulated i.e the applicant does not rely on septic tanks or an on-site 'package plant'. The design and operation of stormwater collection and treatment systems will be subject to obtain the necessary regional consents and provide a process whereby water quality outcomes can be assessed.
242. The applicant has advised that prior to lodgement they provided a draft copy of the application to Mahaanui Kurataiao Limited who represent Tangata Whenua interests⁵⁹. No pre-lodgement feedback was received. As part of the public notification process, as standard practice the Council directly notified Mahaanui Kurataiao Limited in order to provide an opportunity for mana whenua to submit, with no submission having been received. The applicant may be able to advise the Commissioner if any further consultation or feedback has been received from mana whenua over the intervening time period.

Consistency with the plans of adjacent territorial authorities

243. Matters of cross-boundary interest are outlined in the District Plan (in Section A1.5 of the Township Volume). I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC79. The most applicable matters to PC79 include:
- a) Effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch.
 - b) Development on or near the boundary of Selwyn District and Christchurch City Council that may influence housing sufficiency and the coordination of infrastructure services.
244. These cross-boundary interests have primarily been addressed and managed through the sub-regional approach of managing growth across Greater Christchurch through the Greater Christchurch partnership forum and resultant Our Space document. Notwithstanding, matters relating to urban form, transport infrastructure, and housing capacity have been discussed above, noting the NPS-UD framework provides an opportunity for unanticipated and out of sequence development to be considered.

⁵⁸ PC79, Appendix 16

⁵⁹ PC79 application, pg. 41

Consideration of alternatives, benefits and costs

245. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)). The application contains an assessment of the proposal against s32⁶⁰.

Extent to which the Objectives of the Plan Change are the Most Appropriate Way to Achieve the Purpose of the Act

246. The plan change proposal does not involve any new objectives or changes to the existing objectives and policies within the District Plan concerning urban growth management or the form of Prebbleton. It does introduce a policy framework associated with the introduction of a new Living MD zone into the Plan. The assessment required under s32(1)(a) is therefore the extent to which the plan change is the most appropriate way to achieve the purpose of the RMA. The stated general purpose of the PC72 is *“to rezone 36.58 hectares (ha) of land in Prebbleton from Inner Plains to Living Medium Density (MD) Prebbleton and Business 1 (B1). A new Living MD zone is proposed to give effect to the requirements of the NPS-UD and the purpose of the Business 1 zone is to provide neighbourhood scale commercial use, given the proposed density and potential residential yield of the site”*.⁶¹
247. In considering the appropriateness of the proposal in achieving the purpose of the RMA, I consider that there are no section 6 matters in play. The location of the site outside areas identified for urban development in the CRPS and Our Space is relevant to the consideration of whether the proposal results in an efficient use of natural and physical resources (s7(b)).
248. As set out above, there are potentially significant wastewater servicing constraints, with programmed roading upgrades also required to be in place prior to the site being developed. The site’s location likewise presents significant challenges in terms of urban form outcomes and connectivity which means that it does not result in the maintenance and enhancement of amenity values (s7(c)) and the maintenance and enhancement of the quality of the environment (s7(f)). As such I am not convinced that the purpose of the plan changes aligns with the need to achieve the purpose of the Act. Part 2 is discussed in more detail below.

Operative Selwyn District Plan

249. Section 32(1)(b) requires examination of whether the proposed plan change provisions i.e. a change to the zone, are the most appropriate way of achieving the District Plan objectives. There are several objectives and policies specific to the form and development of Prebbleton township itself. There are also objectives and policies addressing urban form and residential amenity generally.
250. I also consider that the existing direction in the Selwyn District Plan should be considered in assessing the appropriateness of the proposal at achieving the purpose of the RMA, given that the Plan has been prepared to give effect to the purpose of the RMA.

⁶⁰ PC79 application, pg. 38

⁶¹ Ibid, pg. 2

251. **Objective B4.3.3** and **Policy B4.3.1** seek that within the Greater Christchurch area, new residential development is contained within existing zoned areas or priority areas identified within the CRPS. In essence these provisions give effect to the CRPS direction regarding growth areas, and are therefore subject to the same need to consider unanticipated proposals under the NPS-UD where proposals are in locations where development is not anticipated.
252. The applicant has undertaken an assessment of the proposal against the District Plan's objectives and policies⁶². I consider that the plan change will meet **Objective B4.3.6** which seeks to ensure that Living Z areas achieve an average net density of at least 10 households per hectare (noting that the site is proposed to be rezoned to a more enabling Living MD).
253. **Objective B3.4.4** and **Policy B4.3.6** seek that the growth of townships achieves a compact urban form where practical. As set out above I do not consider these provisions to be met as the shape and location of the site does not result in a compact urban form. It meets Policy B4.3.3 because it will not result in any rural land being surrounded on three sides by urban zoning.
254. **Policies B4.3.7** and **B4.3.8** require the provision of an ODP and the identification (as appropriate) of principal roads, stormwater and parks, integration or upgrades with infrastructure, and any other methods necessary to protect important features. This policy direction is able to be met provided the ODP is amended in line with the recommendations of Mr Collins and Mr Nicholson.
255. **Objective B.3.4.5** seeks that urban growth provides a high level of connectivity within the development and with adjoining land areas and will provide suitable access to a variety of forms of transport. As set out above, the very limited interface with the existing urban area I do not consider that a high level of connection or integration is delivered.
256. In addition to broad direction regarding the above matters and the need for urban growth areas to align with those shown in the CRPS, the District Plan also contains two specific policies that guide the direction of growth in Prebbleton. These two policies are as follows:
257. **Policy B4.3.64** seeks to *"encourage land located to the east and west of the existing Living and Business zones, being those Living and Business zones that adjoin Springs Road, which is located as close as possible to the existing township centre as the first preferred areas to be rezoned for new residential development at Prebbleton, provided sites are available and appropriate for the proposed activity"*.
258. **Policy B4.3.65** seeks to *"discourage further expansion of Prebbleton township north or south of the existing Living zone boundaries adjoining Springs Road"*.
259. The PC79 does not give effect to either of these policies. It results in a clear southward expansion of the township (albeit along Birchs rather than Springs Road). It is not located as close as possible to the existing town centre and is not located to the east or west of the township.
260. I therefore consider that PC79 does not align with the Operative Plan policy framework regarding how urban growth is to be managed.

Proposed Selwyn District Plan

261. As noted earlier, my understanding is that there is no specific requirement to consider a plan change against the Proposed Plan. The provisions are currently being heard and are subject to

⁶² PC79 application, Appendix 17

change. Notwithstanding, the application⁶³ includes an assessment against the provisions and I note that various submitters have also referred to the 'Urban Growth' chapter therein.

262. The Urban Growth chapter is intended to assist in meeting demands for housing and business opportunities to support growing community needs. New urban areas have an underlying General Rural zoning, but are identified within an 'Urban Growth Overlay' (UGO). **UG-P2** directs that the rezoning of land to establish new urban areas within the UGO is provided for; while **UG-P3** directs the avoidance of zoning of land to establish new urban areas/township extensions outside this UGO. My understanding is that the UGO is intended to generally identify areas for future growth, while still requiring these areas go through more specific rezoning process before they can be developed for urban purposes. The site is not identified as a UGO and therefore is inconsistent with the manner in which the Proposed Plan seeks to provide for urban growth. Of course, the same NPS-UD Policy 8 pathway remains available for considering such proposals.

Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives

263. A Ministry for the Environment (MfE) guide to section 32 notes that case law has interpreted 'most appropriate' to mean *"suitable, but not necessarily superior"*.
264. There are essentially just two options in play, namely to grant the change in zone as sought by the applicant (potentially subject to any amendments that fall within the scope of submissions); or decline the application and retain the existing Rural (Inner Plains) zone. I consider that a change in zoning would not meet the NPS-UD, NPS-HPL, CRPS, or Operative Plan directions on how urban growth is to be managed. As such I consider that retaining the current Rural (Inner Plains) Zone would be more appropriate than rezoning the site to a Living MD Zone.

Efficiency and Effectiveness of the provisions and having considered other reasonably practicable options

265. "Effectiveness" is an assessment of the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.
266. In this case the proposed Living MD provisions are considered to provide an appropriate medium density zone framework. As discussed above, the proposed ODP requires amendment in order for it to be effective. The change in zoning to a Living MD Zone in this specific location is not however considered to be an effective method for achieving the Plan's objectives.

Part 2 Matters

267. Under s74(1)(b), any changes to the District Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
268. Notwithstanding that the Council has notified a proposed District Plan, I consider that the purpose of the Act is currently reflected in the objectives and policies of the Operative Plan, which PC79 does not seek to change beyond the introduction of a medium density zone, as

⁶³ PC79 application, Appendix 18

directed by legislation for any new rezoning proposal. The appropriateness of the plan change in achieving the purpose of the RMA is also a requirement under s32, which has been considered above.

269. The nature of the PC79 area is such that there are no s6 matters in play.
270. The Operative Plan (and any plan changes to it) is required to give effect to the higher order policy directions contained in both the CRPS, and National Policy Statements such as the NPS-UD and NPS-HPL. Because these higher order documents are in turn required to implement the purpose and principles (Part 2) of the RMA, if a project aligns with these higher order directions it can also be deemed to align with Part 2 of the Act. The above assessment has found that the PC79 proposal is not in accordance with the Operative Plan policy direction, and does not give effect to The CRPS or either NPS. As such I do not consider that it meets the purpose and principles of the Act as set out in Part 2.

Conclusions and Recommendation

271. The statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
272. As with all plan changes there is a complex web of both potential environmental effects and statutory directions that need to be considered. Turning first to potential effects, I am satisfied that there are no barriers to rezoning in relation to the following matters:
- a) The site is not located in an area with significant ecological, landscape, heritage, or cultural values as identified in the Operative Plan;
 - b) The site is not exposed to an unacceptable risk of natural hazards. Flood risk is such that there are readily plausible solutions available through the subdivision consent and bulk earthworks phases of development;
 - c) The site is not exposed to unacceptable soil contamination risks. As with flooding it is standard practice for small, localised areas of potential contamination to be further investigated and if necessary remediated as part of standard subdivision consent processes;
 - d) The site is able to be serviced for stormwater through disposal to ground such that it functions in a hydraulically neutral manner;
 - e) The site is able to be serviced for water supply, subject to extensions to the existing reticulated pipework and potentially additional water sources being consented (with such being readily plausible);
 - f) The site will not have an unacceptable effect on the transport network, provided a staging rule is in place such that development does not occur until the programmed suite of localised road network improvements listed in Mr Collin's report have been constructed, and the ODP amended to address site access and frontage design;
 - g) The site is able to make provision for a potential new primary school through amendments to the ODP narrative;
 - h) There is adequate provision of waste water treatment capacity at the Pines WWTP in Rolleston.

273. There are however significant constraints in terms of the capacity of the Prebbleton terminal pump station. This shortfall in capacity is likely to remain following currently planned upgrades to the pump station to service PC68. It is likely that either substantial further upgrades will be required or a new pump station constructed. There is also the potential need for a new rising main between Prebbleton and the Pines WWTP.
274. In terms of urban form, Prebbleton currently has a clearly defined southern boundary which is delivered through Hamptons Road, the provision of 'edge of town' rural residential developments, and the large Kakaha Park. PC79 fundamentally changes this edge treatment/township boundary. Whilst townships inevitably grow and change over time, the PC79 site does not provide a clearly defensible or coherent edge to the town and instead comprises a large wedge-shaped insertion into the surrounding rural hinterland.
275. Whilst it is common for growth areas to be located in edge-of-township locations, PC79 has an extremely small direct frontage. The frontage or connection to the existing urban area is limited to a portion of the northern boundary, with this frontage opposite a large Orion substation and rural residential housing thereafter. The short northern frontage is compounded by the submission from the Sheafs which confirms that they have no intention of developing their site on the corner of Hamptons and Birchs Roads, which also reduces the likelihood that the small convenience retail and preschool proposed for this corner will eventuate. Whilst there is a park to the east, proximity to the park does not particularly contribute towards connectivity and integration with existing urban areas (although it does provide good proximity to public open space).
276. The site's location and shape mean that in my opinion it does not result in a 'well-functioning urban environment' and means that a large number of households would become established in a location that is not within walkable distance to the existing town centre, or even particularly walkable to other existing suburban parts of the township.
277. Turning now to the higher order policy framework, there are two NPSs that have direct relevance to this plan change. The first is the NPS-UD. As set out above, this NPS requires Councils to be able to demonstrate that there is sufficient urban zoned and infrastructure enabled land to meet short and medium term demand, and to regularly undertake both HBA and FDS processes to ensure that such capacity continues to be maintained over the long-term.
278. Assessments of both capacity and demand rely on modelling which in turn is based on various assumptions and inputs. As such, it is not uncommon for there to be differences in view between economists on what realistic supply and demand is likely to be over time. The further out these projections look, the more uncertain they become as circumstances and the state of the economy and housing markets invariably change over time.
279. The supply and demand context for Selwyn District is particularly fast moving, due to both strong population growth and numerous private plan changes being progressed. Council has recently updated its assessment of demand and capacity to help inform the current Proposed Plan hearing and IPI processes. The Formative report identifies that there is ample capacity to meet at least the short and medium term demand for housing in Prebbleton. The recent approval of both PC68 and PC72 has resulted in a significant increase in the available capacity equivalent to more than 50% of the number of households in the existing township. The addition of MDRS has further increased potential capacity, albeit that the degree of take-up is difficult to estimate at this point for both greenfield and existing areas.

280. Additional capacity has also recently been made available in both Lincoln and Rolleston through a combination of approved plan changes and approved subdivision consents, with the current Proposed Plan hearings process required to ensure sufficient capacity in these other townships is delivered to meet NPS-UD requirements. As such I do not consider that additional capacity is required in Prebbleton in order for Council to be meet its obligations under the NPS-UD.
281. The NPS-UD is a tool for ensuring that Council is delivering at least the minimum amount of capacity required and as such does not place any policy barriers to providing more capacity, provided a well-functioning urban environment still results. Policy 8 provides a pathway for proposals in unanticipated locations to be considered. As set out above, there is a potentially significant waste water capacity hurdle that means that the proposal may not be able to provide realisable capacity, at least in the short and potentially also the medium term. I have separately concluded that the site's location does not give rise to a well-functioning urban environment. As such I do not consider PC79 can meet the Policy 8 tests for rezoning proposals in unanticipated locations.
282. The NPS-HPL provides separate direction on how HPL is to be managed. This NPS is directive on the need to protect HPL and to avoid it being urbanised, unless the three conjunctive tests set out in clause 3.6 are all able to be met. The site contains LUC 1 and 2 soils and therefore is subject to the NPS directions. The first test under clause 3.6 requires there to be a clear shortfall in capacity over the medium term, which I do not consider to be the case.
283. The second test requires a rigorous assessment of alternatives for delivering any needed capacity without resulting in the loss of HPL. Such a comparative assessment has not been undertaken, and in my view could only be done with rigour once the mapping of HPL has been completed and the location of non-HPL confirmed. Consideration of alternatives would necessarily need to be across the Inner Plains townships (and arguably also across Christchurch's western suburbs if these were found to be part of the same housing market). Questions regarding deliverability of comparative areas with reference to reticulated serviceability will also feed into the comparative analysis. Following the comparative assessment, the third test requires the costs and benefits of the further loss of HPL to be robustly considered.
284. In short, urban rezoning of the site is to be avoided unless there is a) a clear shortfall in capacity; b) the PC79 site is found to be the most appropriate location for delivering this capacity; and c) the costs and benefits of the loss of this HPL are clearly demonstrated. Even if these three tests are all able to be passed, Clause 3.6(5) requires that only the minimum extent of HPL necessary to meet a shortfall is to be rezoned. As such I do not consider PC79 can meet the NPS-HPL clause 3.6 conjunctive tests.
285. Because of the above conclusions regarding PC79 not meeting the NPS-UD Policy 8 tests, the CRPS directions regarding urban growth only occurring in the areas identified on Map A remain in play. The PC79 site is not identified as being within the Map A area. Even setting aside the policy directions on the location of urban growth, I do not consider the site meets a number of other CRPS policy directions regarding urban outcomes.
286. Because of my findings above, I conclude that rezoning the site to the Living MD Zone would result in the Operative Plan not giving effect to these higher order policy framework and accordingly would also not give effect to Part 2 of the Act.
287. As such it is recommended that the plan change be declined.

288. In the event that the Commissioner concludes that the plan change should be granted, then it is recommended that such approval be subject to the ODP amendments and staging rules recommended by Mr Collins and Mr Nicholson.



Jonathan Clease

Consultant Planner

6 April 2023