

SELWYN DISTRICT COUNCIL

HEARING OF PROPOSED PLAN CHANGE 79

BIRCHS VILLAGE LIMITED

**Report and recommendations by Hearing Commissioner Paul
Thomas**

18 July 2023

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- 1. Recommended Decisions on Individual Submission Points.**
- 2. Final Version of the PC 79 Plan Provisions**
- 3. Final Version of the PC 79 Outline Development Plan**

ABBREVIATIONS

SDC	Selwyn District Council
PC 79	Plan Change 79
BVL	Birchs Village Ltd
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
NTPL	Ngai Tahu Property Ltd
ODP	Outline Development Plan
OSDP	Operative Selwyn District Plan
PSDP	Proposed Selwyn District Plan
CRPS	The Canterbury Regional Policy Statement
LURP	Land Use Recovery Plan
PWTP	Pines Water Treatment Plant
MDRZ	Medium Density Residential Zone
GHG	Greenhouse Gas

1. INTRODUCTION

1.1 PROCEEDINGS

- 1 Pursuant to instructions from the Selwyn District (SDC) I was appointed as the sole Hearing Commissioner to hear and consider Proposed Plan Change 79 (PC79). As such I am required to recommend to the Council decisions on whether the proposed plan change should be declined, approved or approved with modifications and consequent on that to recommend decisions on submissions to the Plan Change.
- 2 For that purpose, I conducted a hearing of the details of this Plan Change and related submissions. Directions regarding the exchange of evidence and conduct of the hearing were issued to all parties by way of Minute 1 on 14 Marh 2023. The hearing commenced at the Lincoln Events Centre in Lincoln on Tuesday 2nd May 2023 and continued during Wednesday 3rd May adjourning at 3.00 pm on that day.
- 3 I record that prior to the hearing I granted by way of Minute 2 one evidence timetable extension requested by Birchs Village Ltd (BVL) in relation to the evidence of Ms Hilary Konigkramer.
- 4 I undertook an inspection of the plan change area after the first day of the hearing.
- 5 As reported in Minute 3 I received the legal submissions and some reply evidence from BVL on 11 May. After reviewing that material, I requested specified additional matters be addressed by Council witnesses. I received that material on 30 May and issued Minute 4 recording the material received and giving 5 working days for any further reply from BVL. That reply was received on 6th June and I then issued Minute 5 formally closing the hearing on 7th June.
- 6 No procedural issues were raised at the commencement of the hearing. However, I did declare to the hearing at the outset that Mr Fraser Colegrave, a witness for the requestor, is involved with a Private Plan Change in Palmerston North that I am also involved with.
- 7 In preparing this report I have chosen not to specifically record all of the evidence we received, nor do I record an analysis of all of the evidence. The report however does consider all the relevant evidence for each principal issue and any other areas where changes to the provisions have been proposed.

1.2 THE PROPOSED PLAN CHANGE

- 8 PC79 seeks to enable the coordinated residential development of an area of 36.58 hectares located to the south of Prebbleton township. The land is bounded by Birchs Road to the east and, to a small extent, Hamptons Road to the north. All other “edges” are to rural farmland. The site is located immediately west of Kakaha Park which is now in final stages of construction. This is a substantial facility for formal

and informal recreation, and includes several sports fields, bike tracks, areas of native bush and stream and a dog park. The facility is to serve Prebbleton as well as overflow from Lincoln. The Christchurch to Little River Rail Trail includes Birchs Road where the trail is on the east side of the road.

- 9 The Plan Change requestor is the largest existing landowner within the Plan Change area owning an area of 12 hectares. There are in total 7 other existing landowners whose land is included in PC79. Four of these properties amounting to 17.36 hectares are under contract to be purchased by BVL. Two properties, amounting to 4.64 hectares, are owned by parties who are opposed to the Plan Change. These parties submitted on the Plan Change and were heard at the hearing. The final property of 2.6 ha supports the Plan Change but has not contracted to sell their property to BVL.
- 10 Since lodging the Plan Change Request BVL has formed a partnership agreement with Ngai Tahu Property Ltd (NTPL) who will, if enabled, be the party that undertakes the development of the Plan Change area.
- 11 The Plan Change seeks to change the zoning of the land and insert an Outline Development Plan into the District Plan. The notified proposal is to rezone the majority of the site from Rural Zone (Inner Plains) to Living Medium Density (Prebbleton) apart from an area of 2,500 m² which is proposed to be zoned Business 1 to provide for a neighbourhood centre.
- 12 Importantly, the Plan Change provisions include objectives, policies and rules to give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. This requires the Plan Change to provide for medium density residential development and include the Medium Density Residential Standards set out in the Amendment Act.
- 13 This has been implemented with the same provisions that are proposed in Variation 1 to the Proposed Selwyn District Plan.
- 14 The land concerned currently has a mixture of rural residential and small farmlet activities which involve 7 dwellings and associated gardens and accessory buildings. This includes an equestrian training track located in the northern part of the area. To the north of the site is an area of Living 3 zoned land part of which is developed for low density residential. The other part, which is directly opposite the site, is used and owned by Orion for an electricity substation and associated telecommunications infrastructure. The Transpower Christchurch to Twizel 220 kV high voltage transmission line crosses south of the site from southeast to northwest.
- 15 To the east, the land is owned by SDC and designated Recreation Reserve for Kakaha Park (D421). This is currently under final stages of construction and provides several sports fields, bike tracks, areas of native bush and stream and a dog park. The Christchurch to Little River Rail Trail, which connects Prebbleton and Lincoln, runs

along the eastern side of Birchs Road opposite the site.

- 16 The Outline Development Plan (ODP) is an important part of the Plan Change and is the mechanism used in the District Plan for the structure and framework for areas of urban growth. The notified ODP shows a central green spine corridor with north south and east west road connections with shared pedestrian and cycle paths, a stormwater management area at the southernmost point, two local reserves as part of the green corridor and a local centre on Birchs Road. Refinements to the ODP graphic and text were made during the course of the hearing and are considered later in this report. This includes relocation of the local centre southwards, largely to avoid the Sheaf property who are opposed to the Plan Change, and the realignment of the central green spine to avoid the Fraser property for the same reason.

1.3 SUBMISSIONS

- 17 PC79 was publicly notified for submissions on 7 September 2022. A total of 36 submissions were received, with subsequently five further submissions.
- 18 In addition, there were three late submissions. The s42A report considers whether these submissions should be accepted and recommends in favour of that. I have considered the points raised and agree with this recommendation. These submitters did not appear at the hearing but for the avoidance of doubt these submissions are formally accepted under Section 37(1)(b) of the Act.
- 19 The section 42A report was prepared by Mr Jonathan Cleese, a planning consultant employed by PLANZ Ltd. He identifies the key matters to be addressed arising from submissions and from assessing the Plan Change to include:
- (a) Land suitability
 - (b) Infrastructure servicing
 - (c) Transportation
 - (d) Urban design, urban form, density and character
 - (e) School capacity
 - (f) Environmental nuisance and construction effects.
 - (g) Alignment with National Direction on urban growth in the National Policy Statement on Urban Development 2020 (NPS-UD) and the management of versatile soils in the National Policy Statement on Highly Productive Land 2022 (NPS-HPL).
- 20 There is one matter relating to submissions that I do not consider relates to the key matters above and I will therefore deal with it at this point as a preliminary matter. At paragraphs 44 – 47 of Mr Cleese’s Section 42A report he considers the submission

of Shannon and Michelle Gilmore and whether the submission falls within the scope of the Plan Change. The submissions seeks that the rezoning be extended to include their property which is a 4 ha property at 61 Hamptons Road. The property adjoins the northwestern boundary of the Plan Change area.

- 21 The Gilmores did not present any lay or expert evidence in support of their submission or legal submissions on the scope issue. Similarly, the requestor did not choose to address the point or advance any expert evidence relating to this matter. Mr Clease considers that the extent of change is significant and not just a minor boundary adjustment. Further, he considers that there is a risk that rural neighbours to this property are potentially affected parties and are not submitters or further submitters. I am familiar with the case law around scope and Mr Clease refers to the fact that similar matters arose in both PC72 and PC68.
- 22 One of the legal tests is whether the zoning extension is incidental or consequential to the zoning change. I agree with Mr Clease that an extension of 4 ha to the Plan Change does not pass this test.
- 23 Further the submission effectively seeks a new management regime for the Gilmore land and therefore is not on the plan change as notified.
- 24 I also agree with Mr Clease that there is a risk to natural justice and, even if I was satisfied on the scope matter, I have no evidence on the merits of the extension to determine the submission.
- 25 I, therefore, find that the submission is not on the plan change and recommend that it be rejected.

2. THE REQUIRED STATUTORY CONSIDERATIONS

- 26 The statutory consideration that I must consider in making my recommendations were referred to in the opening submissions for BVL. This refers to the matters set out in *Colonial Vinyard v Marlborough District Council (NZEnvC 55)* which are as follows:

A General Requirements

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*

- a. *Have regard to any proposed regional policy statement;*
 - b. *Give effect to any regional policy statement.*
4. *When preparing its district plan (change) the territorial authority must also:*
- a. *Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial local authorities.*
 - b. *Take into account any relevant planning document recognised by an iwi authority, and*
 - c. *Not have regard to trade competition*
5. *A district plan (change) must state its objectives, policies and rules (if any) and may state other matters.*

B Objectives [the section 32 test for objectives].

6. *Each proposed objective in a District Plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

C Policies and methods (including rules) [the section 32 test for policies and rules]

7. *The policies are to implement the objectives, and the rules (if any) are to implement the policies.*
8. *The provisions of the proposal are to be examined, and quantified if practicable, assessing their efficiency and effectiveness, against reasonably practicable options for achieving the objective taking into account:*
- a. *The benefits and costs of the environmental, economic, social and cultural effects anticipated from the provisions, including economic growth and employment; and*
 - b. *The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

D Rules

9. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*

27 In Greater Christchurch the above statutory considerations are extended by plans prepared under Canterbury Earthquake Recovery Act (CER Act), in this case

principally being the Land Use Recovery Plan.

- 28 It is also important to note that Section 32AA also requires me to undertake further evaluation in the event that I recommend changes to the content of the Plan Change.

3. THE HEARING

- 29 I do not intend to summarise all the evidence presented to the hearing in this Recommendation Report. Instead, I will analyse the evidence presented under each of the Principal Issues. The section below does, however, record the witnesses who appeared at the hearing. Expert evidence which was made available to all parties in accordance with the hearing directions was taken as read. Witnesses presented a summary of the evidence and supplementary material at the hearing. In accordance with Minute 1 the plan change proponent being BVL appeared first followed by submitters and then the Council s42A report witnesses.

- 30 The full order of appearance was as follows:

For BVL.

- Opening legal submissions from Ms Alex Booker
- Evidence of Mr David Compton Moen on Urban Design and Landscapes
- Evidence of Ms Nicole Lauenstein on Urban Design.
- Evidence of Ms Lisa Williams on Transport.
- Evidence of Mr Paul Farrelly on Greenhouse Gases
- Evidence of Mr Simon Marshall on Servicing.
- Evidence of Mr Fraser Colegrave on Economics via Zoom.
- Evidence of Mr Victor Mthamo on Versatile Soils.
- Evidence of Mr Mark Everest – Farm Consultant
- Evidence of Ms Hilary Konigkramer – Social
- Evidence of Mr Dean Christie – Ngai Tahu Partnership Ltd.
- Evidence of Ryan Geddes – Company
- Nicole Lauenstein on Urban Design.
- Evidence of Ms Sally Elford.

- 31 The following two witnesses who submitted evidence were not required for questions:

- Evidence of Mr Andrew Jordan on Geotechnical.
 - Evidence of Ms Nicola Peacock on Contamination.
- 32 Submitters
- Sue and John Sheaf
 - Tony Sutton
 - Sam Smith
 - Tom Fraser
 - John Broadway
 - Benjamin Love
- 33 For Christchurch City Council.
- Legal submissions from Ms Katherine Viscovic by Zoom
 - Evidence of Mr Kirk Lightbody on Planning.
- 34 For Canterbury Regional Council:
- Legal submissions from Ms Kate Dickson
 - Evidence of Ms Serena Orr on Planning.
- 35 For Selwyn District Council
- Evidence of Mr Hugh Blake-Manson on Three Waters.
 - Evidence of Mr Mathew Collins on Transport.
 - Evidence of Mr Rodney Yeoman on Economics by Zoom.
 - Evidence of Mr Hugh Nicholson on Urban Design
 - Evidence of Mr Jonathan Clease on Planning.
- 36 A written statement was also tabled by submitter Lincoln Voice Inc.

4. THE PLANNING CONTEXT

- 37 The planning context of this proposed plan change is highly complex and consequently I will outline some parts of the jigsaw in this section before addressing in more detail the issues that arise in the Principal Issues sections below.

- 38 Firstly, it is important to stress that this is a proposed change to the Operative Selwyn District Plan. This is being pursued at the same time that the review of the District Plan is progressing, in the form of the Proposed Selwyn District Plan (PSDP), through its process of hearing submissions to the Plan. The PSDP will replace the current Operative Plan at the conclusion of that process. The hearing process is now well advanced but has been extended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) requirements to incorporate the Medium Density Residential Standards and other associated provisions in the PSDP by way of what is termed an Intensification Planning Instrument (IPI). These changes to the PSDP were notified as Variation 1. The Council is required to notify a decision on Variation 1 by 20 August 2023.
- 39 The site is not proposed in the PSDP to be zoned for residential development. BVL is, therefore, in parallel with this process, pursuing submissions to the same effect through the PSDP process. However, those recommendations will be made by the District Plan Review Hearing Panel and the Independent Hearing Panel quite independently from this hearing process.
- 40 The Variation also includes the zoning of additional land for residential purposes, with the MDRS, that aligns with Private Plan Changes to the Operative District Plan that have been approved by the Council. Finally, a Part B to the Variation seeks to amend the Operative District Plan to incorporate the MDRS to land subject to Private Plan Changes that have been approved but where decisions had not been notified at the commencement of the Amendment Act. In Prebbleton this involves both PC68 and PC72.
- 41 The Variation therefore does not include the land that is the subject of this hearing. However, as stated above, BVL has lodged submissions to both the PSDP as originally notified and Variation 1 seeking that the PC79 land be rezoned for residential development. The Variation hearings were held in May and June 2023.
- 42 Importantly, Clause 106 of the Amendment Act states that there is no right of appeal to Variation 1, however this does not extend to judicial review.
- 43 In summary, the hearing context is that the decision making processes for the Operative Plan (OSDP) and Proposed Plan (PSDP) are virtually running in parallel in terms of timing. This Recommendation Report needs to go before the Council for a decision before that decision can be publicly notified. That decision is subject to appeal rights by the requestor and any submitters. If Council considers the matter in August then the notified appeal period can be expected to be in September.
- 44 Variation 1 is currently being heard and decisions of the Council will be notified by 20 August with no right of appeal.

- 45 If Variation 1 decisions on the PC79 land are not challenged by Judicial Review then there is the very real prospect of that part of the Proposed Plan being operative, or at least being treated as operative, before any appeal period expires on this decision. The effect of that is that the Operative District Plan (OSDP) as it relates to this land will have ceased to have any legal effect as it will have been replaced by the PSDP becoming the new Operative District Plan. Even if there were to be a judicial review it is my understanding that the Variation decision would have effect until such time as a Court decision ruled otherwise.
- 46 Consequently, it is most unlikely that BVL will be able to take advantage of any positive recommendation from this hearing process in terms of authorising development of the land. Ms Booker confirmed that there is no subdivision and development resource consent application lodged with SDC awaiting the outcome of this Plan Change.
- 47 When I put this context to Ms Booker early in the hearing she stressed the importance of achieving some certainty for the land owners who have land purchase contracts reliant on a successful plan change outcome. However, given the most likely limited life of any successful plan change and a quite separate hearing process on Variation 1 it does not seem to me that this current plan change request can achieve that desired outcome.
- 48 Despite the above, Mr Cleese in his Summary Statement, comes to the position that the processes in train still mean that it is *“plausible that the Proposed Plan will not be settled for some time”* and that this decision should focus on whether the purpose of the Act is better achieved by retaining the sites existing Rural (Inner Plains) zoning or by rezoning it to Living MD Zone and Business 1 zone as sought by the request.
- 49 I accept that Mr Cleese’s position is a possibility, but as noted above, legally this can only occur if there is challenge to Variation 1 by way of judicial review. Therefore, even the most generous interpretation of the planning context limits the life of this Plan Change to a short-term horizon.
- 50 The Regional Planning Context is also important. The Canterbury Regional Policy Statement (CRPS) includes a Chapter on Recovery and Rebuilding of Greater Christchurch which was included in the CRPS through the Land Use Recovery Plan (LURP). Unlike most Regional Policy Statements this includes policies to give effect to a particular urban form identifying the location and extent of growth areas to support recovery. The growth areas were called Greenfield Priority Areas for Residential and Business. This drew on the previous Urban Development Strategy (UDS) prepared as far back as 2007. The growth areas are shown on Map A of the CRPS.

- 51 These growth areas are all now largely developed. This included some limited growth in Prebbleton. Following the release of the National Policy Statement on Urban Development Capacity a review of the land use framework for Greater Christchurch was undertaken and a report published in July 2019 called *“Our Space 2018-2048 Greater Christchurch Settlement Pattern Update”*.
- 52 This recommended that additional greenfield growth land be released in Rolleston, Rangiora and Kaiapoi to be called Future Development Areas (FDAs). This then led to Change 1 to the CRPS which incorporated the necessary changes including identifying the FDAs on Map A. This change to the CRPS was processed through the Streamlined Planning Process and approved by the Minister for the Environment. No additional growth was allocated in this process to Prebbleton.
- 53 During this period the National Policy Statement on Urban Development Capacity was replaced with the National Policy Statement on Urban Development 2020 (NPS-UD). The provisions of the NPS-UD are highly relevant to this matter and will be discussed in detail later. However, at this point it is important to reference Policy 8 which requires *“local authority decisions to be responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environment, even if the development capacity is:*
- (a) Unanticipated by RMA planning documents; or*
 - (b) Out of sequence with planned land release. “*
- 54 It is the existence of this policy that has triggered the multiple private plan changes in Selwyn District as it is seen as providing a pathway for proposals beyond that identified on the CRPS Map A. This pathway exists specifically for plan changes, arguably to a greater degree than through the process of the District Plan Review.
- 55 The other recent game changer is the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) which came into force on 17 October 2022. The applicability and application of this NPS is considered in detail under the Principal Issues.

5 THE SCOPE OF THE PRINCIPAL ISSUES

- 56 There are a range of Principal Issues extending from site specific development planning matters and the content of the Outline Development Plan through to the more strategic planning issues at a regional level. I have determined that, in this case, a bottom up approach is preferred allowing the merits of the specific form of the development to be addressed before the proposal is then tested against wider Regional and National higher order documents.

- 57 Consequently, I will address the principal issues dealing with land suitability, infrastructure and transport first, then urban form issues before looking at the important issues associated with higher order documents.

6. THE PRINCIPAL ISSUES – EFFECTS ON THE ENVIRONMENT

6.1 IS THE LAND SUITABLE FOR URBAN DEVELOPMENT?

- 58 Geotechnical conditions, land contamination and flood risk were reviewed in the Section 42A report by Mr Cleese. Evidence was tabled for BVL on geotechnical matters by Mr Andrew Jordan and contaminated land by Ms Nicola Peacock.
- 59 Mr Cleese reports that the Plan Change request included a geotechnical assessment prepared by Coffey Services dated 9 March 2021 which was then updated with additional testing results in a report dated 7 July 2022.
- 60 The first report was peer reviewed by Ian McCahon of Geotech Consulting Ltd for the Council. Mr Jordan prepared the assessments for the requestor and tabled evidence which included quotes from the peer review.
- 61 The site geology is recorded as *“grey to brown alluvium comprising silty sub angular gravel and sand forming alluvial fans of the Springston Formation”*¹. Both experts agree that the site does not present any material natural hazards, but it does have some liquefaction potential. The level of risk however falls within the MBIE Foundation Technical Categories TC 1 and TC 2 with the possibility of a small area needing further investigation.
- 62 While some submitters pointed to the liquefaction risk, the expert evidence is agreed that from a geotechnical perspective the land is assessed to be suitable for future residential development.
- 63 Mr Cleese also reported on the Preliminary Site Investigation (PSI) of contaminants in the soil. The PSI found a number of HAIL activities across the site including pesticide storage, asbestos in buildings, possible use of coal ash on the horse training track and rubbish burn sites. Consequently, a Detailed Site Investigation in accordance with the NES will be required as part of the consenting process for subdivision and development. The key findings of the assessment were briefly reported in the evidence of Ms Peacock which was tabled. Her conclusion was that the findings are not untypical of rural activities and do not preclude the future residential development of the land. However, further assessments, testing and remediation will be required.

¹ Evidence of Andrew Jordan para 12

- 64 Mr Clease agrees that there is no evidence that the contaminations are of a type or extent that could not be remediated or made safe for residential development.
- 65 Consequently, I am satisfied that from a contamination perspective the site can be made suitable for development and that the National Environmental Standard processes are effective in managing this environmental risk.
- 66 The third aspect considered under this heading is flood risk. Submitters Sue and John Sheaf both pointed to recent communications from the Council that their property is subject to flood risk from a 1 in 200 year event. This was further supported by the expert evidence of submitter Mr Thomas Fraser on soil quality which was that ponding occurs after significant rainfall events in the southeast corner and a small area in the north east corner which is where the Sheaf property is located.
- 67 Mr Clease reported that the OSDP does not identify any flood hazard associated with the Plan Change area. There is an overland flow path to the south of the site and an existing water race at the Hamptons / Birchs corner.
- 68 In the PSDP there is a Plains Flood Management Overlay which shows land subject to 1 in 200 year and 1 in 500 year flood depth. This shows that parts of the site are affected by the 1 in 500 year event. Despite this, Mr Clease regards the site as *“relatively free from flood risk”*². He does, however note that future building floor levels will be required to be above the 1 in 200 year flood level.
- 69 Mr Marshall for the proponent also considers flood risk as part of his stormwater assessment. He identifies a direction of overland flow across the site northwest to southeast. He identifies two overland paths through the site, one near the northern boundary and the other near the southern boundary. He agrees that there are localised areas of ponding within the site.
- 70 I consider stormwater management later in this report but on the evidence before me I am satisfied that flood risk is not of a nature than cannot be managed through the development process.

6.2 WHAT IS THE LEVEL OF DEVELOPMENT ENABLED FOR ASSESSING EFFECTS?

- 71 One interesting aspect of the proposal is just what level of development within the area is enabled by the provisions. Ms Booker in the opening legal submissions refers to 527 lots which is taken from Mr Compton-Moens evidence and is based on a density of 15 households per hectare. This density however is proposed to be the

² Evidence of Mr Clease Para 77.

minimum and equates to an average lot size of 650 m². The incorporation of the MDRS however enables three dwellings per lot. This sits alongside a proposed minimum individual allotment size of 400 m², but no minimum lot size where the consequence of the subdivision does not increase the degree of any non compliance with the Medium Density Residential Standards or where the subdivision *“is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment.”*³ There is of course a difficulty with the proposed wording in that a permitted activity does not require a resource consent application and possibly instead a requirement for a certificate of compliance should have been used in this rule.

- 72 Notwithstanding this matter, the framework of the provisions effectively enables a minimum of 527 dwellings and a maximum being that which can be designed in compliance with the MDRS. Mr Compton-Moen in his evidence at para 9 further sought to assess what the upper limit might be. He assessed the number of 400m² lots under an “enabled development” scenario to be 856, with 3 dwellings on each this could equate to 2568 units. He considers this fanciful which illustrates the difficulty of requiring the MDRS to be incorporated into a private plan change of this nature. Further his assessed maximum enabled would not necessarily be correct if the proposed quoted exemption to a minimum lots size quoted above was used for the entire development.
- 73 His “realistic” scenario adopts the 527 figure as a minimum and three units on each of these being a maximum of 1581. The resulting density is between 15 and 46 households per hectare. He also notes that the revised ODP increases the land area used for open space connections. The final wording of the ODP narrative also requires that higher density development *“should be located near to key open spaces, green corridors (including Kakaha Park) and neighbouring commercial area and avoid locating on the outer edge of the ODP area where it adjoins rural zoning.”*⁴
- 74 While this may be valid it points to another difficulty in that it is probably ultra vires given the requirement to enable medium density across the Living MD zone unless there is a valid qualifying matter that may restrict that application.
- 75 I, therefore, conclude that it is necessary under this framework to test the proposal against a realistic maximum yield of 1581 dwelling units and refer to that in the following sections.

³ Appendix 2: Proposed Amendments / Insertions to the Operative Selwyn District Plan Rule 12.1.3.58 Table C12.1 – Allotment Sizes

⁴ Appendix 1 Outline Development Plan under sub heading Land Use.

6.3 ARE THREE WATERS SERVICES AVAILABLE?

- 76 Expert evidence on three waters was provided for the proponent by Mr Simon Marshall of Baseline Group Ltd and for Council Mr Hugh Blake-Manson.
- 77 In terms of water supply Mr Marshall's evidence was that there are two 150 mm diameter water supply pipes within 420 m of the site that can be extended to provide water supply for the initial stages of development. In addition, a new 200 mm diameter water main is planned to be installed along Hamptons Road across the northern boundary of the site. Mr Marshall considers that additional supply will be required in the event that the highest level of enabled density is built. However, there is sufficient capacity in the annual water take limits to serve the site for the more "realistic" development scenario.
- 78 Mr Blake Manson agrees that there is sufficient water at Councils source wells to meet the daily needs of the development, however additional infrastructure will be required for peak demand. He notes that the Council has planned for the needs of existing development areas with a view to the next 30 years. However, this does not include the PC79 area and the MDRS take up adds considerable uncertainty to the assessment of demand. Detailed network modelling will be required as part of the subdivision consent process.
- 79 Essentially, while the reticulated network will need to be extended there is some ability to revise future planning of infrastructure to provide for capacity for PC79 depending on the density of development that is ultimately consented. As previously indicated, this is all predicated on consenting at least a first stage of development ahead of the PSDP provisions for this site being treated as operative.
- 80 In terms of wastewater the experts agree that there is capacity at the Pines Wastewater Treatment Plant (PWTP) in Rolleston. Mr Marshall proposes a reticulated gravity wastewater network and a new wastewater pump station to pump wastewater to the Prebbleton Terminal Pump Station located in Springs Road. This conveys wastewater to the Selwyn Road Pump Station in Rolleston and from there is it conveyed to the PWTP.
- 81 Mr Blake-Manson notes that the land is outside the current Prebbleton township wastewater service area which, given it is a private plan change, is not surprising. Council has planned and programmed infrastructure works including network capacity and pumpstation improvements to provide for development within the existing serviced area. His evidence is that this, together with the PC68 and PC72 developments, will take up all the planned capacity and consequently PC79 will require a new rising main and terminal pump station to be installed in Prebbleton. Currently this is not programmed until 2063.

- 82 Mr Marshalls proposed solutions to this involve either:
- (a) A shared approach to capacity for the growth areas until the limit is reached.
 - (b) On site wastewater storage tanks to manage peak flows with PC 79 only conveying wastewater in off peak periods.
 - (c) Low pressure sewer systems for PC 79 centrally controlled to avoid pumping when the Prebbleton Terminal Pump station is at capacity.
 - (d) Construction of a new terminal pump station and rising main specifically for PC 79 conveying wastewater all the way to the PWTP.
- 83 In answer to questions Mr Blake-Manson noted that further modelling work is underway but under current programming the required infrastructure will not be available until 2063. He also noted that Council policy does not accept the use of pressure wastewater systems because of additional life cycle costs.
- 84 Ultimately, I agree with the conclusion reached by Mr Clease and Mr Blake-Manson that while, there are potential long term engineering solutions, there remains doubt about the feasibility of whether the site can be serviced particularly with a view to the very short term horizon of the operative plan.
- 85 With regard to stormwater Mr Marshall's evidence explains that provision of overland flow paths will be made within the edge treatment areas allowing for passage of upstream flood flows through the site. In addition, the orientation of the primary road network and green spine aligns with the topography of the site and allows these roads to be used as overland flow paths to proposed stormwater management area at the southern corner of the site. The size of the stormwater storage will depend on the final density of development but is expected to be of the order of 37,000m³.
- 86 Primary stormwater is proposed to be disposed of by ground soakage which is enabled by the groundwater level being more than 3.5m below ground level.
- 87 Mr Blake-Manson agrees that this is an acceptable approach to managing stormwater and I agree with Mr Clease assessment that it is both "appropriate and plausible".

6.2 WHAT ARE THE EFFECTS ON TRAFFIC AND TRANSPORTATION?

- 88 Expert evidence on traffic and transportation matters was presented by Ms Lisa Williams for the proponent and Mr Mathew Collins for the Council. In addition, concerns regarding traffic congestion and safety were a common theme in the submissions opposing the plan change.

- 89 The essential features of the ODP are:
- (a) Two new east west roads connecting to Birchs Road with the northern one opposite Leadleys Road and providing possible connections to the rural land to the west.
 - (b) A north south spine road through the centre of the site combined with a central green corridor including north south cycle and walking route and east west primary roads.
 - (c) The extension of the east west road to the eastern edge of the site to future proof for further urban growth in this location
 - (d) Both primary roads have shared pedestrian cycle path within the road corridor.
 - (e) There are additional of road shared cycle pedestrian paths including through the stormwater management area.
- 90 Ms Williams undertook the Transport Assessment provided with the Plan Change Request which included the modelled effects of traffic generated from the site. This was based on traffic generation for up to 600 dwellings and local businesses and the alternative maximum of 1581 dwellings.
- 91 Mr Collins reviewed the assessment and consequent recommended transport upgrades. He made a number of recommendations which were addressed in Ms Williams evidence. The outcome of the evidence process is that there is general agreement between the experts with consequent agreed amendments to the ODP. This includes:
- (a) Road frontage upgrades to an urban standard
 - (b) Additional north south secondary road.
 - (c) ODP showing the Leadleys Road / Birchs Road intersection as a roundabout including safe crossing facilities to the Little River Cycle Trail.
 - (d) A shared pedestrian and cycle path along the Birchs Road frontage north of Leadleys Road to the new crossing.
- 92 In addition to the ODP it is proposed that the Plan provisions include conditions on controlled activity subdivision that require the following:
- (a) A maximum of 100 dwellings ahead of completion of the Hamptons Springs Road roundabout upgrade except that
 - (b) This may be raised to 250 dwellings if the following upgrades have been completed:
 - (i) A roundabout at the Birchs Road / Leadleys Road intersection and

- (ii) Seal widening to 7m on Leadleys Road between Birchs Road and Ellesmere road and
 - (iii) Seal widening on Ellesmere Road between Leadleys Road and Knights Stream Bridge.
 - (c) A maximum of 600 dwellings prior to completion of an updated Integrated Traffic Assessment which shall include the need for a roundabout at the Hamptons / Birches Road intersection.
- 93 A number of these improvements and other wider network improvements are currently funded in the Councils Long Term Plan 2021-2031.
- 94 Mr Collins confirmed in his Summary Statement that the above regime of conditions and ODP provisions address his recommendations. These measures also address many of the traffic related concerns of submitters opposing the plan change.
- 95 The final wording of these provisions was agreed in the conferencing of planning witnesses in response to Minute 3 and were shown in the provisions attached to that conferencing statement. These are attached as Appendices 2 and 3.
- 96 Apart from the need to delete 12.1A3 (d) because it duplicates and is addressed more accurately in the manner agreed in 12.1.A3(b)(i), I am satisfied that the provisions provide effective and efficient checks and balances to ensure that the risk of adverse transportation effects are managed.

6.3 DOES THE PROPOSAL ACHIEVE WELL FUNCTIONING URBAN FORM AND DESIGN?

- 97 Urban design evidence was presented by Mr Compton-Moen and Ms Nicole Lauenstein for the proponent and Mr Hugh Nicholson for the Council.
- 98 Mr Nicholson in his s42A evidence assessed the proposal in terms of his understanding of the key relevant policy directions of the OSDP. He interpreted these as:
- (a) The extent to which it creates a consolidated and compact urban form, and the spatial distribution of densities.
 - (b) The level of connectivity with the existing environment.
 - (c) The accessibility to a range of services using a range of travel modes including walking, cycling and public transport.
 - (d) The residential amenity values and character, and the treatment of the urban rural interface.

- 99 In terms of urban form his evidence was that the site would not contribute to a compact and consolidated urban form for Prebbleton because the majority of the site is further away from the centre of Prebbleton than existing residential areas and less than 5% adjoins existing residential areas.
- 100 He also expressed concerns about the effects of the proposed neighbourhood centre both in terms of effects on the existing town centre and the circumstances that this is to be on land owned by a party who does not support the proposal. The location was subsequently amended to be positioned further south and the final version of the ODP includes a standard that there shall be no supermarket in the commercial area.
- 101 Mr Nicholson accepts that the location of PC79 does not encroach on the separation of Prebbleton from Christchurch but would still in his opinion contribute to a cumulative loss of rural urban landscape contrast with Christchurch City.
- 102 In terms of connectivity, he considers the internal connectivity design to be adequate but because the external connections are primarily reliant on access to Birchs Road he assesses this aspect as low – moderate.
- 103 In terms of accessibility to the town centre he considers that the site does not support easy walking access but is within easy cycling distance. Further, with the No80 bus route passing along Birchs Road the site has reasonable access to public transport. The Little River Rail Trail cycle route also passes the site.
- 104 A number of his concerns regarding pedestrian cycle facilities, ODP layout and road upgrades were subsequently addressed by way of amendment to the ODP and provisions.
- 105 Mr Compton-Moen addressed the proposed revisions to the ODP which arise not only from Mr Nicholson’s assessment but also the peer review by Ms Nicole Lauenstein. Mr Compton-Moen also presented a “fly past” video of a possible development scenario that would be consistent with the ODP.
- 106 Key aspects of Mr Compton-Moen’s evidence were that:
- (a) the construction of Te Kahaha Park has changed the character of the existing environment from rural-residential to urban.
 - (b) He considers that given this growth to the south is the “most logical” location because growth to the east is restricted by the pylon corridor and low-lying land, to the north by the motorway and need for industrial activities along this corridor, and to the west by Shands Road and further pylons.
 - (c) He considers PC79 to be well connected externally and internally with a better level of connectivity than many existing urban areas.

- (d) He notes the minimum density of 15 household per hectare is quite high but he considers it appropriate for a new residential development and provides opportunities for affordable housing.
 - (e) He accepts that there will be a change in visual amenity for rural and rural residential properties in the vicinity, the extent of which is dependant on existing shelter planting and boundary treatment.
- 107 Urban design evidence was also presented by Ms Nicole Lauenstein. She was engaged to peer review the original plan change application after Ngai Tahu Property Ltd (NTP) became a partner with BVL to develop the plan change area.
- 108 In terms of Company evidence, Mr Ryan Geddes explained his involvement and background being associated with 12 hectare property at 212A Birches Road through owners The R and J Geddes Family Trust. He also explained that NTP will become the future developer of Birchs Village.
- 109 This was also confirmed in the evidence of Mr Dean Christie who is the National Development Manager at NTP. He explained that when NTP became involved he requested a peer review to ensure that cultural elements could be incorporated and to ensure a process of iwi and Te Runanga input in the development of PC79.
- 110 In answers to questions Mr Christie advised that the development would involve a mix of sections with some built rental housing and that iwi would likely be given the first opportunity for sections or houses.
- 111 Ms Lauenstein reviewed the ODP in terms of the four pillars of Te Runanga o Ngai Tahu (TroNT). These are Ngai Tahutanga – culture and identity; Matauranga – knowledge: Te Ao Turoa – natural environment and Oranga – wellbeing.
- 112 The review has reinforced the importance of the green north south spine and the branches from the spine, the importance of stormwater treatment within the spine, and the provision of walkways and gathering spaces. It also emphasises the cultural references in the landscape, particularly views of the main peaks of the Port Hills, and the creation of diverse living arrangements through varied housing types and density.
- 113 The evidence explains that the ODP has been revised and refined to accommodate the recommendation of the design review and the changes recommended by Mr Nicholson.
- 114 Further adjustments were made to the ODP right up to the final legal reply. These are partly as a result of conferencing or discussion between experts and partly in response to issues raised by me in Minutes. This includes adjustment to the central

spine to avoid the spine crossing the 4 hectare Fraser property at 198 Birchs Road which at this point will not be developed.

- 115 This raises the prospect of effects on neighbouring activities internally as well as externally to the plan change area. This was clearly of concern to the Sheafs and Frasers and has not been addressed in the ODP plan or narrative. This contrasts with the rural edge treatment with the narrative relating to this being expanded as part of the reply. This involves a requirement for a 5m planted buffer and building setback within private land with native planting to a minimum mature height of 6m and average of 8m. The proposed narrative talks about the setback being *“densely planted with staggered layers of vegetation to provide the best possible screen / deflect airborne particles and noise from rural activities.”*
- 116 I remain somewhat sceptical about the effectiveness of this edge treatment, but I also acknowledge that those rural neighbours were not active participants in the hearing regarding risks to their ongoing operations.
- 117 Notwithstanding this, I am generally satisfied that the internal design arrangements are appropriate and have been refined during the course of the hearing process.
- 118 The wider urban form issues are more challenging. Ms Lauenstein presented extensive evidence on the longer-term growth of Prebbleton. The basis of this appears to be a starting point that as Prebbleton has been identified as being part of an urban environment as defined in the NPS-UD, it is required to be enabled to provide for growth to a population of 10,000 people. The definition of “urban environment” does refer to an area that is intended to be part of a housing and labour market of at least 10,000 people. Mr Cleese in his s42A report at para 138 and Mr Nichol森 in his summary clarified that this determination was based on a much wider Inner Plains townships housing and labour market and not simply just Prebbleton. Further, the definition does not confine this housing and labour market to Selwyn District. Given the proximity to Christchurch City, it could be considered to form part of a housing and labour market that includes a significant part of western Christchurch. I, therefore, agree with Mr Cleese and Mr Nicholson that there is no valid basis to assume that Prebbleton is to grow to 10,000 population.
- 119 Even if there was a requirement to accommodate this level of growth, it represents a doubling of the size of the town and that context certainly is not the purview of an Operative District Plan that has a very limited legal life.
- 120 Notwithstanding the above, Ms Lauenstein considers the rural residential development around Prebbleton enabled by the 2014 Rural Residential Strategy. This enabled low density development of what was termed Rural Residential Areas 4 to 9 which are located west, east and south of Prebbleton. Two of those areas have

recently been subject to the Private Plan Changes 68 and 72 for urban development and are now to be subject to the medium density requirements in Variation 1 to the PSDP. PC79 is not an area where rural residential development was enabled.

- 121 Ms Lauenstein's evidence considers the potential for infill in these areas to meet future supply needs. Her evidence also goes beyond those areas to consider the infill potential of land south of Hamptons Road and adjoining PC79 and east of PC72. What was not considered was the Tosswill Road land that has a proposed Urban Growth Overlay in the PSDP and submissions seeking to advance this further through Variation 1.
- 122 The purpose of this assessment was to show the extent of the ability for Prebbleton to intensify through infill. Her evidence was that these opportunities are limited, and together with other growth constraints including powerlines and the southern motorway, lend support to the importance of enabling PC79.
- 123 This is also targeted at countering the assessment of Mr Nicholson that PC79 is a peninsula of development into the rural area. Essentially, Ms Lauenstein is signalling further development in the longer term west of PC79 due to other constraints and high demand. Further the ODP provides for road linkages to the west of the site.
- 124 What Ms Lauenstein is effectively signalling is that PC79 is, in her opinion, the first step in a new direction of strategic growth of Prebbleton south of Hamptons Road. Notwithstanding that, I have limited evidence on the issues of those areas this is clearly outside the scope of this Plan Change which is limited to the specific PC79 area and does not include wider strategic growth policy.
- 125 Even if it did, it is clearly way beyond the ambit of the Operative Plan in its death throes to be making key strategic growth decisions that are rightly the purview of the PSDP.
- 126 Ms Lauenstein also places some weight on the benefits of single ownership or control of the site ensuring "*cohesive and coherent development across the site.*"⁵ However, she also acknowledges that two of the landowners are opposing submitters. This clearly cuts across the ability to advance development in those areas, but she considers the ODP is sufficiently flexible to address this. This is shown on the version of the ODP provided with the reply to demonstrate that these landholdings avoid key infrastructure within the development.
- 127 The other principal issue relating to urban form is the relationship with Kakaha Park. Ms Lauenstein places weight of what she sees as the connectivity between the

⁵ Evidence of Nicle Lauenstein para 75

surrounding green spaces and the visual connection to the surrounding landscape and the Port Hills.

- 128 Kakaha Park will clearly be accessible for future PC79 residents and provides for a range of recreational activities. Ms Lauenstein sees the road frontage improvements as providing for that connectivity as well as other potential synergies between the development and the Park. Considerable weight is also given to the benefit of passive surveillance over activities within the park. In answer to questions on this aspect Ms Lauenstein stated that the passive surveillance would be provided by the general increased activity and people presence in the area more than from individual dwellings. This would include from customers of the commercial area.
- 129 However, it is unlikely that the commercial businesses will be active in the evenings when passive surveillance might be of greatest value, and it is readily apparent from evidence at the hearing that both the sports field flood lights and other lighting are factors in the security of the area.
- 130 Mr Nicholson, in his summary, agrees that passive surveillance is an important factor in urban parks, but he also considers that there are a number of open spaces in small towns that function safely with low numbers of residential neighbours. I consider that the size of the park and its range of different activities and intensity of use all contribute to its safe use. In this case I do not find that additional surveillance from a small commercial area opposite the site will be significant.
- 131 There was also debate in urban form terms regarding the merits of a second, albeit small scale, commercial centre representing a strategic change from a single village centre to a “polycentric” township. Mr Nicholson points to the proposed status of Prebbleton in the PSDP as a “service township”. All service townships at the present time have single service centres.
- 132 I consider that there is merit in providing for day to day needs for residential growth in this location given that it is nearly 2 km from the existing centre. It would also benefit users of the Park. Notwithstanding this, I agree with Mr Nicholson that this is a strategic decision regarding the long term growth of the township and should be made as part of a wider growth strategy for the township.
- 133 Ultimately, the plan change as proposed must be regarded as a residential outlier from the existing urban form of the township and does not contribute to a compact urban form. I agree with Mr Cleese that this can only be addressed if it is part of a much larger growth area to the southwest of Hamptons Road.
- 134 The assessment of whether it contributes to a well-functioning urban environment is a wider assessment which I consider later in the context of the NPS-UD.

7. STATUTORY CONSIDERATIONS

7.1 IS THE ADDITIONAL DEVELOPMENT CAPACITY REQUIRED?

- 135 The context for this principal issue sits squarely with the requirements of the NPS-UD. The requirements are detailed in the section 42A report of Mr Cleese. In particular, the focus is on Policy 2 which requires that all local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and business land over the short, medium and long term.
- 136 Guidance on the meaning of this is provided in Part 3.2 which states *“Every tier 1,2 and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing demand:*
- (a) In existing and new urban areas*
 - (b) For stand alone dwellings and attached dwellings*
 - (c) In the short term, medium term and long term.”*
- 137 During the hearing I questioned some witnesses regarding the interpretation of this policy. In particular, I note that the capacity must be provided in the District to meet expected demand. This is an aggregated district demand that is to be met by total aggregated district capacity. It does not, in itself, require, for example, Prebbleton to meet whatever level of demand is evident in Prebbleton. It leaves discretion as to how that capacity might be distributed throughout the District, as long as the District wide demand is met. As pointed out by a number of witnesses, there is no restriction on exceeding that demanded capacity.
- 138 The s42A report included the recently prepared review of housing capacity and demand across the Inner Plains. This was undertaken by Formative Ltd and Mr Yeoman of Formative provided a summary of the issues at the hearing. This is called the Selwyn Capacity For Growth Model 2022 (SCGM22).
- 139 In terms of demand, the report recommends adoption of a high projection as the baseline for planning given the recent high levels of demand. Notably most of the growth over the last six years has been assessed to be net domestic migration from Christchurch and other parts of New Zealand. Including a 20% buffer this results in a demand for over 12,550 new dwellings in the District in the next 10 years. The reports demand projections for Prebbleton are for 420 new dwellings over the next ten years.

- 140 Mr Clease notes that this demand assessment is similar to that provided with the plan change request and undertaken by Blackburn Management Ltd being 1,100 residents which at 2.5 per dwelling equates to 440 dwellings.
- 141 Mr Clease also notes that a further assessment was undertaken by Insight Economics in response to a request for further information and evidence on this was provided by Mr Fraser Colegrave. Mr Colegrave's evidence is very critical of the SCGM22. In terms of demand the principal issue is the share of the districts growth that should be allocated to Prebbleton rather than the overall growth projection. He points to a 2021 share of 20% allocated to Prebbleton and West Melton. For Prebbleton, the "strategic allocation" going forward was the same as the dwelling consents issued over that period at 8% of District growth.⁶ However, the SCGM22 reduces the Prebbleton share of growth to 3% and Rolleston and Lincoln are correspondingly increased. Mr Colegrave argues that Prebbleton's strategic location justifies a higher share of 10% to 12.5% of the district total which equates to 1255 to 1569 dwellings over the next ten years. Part of this is that, in his assessment, an increase in supply itself will generate increased demand.
- 142 Clearly the assessed demand in any centre is very sensitive to the share of growth allocated. Mr Colegrave uses the term "strategic allocation" which I think is correct because it is not just a matter of historical trends but a matter of land use strategy that may justify an increase or decrease in share. This needs to be explicitly reasoned, but this aspect seems to be lacking in the Formative assessment.
- 143 Mr Yeoman responded to this matter in his summary statement. His assessment is that while not impossible, he considers that it is unlikely that growth will reach the levels suggested by Mr Colegrave because it would represent a substantial shift in demand patterns within Selwyn. However, he does not link this to any strategic reasons.
- 144 The NPS-UD requires every Tier 1 and 2 Council to prepare a Future Development Strategy (FDS). In Greater Christchurch this is being done by the Greater Christchurch Partnership which includes Selwyn District Council. The current equivalent to this is Our Space 2018-2048- Greater Christchurch Settlement Pattern Update. This did not allocate any additional growth to Prebbleton. This itself would appear to be a reasonable basis to reduce the growth share for Prebbleton.
- 145 Alongside this however is an existing Canterbury Regional Policy Statement Objective 6.2.1 which includes *"encouraging sustainable and self-sufficient growth of the towns of Rangiora, Kaiapoi, Woodend, Lincoln, Rolleston and Prebbleton and consolidation of the existing settlement of West Melton."*

⁶ Refer Evidence of Fraser Colegrave Table 7

- 146 Canterbury Regional Council is a submitter to PC79 and was represented Ms Dixon who gave legal submission and Ms Serena Orr who gave planning evidence. When asked about the fit between Our Space and the above objective Ms Orr commented that Our Space did not take allocations to a fine grained level. I also noted that the Regional Council submitted in opposition to both PC68 and PC72 which were approved. As pointed out in the requestor legal reply, the Regional Council did not appeal those decisions. Ms Orr was not able to assist me with the basis of those decisions.
- 147 The other issue that sits alongside this, is that the Greater Christchurch Partnership is currently preparing a new Future Development Strategy which has also been referred to as a Spatial Plan. Ms Orr was also not able to provide me with an update on progress with this Plan, however, since the hearing closed, I have become aware that a Draft Plan is now in the public arena for consultation.
- 148 I have no idea of the content of this draft and, as the hearing is closed, I will expressly be avoiding any glimpse of it until after this report is issued. However, what it does signal is that this process is progressing and might reasonably be completed in 2024. This may then trigger the need for changes to District Plans in response to the Spatial Plan.
- 149 What this says is that the strategic picture is in a state of flux and it would be premature to be making broad assumptions regarding demand share in one township in Selwyn. Mr Yeoman concluded that the most likely demand would sit within the range of 300 to 500 dwelling in the short to medium term which is ten years. A sensitivity stretch test (ie not likely but just possible) would be 1000 dwellings. This equates to a yearly demand of 30 to 100 dwellings.
- 150 This then needs to be put into the context of the life of the OSDP which is what might reasonably be called “very short term”.
- 151 In terms of enabled capacity Mr Cleese notes that this has changed significantly over the past year with the approved plan changes PC68 and PC72 and the introduction of the Amendment Act addressed in Variation 1 to the PSDP and incorporated into this Plan Change.
- 152 The SCGM22 estimates the plan enabled capacity to be around 11,500 dwellings or just under 7 times the existing number of dwellings in the town. However, the assessment of feasibility shows that in the medium term the capacity is reduced to 1580 dwellings. This reflects an assessment that only 10% of capacity will be feasible in the medium term which means that most of the intensification enabled by the MRZ is not considered feasible in a Prebbleton context. The model has 68% of

capacity being within greenfield areas with the rest being infill but not at the densities enabled by the MRZ.

- 153 Mr Colegrave points out that under current market conditions residential development is basically not economically feasible under any circumstances. A drop in median price of 14% in 9 months and increase in construction costs by nearly 14% in 2022 means that a previous 25% profit margin is now a 7% loss.
- 154 If the increase in cost of money was also included this loss would be even greater.
- 155 Mr Colegrave argues that these changes make the SCGM22 capacity estimates out of date and unreliable. However, in practice, I consider that this does not change the capacity available but is likely to slow down the development of that capacity until market conditions change. This means fewer houses are built rather than less capacity is available.
- 156 The housing market tends to be cyclical, and this further emphasises that the chances of material progress in the life of the OSDP are remote at best.
- 157 Mr Ritchie for NTP advised that a business case for the development had been approved by NTP and his evidence states that NTP *“intends to commence plans to develop as soon as rezoning has been secured.”*⁷. The final legal reply also emphasised that *“funding is available and it is feasible and is expected to be realised.”*⁸ However, in answer to questions about current market conditions his answer was that NTP wish to be “ready to go when conditions change”.
- 158 Mr Colegrave’s evidence considers each element of supply and concludes a total medium term capacity in Prebbleton of 1579 but a “likely” supply of 1,000. He uses this to compare with his demand estimate to conclude that there will be a short fall of 255 – 569 dwellings over that period.
- 159 Mr Yeomans response to this focusses on the two private plan changes PC68 and PC72 as being the core of the capacity and refers to the stated intentions of the developers for 820 dwellings in PC68 and 330 in PC72. This totals 1150 dwellings and compares with Mr Colegrave’s more conservative estimate for these two areas of 852 dwellings. The difference is basically a scaling one which Mr Yeoman says is not appropriate.
- 160 Fundamentally one can argue about modelling methodologies ad nauseum, as I quoted at the hearing “all models are wrong but some are useful”. Essentially, the supply created by PC68 and PC72 irrespective of any intensification or other supply elements adds materially to capacity at Prebbleton. Even if Mr Colegrave’s

⁷ Evidence of Dean Christie para 16

⁸ BVL Legal Reply 7 June 2023 para 3(c)

assessment proved correct the shortfall would only arise later in the next ten years which quite frankly is not a concern for the OSDP and, therefore, not a concern for this recommendation. This is particularly so given the discussion on the demand side of the equation above.

- 161 I, therefore, find that the capacity of PC79 is not required for the OSDP to meet its obligations under the NPS-UD and that this is more than satisfied by PC68 and PC72.

7.2 ARE OTHER NPS-UD REQUIREMENTS MET?

- 162 The NPS-UD has a number of interwoven aspects that are relevant to the assessment of whether PC79 gives effect to the NPS-UD. There is also an interweaving with the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) which I consider later.

- 163 Policy 2 regarding development capacity to meet expected demand has been considered above. Other policies that require specific consideration are Policy 1, Policy 8 and Policy 9.

- 164 Policy 1 requires planning decisions to contribute to a well-functioning urban environment. The policy then sets out the minimum requirements of a well-functioning urban environment that are considered individually below.

- 165 The first limb requires an urban environment that has or enables a variety of homes that:

- (a) meet the needs, in terms of type, price, and location, of different households; and
- (b) enable Maori to express their cultural traditions and norms;

- 166 I am satisfied that given the incorporation of the Living MD Zone requirements the proposal will enable a variety of homes. However, the provisions and ODP do not specify any particular mix of homes as a minimum to ensure this is delivered. The ODP requires a minimum density of 15 households per hectare but this in itself does not ensure any particular variety mix. Similarly, higher densities being directed to key open spaces, green corridors and the neighbourhood centre is enabling rather than directing an outcome.

- 167 NPL has not provided any information on proposed variety in terms of type, price, and different household needs and with subdivision required to be a controlled activity the ability to require this at the stage of subdivision may be limited. However, the wording of this part of Policy 1 does use the expression “have or enable”. Consequently, I am satisfied that the requirement of this limb is met.

- 168 In terms of the second limb the involvement of NPL as the developer and the proposed incorporation of Te Runanga values means that delivery of this limb is

reasonably assured. However, the Plan Change of course does not require the land to be developed by NPL but I accept that is the current intention.

- 169 The second limb is to *“have or enable a variety of sites that are suitable for different business sectors in terms of location and site size.”* The proposed neighbourhood centre will be some 2,500 m² providing for small scale commercial and community activities. A rule is now proposed classing a supermarket on this area as a Non Complying Activity. This will meet only a limited range of needs, however it is not the objective of this plan change to provide for business sector sites. I, therefore, give this matter little weight in the overall assessment against Policy 1 but I reiterate that the neighbourhood centre needs to be part of wider strategic growth decision in favour of southward growth of Prebbleton.
- 170 The third limb requires *“good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces including by way of public and active transport”*.
- 171 Clearly the site has very good accessibility to Kakaha Park which provides both open spaces and some natural spaces. Accessibility between housing and jobs requires something of a comparative assessment. Prebbleton is largely a dormitory suburb with a limited employment base. While this means most PC79 residents will need to travel to work locations, the site is well placed in terms of accessibility to Lincoln Rolleston and at least the western part of Christchurch.
- 172 Both cycleway facilities and public transport are available to these centres. However, I agree with Mr Cleese in his summary that the level of public transport services and distances involved mean that many will rely on private car transport at least in the short term.
- 173 The peripheral nature of the site means that walking opportunities to local services are also limited but most are within reasonable cycle distance. Overall, I do not consider that this aspect precludes a positive recommendation when considered in comparative terms, but, once again, it illustrates the importance of wider growth strategy than can be addressed through a single private plan change.
- 174 The fourth limb is to support and limit as much as possible adverse impacts on, the competitive operation of land and development markets. I recall that when I was conducting the hearing for PC72 in early 2022 the evidence was that there were virtually no residential sections in Prebbleton for purchase. Many, however, were purchased but with houses yet to be built.
- 175 PC68 and PC72 have now been approved, albeit with one appeal to expand the area of PC72 yet to be determined. These developments are not yet at a stage where subdivision consents have been granted and sections marketed. At the same time

there has been a significant change in the market as set out in Mr Cosgrove's evidence. While there have been some assertions that some landowners within these developments are reluctant to proceed, I have no evidence in front of me to suggest that, when the market permits, these developments will not be advanced. These together with the enabled medium density provisions give me sufficient confidence that, while supply of sections currently may still be limited, in the longer term there is no reason to believe there will not be a competitive market for land development. PC 79 is, therefore, not required on these grounds.

- 176 The fifth limb is to "support reductions in greenhouse gas emissions". Mr Paul Farrelly gave evidence for the requestor on this subject. He concludes that the development of PC79 supports a reduction in Greenhouse Gas Emissions relative to other greenfield development opportunities in the greater Canterbury region. He reaches this conclusion after consideration of the characteristics of PC79 but does not go as far as evaluating other greenfield opportunities. Notwithstanding this, his conclusion is understandable given the location of Prebbleton within Greater Christchurch.
- 177 The key elements of his analysis are:
- (a) Removal of the current stock on the land will reduce methane emissions although it is recognised that residential development is just one way of achieving this.
 - (b) Emissions from the construction of dwellings is neutral because, if not at PC79, it will occur somewhere else.
 - (c) The proximity of Prebbleton to Christchurch means that if Prebbleton is not meeting housing demand there is a risk of more remote growth with greater travel emissions.
 - (d) Higher density means less infrastructure emissions as long as it involves standalone dwellings rather than multi storey apartments.
 - (e) Access to public transport and cycling accessibility will support GHG reductions.
 - (f) There is potential to promote high uptake of solar PV panels, provision of energy efficient homes and non use of LPG.
- 178 I largely accept the evidence that the site will support reductions in emissions, but I expect that this can also be achieved through other developments in this wider location which may have somewhat better overall accessibility to services and other facilities.
- 179 The final limb relates to resilience to the likely current and future effects of climate change. In this case this is largely about flood risk and management of stormwater which I consider has been appropriately addressed.

- 180 In general terms, the above considerations are positive, however, a well-functioning urban environment also requires a well-functioning urban form. This was considered in some detail in Section 6.3 and found that PC79 is a residential outlier from the existing urban form of the township and does not contribute to a compact urban form. Therefore, while the matters considered under the specific parts of Policy 1 are for the most part supportive the wider urban form aspect is negative unless addressed as part of a much larger strategic growth area.
- 181 The NPS-UD also includes Policy 8 which requires local authority decisions to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments even if the development capacity is unanticipated by RMA planning documents; or out of sequence with planned land release.
- 182 This was addressed in legal submissions, in the summary of Mr Cleese and in the submissions and evidence from Christchurch City Council and Canterbury Regional Council. At this point the Regional Council has not included criteria in the Regional Policy Statement for determining “significant development capacity”. I agree with Mr Cleese assessment that in the context of Prebbleton township a development of this scale and yield of at least 550 dwellings does meet the threshold of significant development capacity.
- 183 Part 3.8 of the NPS-UD then further qualifies how Policy 8 should be applied and states that every local authority must have particular regard to the development capacity provided by the plan change if that development capacity would contribute to a well-functioning urban environment and is well connected along transport corridors.
- 184 I have made a finding above that PC79 does not contribute to a well-functioning urban environment, at least in terms of urban form. The development has limited connectivity to the west but does have accessibility to two road corridors being Birchs Road and, to a lesser extent, Hamptons Road.
- 185 Notwithstanding this, I have given particular regard to the development capacity that would be generated in Section 6.4 above.
- 186 Finally, in relation to the NPS-UD I consider Policy 9 which was referred to in the legal reply from the requestor. This requires local authorities to, amongst other matters, “*take into account the values and aspirations of hapu and iwi for urban development.*” Clearly it has been the requestors initiative to partner with NTP to undertake the development and it is NTP that has sought design peer review to ensure the design concept in in line with its values. The outcome of that is a proposal that has the support of NTP and, if implemented, will enable the aspirations

of iwi for urban development to be realised. This is clearly in line with Policy 9. However, while the proposal has repeatedly been characterised by the proponent as “unique” the evidence does not identify any specific Māori values that attach to the site, other than perhaps its wider landscape setting. That means the outcomes for iwi could reasonably be achieved through a relationship with another development in that general locality.

7.3 DOES THE NPS-HPL APPLY TO PC79?

- 187 The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. Ms Booker in her opening and closing submissions has argued that the NPS-HPL does not apply to the PC79 land. It is common ground that the site contains primarily LUC 2 land with small pockets of LUC 1. The NPS-HPL has an interim definition of highly productive land being land that is zoned general Rural or Rural Production and is LUC, 1,2 or 3.
- 188 The land is currently zoned in the OSDP as Rural: Inner Plains. Ms Booker’s submission relates to the descriptions of zones in the National Planning Standards in deriving the nearest equivalent zone for the land which is referred to in clause 1.4((4)(b) of the NPS-HPL. Her submission is that because the land is used predominantly for residential lifestyle activities, on smaller lots than would be expected in a General Rural or Rural Production zone, the nearest equivalent zone in the National Planning Standards is the Rural Lifestyle zone which is excluded from the NPS-HPL.
- 189 This argument relies heavily on the character of the current use of the land rather than characteristics of the zone itself.
- 190 The section 42A report specifically references a legal opinion on this matter prepared by Adderley Head for the PSDP. This document is dated 14 February 2023. This opinion at para 18 references the MFE Guidance on the NPS-HPL and states *“what is required is comparing the zone description, objectives, policies, activity table and subdivision provisions (in the round) in the ODP to the zone descriptions in the NPS”*.
- 191 The overall zoning framework of the OSDP involves zoning land Living, Business or Rural. The Rural Zone description notes that there is only one zone in the rural area, though the zone is split into areas to manage specific activities, for example subdivision and residential density, dairy processing activities and buildings, plantations and outstanding landscapes. There are then multiple density overlay areas within the Rural Zone. Inner Plains is one of those overlays.

- 192 The opinion then compares the NPS zone descriptions with the Rural Zone and Inner Plains Overlay. It concludes that in terms of “best fit” the Rural: Inner Plains is the equivalent of the General Rural or Rural Production in the NPS.
- 193 As stated above the requestor’s argument relies on a site-specific analysis of how the land is used rather than its zoning. However, I note from the opening legal submissions that only 3 of the eight properties included in the Plan Change are smaller than the permitted 4 hectares. The land is, therefore, predominantly in properties of a size permitted by the zone overlay.
- 194 Mr Cleese also considered the Adderley Head legal opinion in more detail in his summary statement. He notes that, apart from subdivision size, there are minimal differences in the land use rules applying to the Rural: Inner Plains or Rural: Outer Plains parts of the zone.
- 195 He also refers to the definition of rural activities in Chapter 6 of the Regional Policy Statement which apparently includes residential activities on sites of 4 hectares or more whilst making provision for rural residential development at densities of 0.5ha – 1 ha in defined areas. The OSDP specifically provides for rural residential activities by means of a Living 3 zone, whilst the Rural Inner Plains policy focus is on maintaining rural character. An example is Objective B4.1.2 which states *“Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on natural and physical resources or reverse sensitivity effects.”*
- 196 It is also worth referring to Policy B4.1.4(b) which states *“Within the Greater Christchurch area covered by Chapter 6 of the Canterbury Regional Policy Statement, any new residential development at densities higher than those provided for in Policy B4.1.1 shall only be provided for in the Living 3 Zone in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014.”*
- 197 Given the above I am satisfied that the HPS-NPL does apply to the Rural Inner Plains Zone and does apply to the PC 79 land. I do not consider that the fact the land is only partly being used for productive activities has any direct relevance to this determination.

7.4 DOES PC79 PASS THE NPS-HPL TESTS FOR URBAN REZONING?

- 198 The NPS-HPL provides a pathway to the urban zoning of highly productive land through the provisions of Part 3.6 of the NPS-HPL.
- 199 This sets up three tests all of which must be met to give effect to the NPS-HPL.

- 200 The first is that *“the urban zoning 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.”*⁹
- 201 I have previously concluded in Section 6.4 that the capacity of PC79 is not required for the OSDP to meet its obligations under the NPS-UD and that this is more than satisfied by PC68 and PC72, given the limited life of the OSDP.
- 202 PC79 therefore fails the first test. While I need not take this aspect further. I did specifically request further information in relation to second test so will consider that for completeness.
- 203 The second test is that *“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.”*¹⁰
- 204 The term *“at least sufficient development capacity”* clearly assumes that the first test has been passed which it has not. Had I found that the capacity was required for the OSDP then the comparison would be with alternatives of a similar scale. In terms of locality and market it is understood that NPL would provide a variety of housing types as potentially could any other site alternative. Prebbleton is a relatively small, and alternatives that are located in the Prebbleton locality, in my assessment, reasonably meet this requirement.
- 205 Clause 3.6(2) of the NPS-HPL requires alternatives to include greater intensification of existing urban areas, land that is not highly productive land and different highly productive land that has a lower productive capacity.
- 206 Mr Cleese identified a number of alternatives in his Summary Statement. These were shown on Figure 1 of this document which I have included below for clarity.
- 207 The figure shows the PC68 and PC72 land in black. In addition, there is an area shown in red to the east of Prebbleton which is identified in the PSDP as having a “Future Urban Growth Overlay”. This would require a plan change to rezone the land for residential development but for the fact that the owners have lodged a submission to Variation 1 to the PSDP to zone the land Medium Density Residential (MDRZ).
- 208 The other areas identified are:

⁹ NPS-HPL 3.6(1)(a)

¹⁰ NPS-HPL 3.6(1)(b)

- (a) The part of the area shown in green north of Trices Road, being 12 ha, is sought by way of submission to Variation 1 to be zoned MDRZ. This is zoned L2A in the OSDP and would amount to intensification of an existing urban area.
- (b) The areas in Blue are zoned Rural Inner Plains and Mr Clease evidence is that they are LUC 1-2 and therefore highly productive land in terms of the NPS-HPL. However, he considers that being small pockets with the urban form of Prebbleton they would be a preferred alternative in urban form terms. In total they are 22.2 hectares.
- (c) The area in orange is a mix of Living 3, Existing Development Area and Rural Inner Plains. Mr Clease's evidence is that parts of this area are highly productive land. 81 hectares has an urban zoning and 25 hectares a rural zone.
- (d) Finally, the area in purple is 52 ha zoned L2A with potential for intensification.

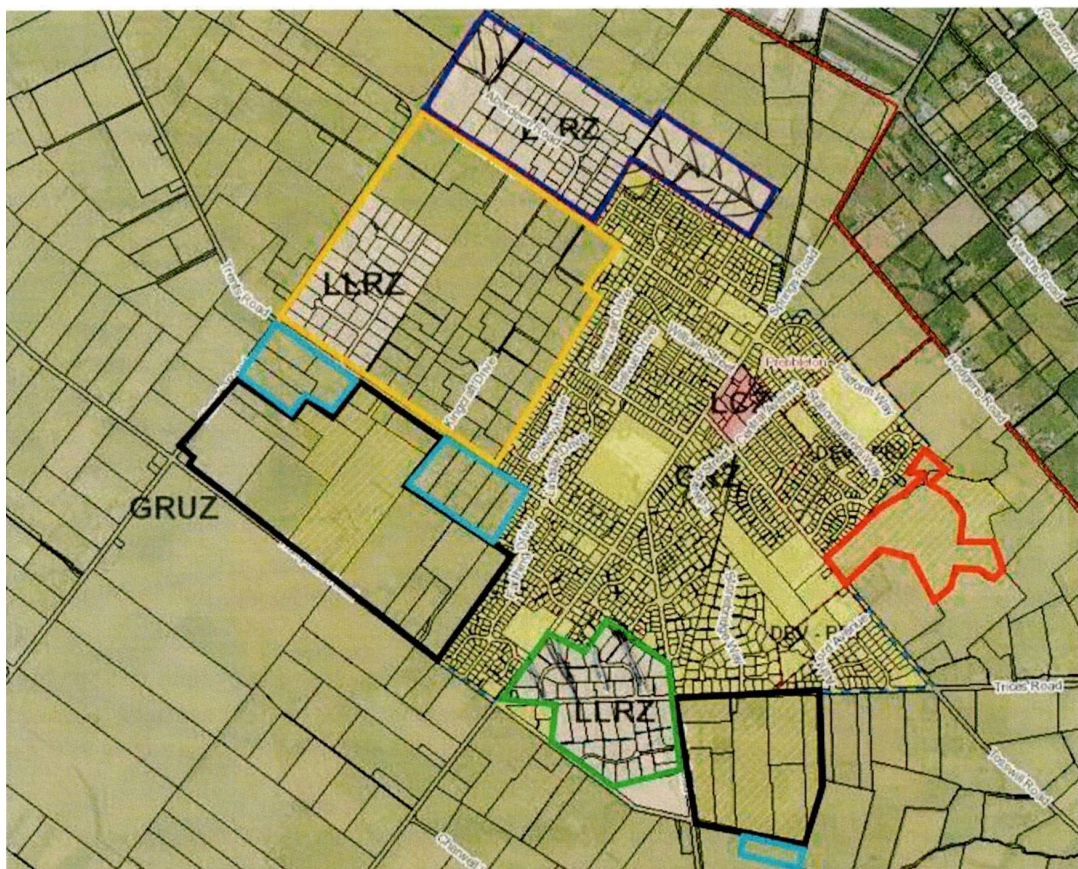


Figure 1 from Mr Clease Summary Statement

- 209 Mr Clease's evidence is that these areas provide over 238 hectares of alternatives over and above PC68 and PC72. He considers that for PC79 to pass the required test all of the above options would have to be shown to not be "reasonably practicable and feasible".
- 210 In response to this evidence Ms Nicole Lauenstein undertook a desktop assessment of each of the intensification areas in terms of infill potential. This evidence was

provided with the requestors reply. Her assessment considers the urban design merit of the options and concludes that:

- (a) The western end of the purple could be developed to 15 hh/ha but would lack cohesion with the urban form and is better as large lot residential.
- (b) The middle purple area has a development pattern that means there is limited intensification potential that is reasonably practicable.
- (c) The eastern purple area has larger properties and could be intensified.
- (d) The northern part of the orange area could be developed to 10-12 households per hectare but would lack cohesion with the surrounding area and is better as large lot residential.
- (e) The orange southwest area is largely new properties with limited intensification potential.
- (f) The orange east area has greater potential but is again not recommended on urban design grounds.
- (g) The green north area has limited intensification potential.
- (h) The green south has more potential with undeveloped blocks and could achieve 6 hh/ha.
- (i) The three blue areas can accommodate development but are small in scale.

211 Overall. Ms Lauenstein concludes that from an urban design perspective the only areas suitable for development to 12 households per hectare are the blue areas and the northwestern part of the orange area.

212 I accept that intensification of existing developed large lot areas does present a number of challenges and certain of these areas do not pass the reasonably practicable and well functioning urban environment tests.

213 However, Ms Lauenstein did not consider the red area in her assessment. This is an important area in terms of alternatives because it is a greenfield area explicitly proposed for development in the PSDP.

214 I, therefore, requested further consideration of this area in Minute 3. There were two specific questions that I addressed. Firstly, whether the land is excluded from the requirements of the NPS-HPL by way of Clause 3.5(7). In this regard I was concerned as to whether the urban growth overlay amounted to a plan change to zone the land urban or rural lifestyle. The second matter was whether the development of this land can reasonably be expected to meet the requirements of “a well functioning urban environment”. These matters were requested to be

addressed by Council by way of legal submissions and evidence to which the requestor would have final reply.

- 215 In response to this I received a legal opinion from Ms Kate Rogers Counsel for Selwyn District Council. This opinion was very clear that I did not need to address the status of the overlay because the land was identified for future urban development in the Rural Residential Strategy 2014. It is therefore excluded from being highly productive land under Clause 3.5(7)(b)(ii).
- 216 Ms Booker did not contest this opinion in the final reply but did make a number of submissions as to how this land should be regarded in terms of an option.
- 217 I, therefore, adopt the position that this land area is exempt from the NPS-HPL.
- 218 In terms of the second matter Mr Nicholson provided supplementary evidence dated 24 May 2023. He was able to draw on his evidence for Variation 1 and clarified that the land is described as 93 Tosswill Road. He considers that the characteristics of the site would contribute to a compact and consolidated urban form and, subject to some fine tuning of the ODP road connections, will have a moderate to high level of connectivity and accessibility. The proposed open spaces and stormwater management areas will also provide water quality and recreational value for Prebbleton.
- 219 I recognise that this area is only about half the size of PC 79, but it does represent a reasonably practicable option with similar feasibility characteristics to PC 79.
- 220 The NPS-HPL does not require options to be plan enabled although in this case this is likely in the PSDP.
- 221 Mr Fraser also identified a further alternative growth area being southwest of Shands Road between Blakes Road and Hamptons Road. While still subject to the NPS-HPL his evidence is that this land is less productive than PC 79.
- 222 I, therefore, find that there are options for additional development capacity that would not be constrained by the NPS-HPL. While there are challenges to achieving good design outcomes for a number of the intensification locations, 93 Toswill Road does present a reasonably practicable and feasible option in the same locality and market while achieving a well-functioning urban environment.
- 223 The third test is that *“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.”¹¹

- 224 The starting point for this assessment is the extent of loss of highly productive land. Mr Mthamo gave evidence on the site’s productive capacity. His evidence was that:
- (a) while the soils are LUC 1 and 2, wetness constrains the productive use of parts of the site.
 - (b) the available irrigation water is not sufficient for arable agriculture.
 - (c) Nutrient limits are in place that constrain its use.
 - (d) Kakaha Park creates reverse sensitivity effects on primary production.
 - (e) The fragmented ownership hinders productivity.
 - (f) The site is 0.0044% of highly productive land in Selwyn and 0.026% of that in Canterbury, which in his assessment is a negligible loss of highly productive land.
- 225 Two submitters gave helpful evidence on the productive capacity of the soils. Mr Thomas Fraser is one of the two landowners within PC 79 who opposes the plan change and is also a farm systems scientist. His evidence set out his experience which is extensive and fully qualifies him as an expert witness. The requestor did not challenge the independence of his evidence. He disagrees with Mr Mthamo that wetness is a significant constraint. He considers that even the small areas of “moderately” drained soils are capable of high productivity. His evidence included expected yields from potatoes, cabbages, wheat and peas.
- 226 He agrees that, for maximum production, irrigation would be required for certain periods of the year depending on the crop. However, his evidence is that in the past there have been autumn and early spring sown crops that have been grown without irrigation and this is currently occurring on land adjacent to PC79. He considers that ongoing advances in irrigation technology will result in water being available for the PC79 area with existing irrigation infrastructure available for 21ha of the total 32ha.
- 227 Mr Mthamo responded to this evidence in his rebuttal evidence. He agrees that the poorly drained soil only makes up 11% of the site and that these are in the mid range of soil draining properties. However, he maintains that maximising production from crops will require irrigation at least at certain times. Future improvements will, in his opinion, reduce the quantity of water required rather than the need for irrigation itself.
- 228 Mr Mark Everest, a farm consultant, also gave evidence for the requestor. His evidence aligned with Mr Mthamo that water, nutrient and reverse sensitivity

¹¹ NPS-HPL 3.6(1)(c)

factors constrain the productive potential of the site. His evidence is that to address this other farms in the catchment would need to reduce productivity with consequent economic impacts. Further residential development reduces risks to the catchment from nutrient loss if irrigation were to occur.

- 229 Mr Everest considers viable production land uses to be dryland livestock and arable production, apples, grapes and lamb grazing with strawberries. He discounts vegetable production, dairy heifer grazing, dairy milking, cattle finishing due to nutrient loss exceedance and water availability for irrigation. He produced farm budgets for the four viable land uses but none covered a 4% return on capital threshold. He therefore supports change to an urban use.
- 230 Mr Sam Bridgeman-Smith is a market gardener near Lincoln. He grows salad greens and other high value vegetables on less than a hectare of Class 2 soils. He has access to irrigation water which he considers essential but was able to comply with nutrient requirements. His evidence is that high value crops can be viable grown at a small scale. He considered that the PC79 land offered similar business opportunities being close to urban markets.
- 231 These issues were also canvassed in the tabled evidence of Lincoln Voice Incorporated.
- 232 I conclude from this evidence that the very fact that the soils are Class 1 and 2 means there is a wide range of scenarios regarding how that land might economically be used for production. Each of these will have a different economic outcome. While irrigation and nutrient management present as current constraints to production they are not absolute constraints looking forward.
- 233 Mr Colegrave used Mr Everest's evidence as a basis for calculating the total economic value of rural production from the land. He found the total economic value ranged from \$236,500 for Livestock and Arable to \$3.37 million for lambs and strawberries. This compares with a direct one off impact for urban development of PC79 of \$21.4 million. As such he considers that PC79 passes the third NPS-HPL test from an economic perspective.
- 234 Mr Yeoman for the Council commented only briefly on this assessment but noted that from an economic perspective generally the benefits would outweigh the costs in most proposals to convert rural land to urban uses.
- 235 Ms Hilary Konigkramer presented evidence on the social impacts of the loss of productive land and the social effects of PC79. Her evidence was based on a desk top assessment only. Her methodology used a significance rating that relates level of consequence with likelihood similar to that used in risk management.

- 236 In terms of loss of rural land, she considered the loss of land based livelihoods, loss of local economic and employment benefits, change in sense of place and reduced amenity and wellbeing. She rated all of these to be of low significance.
- 237 The positive impacts of PC79 were considered in terms of enhanced everyday connectivity, increased availability of housing, increased local economic stability, enhanced liveability, increased amenity and well-being. She assessed these to be of moderate to high significance. Consequently, she concluded that the positive impacts of PC79 outweigh the negative effects.
- 238 Clearly some of these matters overlap with the economic assessment as economic effects have social consequences. However, I generally agree with the position expressed by Mr Clease in his summary that if the first two tests had been met then it is highly likely that the third test costs and benefits assessment can be met.
- 239 Even in this case where the first two tests are not met the economic and social evidence supports the Plan Change.
- 240 Ultimately, I am not faced with a difficult judgement on the merits of these assessments as I have already found that neither of the first two tests have been met.

7.5 DOES THE PROPOSAL GIVE EFFECT TO THE CANTERBURY REGIONAL POLICY STATEMENT (CRPS)?

- 241 The District Plan is required to give effect to the operative Canterbury Regional Policy Statement (CRPS). Ms Sally Elford provided comprehensive planning evidence for the requestor on the overall project evaluation which included consideration of the CRPS. This of course followed Mr Clease's s42A report where the CRPS is considered at paras 222 to 231. Planning evidence on this aspect was also presented by Ms Serena Orr for Canterbury Regional Council and by Mr Kirk Lightbody for Christchurch City Council.
- 242 Mr Clease's s42A report considers that the proposal aligns with the CRPS in relation to not exacerbating natural hazards risks (Policy 11.3.1), not being in an area of high landscape value or ecological value (Objective 6.2.1(4)(5)), not affecting heritage or cultural values (Objective 6.2.3(2)(3)), not affecting strategic infrastructure (Objective 6.2.1(10)), achieving a density greater than 10 households / hectare (Policy 6.3.7), and contributing towards self-sufficient growth for Prebbleton (Objective 6.2.2(5)).
- 243 He considers that the proposal does not align with the CRPS in regard to its location of highly productive soils (Policy 6.3.7), not being connected to infrastructure

networks that have capacity (Policy 6.3.5) and not providing good urban form (Policy 6.3.2).

244 Ms Orr's evidence also points to:

- (a) Policy 5.3.12 which relates to enhancing natural and physical resources in areas valued for foreseeable primary production, and
- (b) Objective 6.2.1 regarding avoiding development outside existing urban areas of greenfield priority areas unless expressly provided for in the CRPS.
- (c) Objective 6.2.2 regarding an urban form that achieves consolidation and intensification of urban areas and avoids unplanned expansion of urban areas.
- (d) Policy 6.3.1 which requires development to be in accordance with Map A in the CRPS.
- (e) Policy 6.3.4 regarding patterns of development that optimise existing network capacity.

245 An assessment of the CRPS was also provided in Appendix 14 of the Plan Change Request. Ms Efford's evidence for the requestor focusses not so much on the matters above but the monitoring and review regime set out in Policy 6.3.11.

246 This sets out the measures that Canterbury Regional Council will take in relation to monitoring demand and capacity and the review process in the event that a shortfall is identified or a change in circumstances regarding infrastructure.

247 Part 5 of this policy then states *"Any change resulting from a review of the extent, and location of land for development, any alteration to the Greenfield Priority Areas, Future Development Areas, or provisions of new greenfield priority areas, shall commence only under the following circumstances."*

248 Ms Efford then considers these factors in the table on pages 20 and 21 of her evidence with particularly relevant matters being provision of infrastructure, access to community, social and commercial facilities and achieving urban consolidation.

249 These matters have been addressed in earlier sections and wastewater infrastructure and urban form have found to be shortcomings of the proposal.

250 Further, Ms Efford notes that her evidence is based on the shortfall identified in Mr Colegrave's evidence which would trigger this part of Policy 6.3.11. However, the Councils latest modelling, which is supported by the Regional Council, does not identify any shortfall and I have found that if there is a shortfall it is not conceivable that it will arise in the life of the Operative Plan.

- 251 Further, I do not consider that Policy 6.3.11 provides a framework for advancing private plan changes that come to a different position regarding residential capacity to that of the Regional Council.
- 252 In terms of policy 6.2.2 (5), which encourages sustainable and self-sufficient growth of Prebbleton, there is considerable scope to debate what criteria might apply to determining sustainability and self sufficiency in this context. However, there was little in the way of detailed evidence presented on this aspect other than general support that PC79 is consistent with this from Mr Cleese.
- 253 Given that I am satisfied that there is sufficient residential capacity available for the limited life of the operative plan, I consequently do not consider that PC79 is needed to give effect to this policy. It is clear to me that PC79 represents a step in a new direction of growth that is strategic in nature and is much more appropriately addressed through the PSDP and the emerging Greater Christchurch Spatial Plan.
- 254 Ms Dickson gave legal submissions for the Regional Council and submitted at para 48 that giving effect to Policy 8 of the NPS-UD on land that is not consistent with the enabled development areas on Map A of the CRPS *“does not mean that there is an inherent tension between the documents. Ultimately this comes down to a weighting exercise as to how both the CRPS and NPS-UD can be given effect to. In this case it is submitted that the CRPS can be given relatively more weight, on the basis that it has been changed specifically to give effect to the NPS-UD.”*
- 255 I have considerable doubts about that submission because, as stated earlier, Ms Orr in answer to questions said that Map A was at a higher level than some of the finer grained private plan changes that have been advanced in Selwyn. Notwithstanding this, I have found that in applying Policy 8 and Clause 3.8 PC79 does not meet the NPS-UD requirements and, therefore, I am not troubled by any inconsistencies between the NPS-UD and the CRPS. I, therefore, am able to conclude that PC79 does not give effect to the operative CRPS in the context of the time horizon of the OSDP.

7.6 SECTION 32- IS THE PROPOSAL THE MOST APPROPRIATE WAY OF ACHIEVING THE DISTRICT PLAN OBJECTIVES?

- 256 The OSDP is required to be designed to accord with, and assist, the territorial authority to carry out its functions so as to achieve the purpose of the Act.
- 257 The existing Plan has been through those tests in its initial approval process and parts through Plan Changes since that time. It is, therefore, important that a plan change is either in accordance with the objectives and policies of the Plan or as part of the Plan Change seeks to change those objectives and policies.

- 258 In this case, two new objective and six new policies are proposed. These are all either directed by the Enabling Act or consequential to those requirements to create the Living MD Zone. There are no changes proposed to the objectives and policies concerning urban growth management or the urban form of Prebbleton.
- 259 Section 32(1)(b) requires examination of whether the proposed plan change provisions 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.
- 260 Mr Cleese notes Objective B4.3.3 and Policy B4.3.1 which 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.
- 261 The applicant provided an assessment of the proposal against the District Plan's objectives and policies. I agree 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. In this case the Living MD zone, together with the ODP standards, will achieve that objective.
- 262 Objective B3.4.4 and Policy B4.3.6 seek that the growth of townships achieves a compact urban form where practical. I have found above that the plan change does not achieve a compact urban form and, therefore, does not achieve this objective.
- 263 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. I am satisfied that the ODP, as now amended and attached as Appendix 3, meets those policies.
- 264 Objective B.3.4.5 seeks that urban growth provide 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. I have earlier found that the connectivity within the development is satisfactory, however, adequate connectivity to adjoining land areas is not achieved without a commitment to a larger growth node which is a wider strategic decision and not an appropriate one for the OSDP.
- 265 The District Plan also contains two specific policies that guide the direction of growth in Prebbleton. These are Policy B4.3.64 which 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”.

266 Also Policy B4.3.65 which seeks to “discourage further expansion of Prebbleton township north or south of the existing Living zone boundaries adjoining Springs Road”.

267 I agree with Mr Clese that PC79 does not give effect to either of these policies. It results in a clear southward expansion and is not close to the existing town centre.

268 Ms Efford’s evidence acknowledges at para 73 that there are “*some identified inconsistencies with the OSDP*”. As part of this she refers to a policy not considered by Mr Clese being Policy B1.1.8. The is as follow:

“to avoid rezoning land which contains versatile soils for new residential development or business development if:

- The land is appropriate for other activities; and
- There are other areas adjoining the township which are appropriate for new residential or business development which do not contain versatile soils”

269 This policy is in general alignment with the NPS-HPL. I note that this policy adopts the ‘avoid’ status but, overall, I consider the more detailed NPS-HPL tests considered earlier should be given greater weight.

270 Ms Efford’s evidence then relies on her assessment that the OSDP and CRPS are out of date with the uptake of development land. However, I have concluded that there is sufficient residential land capacity available to meet the OSDP horizon. Even if there was an immediate need that could actually be consented in the life of the OSDP, it would require amendment to the policies particularly Policies B4.3.64 and B4.3.65. Without this, I am compelled to find that the Plan Change is not the most appropriate way of achieving the OSDP objectives.

271 There is no requirement for me in this recommendation to consider the PSDP. That is currently being separately considered through the PSDP and Variation 1 hearing processes.

8. EVALUATION AND RECOMMENDATIONS

272 In section 2 of this report I identified the statutory considerations that I need to consider. This includes the Section 32 requirement that the provisions of the proposal are to be examined, and quantified if practicable, assessing their efficiency and effectiveness, against reasonably practicable options for achieving the objective taking into account:

- (a) The benefits and costs of the environmental, economic, social and cultural effects anticipated from the provisions, including economic growth and employment; and
 - (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
- 273 The objective of the plan change as stated in the original Plan Change Request, prior to incorporation of the MDRS, is to *“rezone the application site from Inner Plains to Living Z in a manner consistent with the proposed Outline Development Plan and generally consistent with the existing provisions of the OSDP”*.
- 274 The s32 assessment evaluated the proposal, the do nothing option and the option of relying on a non complying subdivision consent process.
- 275 The hearing process has refined some of the Plan Provisions including the Outline Development Plan. This included conferencing of planners on the provisions in response to Minute 3.
- 276 As a result, I am satisfied that, if the proposal met all other requirements, then the provisions as now proposed would be efficient and effective. This statement is qualified to the extent that the Living MD provisions are to a large extent dictated by the Enabling Act and are therefore excluded from my consideration of efficiency and effectiveness.
- 277 I have, therefore, included as Appendix 2 and Appendix 3 the Plan Provisions and the Outline Development Plan that I would have been recommending in the event that I was recommending that the plan change be approved. This may assist the Council in considering this Recommendation Report.
- 278 I have considered in some detail the principal issues around the suitability of land for urban development, provision of infrastructure, traffic and transportation, and urban design and urban form. I have also carefully considered the need for additional residential land and associated requirements of the NPS-UD, the application of the NPS-HPL, the CRPS and the objectives of the OSDP.
- 279 I have found that while the land is generally suitable in physical terms there are likely to be significant challenges in providing wastewater infrastructure that is feasible and in accordance with current Council policies. The traffic matters are satisfactorily addressed in the revised provisions. However, the location does not achieve compact urban form and can only reasonably do so as part of a wider strategic growth area.
- 280 In terms of the NPS-UD I have concluded that PC79 is not required to meet residential capacity requirements in the life of the OSDP as this is more than satisfied by PC68 and PC72. I have also concluded that PC79 achieves a well-functioning

urban environment except for the important issue of urban form. However, it does not meet all the requirements of Policy 8 and Part 3.8 in relation to responsive planning.

- 281 In terms of the NPS-HPL I have found that it does apply to the Rural: Inner Plains zone which includes the site. This requires that any urban rezoning is required to pass all three tests of Clause 3.6. The proposal fails the first test of being required to provide sufficient development capacity to give effect to the NPS-UD. I have found that it is not required.
- 282 Further, if that was wrong or partly wrong, there are reasonably practicable and feasible options on land that is not subject to the NPS-HPL and is in the process of being zoned for development in the PSDP.
- 283 I have also found that on balance PC79 does not give effect to the CRPS and is not consistent with existing OSDP objectives and policies.
- 284 While the proposed provisions would be efficient and effective, the Plan Change does not give effect to the NPS-UD, NPS-HPL, CRPS or OSDP. Consequently I find that it does not meet the requirements necessary to approve the Plan Change.
- 285 **I, therefore, recommend as follows to the Selwyn District Council that:**
- 1. Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council declines Plan Change 79 to the Selwyn District Plan.**
 - 2. That for the reasons set out in the body of my Recommendation Report, and summarised in Annexure 1, the Council either accept, accept in part or reject the submissions identified in Annexure 1.**

A handwritten signature in blue ink, appearing to read 'Paul Thomas', is written over a light blue rectangular background.

Paul Thomas

18 July 2023

APPENDICES

- 1. Recommended Decisions on Individual Submission Points.**
- 2. Final Version of the PC 79 Plan Provisions**
- 3. Final Version of the PC 79 Outline Development Plan**

APPENDIX 1

PC79 Recommended Decisions on Individual Submissions Points

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
PC79-0002	Midhurst Holdings Limited	001	Transport Networks	Oppose	Considers PC79 will create traffic noise as the submitter's property adjoins to the PC79 site.	Reject PC79	Accept. However, traffic noise on adjacent properties was not a Principal Issue in determining this matter.
PC79-0002	Midhurst Holdings Limited	002	Utilities	Oppose	Considers that the Prebbleton area does not have the infrastructure to support further development expansion.	Reject PC79	Accept. Lack of access to wastewater services is a contributing reason for the recommendation.
PC79-0031	Jocelyn and Nigel Humphreys	FS016	Utilities	Support	Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.	Accept the submission point	Accept. Lack of access to wastewater services is a contributing reason for the recommendation.
PC79-0002	Midhurst Holdings Limited	003	Quality of the Environment	Oppose	Considers that PC79 would create reverse sensitivity effects for their adjoining cattle and horse operation	Reject PC79	Accept. The proposal does mitigate but not avoid risk of reverse sensitivity effects.
PC79-0003	Penny de Jong	001	Transport Networks	Neither Support Nor Oppose	Considers that new traffic lights or roundabouts cannot handle the volume of vehicles. There is no on-site parking which creates danger for cyclists and pedestrians.	Not stated	Reject. The final measures for road improvements are judged to be acceptable.
PC79-0003	Penny de Jong	002	Utilities	Neither Support Nor Oppose	Existing services are insufficient.	Not stated	Accept. Lack of access to wastewater services is a contributing

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
							reason for the recommendation.
PC79-0031	Jocelyn and Nigel Humphreys	FS018	Utilities	Support	Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.	Accept the submission point	Accept. Lack of access to wastewater services is a contributing reason for the recommendation.
PC79-0003	Penny de Jong	003	Community Facilities	Neither Support Nor Oppose	Considers that there is not enough schools in the area.	Not stated	Accept. An additional primary school is identified for possible inclusion in the development.
PC79-0003	Penny de Jong	004	Land and Soil	Neither Support Nor Oppose	Appreciate the need for more housing, but not on productive farm land	Not stated	Accept. The proposal does not pass the tests of the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS038	Land and Soil	Support	The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.	Accept the submission point	Accept. The proposal does not pass the tests of the NPS-HPL.
PC79-0003	Penny de Jong	005	Residential Density	Neither Support Nor Oppose	The proposed residential density is too high .	Not stated	Reject. If the plan change was accepted it is required to provide for medium density development.
PC79-0003	Penny de Jong	006	Community Facilities	Neither Support Nor Oppose	Existing recreation facilities are insufficient.	Not stated	Reject. The site has good access to new recreation facilities.
PC79-0004	Mark de Jong	001	Land and Soil	Oppose	Prebbleton need to keep the land for agriculture.	Reject PC79	Accept. The proposal does not pass the tests of the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS022	Land and Soil	Support	The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.	Accept the submission point	Accept. The proposal does not pass the tests of the NPS-HPL.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
PC79-0005	Susan Frances Sheaf	001	Residential and Business Development	Oppose	The applicant creates a false impression of subdivision by referring to development of the "Business 1 Zone" which is on the submitter's land (142 Birches Road).	Change the inaccuracies prior to decision to show actual appearance of the subdivision.	Accept. The ODP was changes to reposition the Business 1 Zone.
PC79-0005	Susan Frances Sheaf	002	Residential and Business Development	Oppose	Considers that Prebbleton is the wrong location to cater for significant growth beyond what has already been approved.	Not stated	Accept in part. The site is part of a new growth direction and should be part of wider growth planning.
PC79-0005	Susan Frances Sheaf	003	Transport Networks	Oppose	Considers that Prebbleton is already suffering from intense traffic problems and shortage of employment and services. Both Prebbleton and Lincoln residents will use same route and create traffic mayhem. Refer to original submission for full reason.	That new traffic data be collected to provide a more accurate understanding of existing traffic issues , to better inform decision-making.	Accept. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0005	Susan Frances Sheaf	004	Transport Networks	Oppose	Considers that increased traffic and pedestrians will be dangerous for cyclists because the dedicated cycleway runs out at Trice Road and the cyclists are forced to cycle along a very busy road through the village before connecting with the cycleway past Blakes Road. The cycleway is not as useful because large volume of traffic moves through Prebbleton from other local towns and anticipated traffic from increased Prebbleton population. Submitter observes that bike tracks are used by retired people and the families and very few are commuters.	Not stated	Reject. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0005	Susan Frances Sheaf	005	Land and Soil	Oppose	Considers that the natural and productive landscape is threatened by the continued expansion of urban areas. Urban development of highly productive land should be a last resort. Refer to original submission for full reason.	That Council protects the rural countryside around Prebbleton instead of facilitating further sprawl.	Accept. The proposal does not pass the tests of the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS035	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	<i>Accept the submission point</i>	<i>Accept. The proposal does not pass the tests of the NPS-HPL.</i>
PC79-0005	Susan Frances Sheaf	006	Natural Hazards	Oppose	The assessment of stormwater capacities in the application document does not align with the submitter's experience as a resident of 142	Not stated	Reject. The expert evidence that stormwater could

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					Birchs Road. 142 Birchs is considered as a flooding zone and there are flooding issues at the new Prebbleton Recreation Reserve. Refer to original submission for full reason.		be appropriately managed within the ODP framework was accepted.
PC79-0006	John Gale Sheaf	001	Residential and Business Development	Oppose	Considers that new sections may not be needed as PC68 and PC72 has been approved. Furthermore, A recent commissioner stated that Hamptons Road is to be the new limit to Prebbleton.	Reject PC79	Accept. The report found that the supply was not needed within the life of the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	FS044	Residential and Business Development	Support	<i>PC79 is not required to meet any shortfall in the household units for the Selwyn District. PC68 and PC72 will, between them, adequately meet any demand for additional housing in the Prebbleton market.</i>	Accept the submission point	Accept. The report found that the supply was not needed within the life of the OSDP.
PC79-0006	John Gale Sheaf	002	Land and Soil	Oppose	Considers that the site contains highly productive land, and that development can be accommodated on land with poorer soils.	Reject PC79	Accept. The proposal does not pass the tests of the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS039	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. The proposal does not pass the tests of the NPS-HPL.
PC79-0006	John Gale Sheaf	003	Transport Networks	Oppose	Considers that residents from the proposed subdivision will use their cars to travel and will have a significant impact on the transport structure. Furthermore, number of cars travelling from Birches Road is measured during covid lock down and does not take into account the effects of the new subdivision of Lincoln and the numerous subdivisions of the Rolleston. The plan will have four times the estimated future residential dwellings seen from the report from Novo Group.	Reject PC79	Accept in part. Reject. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0006	John Gale Sheaf	004	Residential and Business Development	Oppose	Considers that the proposed subdivision has no cohesion with the current development of Prebbleton. The plan implies that land owners are part of the subdivision and do not indicate that the landowners are unwilling to sell. The proposed subdivision contact with the village by the block of Orion land (with substation) on	Reject PC79	Accept. Urban form was a contributing reason to recommend rejecting the plan change.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					Hamptons Road and the new reserve on Birches Road (as shown on the map).		
PC79-0006	John Gale Sheaf	005	Transport Networks	Oppose	Notes that the corner of Hampton's Road is described as 'a slight curve' but considers it to be a dangerous corner.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0006	John Gale Sheaf	006	Transport Networks	Oppose	Considers that connectivity will mostly be by car. Notes that a dedicated bike track is proposed, but considers that riding a bike through Prebbleton requires navigating a very busy road.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0006	John Gale Sheaf	007	Residential Density	Oppose	Considers that the proposal contains factual errors. Considers that the site contains established trees that exceed 15m high.	Reject PC79	Accept in part. The recommendation was based on the evidence put to the hearing.
PC79-0006	John Gale Sheaf	008	Residential Density	Oppose	Considers that the proposal contains factual errors. Considers that the proposed number of sections exceeds the figure mentioned in the notification of the proposal.	Reject PC79	Accept in part. The recommendation was based on the evidence put to the hearing.
PC79-0006	John Gale Sheaf	009	Natural Hazards	Oppose	Considers that the proposal does not adequately address the risk associated with a one-in-200-year flood event.	Reject PC79	Accept in part. The expert evidence that stormwater could be appropriately managed within the ODP framework was accepted.
PC79-0006	John Gale Sheaf	010	Community Facilities	Oppose	Considers that one of the mitigating factors for Prebbleton Reserve was that the few neighbouring rural properties would be screened from light and noise effects by existing trees along their road boundaries. The	Reject PC79	Accept in part. Reverse sensitivity was identified as a Principal Issue.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					proposal would result in urban development along this area with resulting loss of trees, which would create reverse sensitivity effects for the reserve.		
PC79-0031	Jocelyn and Nigel Humphreys	FS009	Community Facilities	Support	<i>The land to the east of Birchs Road has recently been developed as a sporting and recreation reserve. There are light standards included as part of this development. Therefore there is the potential for light spill to affect the proposed housing development. At present the properties to the West of Birchs Road are protected by large hedges. If the land is developed with intensive housing, these hedges will be removed, thus giving potential for nuisance from light spillage. The use of lights will permit evening and night use of the Park. There could be noise resulting from players and spectators during this night use that may affect residents, particularly the young. There will also be an increase in the traffic movements due to visitors to the park arriving and departing. It is noted that the ODP for PC79 has two road exits onto Birchs Road, one opposite the exit from Leadleys Road. Delays to traffic movement caused by visitors to and from Kakaha Park may create congestion to traffic in the area.</i>	Accept the submission point	Accept in part. Reverse sensitivity was identified as a Principal Issue.
PC79-0007	Sutton Nicola and Tony	001	Non-District Plan	Neither Support Nor Oppose	Considers that is important for property owners affected by the submission to have an opportunity to present their views on the proposal.	Not stated	Accept. The hearing provided this opportunity.
PC79-0008	David Bain	001	Residential and Business Development	Oppose	There are currently 2 approved plan changes which enable 1100 residential allotments prior to the effects of new Medium Density Residential Standard. This would double the residential housing in Prebbleton and adequate for predicted population growth till 2040.	Reject PC79	Accept. The report finds that there is adequate land supply for the life of the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	FS045	Residential and Business Development	Support	<i>PC79 is not required to meet any shortfall in the household units for the Selwyn District. PC68 and PC72 will, between them, adequately meet any demand for additional housing in the Prebbleton market.</i>	Accept the submission point	Accept. The report finds that there is adequate land supply for the life of the OSDP.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
PC79-0008	David Bain	002	Residential and Business Development	Oppose	Suggests that PC79 should not be committed until full effects of National Policy Statement for Highly Productive Land and Medium Density Residential Standard is known. PC79 suggests 400 residential allotment but with Medium Density Residential Standard, could allow for up to 2500 allotments.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0008	David Bain	003	Residential and Business Development	Oppose	Suggests PC79 area will be an "Island" of residential zone. The Orion Power Transformer allotment is unlikely to be residential thus maintain a physical separation from other residential allotment.	Reject PC79	Accept. Urban form effects were a contributing reasons for recommending refusal.
PC79-0009	Sarah Smith	001	Residential Density	Oppose	Considers that the proposed number of site is far too dense for the township.	Amend or decline PC79. If amended, the sites need to be much fewer than 400.	Accept in part. The Plan Change was legally required to provide for medium density
PC79-0009	Sarah Smith	002	Transport Networks	Oppose	Considers that roads are already at full capacity.	Amend or decline PC79. If amended, the sites need to be much fewer than 400.	Accept in part. Accept. The report found that the supply was not needed within the life of the ODP.
PC79-0009	Sarah Smith	003	Community Facilities	Oppose	Considers that amenities are already at full capacity.	Amend or decline PC79. If amended, the sites need to be much fewer than 400.	Accept in part. The Plan Change was legally required to provide for medium density
PC79-0011	Professor Keith C. Cameron	001	Land and Soil	Oppose	Considers that the PC79 area is highly productive land and National Policy Statement for Highly Productive Land (NPS-HPL) limits the rezoning of highly productive land for housing subdivision. See clause 3.2(1), 3.5 (7) in NPS-HPL.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS034	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	<i>Accept the submission point</i>	<i>Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.</i>

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
PC79-0012	Angela Jones	001	Residential and Business Development	Oppose	Considers that the having 400 houses in the PC79 area is wrong as residents on smaller sections can complain regarding burn offs, animal sounds, riding ponies on the road side.	Amend the section size to minimum of 1000m ² , ideally 2500m ² in keeping with semi rural feel.	Accept in part. While mitigation of reverse sensitivity effects was included there remains some risks.
PC79-0013	John & Bev Broadway	001	Land and Soil	Support	Considers that the proposed use is a better and more efficient use of the land because the area is too small for viable farming businesses.	Approve PC79	Reject. Viable farming is possible under some circumstances.
PC79-0005	Susan Frances Sheaf	FS001	Land and Soil	Oppose	<i>All of the land in question could be used as viable agricultural land or for food production if necessary. Water rights can be purchased to support further development. It is also worth noting that large parts of this land have been used for productive purposes for a long time, one as sheep farming and one as a horse training business.</i>	Reject the submission point	Accept. Viable farming is possible under some circumstances.
PC79-0006	John Gale Sheaf	FS001	Land and Soil	Oppose	<i>The potential for using this land to support a viable farming business is great because it's some of the best soil in NZ. if it gets covered in concrete and tarseal it will be a very difficult proposal to turn it back into viable farming.</i>	Reject the submission point	Accept. Viable farming is possible under some circumstances.
PC79-0031	Jocelyn and Nigel Humphreys	FS036	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. Viable farming is possible under some circumstances.
PC79-0013	John & Bev Broadway	002	Residential and Business Development	Support	Considers that PC79 is a logical extension to provide the growth to Prebbleton township. PC79 would provide good quality living close to the town centre and enable more people to enjoy the Selwyn District.	Approve PC79	Reject. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0005	Susan Frances Sheaf	FS002	Residential and Business Development	Oppose	<i>The land area in PC79 is outside the natural boundaries of Prebbleton. It is not a logical extension to the current village as it is an outlier or a peninsula. More sections are not required in Prebbleton as the Plan Changes already accepted in principle by the SDC, (PC68</i>	Reject the submission point	Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					& PC72),will provide sufficient sections for residential building for the next 30 years at least. This proposal is on rural land that has never been intended for urban development, and due to the nature of its Class 1 & 2 soils, it should never be considered for urban development.		needed for the OSDP.
PC79-0006	John Gale Sheaf	FS002	Residential and Business Development	Oppose	PC79 is not a natural development of Prebbleton. It will be an isolated area bounded by the reserve on one side and larger blocks with single houses on another side and rural land on two sides. The intensification of housing should be in a centre of a town not stuck outside the natural boundary of Hamptons Rd.	Reject the submission point	Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0013	John & Bev Broadway	003	Residential and Business Development	Support	Considers that PC79 is uniquely located to take advantage of the Birch's Road Reserve directly across from the PC79 area.	Approve PC79	Reject in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.
PC79-0005	Susan Frances Sheaf	FS003	Residential and Business Development	Oppose	The new Birchs Road Recreation Reserve, (Kakaha), has been planned for this area for at least 5-6 years, and is a reserve for residents of the whole Selwyn district to enjoy. It is situated in close proximity to all of Prebbleton, and is already a great addition to the Domain we already use in Tosswill Road. The sports grounds will be widely used by clubs throughout the Selwyn District, for example. It is NOT a reserve planned to serve one subdivision or another.	Reject the submission point	Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.
PC79-0006	John Gale Sheaf	FS003	Residential and Business Development	Oppose	We live opposite the reserve and note that the dog park serves people over a larger area than even Prebbleton.	Reject the submission point	Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.
PC79-0014	Tom and Helen Fraser	001	Land and Soil	Oppose	Notes that all the soils within PC79 are class 1 (5%) or class 2 (95%) . Considers that continuing to develop highly productive land to make more sections available defeats the	Reject PC79	Accept. PC 79 was found not to pass the tests for

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					purpose of the Highly Productive Land legislation. At least 24 hectare of PC79 site is currently being farmed relatively intensively producing prime lambs for the local market and being taken for hay and silage. The area to the west has been in intensive food production for at least the past 50 years and 12 hectare of the land within the PC79 up until 10 years ago. Refer to original submission for full reason.		urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS037	Land and Soil	Support	The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0014	Tom and Helen Fraser	002	Water	Oppose	Notes that PC79 is proposed to store up to 37 000 cubic metres of water from high rainfall events. Considers that if the depth of the water storage facility is approximately 2 metres, 2 ha of land is required. This amount of water would irrigate a pasture-based system for the whole of the PC79 site for around half of the irrigations needed in a normal Canterbury summer. For a horticulture-based system it would probably be enough water for full irrigation over the entire year.	Reject PC79	Accept in part. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0014	Tom and Helen Fraser	003	Residential and Business Development	Oppose	Considers that PC79 would create a "Satellite Dormitory" township with no physical connection to the existing Prebbleton Village. Refer to original submission for full reason.	Reject PC79	Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0014	Tom and Helen Fraser	004	Residential and Business Development	Oppose	Notes that current application continues down Birchs Road past the Domain for another 300m and then some 900m to the west to include the applicant's property. Considers that if PC79 will tie in with the Birchs Road Domain, it should limit the extent of the development south down Birchs Road to Leadleys Road and then directly west for around 200 m and include the 3 properties	Reject PC79	Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					along Birchs Road that are directly across the road from the domain. Refer to the original submission for full reason.		
PC79-0014	Tom and Helen Fraser	005	Residential and Business Development	Oppose	Considers that PC79 is not required to provide sufficient housing supply for Prebbleton. Refer to the original submission for full reason.	Reject PC79	Accept. The report found that the supply was not needed within the life of the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	FS046	Residential and Business Development	Support	PC79 is not required to meet any shortfall in the household units for the Selwyn District. PC68 and PC72 will, between them, adequately meet any demand for additional housing in the Prebbleton market.	Accept the submission point	Accept. The report found that the supply was not needed within the life of the OSDP.
PC79-0014	Tom and Helen Fraser	006	Residential and Business Development	Oppose	Considers that if allotment size is 400m ² , there would be 614 allotments and at 650m ² , there would be 378 allotments. If the submitter's calculation is correct, then most of the recommendations in the evidence will need to be corrected.	Reject PC79	Reject. The Living MD Zone would enable a maximum of 3 dwellings per lot.
PC79-0014	Tom and Helen Fraser	007	Transport Networks	Oppose	Traffic in the Prebbleton area has significantly increased in the past 10 years. Many of the intersections on the arterials roads have now reached a dangerous state. The impact of traffic from the proposed PC79 will only add to the existing problems. The data used for the Traffic Model is outdated and flawed because significant development has happened in Lincoln and Prebbleton after data was collected .	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0014	Tom and Helen Fraser	008	Transport Networks	Oppose	Considers that the visibility at Birchs Hamptons road corner would be restricted by the shelter belt immediately to the west of the proposed subdivision road. During winter months, vehicles travelling east on Hamptons Road will encounter significant sun strike during the morning hours which creates a visibility issue. The proposed Child Care Centre and some commercial area on Hampton/Birchs corner, would result in significant vehicle movements. Traffic entering and exiting from the Domain will also compound the safety of this section of roading.	If PC79 is approved, a Roundabout on the corners of Hamptons/Birchs, Hamptons/Springs and Birchs/Leadleys road corner should be in place before any development. If approved PC79 would extend the 50 kms/hour speed limit on Birchs road to the south by 1.4 kms.	Accept. Traffic assessment and improvements were included in the final version of the Plan Change.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					Considers that the applicant has made no reference to the effects that the proposed PC would have on the wider transport network. For Birchs/Springs Road corner, anyone travelling north on Birchs Road and wanting to turn left onto Springs Road to travel South would be lost as they would turn left into Trents Road around 100m before the Birchs/Springs Road intersection.		
PC79-0014	Tom and Helen Fraser	009	Transport Networks	Oppose	Considers that Prebbleton has very limited employment opportunities and the PC79 area has none. All workers will have to travel, mainly by car to their place of work. Considers that current infrastructure in Prebbleton, particularly transport are already under extreme pressure without any of the new approved residential developments. Therefore there needs to be a period of consolidation and allow for infrastructure to be put in place before thinking about further development.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0014	Tom and Helen Fraser	010	Water	Oppose	The submitters have seen many instances where groundwater is much closer to the surface. If the area required for storm water retention is proposed to be 2m deep, the ground water will almost certainly be intercepted. Currently, the new domain is experiencing a significant artisan effect and when the water table is disturbed the water comes to the surface particularly in winter and spring. Refer to original submission for full reason.	Reject PC79	Accept in part. The expert evidence that stormwater could be appropriately managed within the ODP framework was accepted.
PC79-0014	Tom and Helen Fraser	011	Utilities	Oppose	Considers that the Prebbleton wastewater network is overloaded from a rainfall event (not a 1 in 5-year event) clearly indicates that there are problems with this network and this is before any of the 2 consented Plan changes have started development .	Reject PC79	Accept in part. Access to wastewater services is a contributing reason for the recommendation.
PC79-0031	Jocelyn and Nigel Humphreys	FS017	Utilities	Support	<i>Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.</i>	<i>Accept the submission point</i>	<i>Accept in part. Access to wastewater services is a contributing</i>

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
							<i>reason for the recommendation.</i>
PC79-0014	Tom and Helen Fraser	012	Residential and Business Development	Oppose	Considers that the frontage of the Birches Road Reserve is not the most attractive outlook because it is mainly a large carpark and a changing shed.	Reject PC79	Reject in part. The frontage upgrade was generally considered acceptable.
PC79-0014	Tom and Helen Fraser	013	Quality of the Environment	Oppose	Considers that the 50 hectare property on the south of the PC79 area is an established market garden enterprise and thus generate significant "reverse sensitivity" issues including machinery noise and chemical spraying. These operations are often carried out in the early mornings and late evenings.	Reject PC79	Accept. The proposal does mitigate but not avoid risk of reverse sensitivity effects.
PC79-0031	Jocelyn and Nigel Humphreys	FS010	Quality of the Environment	Support	<i>The land to the south of PC79 is horticultural land used for vegetable growing. Therefore there will be the potential for noise from vehicle movements, dust and spray drift.</i>	<i>Accept the submission point</i>	<i>Accept. The proposal does mitigate but not avoid risk of reverse sensitivity effects.</i>
PC79-0014	Tom and Helen Fraser	014	Utilities	Oppose	Considers that current infrastructure in Prebbleton, particularly, wastewater are already under extreme pressure without any of the new approved residential developments. Therefore there needs to be a period of consolidation and allow for infrastructure to be put in place before thinking about further development.	Reject PC79	Accept. Lack of access to wastewater services is a contributing reason for the recommendation.
PC79-0031	Jocelyn and Nigel Humphreys	FS014	Utilities	Support	<i>Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.</i>	<i>Accept the submission point</i>	<i>Accept. Lack of access to wastewater services is a contributing reason for the recommendation.</i>
PC79-0014	Tom and Helen Fraser	015	Community Facilities	Oppose	Considers current infrastructure in Prebbleton, particularly schooling are already under extreme pressure without any of the new approved residential developments. Therefore there needs to be a period of consolidation and allow for infrastructure to be put in place before thinking about further development.	Reject PC79	Accept in part. An additional primary school is identified for possible inclusion in the development.

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PC79-0014	Tom and Helen Fraser	016	Natural Hazards	Oppose	The submitter have seen many instances where groundwater is much closer to the surface. If the area required for storm water retention is proposed to be 2m deep, the ground water will almost certainly be intercepted. Currently, the new domain is experiencing a significant artisan effect and when the water table is disturbed the water comes to the surface particularly in winter and spring. Refer to original submission for full reason.	Reject PC79	Accept in part. The expert evidence that stormwater could be appropriately managed within the ODP framework was accepted.
PC79-0015	Steph Broomhall	001	Residential and Business Development	Oppose	Notes that the proposed lot size does not matching existing. Suggests looking at subdivisions in different area such as subdivision across Penberley that have been developed and match existing size lot.	Amend or Reject PC79	Accept in part. The Plan change was legally required to provide for medium density development.
PC79-0015	Steph Broomhall	002	Transport Networks	Oppose	Considers that there is lack of safe travel options with the increased number of cars going down Trents, Hamptons, Springs and Shands. The local tamariki and rangitahi navigate these streets at least twice a day to get to and from school by bike, walking, bus and cars.	Amend PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0015	Steph Broomhall	003	Land and Soil	Oppose	Suggests that PC79 area need to be protected from urban development. The land has been recognised as having highly productive soil which has history of market gardens thus need to acknowledged and protected for future generations	Amend or Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS023	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	<i>Accept the submission point</i>	<i>Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.</i>
PC79-0015	Steph Broomhall	004	Community Facilities	Oppose	Space and places need to be built for rangitahi to play and connect to build community instead of putting many houses within an area for monetary reasons.	Amend or Reject PC79	Accept in part. The final version of the ODP incorporated iwi values.
PC79-0015	Steph Broomhall	005	Non-District Plan	Oppose	Considers that local communities need to be consulted and listened case by case. There is	Amend or Reject PC79	Accept. The hearing provides

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					currently a big power imbalance regarding what is deemed as progress and who it benefits.		that opportunity to be heard.
PC79-0015	Steph Broomhall	006	Utilities	Oppose	Considers that the existing infrastructure is insufficient .	Amend or Reject PC79	Accept. Access to wastewater services is a contributing reason for the recommendation.
PC79-0031	Jocelyn and Nigel Humphreys	FS019	Utilities	Support	Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.	Accept the submission point	Accept. Access to wastewater services is a contributing reason for the recommendation.
PC79-0016	Carly Napier	001	Residential and Business Development	Oppose	Considers that having Medium density residential zone further from Prebbleton village than a Rural Residential Zone, is not appropriate	Reject PC79 and the land should remain as Rural Inner Plains.	Accept. Urban form effects were contributing reasons for recommending refusal.
PC79-0016	Carly Napier	002	Transport Networks	Oppose	Considers that additional households and residents in the area would strain on the infrastructure including roads.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0016	Carly Napier	003	Utilities	Oppose	Considers that additional households and residents in the area would strain on the infrastructure including water provision.	Reject PC79	Accept in part. The evidence was that water could be supplied to the site.
PC79-0031	Jocelyn and Nigel Humphreys	FS020	Utilities	Support	Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.	Accept the submission point	Accept in part. The evidence was that water could be supplied to the site.
PC79-0016	Carly Napier	004	Community Facilities	Oppose	Considers that additional households and residents in the area would strain on the infrastructure including council services.	Reject PC79	Accept in part. Access to wastewater services is a contributing

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							reason for the recommendation.
PC79-0017	Ross and Anne Taylor	001	Residential Density	Oppose	Suggests that the PC79 proposal for Medium Density Residential is inconsistent with the planning. The neighbouring area on the north is zoned Rural Residential Living 3 with 5000m2 and to the south, the neighbouring area is zoned Inner Plains Rural with a minimum of 4 hectares.	Reject PC79	Accept. Urban form effects were contributing reasons for recommending refusal.
PC79-0017	Ross and Anne Taylor	002	Transport Networks	Oppose	Suggests that the residential concentration in PC79 area will feed onto Birches Road, Springs Road and through to Prebbleton village. This will exceed the Council's planning and expenditure to date on improvements regarding Shands Road.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0018	Lincoln Voice Inc.	001	Land and Soil	Oppose	Notes that PC79 is located on area that has Land Use Capability classes 1 and 2 and should be mapped as highly productive land (clause 3.4.1). Notes that the National Policy Statement for Highly Productive Land (clause 3.5.7) directs that urban expansion and subdivision should be avoided on LUC class 1, 2 or 3 land that is currently zoned General Rural, and is not identified for future urban development, or subject to a council initiated, or adopted, notified plan change.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS024	Land and Spoil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0018	Lincoln Voice Inc.	002	Land and Soil	Oppose	Considers that the Council needs to recognise the need to protect versatile soils under policy B1.1.8 in operative district plan and under policy UG-P9 in proposed district plan. Whilst both the regional and district plan provisions have now been superseded by the provisions of National Policy Statement for Highly Productive Land, these provisions still show that PC79 area need to be protected from urban expansion and subdivision.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.

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PC79-0031	Jocelyn and Nigel Humphreys	FS026	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0019	Simon Sankey	001	Land and Soil	Oppose	Notes that the PC79 area contain class 1 and 2 soils which are high value soils. Notes that lifestyle blocks can become economic units as climate change enabled migration of horticultural crops to the south. Therefore, high value crops such as hops can be grown in proximity to Christchurch. Refer to original submission for full reason.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS025	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0019	Simon Sankey	002	Transport Networks	Oppose	Suggests that PC79 will impact on traffic flow in Prebbleton village. Residents living in the PC79 area will be dependent on cars to access amenities, schools and retail because the amenities are not in close proximity.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0019	Simon Sankey	003	Quality of the Environment	Oppose	Notes that the PC79 area contain class 1 and 2 soils which are high value soils. Considers that if residential area is established within PC79 area, it will restrict further horticulture development as normal horticultural practices (such as frost control) will impact on the residential properties. Refer to original submission for full reason.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL, and that reverse sensitivity while mitigated remains a risk.
PC79-0019	Simon Sankey	004	Residential and Business Development	Oppose	PC79 area is outside of the natural road boundaries thus PC79 residents can be isolated from the local community.	Reject PC79	Accept. Urban form was a contributing reason to recommend rejecting the plan change.
PC79-0020	Sam Bridgman-Smith	001	Land and Soil	Oppose	Oppose as there would be permanent loss of highly productive soils to urban development.	Reject PC79	Accept. PC 79 was found not to

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					PC79 area soil is class 1 and 2 and The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) makes it explicit that Councils are compelled - with few exceptions - to preserve highly productive land for primary production now and in the future. Depending on the type of high-value crops grown, it is viable for a farmer to earn a living off a small amount of land. In addition, approximately 37 hectares of quality soil in proximity to urban centres and markets represents a business opportunity with reduced transportation cost to the urban centres. Refer to original submission for full reason.		pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS027	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0021	Adrienne Watson	001	Utilities	Oppose	Oppose as urbanisation of the subject land would impact on existing resources which adds cost to ratepayers, which is already exacerbated by growing number of houses being built in and around Lincoln/Prebbleton.	Reject PC79	Accept in part. The additional capacity was found to be not required for the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	FS015	Utilities	Support	<i>Opposes the additional cost to ratepayers of unplanned infrastructure upgrades.</i>	Accept the submission point	Accept in part. The additional capacity was found to be not required for the OSDP.
PC79-0021	Adrienne Watson	002	Transport Networks	Oppose	Oppose as urbanisation of the subject land would increase traffic flows and noise pollution which is already exacerbated by growing number of houses being built in and around Lincoln/Prebbleton.	Reject PC79	Accept in part. The additional capacity was found to be not required for the ODP.
PC79-0022	Anthony James Sutton	001	Residential and Business Development	Support	Considers that the proposed use is a better and more efficient use of the land. The area is too small for viable farming businesses.	Approve PC79	Reject. Viable farming is possible under some circumstances.
PC79-0005	Susan Frances Sheaf	FS004	Residential and Business Development	Oppose	<i>All of the land in question could be used as viable agricultural land or for food production</i>	Reject the submission point	Accept. Viable farming is

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					<i>if necessary. Water rights can be purchased to support further development. It is also worth noting that large parts of this land have been used for productive purposes for a long time, one as sheep farming and one as a horse training business.</i>		<i>possible under some circumstances.</i>
PC79-0006	John Gale Sheaf	FS004	Residential and Business Development	Oppose	<i>The potential for using this land to support a viable farming business is great because its some of the best soil in NZ. If it gets covered in concrete and tarseal it will be a very difficult proposal to turn it back. There are no water restrictions as water rights can be bought .</i>	<i>Reject the submission point</i>	<i>Accept. Viable farming is possible under some circumstances.</i>
PC79-0022	Anthony James Sutton	002	Residential and Business Development	Support	Considers that PC79 is a logical extension to provide the growth to Prebbleton township. PC79 would provide good quality living close to the town centre and enable more people to enjoy the Selwyn District.	Approve PC79	Reject. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0005	Susan Frances Sheaf	FS005	Residential and Business Development	Oppose	<i>The land area in PC79 is outside the natural boundaries of Prebbleton. It is not a logical extension to the current village as it is an outlier or a peninsula. More sections are not required in Prebbleton as the Plan Changes already accepted in principle by the SDC, (PC68 & PC72), will provide sufficient sections for residential building for the next 30 years at least. This proposal is on rural land that has never been intended for urban development, and due to the nature of its Class 1 & 2 soils, it should never be considered for urban development.</i>	<i>Reject the submission point</i>	<i>Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.</i>
PC79-0006	John Gale Sheaf	FS005	Residential and Business Development	Oppose	<i>P79 is not a logical extension of Prebbleton.</i>	<i>Reject the submission point</i>	<i>Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.</i>
PC79-0022	Anthony James Sutton	003	Residential Density	Support	Considers that PC79 is uniquely located to take advantage of the Birch's Road Reserve directly across from the PC79 area, and this is	Approve PC79	Reject in part. PC 79 is well located for access to the

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					recognised by the range of housing types being proposed. Considers that the proposed development is well-designed to connect residents to the Reserve area which provides an attractive open-space for PC79 resident to enjoy.		reserve but for other reasons is not recommended.
PC79-0005	Susan Frances Sheaf	FS006		Oppose	<i>The new Birchs Road Recreation Reserve, (Kakaha), has been planned for this area for at least 5-6 years, and is a reserve for residents of the whole Selwyn district to enjoy. It is situated in close proximity to all of Prebbleton, and is already a great addition to the Domain we already use in Tosswill Road. The sports grounds will be widely used by clubs throughout the Selwyn District, for example. It is NOT a reserve planned to serve one subdivision or another.</i>	<i>Reject the submission point</i>	<i>Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.</i>
PC79-0006	John Gale Sheaf	FS006		Oppose	<i>The proposed housing of three dwellings on 400square meters of land will not allow for variety of quality. We live opposite the reserve and note that the dog park serves people over a larger area than even Prebbleton.</i>	<i>Reject the submission point</i>	<i>Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.</i>
PC79-0023	Fire and Emergency New Zealand	001	Utilities	Neither Support Nor Oppose	Considers that access widths, surface, and gradients where the water source (i.e. water tanks) are located, should support the operational requirements of fire appliances. Refer to original submission for full reason.	That the proposed roads are designed in accordance with the relative transport standards to ensure that fire appliances can easily access each road even with cars parked either side of the road.	Accept in part. If approved this would have required compliance with design standards at the consenting stage.
PC79-0023	Fire and Emergency New Zealand	002	Utilities	Neither Support Nor Oppose	Considers that, due to the increase of intensification of residential development and inclusion of a commercial centre, firefighting water supply will need to be sufficient to ensure that provision for firefighting water supply is addressed accordingly. Refer to original submission for full reason.	That the proposed development is designed in accordance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.	Accept in part. If approved this would have required compliance with design standards at the consenting stage.
PC79-0024	Ministry of Education	001	Residential and Business Development	Oppose	Considers that there are potential inconsistencies between Policy 8 of the National Policy statement on Urban	That PC79 should only proceed if the potential inconsistencies between	Accept. PC 79 has been found not to give effects

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					Development (NPS-UD), National policy statement for Highly Productive Land, and Canterbury Regional Policy Statement. The requirement of Policy 8 in NPS-UD should be balanced against other parts of the NPS-UD, which require Councils to ensure sufficient additional infrastructures (which includes schools) are provided. Refer to the original submission for full reason.	Policy 8 of the National Policy statement on Urban Development, National policy statement for Highly Productive Land, and Canterbury Regional Policy Statement are satisfactorily resolved.	to the NPS-UD, NPS-HPL and CRPS.
PC79-0024	Ministry of Education	002	Community Facilities	Oppose	Considers that PC79 should only be approved if sufficient provisions are made to accommodate additional school age children. Refer to the original submission for full reason.	That PC79 should only proceed if there is sufficient capacity within the existing school network to accommodate school aged children, or enabling provisions are provided within the Outline Development Plan (ODP). This could include amending the ODP to provide for a new school site. Any consequential amendments required to give effect to the matters raised in this submission.	Accept in part. If approved there would now be specific reference to the possible need for an additional primary school in the ODP.
PC79-0025	Associate Professor Tim Curran	001	Land and Soil	Oppose	The entirety of the land subject to PC79 is either Land Use Capability Class 1 or 2 which is a highly productive land as defined by the National Policy Statement for Highly Productive Land (NPS-HPL). The NPS-HPL requires that urban development is avoided on highly productive land that is currently zoned General Rural and which has not been identified for future urban development, or subject to a council-initiated, or adopted, notified plan change.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS028	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0027	Benjamin Love	001	Ecosystems	Oppose	Considers that sprawl leads to the destruction of habitats for many native birds including	Reject PC79	Accept in part. There was no

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					Oystercatchers, Blue Herons, Swamp harriers, Black-billed gull, Sacred kingfisher, Black-fronted tern, Tui, Kereru and Bellbirds. Refer to the original submission for full reason.		evidence of bird habitat that would have been affected by the development.
PC79-0027	Benjamin Love	002	Transport Networks	Oppose	Considers that both Prebbleton and Lincoln have sprawled to the size that most residents are car dependant. Car dependency including electric cars impacts the environment, society, and economy including high land use, expensive infrastructure, congestion, and high running costs. Considers that communities need to be dense, walkable, cyclable, mixed-use, and public transit orientated to be sustainable and well connected. Please see the original submission for full detail.	Reject PC79	Accept in part. Urban form was a contributing reason for the recommendation to decline.
PC79-0027	Benjamin Love	003	Land and Soil	Oppose	The PC79 area is some of the most productive farm land/soil in the country thus urban development result in loss of productive land.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS029		Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0028	Tony Oliver	001	Land and Soil	Oppose	PC79 would remove the versatile soil permanently from further production and would inconsistent with the Council District Plan, National Policy Statement and Regional Policy Statement.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS030	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0028	Tony Oliver	002	Water	Oppose	The proposal includes discharging stormwater to ground. People on rural blocks have their own relatively shallow private drinking bores thus discharging the stormwater to ground from an urban area could result in	Reject PC79	Accept in part. The expert evidence that stormwater could be appropriately managed within

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					contaminants entering the drinking water bores.		the ODP framework was accepted.
PC79-0028	Tony Oliver	003	Transport Networks	Oppose	Increasing traffic from this proposed subdivision would result in major delays at Springs Road – Birchs Road intersection. Birchs Road is also busy during commuting times, morning and afternoon with increasing traffic from Lincoln. Therefore, PC79 will increase the risk of accidents by impatient drivers and there is no mitigation is provided.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0028	Tony Oliver	004	Residential and Business Development	Oppose	Proposal would add to the significant urban sprawl which results in a loss of rural character and a loss of Prebbleton village character. Submitter suggests that the council should be promoting more consolidation in the centre of townships.	Reject PC79	Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0029	Maira Roche	001	Residential and Business Development	Oppose	Notes that the land is identified as productive farmland, so considers that it is imperative that the land should not be re-zoned. Considers that council should consider infill housing.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0029	Maira Roche	002	Residential and Business Development	Oppose	Considers that PC79 creates unnecessary urban sprawl. There is already high-density housing on the edge of Prebbleton down to Leadleys road. The village access to the domain is served by PC 72. Hamptons road and the new domain is the natural end of Prebbleton before entering Lincoln.	Reject PC79	Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0029	Maira Roche	003	Transport Networks	Oppose	Considers that PC79 is in close proximity to the sharp bend on an 80km/hr road without proper roading will lead to accidents and congestion.	Reject PC79 if not, at least amend to have the road into Lincoln and Leadleys road, down to Ellesmere road, to be 60 km/hr	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0029	Maira Roche	004	Residential Density	Oppose	Considers that PC79 is not an appropriate place for high density housing. PC79 has some distance from Prebbleton primary school, the community hall, the shopping centre and all	Reject PC79	Accept. PC 79 would be a significant change to the urban form

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					the village facilities which forces people to be dependent on cars. Considers that the council should put high density housing close to community, commercial and education facilities otherwise it defeats the objective of high density housing.		of Prebbleton which is not needed for the OSDP.
PC79-0030	Greg Tod	001	Community Facilities	Oppose	Considers that Prebbleton does not have the adequate infrastructure, such as schools, to accommodate more housing. Considers that other Plan Changes that have already been approved in the area e.g. PC68 and PC72 will be putting extra stress on the current and future infrastructure.	Reject PC79	Accept in part. The report finds that there is adequate land supply for the life of the OSDP.
PC79-0030	Greg Tod	002	Transport Networks	Oppose	Considers that Prebbleton does not have the adequate infrastructure, such as roads, to accommodate more housing. Considers that other Plan Changes that have already been approved in the area e.g. PC68 and PC72 will be putting extra stress on the current and future infrastructure.	Reject PC79	Accept in part. The report finds that there is adequate land supply for the life of the OSDP.
PC79-0030	Greg Tod	003	Utilities	Oppose	Considers that Prebbleton does not have the adequate infrastructure such as wastewater and drinking water to accommodate more housing. Considers that other Plan Changes that have already been approved in the area e.g. PC68 and PC72 will be putting extra stress on the current and future infrastructure.	Reject PC79	Accept in part. The report finds that there is adequate land supply for the life of the OSDP.
PC79-0030	Greg Tod	004	Residential and Business Development	Oppose	Notes that PC79 is outside the SDC growth area. Considers that Selwyn District currently has sections or upcoming sections to meet the demand.	Reject PC79	Accept in part. The report finds that there is adequate land supply for the life of the OSDP.
PC79-0030	Greg Tod	005	Land and Soil	Oppose	Notes that the protection of productive soil is important and is highlighted in the "Proposed National Policy Statement for Highly Productive Land". Considers that land used for a subdivision can not be recovered.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS040	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they</i>	<i>Accept the submission point</i>	<i>Accept. PC 79 was found not to pass the tests for</i>

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					<i>should be protected from inappropriate development.</i>		<i>urban zoning in the NPS-HPL.</i>
PC79-0030	Greg Tod	006	Quality of the Environment	Oppose	Considers that consideration need to be given to the current residents and reverse sensitivity effects on the current residents.	Reject PC79	Accept in part. The proposal does mitigate but not avoid risk of reverse sensitivity effects.
PC79-0030	Greg Tod	007	Quality of the Environment	Oppose	Considers that allowing PC79 areas to take up productive land, will restrict the use of the surrounding land from being used due to the reserve sensitivity.	Reject PC79	Accept in part. The proposal does mitigate but not avoid risk of reverse sensitivity effects.
PC79-0030	Greg Tod	008	Transport Networks	Oppose	Considers that, in terms of traffic, the cumulative effects impact on Prebbleton in particular Birchs, Springs and Shands Roads. Considers that these roads seem to be corridors for a wider catchment from Leeston, Springston, Rolleston and Lincoln. Additional sections by PC79 and in approved plan change areas potentially adds over 4000 extra cars (an average of two cars per household) in Prebbleton village. This excludes the extra cars from growth in other catchment areas funnelling through Prebbleton.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0030	Greg Tod	009	Transport Networks	Oppose	The adverse effect on climate change should be considered and follow Selwyn Council Climate Change Policy 2020. Air pollution from log fires and vehicle emissions. Better protection of air quality is needed.	Reject PC79	Accept in part. This was a matter considered in the context of the NPS-UD.
PC79-0031	Jocelyn and Nigel Humphreys	001	Residential and Business Development	Oppose	Considers that PC79 is not consistent with any of the existing Selwyn District Council plans for the development of residential land in Selwyn, nor with the Council's growth strategy for Prebbleton. Refer to original submission for full reason.	Reject PC79	Accept. PC 79 was found to be inconsistent with the objectives and policies of the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	002	Land and Soil	Oppose	Considers that PC79 is inconsistent with the objectives of the National Policy Statement – Highly Productive Land 2022. Refer to original submission for full reason.	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.

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PC79-0031	Jocelyn and Nigel Humphreys	003	Residential and Business Development	Oppose	Considers that PC79 seeks to use the government's National Policy Statement on Urban Development (NPS-UD) 2021 in a situation that is inappropriate and in direct opposition to good town planning principles. Refer to original submission for full reason.	Reject PC79	Accept. PC 79 was found to not give effect to the NPS-UD.
PC79-0031	Jocelyn and Nigel Humphreys	004	Transport Networks	Oppose	Considers that PC79 would exacerbate traffic dangers and congestion on the collector roads through Prebbleton, in particular Trices, Birchs and Springs Roads. Refer to original submission for full reasons.	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0031	Jocelyn and Nigel Humphreys	005	Community Facilities	Oppose	Considers that the ODP lacks sufficient detail regarding recreation reserve. Due to lack of open play space on individual sections, the Council reserve in Birchs Road will become the play space for the subdivision at the expense of the wider rate payers. Refer to original submission for full reason.	Reject PC79	Accept in part. The ODP was considered to adequately provide for reserves.
PC79-0031	Jocelyn and Nigel Humphreys	006	Residential and Business Development	Oppose	Considers that other Plan Change applications 68 and 72, will provide sufficient future development capacity to meet the requirements of NPS-UD 2021. Refer to original submission for full reason.	Reject PC79	Accept. The report found that the supply was not needed within the life of the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	007	Utilities	Oppose	Considers that no infrastructure has been provided for such intensification. Refer to original submission for full reason.	Reject PC79	Accept in part. Access to wastewater services is a contributing reason for the recommendation.
PC79-0032	Nick Draper	001	Community Facilities	Oppose	Notes that PC79 falls partly within the Ladbrooks school zone. Considers that PC79 would have significant implications for the school. Ladbrooks is a small rural school and the Board of Trust would strategically wish to maintain this feel for the school.	Reject PC79 unless the Ministry of Education updates the school zone for Ladbrooks.	Accept in part. An additional primary school is identified for possible inclusion in the development.
PC79-0033	Denise Carrick	001	Land and Soil	Oppose	PC79 is not consistent with the provisions of the National Policy Statement Highly Productive Land.	Reject PC79	Accept. The report finds that PC 79 does not

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					Refer to original submission for full reason.		pass the NPS-HPL test for an urban zone.
PC79-0031	Jocelyn and Nigel Humphreys	FS031	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	Accept. The report finds that PC 79 does not pass the NPS-HPL test for an urban zone.
PC79-0035	Jason Rademaker	001	Land and Soil	Support	Considers that the proposed use is a better and more efficient use of the land because the area is too small for viable farming businesses.	Approve PC79	Reject. Viable farming is possible under some circumstances.
PC79-0005	Susan Frances Sheaf	FS007	Land and Soil	Oppose	<i>All of the land in question could be used as viable agricultural land or for food production if necessary. Water rights can be purchased to support further development. It is also worth noting that large parts of this land have been used for productive purposes for a long time, one as sheep farming and one as a horse training business.</i>	Reject the submission point	Accept. Viable farming is possible under some circumstances.
PC79-0006	John Gale Sheaf	FS007	Land and Soil	Oppose	<i>The potential for using this land to support a viable farming business is great because its some of the best soil in NZ.</i>	Reject the submission point	Accept. Viable farming is possible under some circumstances.
PC79-0020	Sam Bridgman-Smith	FS001	Land and Soil	Oppose	<i>The area in question is not too small for viable farming. I currently earn a living growing food on less than 1 hectare of land.</i>	Reject the submission point	Accept. Viable farming is possible under some circumstances.
PC79-0035	Jason Rademaker	002	Residential and Business Development	Support	Considers that PC79 is a logical extension to provide the growth to Prebbleton township, and that PC79 would provide good quality living close to the town centre and enable more people to enjoy the Selwyn District.	Approve PC79	Reject. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0005	Susan Frances Sheaf	FS008	Residential and Business Development	Oppose	<i>The land area in PC79 is outside the natural boundaries of Prebbleton. It is not a logical extension to the current village as it is an outlier or a peninsula. More sections are not</i>	Reject the submission point	Accept. PC 79 would be a significant change to the urban form

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					<i>required in Prebbleton as the Plan Changes already accepted in principle by the SDC, (PC68 & PC72), will provide sufficient sections for residential building for the next 30 years at least. This proposal is on rural land that has never been intended for urban development, and due to the nature of its Class 1 & 2 soils, it should never be considered for urban development.</i>		<i>of Prebbleton which is not needed for the OSDP.</i>
PC79-0006	John Gale Sheaf	FS008	Residential and Business Development	Oppose	<i>PC79 is not a natural development of Prebbleton. It will be an isolated area bounded by the reserve on one side and larger blocks with single houses on another side and rural land on two sides. The intensification of housing should be in a centre of a town not stuck outside the natural boundary of Hamptons Rd .</i>	<i>Reject the submission point</i>	<i>Accept. PC 79 would be a significant change to the urban form of Prebbleton which is not needed for the OSDP.</i>
PC79-0035	Jason Rademaker	003	Community Facilities	Support	Considers that PC79 is uniquely located to take advantage of the Birch's Road Reserve directly across from the PC79 area, and this is recognised by the range of housing types being proposed. The proposed development is well-designed to connect residents to the Reserve area which provides an attractive open-space for PC79 resident to enjoy.	Approve PC79	Reject in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.
PC79-0005	Susan Frances Sheaf	FS009	Community Facilities	Oppose	<i>The new Birchs Road Recreation Reserve, (Kakaha), has been planned for this area for at least 5-6 years, and is a reserve for residents of the whole Selwyn district to enjoy. It is situated in close proximity to all of Prebbleton, and is already a great addition to the Domain we already use in Tosswill Road. The sports grounds will be widely used by clubs throughout the Selwyn District, for example. It is NOT a reserve planned to serve one subdivision or another.</i>	<i>Reject the submission point</i>	<i>Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.</i>
PC79-0006	John Gale Sheaf	FS009	Community Facilities	Oppose	<i>The range of housing is said to be 3 dwellings per 400sqm of section. This sort of density belongs not at the edge but rather in the centre of a town.</i>	<i>Reject the submission point</i>	<i>Accept, but note the the Plan Change legally was required to provide for medium density.</i>
PC79-0035	Jason Rademaker	004	Residential and Business Development	Support	Considers that the Birchs Road Reserve will destroy the rural ambience of the area with	Approve PC79	Reject. PC 79 would be a

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
					hundreds of car parking spaces, lighting and increased noise which suits for more residential lifestyle that PC79 will provide.		significant change to the urban form of Prebbleton which is not needed for the OSDP.
PC79-0005	Susan Frances Sheaf	FS010	Residential and Business Development	Oppose	<i>When the Reserve was planned, communication with neighbours was carefully carried out by the SDC, and concerns we had about noise and lighting were answered mainly due to the fact that activities in the park will be carried out during daylight hours. The park will be locked at night, there will be provision for extra traffic provided by lowering of speed limits to 60km in the area. Birchs Road is already a very busy, noisy road so this seems to be an improvement.</i>	Reject the submission point	<i>Accept. The report finds that accessibility to the park is not sufficient justification for the Plan Change.</i>
PC79-0006	John Gale Sheaf	FS010	Residential and Business Development	Oppose	<i>Like many other reserves in the country areas Kakaha Park does not need residential housing to be successful.</i>	Reject the submission point	<i>Accept. The report finds that accessibility to the park is not sufficient justification for the Plan Change.</i>
PC79-0035	Jason Rademaker	005	Community Facilities	Support	The Birchs Road Reserve, by its nature, will create new and heightened security concerns for residents. The security of people using the reserve and local residents will be better served by the new residents from PC79 area.	Approve PC79	Reject. The report finds that public surveillance of the Park is not likely to be materially improved.
PC79-0005	Susan Frances Sheaf	FS011	Community Facilities	Oppose	<i>The creation of the Kakaha, the Birchs Road Recreation Reserve, has in fact opened up a large area that was once hidden behind high hedges. As stated above the park will be well maintained and monitored by the SDC, and closed at night. Submitter cannot understand the logic in security being improved when a subdivision would provide a lot more people to create noise and traffic in this area.</i>	Reject the submission point	<i>Accept. The report finds that public surveillance of the Park is not likely to be materially improved.</i>
PC79-0006	John Gale Sheaf	FS011	Community Facilities	Oppose	<i>Having extra people especially from such a densely populated area is not going to increase security.</i>	Reject the submission point	<i>Accept. The report finds that public</i>

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
							<i>surveillance of the Park is not likely to be materially improved.</i>
PC79-0036	Canterbury Regional Council (Environment Canterbury)	001	Residential and Business Development	Oppose	Considers that PC79 does not implement the relevant provisions of the CRPS. Refer to original submission for full reason.	Reject PC79	Accept. The report finds that PC 79 does not give effect to the CRPS.
PC79-0036	Canterbury Regional Council (Environment Canterbury)	002	Residential Density	Oppose	Considers that PC79 do not give effect to a number of key objectives and policies in the NPS-UD including Objective 6(a)-(b), 8(a), Policy 3 and 6. Refer to original submission for full reason.	Reject PC79	Accept. The report finds that PC 79 does not give effect to the NPS-UD.
PC79-0036	Canterbury Regional Council (Environment Canterbury)	003	Land and Soil	Oppose	Considers that PC79 does not give effect to the National Policy Statement for Highly Productive Land. Refer to original submission for full reason.	Reject PC79	Accept. The report finds that PC 79 does not give effect to the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS032	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	<i>Accept. The report finds that PC 79 does not give effect to the NPS-HPL.</i>
PC79-0036	Canterbury Regional Council (Environment Canterbury)	004	Natural Hazards	Oppose	Considers that more detailed assessment and planning will be required to confirm that the proposal will not exacerbate flooding in the vicinity of the subdivision, and that the proposal will give effect to the relevant provisions of the CRPS. Refer to original submission for full reason.	Reject PC79	Accept in part. The expert evidence that stormwater could be appropriately managed within the ODP framework was accepted.
PC79-0037	Christchurch City Council	001	Land and Soil	Oppose	Considers that none of the requirements of Clause 3.6(1) of the National Policy Statement for Highly Productive Land (NPS-HPL) can be satisfied.	Reject PC79	Accept. The report finds that PC 79 does not give effect to the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS033	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Accept the submission point	<i>Accept. The report finds that PC 79 does not give effect to the NPS-HPL.</i>

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
PC79-0037	Christchurch City Council	002	Residential and Business Development	Oppose	Considers that increased density need to provide a variety of homes, housing affordability with good accessibility to employment, services and public transport as in Objectives 1, 2 and 3 and supporting policies under National Policy Statement on Urban Development.	If PC79 is approved, that residential density within the PC79 area has a minimum of 15 households per hectare.	Accept in part. If PC79 had been approved it would have required a minimum of 15 households per hectare.
PC79-0037	Christchurch City Council	003	Transport Networks	Oppose	Suggests that increase density need to provide a variety of homes, housing affordability with good accessibility to employment, services and public transport as in Objective 1, 2 and 3 and supporting policies under National Policy Statement on Urban Development.	If PC79 is approved, that consideration be given to how PC79 can support greenhouse gas emission reductions.	Accept in part. The report finds that the development is likely to contribute to reducing GHG emissions.
PC79-0038	Shannon And Michelle Gilmore	001	Residential and Business Development	Oppose In Part	Considers that their land should be included within PC79 area. Refer to original submission for full reason.	Include 61 Hamptons Road within the PC79 area. If the land cannot be included, that there be a setback of 40m from the 61 Hamptons Road boundary of any development including housing roading or any infrastructure.	Reject. This is not in the scope of PC 79.
PC79-0031	Jocelyn and Nigel Humphreys	FS004	Residential and Business Development	Oppose	<i>If the incremental creep of including additional land within PC79 is accepted, then more highly productive land will be at risk in the future.</i>	<i>Reject the submission point</i>	<i>Accept. This is not in the scope of PC 79.</i>
PC79-0038	Shannon And Michelle Gilmore	002	Residential and Business Development	Oppose In Part	Considers that their land should be included within PC79 area. Refer to original submission for full reason	Include 61 Hamptons Road within the PC79 area. If the land cannot be included, that density be reduced to keep with the local area.	Reject. This is not in the scope of PC 79.
PC79-0031	Jocelyn and Nigel Humphreys	FS005	Residential and Business Development	Oppose	<i>If the incremental creep of including additional land within PC79 is accepted, then more highly productive land will be at risk in the future.</i>	<i>Reject the submission point</i>	<i>Accept. This is not in the scope of PC 79.</i>
PC79-0038	Shannon And Michelle Gilmore	003	Transport Networks	Oppose In Part	Considers that their land should be included within PC79 area. Refer to original submission for full reason.	Include 61 Hamptons Road within the PC79 area.	Reject. This is not in the scope of PC 79.

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
						If the land cannot be included, that there be no access to Hamptons Road.	
PC79-0031	Jocelyn and Nigel Humphreys	FS006	Transport Networks	Oppose	<i>If the incremental creep of including additional land within PC79 is accepted, then more highly productive land will be at risk in the future.</i>	Reject the submission point	Accept. This is not in the scope of PC 79.
PC79-0038	Shannon And Michelle Gilmore	004	Utilities	Oppose In Part	Considers that there is inadequate infrastructure to support the proposed business zone.	Include 61 Hamptons Road within the PC79 area. If the land cannot be included, that no business zoning be included.	Reject. This is not in the scope of PC 79.
PC79-0031	Jocelyn and Nigel Humphreys	FS007	Utilities	Oppose	<i>If the incremental creep of including additional land within PC79 is accepted, then more highly productive land will be at risk in the future.</i>	Reject the submission point	Accept. This is not in the scope of PC 79.
PC79-0038	Shannon And Michelle Gilmore	005	Residential and Business Development	Oppose In Part	Considers that there is inadequate demand to support the proposed business zone.	Include 61 Hamptons Road within the PC79 area. If the land cannot be included, that no business zoning be included.	Accept in part. The Business 1 zone was generally considered acceptable if part of a wider growth area as part of a wider plan change.
PC79-0031	Jocelyn and Nigel Humphreys	FS008	Residential and Business Development	Oppose	<i>If the incremental creep of including additional land within PC79 is accepted, then more highly productive land will be at risk in the future.</i>	Reject the submission point	Reject in part. The Business 1 zone was generally considered acceptable if part of a wider growth area as part of a wider plan change.
PC79-0039	Adele Radburnd	001	Residential and Business Development	Oppose	Considers that PC79 does not achieve a well-functioning urban environment.	Reject PC79	Accept. The report finds that the site does not achieve a well functioning environment.
PC79-0039	Adele Radburnd	002	Residential and Business Development	Oppose	Considers that PC79 is not needed.	Reject PC79	Accept. The report finds that

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
							there is adequate land supply for the life of the OSDP.
PC79-0031	Jocelyn and Nigel Humphreys	FS047	Residential and Business Development	Support	PC79 is not required to meet any shortfall in the household units for the Selwyn District. PC68 and PC72 will, between them, adequately meet any demand for additional housing in the Prebbleton market.	Accept the submission point	Accept. The report finds that there is adequate land supply for the life of the OSDP.
PC79-0039	Adele Radburnd	003	Residential and Business Development	Oppose	Considers that PC79 is not consistent with Future Development Strategy/Spatial planning.	Reject PC79	Reject. No evidence was provided to determine this matter.
PC79-0039	Adele Radburnd	004	Land and Soil	Oppose	Considers that PC79 contains an insufficient assessment of effects on soils (including cumulative effects with other plan changes)	Reject PC79	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0031	Jocelyn and Nigel Humphreys	FS041	Land and Soil	Support	The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.	Accept the submission point	Accept. PC 79 was found not to pass the tests for urban zoning in the NPS-HPL.
PC79-0039	Adele Radburnd	005	Transport Networks	Oppose	Considers that PC79 contains an insufficient assessment of effects on transport (including cumulative effects with other plan changes).	Reject PC79	Accept in part. Traffic assessment and improvements were included in the final version of the Plan Change.
PC79-0040	Mervyn George Claxton	001	Community Facilities	Support	Considers that the full impact of the new park on the corner of Birchs and Hamptons Road has come to light in terms of light, noise and increased traffic.	Amend PC79	Reject. PC 79 is recommended to be rejected for other reasons including urban form.
PC79-0005	Susan Frances Sheaf	FS012	Community Facilities	Oppose	The PC79 area has not become a suburban part of the Prebbleton township. A recreation area or domain does not constitute a suburban area.	Reject the submission point	Reject. PC 79 is recommended to be rejected for other reasons

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
							<i>including urban form.</i>
PC79-0006	John Gale Sheaf	FS012	Community Facilities	Oppose	<i>As a neighbour of the partially constructed Park we do not experience detrimental impact.</i>	<i>Reject the submission point</i>	<i>Reject. PC 79 is recommended to be rejected for other reasons including urban form.</i>
PC79-0040	Mervyn George Claxton	002	Residential and Business Development	Support	Considers that the PC79 area would benefit from more facilities including home, shops and daycare as it has become a suburban part of Prebbleton township.	Amend PC79	Accept in part. If approval had been recommended then shops and daycare would have been enabled in the neighbourhood centre.
PC79-0041	Phil & Kate Williams	001	Community Facilities	Support	Considers PC79 to be an appropriate use of this land because of proximity to Prebbleton Reserve.	Approve PC79	Reject in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.
PC79-0005	Susan Frances Sheaf	FS013	Community Facilities	Oppose	<i>The new Birchs Road Recreation Reserve, (Kakaha), has been planned for this area for at least 5-6 years, and is a reserve for residents of the whole Selwyn district to enjoy. It is situated in close proximity to all of Prebbleton, and is already a great addition to the Domain we already use in Tosswill Road. The sports grounds will be widely used by clubs throughout the Selwyn District, for example. It is NOT a reserve planned to serve one subdivision or another.</i>	<i>Reject the submission point</i>	<i>Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.</i>
PC79-0006	John Gale Sheaf	FS013	Community Facilities	Oppose	<i>The benefits of the land is much more than just what amount of money it generates. We have found the land highly productive and a bit of a paradise. Because the land is type one and two it can have a tremendously productive farming future.</i>	<i>Reject the submission point</i>	<i>Accept in part. PC 79 is well located for access to the reserve but for other reasons is not recommended.</i>

Submitter ID	Submitter Name	Point #	SDP Topic	Position	Summary	Decision Requested	Recommendation
PC79-0041	Phil & Kate Williams	002	Land and Soil	Support	Considers PC79 to be an appropriate use of this land because the properties do not provide economic or other benefits.	Approve PC79	Reject. Viable farming is possible under some circumstances.
PC79-0005	Susan Frances Sheaf	FS014	Land and Soil	Oppose	<i>All of the land in question could be used as viable agricultural land or for food production if necessary. Water rights can be purchased to support further development. It is also worth noting that large parts of this land have been used for productive purposes for a long time, one as sheep farming and one as a horse training business.</i>	Reject the submission point	<i>Accept. Viable farming is possible under some circumstances.</i>
PC79-0031	Jocelyn and Nigel Humphreys	FS042	Land and Soil	Oppose	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Reject the submission point	<i>Accept. Viable farming is possible under some circumstances.</i>
PC79-0041	Phil & Kate Williams	003	Land and Soil	Support	Considers that the land within PC79 has not produced any volume of food for many years	Approve PC79	Reject. Viable farming is possible under some circumstances.
PC79-0031	Jocelyn and Nigel Humphreys	FS043	Land and Soil	Support	<i>The land subject to PC79 contains Class 1 and 2 soils that are the most versatile. Therefore they should be protected from inappropriate development.</i>	Reject the submission point	<i>Accept. Viable farming is possible under some circumstances.</i>

Appendix 2: Proposed Amendments/Insertions to the Operative Selwyn District Plan

To enable the proposed plan change a new Living Medium Density (Living MD Prebbleton) zone is proposed (The same as the Living MRZ as proposed by Variation 1). This will require the following additions/insertions to the OSDP to ensure consistency with the requirements of the EHS Act and enable this plan change to be considered for adoption into the Operative Selwyn District Plan.

Specific rules to be added to the Subdivision chapter to give effect to the ODP have also been proposed.

Text to be inserted is shown as underlined and any deletions are noted with ~~striketrough~~.

A4.5 TOWNSHIPS AND ZONES

Table A4.4 – Description of Township Zones

Insert below description of Living WM:

<u>Living MD</u>	<u>Urban growth areas within or adjacent to existing townships within Greater Christchurch. These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.</u>
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B3.4 QUALITY OF THE ENVIRONMENT – OBJECTIVES

Objective B3.4.7

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

B3.4 QUALITY OF THE ENVIRONMENT – POLICIES

ZONES

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD Zone or within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A

Apply the medium density residential standards in the Living MD Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

BUILDING DESIGN

Policy B3.4.27A

In the Living MD Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy B3.4.27B

In the Living MD Zone, enable housing to be designed to meet the day-to-day needs of residents.

Policy B3.4.27C

In the Living MD Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

B4.1 RESIDENTIAL DENSITY – OBJECTIVES

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within the Living MD Zone and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

Objective B4.1.3

The Living MD Zone provides for a variety of housing types and sizes that respond to—

- i. housing needs and demand; and
- ii. the neighbourhood's planned urban character, including 3-storey buildings

B4.1 RESIDENTIAL DENSITY – POLICIES

Policy B4.1.14

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units, and low-rise apartments.

B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT

Policy B4.3.7

Living Z and Living MD urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;
- Be prepared in accordance with the matters set out in Policy B4.3.8;
- Take account of the Medium Density and Subdivision Design Guides.

Policy B4.3.8

Each Outline Development Plan shall include:

- Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;
- Any land to be set aside for
- community facilities or schools;
- parks and land required for recreation or reserves;
- any land to be set aside for business activities;
- the distribution of different residential densities;
- land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;
- land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and
- land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.
- Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;

- Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;
- Indicate how required infrastructure will be provided and how it will be funded;
- Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;
- Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;
- Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- Include any other information which is relevant to an understanding of the development and its proposed zoning; and
- Demonstrate that the design will minimise any reverse sensitivity effects.
- In the Living MD Zone, any identified qualifying matter and how it is to be addressed

C4 LZ BUILDINGS

4.2 BUILDINGS AND LANDSCAPING

Permitted Activities – Buildings and Landscaping

- 4.2.1 Except in the Living MD Zone where Rule 4.19 applies instead and except for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and
- Planted in lawn, and/or
 - Paved or sealed, and/or
 - Dressed with bark chips or similar material.

4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities – Buildings and Building Density

- 4.6.1 Except in the Living MD Zone where Rule 4.19 applies instead, the erection on an allotment (other than a site at Castle Hill) of not more than either:
- One dwelling and one family flat up to 70m² in floor area; or
 - One principal building (other than a dwelling) and one dwelling,
- shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities – Buildings and Site Coverage

- 4.7.1 Except in the Living MD Zone where Rule 4.19 applies instead, and except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities – Buildings and Building Height

- 4.8.1 Except in the Living MD Zone where Rule 4.19 applies instead, the erection of any building which has a height of not more than 8 metres shall be a permitted activity.

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities – Buildings and Building Position

The following shall be permitted activities

Recession Planes

- 4.9.1 Except in the Living MD Zone where Rule 4.19 applies instead, and except as provided for in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;
- 4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is
- (a) not a boundary of a lot in a low density area; and
 - (b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and

- 4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

Setbacks from Boundaries

- 4.9.2 Except in the Living MD Zone where Rule 4.19 applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

4.13 BUILDINGS AND STREETSCENE

Permitted Activities – Buildings and Streetscene

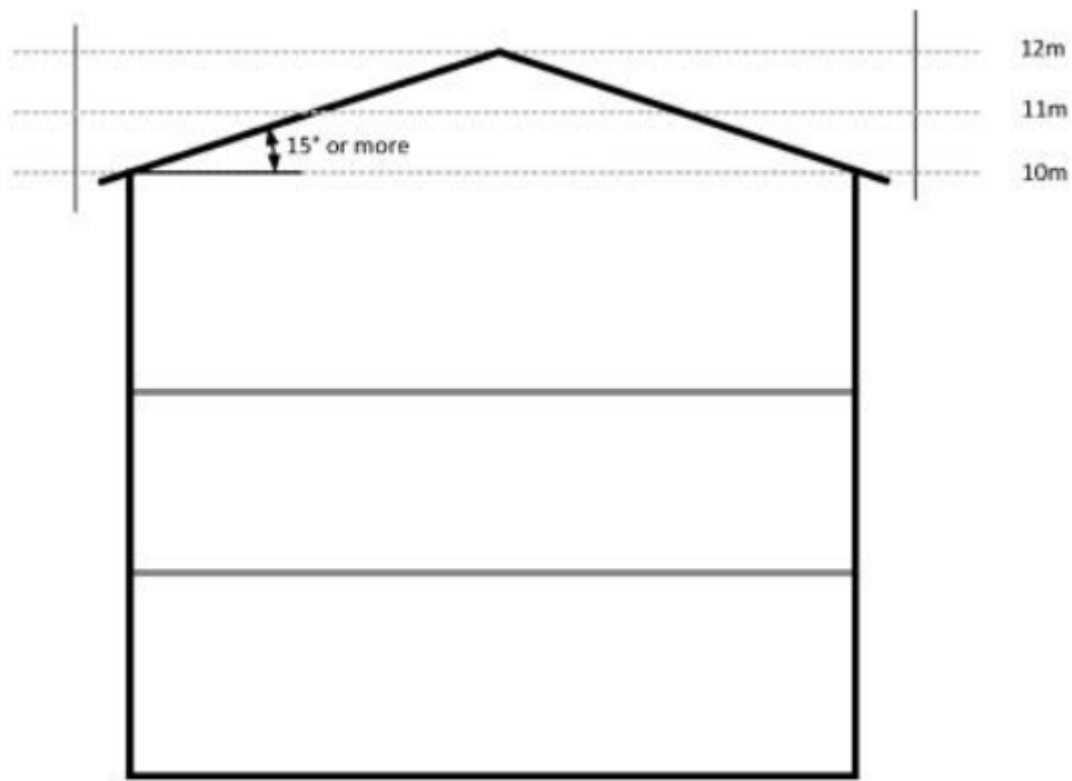
For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), ~~or a Living Z zone, or a~~ Living MD Zone.

4.19 DENSITY STANDARDS IN THE LIVING MD ZONE

Permitted Activities – Density Standards in the Living MD Zone

- 4.19.1 In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.
- 4.19.2 In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1:
- 4.19.3 In the Living MD Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.

Figure C4.1 – Permitted residential unit height, Living MD Zone



4.19.4 In the Living MD Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.

4.19.5 In the Living MD zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity. For the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD Zone

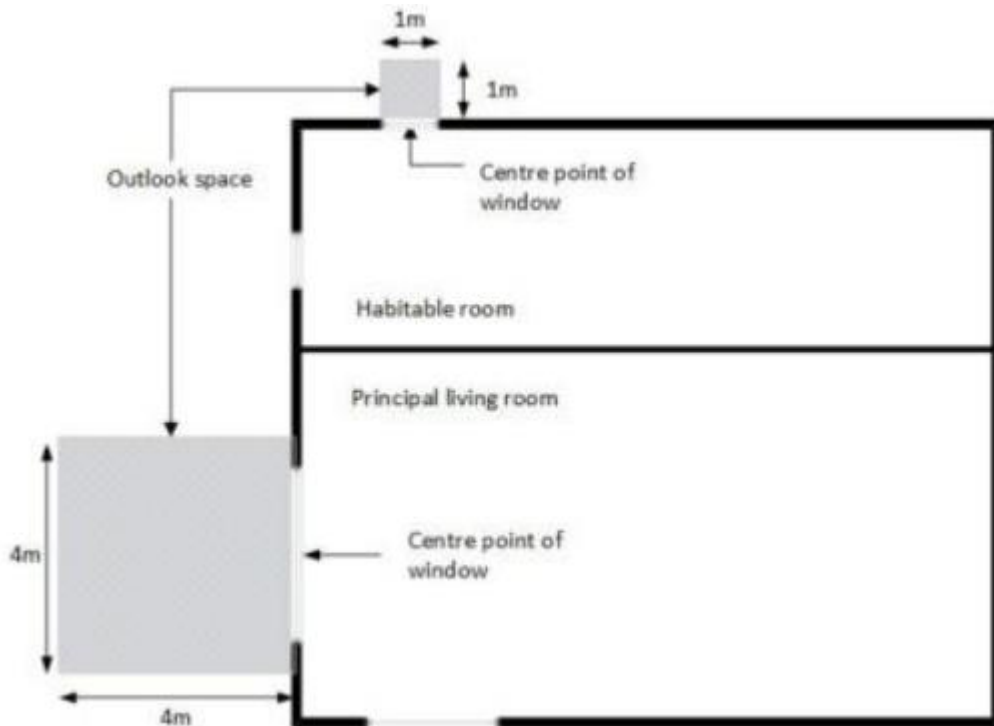
Building type	Setback from boundary (metres)	
	Internal boundary	Road boundary or shared access where specified
Garage: vehicle door faces road or shared access	1m	5.5m
Residential Unit or other principal building	1m	1.5m
Any other building	1m	2m

4.19.6 Despite Rule 4.19.5, any building in the Living MD Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.

4.19.7 Any building in the Living MD Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.

- 4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:
- 4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:
- (a) Is at least 20m² in area; and
 - (b) where located at ground level, has no dimension less than 3 metres; and
 - (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
 - (d) is accessible from the residential unit; and
 - € may be—
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the unit; and
 - (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- 4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:
- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (b) is accessible from the residential unit; and
 - (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the unit.
- 4.19.9 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2 and:
- 4.19.9.1 Each required outlook space shall comply with the following minimum dimensions:
- (a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and
- 4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;
- 4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;
- 4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;
- 4.19.9.5 Outlook spaces may be under or over a balcony;
- 4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and
- 4.19.9.7 Every outlook space must:
- (a) be clear and unobstructed by buildings; and
 - (b) not extend over an outlook space or outdoor living space required by another residential unit.

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone



4.19.10 In the Living MD Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

4.19.11 In the Living MD Zone, any residential unit at ground floor level shall be a permitted activity where:

4.19.11.1 a landscaped area of a minimum of 20% of a developed site with grass or plants is provided, which can include the canopy of trees regardless of the ground treatment below them.

4.19.11.2 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.

Restricted Discretionary Activities – Density Standards in the Living MD Zone

4.19.12 Any activity which does not comply with Rule 4.19.1 shall be a restricted discretionary activity, which shall not be subject to public or limited notification. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.12.1 For each residential unit:

- (a) Adequacy of exclusive outdoor living space
- (b) access to daylight and sunlight; and
- (c) visual privacy

4.19.12.2 Parking and access; safety, efficiency and impacts to on street parking and neighbours.

4.19.12.3 The extent to which each residential unit is required to be provided with separate utility services.

4.19.12.4 Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.

- 4.19.12.5 Location, orientation and screening of outdoor living, service/storage, and waste management spaces.
- 4.19.12.6 Extent to which landscaping on the site:
- (a) enhances residential amenity; and
 - (b) defines and enhances on-site outdoor living spaces;
 - (c) reduces the visual impact of buildings through screening and planting;
 - (d) screens service areas, loading areas, and outdoor storage areas from public vantage points.
- 4.19.13 Any activity which does not comply with Rule 4.19.2 or Rule 4.19.3 shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.13.1 Effects on privacy, outlook, or shading on the affected property.
- 4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- 4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- 4.19.13.4 Mitigation of the effects of natural hazards.
- 4.19.14 Any activity which does not comply with Rule 4.19.4 shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.14.1 Effects on privacy, outlook, or shading on the affected property.
- 4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- 4.19.15 Any activity which does not comply with Rule 4.19.5 shall be a restricted discretionary activity, which shall not be subject to public notification, unless it is permitted by Rule 4.19.6. The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.15.1 For internal boundaries:
- (a) Effects on privacy, outlook, or shading on the affected property.
 - (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
 - (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
 - (d) Mitigation of the effects of natural hazard(e) Reverse sensitivity effects.
 - (f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.
- 4.19.15.2 For road boundaries:
- (a) Effects on the safety and efficiency of the land transport infrastructure.
 - (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

(c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

(d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.

4.19.16 Any activity which does not comply with Rule 4.19.7, shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.16.2 Provision of adequate outdoor living space on site.

4.19.17 Any activity which does not comply with Rule 4.19.8 shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.

4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the residential unit and the street, to the detriment of an open street scene.

4.19.17.3 The degree to which large areas of public open space are provided within very close proximity to the site.

4.19.17.4 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site.

4.19.18 Any activity which does not comply with Rule 4.19.9 shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.18.1 The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year

4.19.18.2 The extent to which habitable rooms have an outlook and sense of space

4.19.18.3 The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions

4.19.18.4 The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.

4.19.19 Any activity which does not comply with Rule 4.19.10 shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.19.1 Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.

4.19.19.2 Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.

4.19.19.3 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.

4.19.20 Any activity which does not comply with Rule 4.19.11 shall be a restricted discretionary activity, which shall not be subject to public notification. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.20.1 The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:

- (a) define and enhance on-site outdoor living spaces,
- (b) reduce the visual impact of large buildings through screening and planting
- (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.
- (d) contributes to a cooling effect of the urban environment

4.19.20.2. Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.

4.19.20.3 Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

12.1 SUBDIVISION – GENERAL

Controlled Activities – Subdivision – General

- 12.1.A1 In the Living MD zone, a subdivision of land, which is not a subdivision under Rules 12.2 or 12.3 shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.A3, 12.1.A4 and Rule 12.1.3.
- 12.1.A2 Any subdivision subject to which complies with Rule 12.1.A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties. The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.
- 12.1.A3 Any subdivision of land within the area shown in Appendix XX (Living MD Prebbleton at Birchs Road, Prebbleton) shall be a controlled activity if it complies with the following matters:**
- (a) A supporting infrastructure (water and sewer) assessment of the subdivision detailing how water supply and sewer connections are to be provided, including identification of any upgrades required to support the proposed allotments. This assessment shall include the upper limit of dwellings permitted by the zoning and any cumulative effects of increased demand on the system generally.**
 - (b) Up to 100 dwellings may be established prior to the completion of the Council's Hamptons Road / Springs Road roundabout upgrade, except that, up to 255 dwellings may be established prior to the completion of the Hamptons Road/ Springs Road roundabout if the following road upgrades have occurred:**
 - (i) provision of a roundabout at the intersection of the proposed East-West Primary Road with Birchs Road and Leadleys Road, and**
 - (ii) seal widening to achieve 7.0m sealed width on Leadleys Road for the section of Leadleys Road between Birchs Road and Ellesmere Road, and**
 - (iii) the Council have completed the planned seal widening on Ellesmere Road for the section of Ellesmere Road between Leadleys Road and Knights Stream Bridge.**
 - (c) Up to 600 dwellings may be established within ODP Area {XX} prior to the completion of an updated Integrated Traffic Assessment (ITA) and completion of any required upgrades to the transport infrastructure. This ITA shall address the need for a roundabout at the Hamptons/Birchs Road intersection, inclusive of pedestrian and cycle crossing facilities.**
-
- 12.1.A4 Prior to a code compliance certificate being issued for any dwelling within the identified Edge Treatment Boundaries of ODP Area {XX}, a landscape strip shall be planted at least 5m wide in accordance with the provisions contained within the ODP. The subdivision shall include mechanisms to ensure any dead or diseased plants are replaced.
- 12.1.A5 Any subdivision within Living MD Zone that is subject to an Operative Outline Development Plan within the District Plan, shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Restricted Discretionary Activities – Subdivision – General

- 12.1.1 A subdivision of land, which is not a subdivision under **Rule 12.1.A-12.1.A5**, 12.2 or 12.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 12.1.3.
- 12.1.3 Standards and terms

12.1.3.6 ~~Except in the Living MD Zone, any~~ Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m² in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and

12.1.3.6A Within the Living MD Zone, every vacant allotment either:

- (a) ~~is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or~~
- (b) ~~contains a building area of not less than 8m x 15m;~~

~~12.1.3.48X Any subdivision of land within the area shown in Appendix XX (Living MD Prebbleton at Birchs Road, Prebbleton): shall include:~~

- ~~(a) That does not include a supporting infrastructure (water and sewer) assessment of the subdivision detailing how water supply and sewer connections are to be provided, including identification of any upgrades required to support the proposed allotments. This assessment shall include the upper limit of residential units enabled by the zoning and any cumulative effects of increased demand on the system generally.~~
- ~~(b) More than 100 dwellings shall be built prior to the completion of the Councils Hamptons Road / Springs Road roundabout upgrade, except that, up to 255 dwellings may be built prior to the completion of the Hamptons Road Springs Road roundabout if the following road upgrades have occurred:
 - ~~(i) provision of a roundabout at the intersection of the proposed East-West Primary Road with Birchs Road and Leadleys Road, and~~
 - ~~(ii) seal widening to achieve 7.0m sealed width on Leadleys Road for the section of Leadleys Road between Birchs Road and Ellesmere Road, and~~
 - ~~(iii) the Council have completed the planned seal widening on Ellesmere Road for the section of Ellesmere Road between Leadleys Road and Knights Stream Bridge.~~~~
- ~~(c) No more than 600 residential units may be proposed or enabled within ODP Area {XX} prior to the completion of an updated Integrated Traffic Assessment (ITA) and completion of any required upgrades to the transport infrastructure. This ITA shall address the need for a roundabout at the Hamptons/Birchs Road intersection, inclusive of pedestrian and cycle crossing facilities.~~
- ~~(d) The intersection of the Leadleys Road/Birches Road and the primary east west road within ODP Area {XX} shall be formed with a roundabout, inclusive of safe pedestrian and cycle facilities.~~
- ~~(e) Prior to occupation of residential units within the identified Edge Treatment Boundaries of ODP Area {XX} a landscape strip shall be planted at least 5 m wide in accordance with the provisions contained within the ODP. The subdivision shall include mechanisms to ensure any dead or diseased plants are replaced.~~

12.1.3.58 Any subdivision within a Living Z Zone, Living MD Zone (~~excluding Living MD Prebbleton~~) or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline

Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

Insert relevant row at the end of the section for the relevant township:

Township	Zone	Average Allotment Size Not Less Than
<u>Prebbleton</u>	<u>Living MD</u>	<p>Minimum individual net allotment size 400m²</p> <p><u>There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment</u></p>
All Living Zones	Calculating allotment size	
<u>Calculating allotment size</u>	<u>All Living Zones except Living MD</u>	<p>The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation. Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size for that zone – 10m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
	<u>Living MD</u>	<u>Net site area shall be used to calculate allotment size.</u>

12.1.4 Matters over which the Council has reserved its control or restricted the exercise of its discretion:

12.1.4.62A In the Living MD (Prebbleton) zone whether sufficient land has been provided to accommodate future roundabouts at the Hamptons Road/Birchs Road and the Leadleys Road/Birchs Road intersections, respectively.

12.1.4.62B In the Living MD (Prebbleton) zone whether the supporting transport assessment has identified the need for any network upgrades and how these will be provided.

12.1.4.62C In the Living MD (Prebbleton) zone whether any infrastructure upgrades for water supply and sewer connection are required and how these will be provided and/or the adequacy of any alternatives proposed.

Restricted Discretionary Activities – Subdivision – General

12.1.5 The following activities shall be restricted discretionary activities:

12.1.5.1 Any subdivision subject to ~~Rule 12.1.A1 or~~ Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.

~~12.1.5.2B Any subdivision subject to Rule 12.1.A1 which **complies with all of the does not comply with one or more of the** standards and terms in Rule 12.1.A3 or 12.1.3 except Rule 12.1.3.48A.~~

~~**12.1.5.2C Any subdivision subject to Rule 12.1.A1 which complies with all of the standards and terms in Rule 12.1.3 except Rule 12.1.3.58.**~~

Prebbleton

12.1.5.11 The exercise of discretion in relation to Rule 12.1.5.2B shall be restricted to the matters listed in 12.1.4.62A-C.

Discretionary Activities – Subdivision – General

12.1.6 The following activities shall be discretionary activities

12.1.6.10 ~~Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.A4 or 12.1.A5 and Any subdivision in a Living MD Zone that does not meet Rule~~ is not in general compliance with an operative Outline Development Plan.

Non Complying Activities – Subdivision – General

12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:

12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.

13 BUSINESS ZONE RULES – STATUS OF ACTIVITIES

13.1 STATUS OF ACTIVITIES

Non-Complying Activities — Status of Activities

The following activities shall be non-complying activities in Business 1 and 1A Zones:

13.1.10.1 Any activity which is specified in Rules [14](#) to [23](#) as being a non-complying activity.

13.1.10.2 Any of the activities listed in (a) to (i) below, irrespective of whether they comply with the conditions for permitted activities in Rules [14](#) to [23](#).

(a) Any activity that requires an offensive trade licence issued under the Health [Act](#) 1956

(b) Plantations

(c) Manufacture and/or [disposal](#) of any [hazardous substance](#)

(d) Mining or [quarrying](#)

(e) Correction facility

(f) Treatment and/or [disposal](#) of solid or liquid waste delivered or conveyed onto the [site](#)

(g) Industrial activity

(h) Transport depots

(i) Residential activity in the Business 1 Zone at Prebbleton occupying more than 50% of the gross floor area of all [buildings](#) on the [site](#) (excluding underground car parking).

(j) supermarkets in the Business 1 Zone Prebbleton identified in ODP (XX)

D DEFINITIONS

Building: except in the Living MD Zone, means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- Any scaffolding or falsework erected temporarily for maintenance or construction purposes
- Any fence or wall of up to 2m in height
- Any structure which is less than 10m² in area and 2m in height
- Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)
- Any utility structure.

In the Living MD Zone, means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

Building coverage means the percentage of the net site area covered by the building footprint.

Building footprint means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.

Height: except in the Living MD Zone, in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone other than the Living MD Zone, no account shall be taken of any:

- Radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m.
- Chimney or flue not exceeding 1m in any direction.
- Utility, or part of a utility with a horizontal dimension less than 25mm.
- Lift shaft, plant room, water tank, air conditioning unit, ventilation duct and similar architectural features on any building in the Business zones (except the Business 2A Zone) provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2m.
- Lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, cooling towers, chimney stacks, water tanks and similar architectural features on any building in the Business 2A Zone provided that the maximum height normally permitted by the rules is not exceeded by more than 5m and no more than 10% of the plan area of a building.

In the Living MD Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.

Measurement of Height:

For the purpose of applying rules in relation to height...

Net site area: in the Living MD Zone, means the total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981

Residential activity: except in the Living MD Zone means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site
- b) Emergency and/or refuge accommodation
- c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site

Residential Activity does not include:

- a) Travelling accommodation activities (other than those specified above)
- b) Custodial and/or supervised living accommodation where the residents are detained on site.

In the Living MD Zone, means the use of land and building(s) for people's living accommodation.

Residential unit: in the Living MD Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

Setback: Except in the Living MD Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:

- a) Eaves being no more than 600mm wide.
- b) Any porch, windbreak, chimney, external stairway or landing being no more than 1.8m long and extending no more than 800mm into the setback area.
- c) Any utility structure attached to an existing building or structure located in a setback from a waterbody provided that it does not protrude more than 1.5m from that existing building or structure.

In the Living MD Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.

Site: except in the Living MD Zone, means an area of land or volume of space:

- Held in a single certificate of title, or
- Comprised of two or more adjoining certificates of title held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- For which a separate certificate of title could be issued without further consent of the Council.

In the Living MD Zone, means:

- (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

Appendix 1: Outline Development Plan

Introduction

This Outline Development Plan (**ODP**) is for the Birchs Road development area. This is proposed to be zoned Living MD Prebbleton and Business 1. The ODP includes 36.58 ha of land, comprising eight properties. The site is bounded by Hamptons Road to the north, Birchs Road and Kakaha Park to the east and rural uses of varying scales to the south, east, and west (**Site**).

The ODP provides an overarching structure framework to guide the future development of the land. The ODP includes Land Use, Movement, Green and Blue Networks and incorporates the wider strategic and community outcomes expressed in the Prebbleton Structure Plan. In detail, the ODP guides the following elements specific to this Site:

- Density;
- Road layout;
- Pedestrian and cycle elements;
- Connectivity;
- Servicing; and
- Edge treatment.

Foundation of the ODP

The cultural principles embedded with the four pillars of Te Runanga o Ngāi Tahu underpin the design process and outcomes of the ODP.

The four pillars of Te Runanga o Ngāi Tahu are:

- | | |
|------------------|----------------------|
| ▪ Te Ao Turoa | The Environment |
| ▪ Mātauranga | Knowledge |
| ▪ Oranga | Wellbeing |
| ▪ Ngāi Tahutanga | Culture and Identity |

Design Principles

The design principles that underpin this ODP are in line with the New Zealand Urban Design Protocol and accord with the Selwyn District Council Subdivision Design Guide (September 2009). The following environmental outcomes are to be achieved:

- Development that meets the District Plan policies, realises an overall increase in residential density to a minimum of 15hh/ha, applies urban consolidation principles and is consistent with the evolving settlement and growth pattern for Prebbleton.
- Provision for a range of section sizes and housing types to respond to the wider needs of the community, whilst achieving the prescribed minimum household densities and minimum average allotment sizes.
- Subdivision layout that integrate with the adjoining Kakaha Park and development north of Hamptons Road and incorporates existing land uses where appropriate.
- Layouts and urban design treatments that create a distinguishable sense of place, assist in enhancing the wider character and amenity of Prebbleton and deliver safe, vibrant, and healthy

living environments. Layouts should apply Crime Prevention through Environmental Design (CPTED) design principles at detailed design stage.

- Integrated and legible road layout with a clear hierarchy that supports safe and efficient connections promoting walking and cycling over vehicle movement. Road design and landscape treatments should contribute to the overall character of Prebbleton and assist in connecting residential development with Kakaha Park and other public assets and services within the township, such as the Domain, Primary School, Nature Park and the town centre via a focus on the Birchs Road movement corridor.
- Sustainable methods to manage, detain, and treat stormwater to protect groundwater resources and overland flows from contamination, while integrating with open space and reserves where appropriate.
- Installation of all the necessary infrastructure services within the ODP area, and the cost effective and efficient connection of those services to the wider network.

Land use

A minimum density of 15 households per hectare shall be achieved through future subdivision. Intensification of residential density (less than 400 m²/unit) should be located near to key open spaces, green corridors (including Kakaha Park) and neighbourhood commercial area and avoid locating on the outer edge of the ODP area where it adjoins rural zoning.

Subdivision

An application for subdivision of the ODP area shall include supporting transport and infrastructure assessments, with detailed design for the provision of water, sewer and stormwater to any allotments proposed. These assessments shall include analysis of the upper limit of residential units enabled by the zoning and any cumulative effects of demand on the transport and infrastructure (water and sewer) networks. This ensures the capacity of the networks is not adversely affected by the subdivision or can be mitigated through identified upgrades. At the time of subdivision, the need for, and nature of, any safety improvements required to the Hamptons/Birchs Road intersection and the proposed new road and Birchs Road connections will be considered in consultation with Selwyn District Council. The layout of the blocks will have a predominantly north-south orientation where possible to maximise solar gain into rear yards (outdoor living spaces) of all properties.

Subdivision may include the creation of super lots in order to achieve the required 15hh/ha density. If super lots are proposed within the subdivision, a minimum residential unit yield shall be registered by way of consent notice on the individual super lots, to ensure the minimum density overall is achieved.

Green and blue network

The Green network consists of a north – south spine and smaller east – west green links, creating a green skeleton that is the foundation of the development's layout. The network incorporates several functions, these being;

- Providing amenity to a large number of residents;
- Assisting with stormwater management and conveyance;
- Incorporating primary roads and hosting key walking and cycling connections;
- Pulling the qualities of the neighbouring Kakaha Park into the Site;
- Providing viewshafts to the Port Hills and other significant landmarks;
- Interlinking of smaller recreational reserves within the Site;

- Supporting the natural processes of the land;
- Supports the residential intensification of the Site;
- Visually breaks the development into smaller spaces to integrate PC79 into the wider Prebbleton character;
- Supports native flora and fauna propagation acting as a nodal green space and corridor for these species;
- Assists in the creation of a sense of community, a space for people to interact and to enjoy.

Two smaller reserves within the project boundary will be required to provide amenity for residents, the majority of residents being within a 5-minute walk, or 500 m radius of the spaces. It is likely the sizes of the reserves will range between 3,000 m² and 6,000 m² with the exact size and position of these reserve being determined at the time of subdivision. These reserves will be tied to the location of higher density developments, providing amenity for residents on smaller sections.

The blue network is integral to the green network. Any areas identified at high risk of flooding should be utilized for reserves and stormwater management rather than residential use or remediated (filled) at the time of subdivision, avoiding any risk to residential use.

There are two possible overland flowpaths crossing the Site, running northwest – southeast. The larger is located in the far south along this southern boundary and the smaller follows a historic waterway alignment that has been redirected along Hamptons and Birchs Rd. Both flowpaths need to be considered at detailed design and should be integrated into the blue and green network to continue to facilitate these overland flow functions. **Movement network**

Walkability and connectivity are key principles of the ODP, with a hierarchy of street types and connections provided throughout the area. The aim of the movement network is to provide a range of modal options for residents, to reduce car-dependency for short local trips, while recognising private vehicle use is necessary for longer trips. The ODP encourages connectivity using primary and secondary routes running through the area from north to south and east to west, with future primary connections from Hamptons and Birchs Road. Primary roads that sit within the green network require sufficient road reserve width to allow inclusion of a shared pedestrian/cycle path, separate from the main vehicle carriageway.

Smaller streets (not shown), or local/neighbourhood streets, will create a highly connected and permeable neighbourhood. These roads are not shown to allow future design flexibility at the final subdivision stage and should provide walkable blocks and avoid cul-de-sacs. The design of the local streets will encourage slow vehicle movements combined with pedestrian and cycle facilities, either separate or shared depending on the design of the street.

Supporting the road network, off-road pedestrian and cycle paths are located within the green network and connect through to Kakaha Park and the Rail Trail. North of the car park to Kakaha Park, a key pedestrian crossing is strategically placed adjacent to the commercial area of PC79.

KEY ASPECTS

- Street hierarchy providing different modal allocation;
- A well-connected network which combines with the green / blue network and existing facilities connecting to key destinations (commercial area and Kakaha Park);
- A high level of legibility created through street hierarchy;
- Prioritising walking and cycling with a mix of on-road, separate, and off-road facilities to promote active transport modes;

- Direct vehicle access onto Birchs Road for individual properties is desired where this can be carefully managed to achieve an urban streetscape and promote passive surveillance whilst ensuring the safe and efficient functioning of Birchs Road ; and
- Streets with a high level of amenity.

Road Upgrades

The Birchs Road and Hamptons Road frontages are to be upgraded to an urban standard in accordance with the Council's Engineering Code of Practice. All frontage upgrades are to be developed in consultation with Council."

The primary road intersection with Hamptons Road will require consideration of safe intersection sight distances and should be supported by urban frontage upgrades and speed limits to ensure turning movements can be accommodated safely.

A new road and roundabout will be provided at the Leadleys Road – Birchs Road intersection. Design of this intersection will need to carefully consider the alignment of the new road noting the existing alignment of Leadleys Road is not perpendicular to Birchs Road. This roundabout shall also include safe crossing facilities for pedestrians and cyclists.

Provision has been made for a maximum number of residential units which could be accommodated within the future subdivision, dependent on the timing of upgrades of the Hamptons Road/Springs Road roundabout upgrade and whether seal widening is provided along Leadleys Road.

Along Birchs Road frontage from Leadleys Rd to the new bus stop and crossing, a shared pedestrian and cycle path is to be provided.

A secondary road intersection with Birchs Road has been indicated to provide for co-ordinated access to the business area however will require careful design to ensure it functions as a secondary rather than primary connection.

Commercial

The commercial area identified in the ODP shall have a total land area of 2,500 m² and shall provide primarily for small-scale commercial and community activities that directly support the daily needs of the immediate residential neighbourhood. The scale of commercial activity is to remain small so as not to detract from the broader town centre as a focal point for commercial activities. No supermarket is to be provided within the commercial area.

The layout of the commercial area is broken by the access road, a low level secondary road with slow travel speeds.

The commercial area must provide active interface with Birchs Road as well as PC79, thus fronting in both directions. Car parking is to be visually and physically integrated to preserve amenity and avoid affecting Prebbleton's village character with concrete and car dominant views.

Edge Treatment to Rural

Soft landscape treatment and appropriate building setbacks to ensure that reverse sensitivities are addressed with respect to adjoining rural zoning but future connectivity to the west and south is not precluded.

Primary function of the edge treatment to rural is to provide mitigating measures to address potential reverse sensitivities to rural activities. The secondary function is to provide a visual screen to rural

amenity and the final function is to provide edge treatment that ensures future connectivity to the west and south is not precluded.

To achieve all these functions a soft landscape treatment is proposed that can adapt through detailed planting to each relevant boundary with specifically tailored planting strategy to address reverse sensitivity such as airborne particles and/or noise from rural activities.

Both the western and southern boundary are to include a minimum 5m buffer within private property comprising of a mix of predominantly native planting capable of reaching minimum of 6m (average of 8m height) at maturity. The setback area is to be densely planted with staggered layers of vegetation to provide the best possible screen/ deflect airborne particles and noise from rural activities.

Where required this 5 m setback can include additional structures to aid noise control, screened by vegetation on either side.

Rural amenity planting, planted at intervals capable of achieving visual screening of dwellings is proposed to the southern part of the Birchs Road boundary between Leadleys Road and southeast corner of Site to present a more rural interface towards rural properties across Birchs Road.

Edge Treatment to Kakaha Park

The commercial area is proposed opposite the car park for Kakaha Park to provide active frontages and passive surveillance.

Educational Facilities

At the time of subdivision, consultation with the 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.

ODP Standards

The following standards will need to be met by an application for subdivision within the ODP as per Rule 12.1.A4:

- **A minimum density of 15hh/ha is achieved.**
- **Reserves are provided such that any proposed residential use is within 500 m of a reserve (including Kakaha Park)**
- **Any areas identified at high risk of flooding should be utilized for reserves and stormwater management rather than residential use or remediated (filled) at the time of subdivision.**
- **A pedestrian crossing point is provided North of the car park to Kakaha Park to the development.**
- **The Birchs Road and Hamptons Road frontages are to be upgraded to an urban standard in accordance with the Council's Engineering Code of Practice.**
- **Along Birchs Road frontage (from Leadleys Rd to the new bus stop and crossing) a shared pedestrian and cycle path is to be provided.**
- **The commercial area shall have a maximum land area of 2,500 m², inclusive of any off-street parking areas.**
- **The commercial area shall be located opposite the Birches Road car park of Kakaha Park.**
- **No supermarket shall be provided in the commercial area.**
- **Both the western and southern boundary are to include a minimum 5m buffer within private property comprising of a mix of predominantly native planting capable of reaching minimum of 6m (average of 8m height) at maturity.**

APPENDIX 11

RECESSION PLANES

Recession Plane A

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone and to all Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.

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Recession Plane C

Applicable to all buildings along all boundaries in the Living MD Zone.

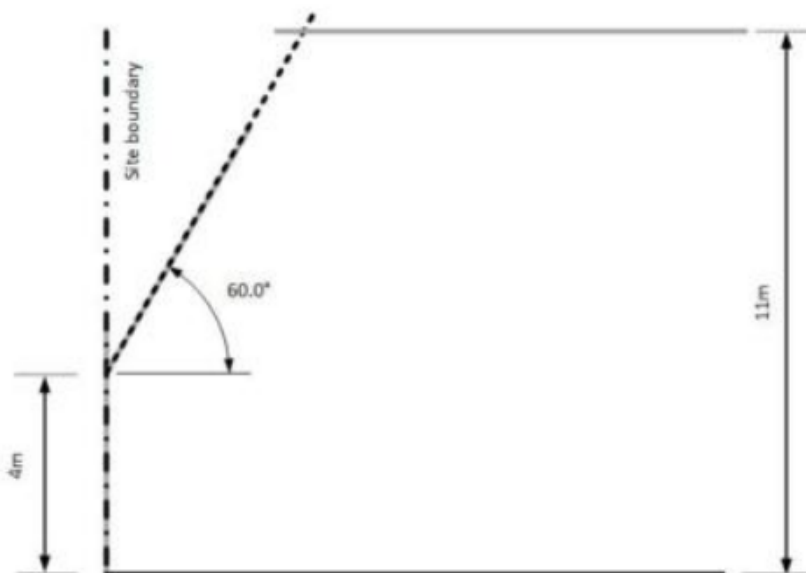
The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the recession plane applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

Compliance with the recession plane is not required in relation to—

- (a) any road boundary:
- (b) existing or proposed internal boundaries within a site:
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.



Key

- Development Boundary
- Proposed Living Medium Density Zone
(minimum individual net area 400m²)
- R Proposed Reserve
- Business 1 Commercial
- Proposed Primary Road
- Proposed Secondary Road
- Intersection upgrade (roundabout)
- Indicative Pedestrian & Cycle Link
- Existing Pedestrian & Cycle Route
- Transmission corridor/ powerline
- Green spine / corridor
- Green links /viewshafts to Port Hills
- UR Utility Reserve
Stormwater Management Area
- Edge treatment to rural interface
- Road frontage upgrade
- Key pedestrian crossing

