

# Proposed Selwyn District Plan



## Section 42A Report

Report on submissions and further submissions

Rezoning : Ellesmere

Ben Rhodes

31 January 2023

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## List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0032	Christchurch City Council	CCC
DPR-0053	Trudy & Mark Saunders	T & M Saunders
DPR-0107	Country Garden Group Limited	CGGL
DPR-0130	Sharon Farrant	S Farrant
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	Stewart, Townsend and Fraser
DPR-0155	Cochranes of Canterbury	Cochranes
DPR-0157	Kevin & Bonnie Williams	K and B Williams
DPR-0162	Kerry Millar – Millars Machinery Ltd	Millars Machinery Ltd
DPR-0207	Selwyn District Council	SDC
DPR-0209	Manmeet Singh	M Singh
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0298	Trices Road Re-zoning Group	TRRG
DPR-0302	Alison Smith, David Boyd & John Blanchard	Smith, Boyd and Blanchard
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0362	John Ferguson	J Ferguson
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0364	B.A Freeman Family Trust	BAFFT
DPR-0369	Holly Farm	Holly Farm
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0384	Rolleston Industrial Development Limited	RIDL
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0436	P.B and J.C Nahkies	the Nahkies
DPR-0461	Dunweavin 2020 Ltd	Dunweavin
DPR-0488	Dally Family Trust and Julia McIlraith	Dally Family Trust
DPR-0492	Kevler Development Ltd	KDL
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	GNL and Heinz Wattie

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

## Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CRPS	Canterbury Regional Policy Statement 2013 (Updated 28 July 2021)
DPR	District Plan Review
EAP	Ellesmere Area Plan
FDS	Future Development Strategy
GCP	Greater Christchurch Partnership
GIZ	General industrial Zone
GRUZ	General Rural Zone
GRZ	General \Residential Zone
HAIL	Hazardous Activities and Industries List
IMP	Mahaanui Iwi Management Plan 2013
HPL	Highly Productive Land
IPI	Intensification Planning Instrument
KAC	Key Activity Centre
LLRZ	Large Lot Residential Zone
LRZ	Low Density Residential Zone
LUC	Land Use Capability classification
Planning Standards	National Planning Standards
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
Our SPACE	<i>Whakahāngai O Te Hōrapa Nohoanga</i> Our SPACE 2018-2048 Greater Christchurch Settlement Pattern Update
ODP	Outline Development Plan
PDP	Proposed Selwyn District Plan
RMA or Act	Resource Management Act 1991
RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
RRS14	Rural Residential Strategy 2014
SCGM	Selwyn Capacity for Growth Model
SDC	Selwyn District Council
SDP	Operative Selwyn District Plan
Selwyn 2031	Selwyn 2031: District Development Strategy 2014
UGO	Urban Growth Overlay
Variation 1	Variation 1 (Intensification Planning Instrument) to the Proposed Selwyn District Plan

## 1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to submissions seeking to rezone land in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 In preparing this report I have had regard to the [s42A report on Strategic Directions](#) prepared by Mr Robert Love, including the [Right of Reply Report](#), the [Overview s42A report](#) that addresses the higher order statutory planning and legal context, also prepared by Mr Love; the [s42A report on Urban Growth](#) prepared by Mr Ben Baird, including the [Right of Reply Report](#); and the [Rezoning Framework s42A report](#) also prepared by Mr Baird (updated version dated 1 July 2022). The recommendations are informed by both the technical information a provided by those listed below (see also **Appendix 3**) and the evaluation undertaken by myself as the planning author.
  - 1.2.1 Transport – Flow Transportation Specialists – Mr Matt Collins
  - 1.2.2 Flooding – Tonkin and Taylor – Mr Tim Morris
  - 1.2.3 Servicing Infrastructure (3 Waters) – SDC Water Asset Manager - Mr Murray England
  - 1.2.4 Geotechnical – Geotech Consulting – Mr Ian McCahon
  - 1.2.5 Soil Contamination – Pattle Delamore Partners Ltd - Mr Rowan Freeman
  - 1.2.6 Noise – Acoustic Engineering Services Ltd - Mr James Boland
  - 1.2.7 Economic – Formative Limited – Mr Derek Foy
  - 1.2.8 Urban Design - Urban Shift - Mr Hugh Nicholson
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2. Qualifications and experience

- 2.1 My full name is Benjamin James Rhodes. I work for Harrison Grierson as Planning Manager – South Island and Wellington. I am engaged by the Council as a consultant planner. My qualifications include a Bachelor of Resource Studies from Lincoln University. I have been a full member of the New Zealand Planning Institute since 2015.
- 2.2 I have 17 years’ experience as a resource management planner, working for local authorities and a multi-disciplinary consultancy. I was previously employed by SDC in a number of planning roles from 2007 to mid-2022, with the last position being Planning Manager. During this time, I processed resource consents, help prepared structure plans, growth strategies, processed private plan change requests and was involved in the DPR process at varying levels until mid-2022.
- 2.3 In my current role, I am assisting the GCP in the preparation of a Spatial Plan for Greater Christchurch, which will also act as the FDS for the GCP Area as required under the NPS-UD.

- 2.4 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters addressed in this s42A report, I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

### 3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to requests to rezone land in the Ellesmere Area of the Selwyn District, including the townships of Doyleston, Dunsandel, Leeston and Southbridge. The zoning requests include properties within the townships themselves as well as in locations adjoining the townships.
- 3.2 This package of zoning requests is predominantly residential but also includes commercial and industrial zoning requests.
- 3.3 Recommendations are made to either retain provisions without amendment or delete, add to, or amend the provisions, including any changes to the Planning Maps. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted. Appendix 2 also contains a table setting out any recommended spatial amendments to the PDP Planning Maps.

### 4. Statutory requirements and planning framework

#### ***Resource Management Act 1991***

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to (among other things) an evaluation report under section 32 of the RMA, and any further evaluation required by section 32AA of the RMA. The PDP must give effect to any national policy statement, the New Zealand Coastal Policy Statement, a national planning standard, the CRPS and must not be inconsistent with a water conservation order or a relevant regional plan. Regard is also to be given to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities and it must take into account the IMP.

#### ***Planning context***

- 4.2 As set out in the [‘Overview’ Section 32 Report](#), [‘Overview’ s42a Report](#), and the [Urban Growth Section 32 Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. The planning documents that are of most relevance to the submission points addressed in this report are discussed in more detail within the [Rezoning Framework Report](#) and as such, are not repeated within this report. As set out in Mr Baird’s report<sup>1</sup>, the purpose of the Rezoning Framework Report is to provide the Hearing Panel with a summary and analysis of the higher order statutory and planning framework relevant to the consideration of rezoning requests, and to provide a platform for subsequent s42A

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<sup>1</sup> Paragraph 1.1, Rezoning Framework Report

reporting officers to use in their assessment of specific rezoning request submission points. As an independent planning expert, I have had regard to Mr Baird's assessment and I have noted any areas of disagreement with regard to his analysis of the relevant planning framework. Unless otherwise stated, I agree with his assessment.

- 4.3 The NPS-HPL came into force on 17 October 2022 to provide national direction on how highly productive land (HPL) is protected from inappropriate subdivision and development<sup>2</sup>. It has immediate legal effect and applies to land identified as LUC Class 1, 2 or 3, as mapped by the New Zealand Land Resource Inventory (or any more detailed mapping that uses the LUC classification). This applies until the maps containing the HPL of the Canterbury Region are prepared under Clause 3.5(1). The NPS-HPL is relevant to 'urban rezoning', which it defines as a change from a general rural or rural production zone to an 'urban zone'<sup>3</sup>. In the context of the PDP, an 'urban zone' is inclusive of the MRZ, GRZ, LRZ, LLRZ, CMUZ and GIZ. Clause 3.5(7) identifies that the NPS-HPL applies to all rural or rural production land that has a LUC classification of Class 1, 2 and 3 and is not identified for future urban development, or subject to a Council initiated or adopted notified plan change to rezone the land.
- 4.4 It is important note that the definition of 'identified for future urban development' in the NPS-HPL includes land identified '...in a strategic planning document as an area suitable for commencing urban development over the next 10 years...'. It is my opinion the EAP constitutes a strategic planning document<sup>4</sup> and the 'preferred development areas' identified in that document serve to identify land suitable for commencing urban development. These areas have also been reflected in the PDP as UGOs. The EAP also identifies 'Possible Future Development Area's' at a level of detail that makes the boundaries of the area identifiable in practice. However, I do not consider that the EAP goes so far as to identify land noted as a 'possible future development area' as 'suitable for commencing urban development over the next 10 years'. Rather, the language in the EAP is couched in a less definitive matter which, in my opinion, does not reach the threshold required in the NPS-HPL.
- 4.5 The NPS-HPL objective requires that HPL is protected for use in land-based primary production. These outcomes are supported by policies that recognise highly productive land as a finite resource that needs to be managed in an integrated way (Policy 2), and that the urban rezoning of highly productive land (Policy 5), its use for rural lifestyle living (Policy 6) and subdivision (Policy 7) are avoided except as provided in the NPS-HPL.
- 4.6 NPS-HPL Part 3 Clause 3.6 requires that Tier 1 and 2 territorial authorities only allow the urban rezoning of HPL where it is required to meet housing demand (under the NPS-UD), there are no other reasonably practicable or feasible options to achieve a well-functioning urban environment, and the benefits outweigh the costs associated with the loss of highly productive land. Clause 3.7 required territorial authorities to avoid the rezoning of HPL as rural lifestyle, except where the exemptions in Clause 3.10 are satisfied.

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<sup>2</sup> [National Policy Statement For Highly Productive Land 2022 \(environment.govt.nz\)](https://www.environment.govt.nz/national-policy-statement-for-highly-productive-land-2022)

<sup>3</sup> NPS-HPL – Part 1: Preliminary provisions, 1.3 Interpretation - 'Urban rezoning'

<sup>4</sup> NPS-HPL definition of strategic planning document means any non-statutory growth plan or strategy adopted by local authority resolution.

- 4.7 The Economic peer review from Formative Limited<sup>5</sup> (**Appendix 3**) has identified that there is a tension between the NPS-HPL and the NPS-UD with relation to meeting housing demand. The NPS-UD requires local authorities to “*at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term*”.<sup>6</sup> As the direction is to provide “...*at least sufficient development capacity...*” (emphasis added) the NPS-UD effectively requires a minimum, not maximum, amount of development capacity.
- 4.8 In contrast the NPS-HPL requires that urban rezoning of HPL should only occur if it “...*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;...*”<sup>7</sup>. In my opinion, reconciliation of the two documents requires that, when HPL is present, sufficient capacity can be provided to meet demand for housing and business land, but no more than that. In other words, where HPL is involved, the NPS-UD capacity numbers essentially operate as a maximum limit for the development capacity of that land. It is also important that this is considered alongside the requirement to consider other practicable and feasible options for providing the required development capacity of HPL, the need to be evaluated, and an assessment completed to establish whether the benefits in enabling additional capacity outweigh the long-term costs in the loss of HPL.
- 4.9 Most of the land in the Ellesmere Area is subject to LUC Class 1, 2 or 3 soils, as illustrated in **Figures 1 – 3** below. Accordingly, the NPS-HPL is highly relevant for the consideration of rezoning under the DPR and the demand and capacity for growth in any given location will be critical to how any rezoning request should be considered against the NPS-HPL.

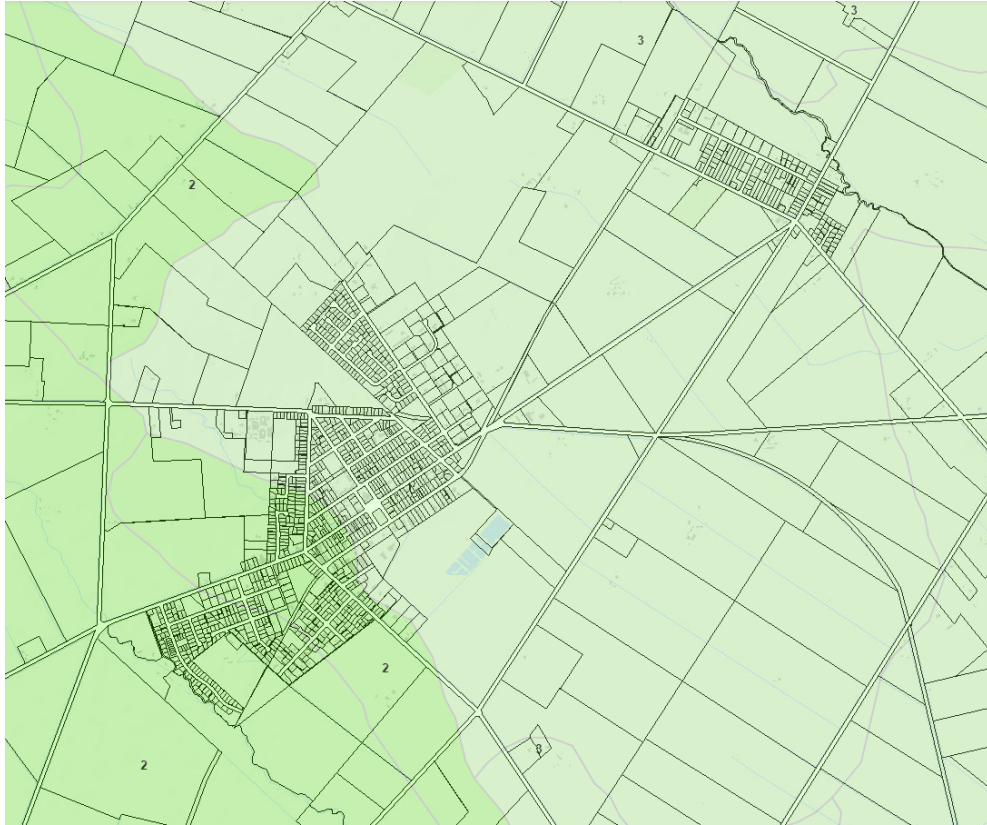
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<sup>5</sup> Section 2

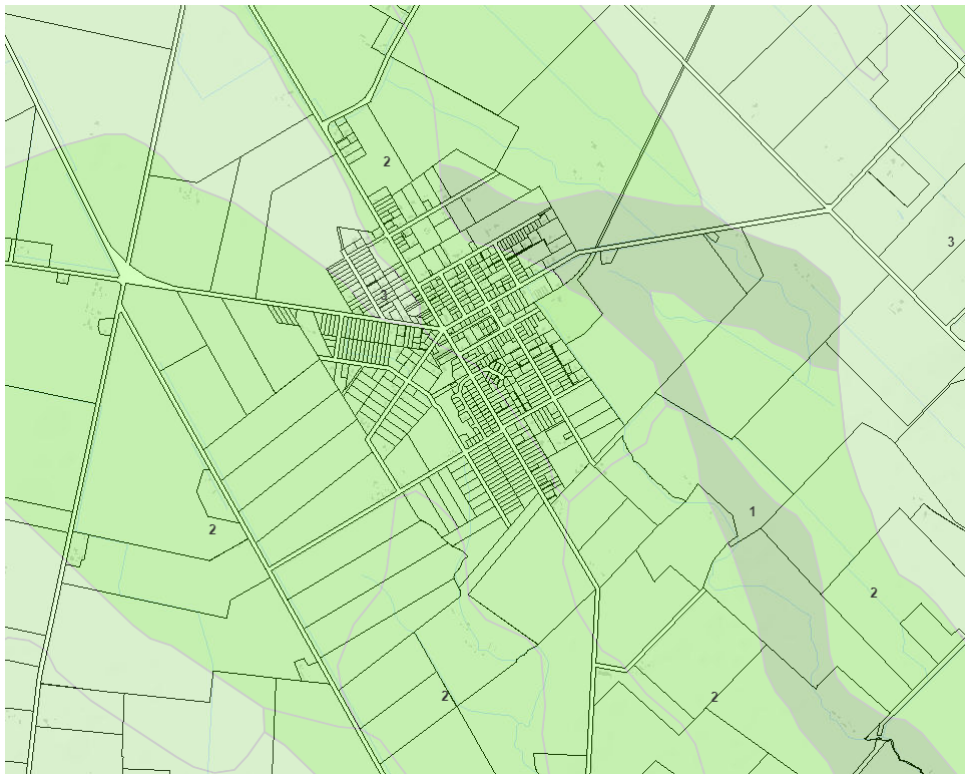
<sup>6</sup> NPS-UD Policy 2

<sup>7</sup> NPS-HPL, Section 3.6(1)(a)





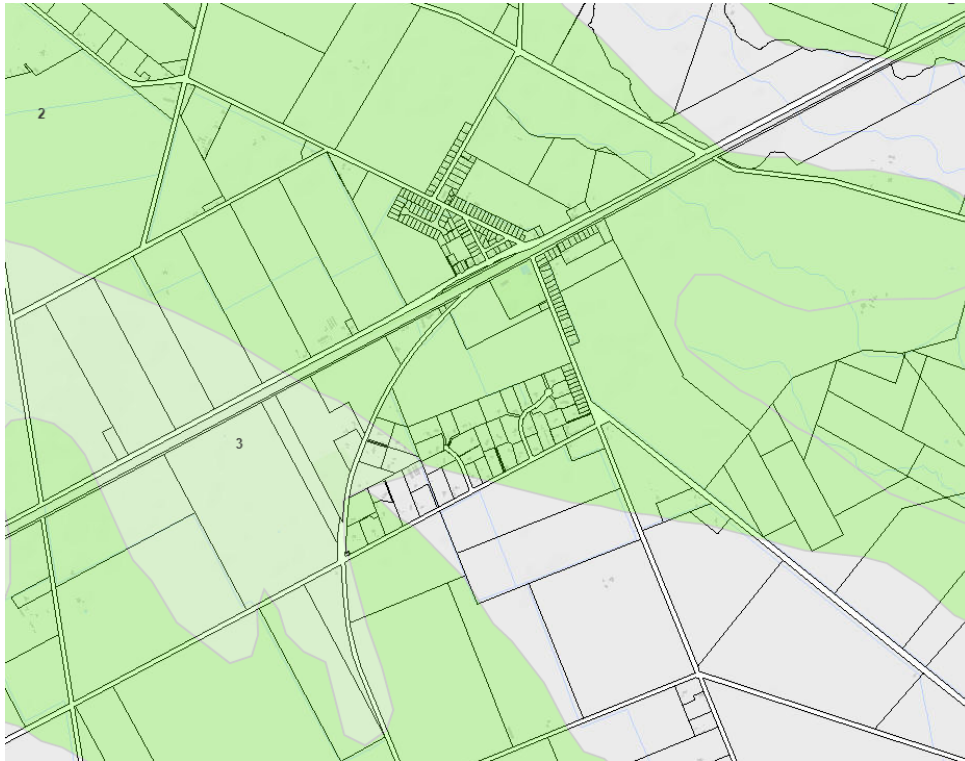
**Figure 1:** LUC Class 1, 2 and 3 soils around Leeston and Doyleston. Source: Canterbury Maps<sup>8</sup>



**Figure 2:** LUC Class 1, 2 and 3 soils around Southbridge. Source: Canterbury Maps<sup>9</sup>

<sup>8</sup> [Canterbury Maps Viewer](#)

<sup>9</sup> [Canterbury Maps Viewer](#)



**Figure 3:** LUC Class 1, 2 and 3 soils around Dunsandel. Source: Canterbury Maps<sup>10</sup>

- 4.10 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

## 5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 5.2 Although formal pre-hearing conferencing did not occur, clarity discussions had taken place between Council's Flooding expert, Mr Morris, and the flooding experts representing the submitter Miller Machinery Limited<sup>11</sup>. These discussions were to seek clarification on some technical issues to allow a more complete and certain peer review rather than just posing a number of questions. The outline of these discussions is represented in the addendum letter (dated 28 November 2022) to Mr Morris initial peer review in **Appendix 3**.
- 5.3 In accordance with Minute 19 of the Hearings Panel, all submitters requesting rezoning were requested to provide their expert evidence for the rezoning hearings, including a s32AA evaluation report, by 5 August 2022. Further submitters supporting or opposing any rezoning request were similarly requested to file their expert evidence by 2 September 2022.
- 5.4 Evidence received within these timeframes, or as otherwise agreed by the Chair, has been considered in the preparation of this s42A report. Any evidence received outside of these timeframes may not have been considered when formulating recommendations. However,

<sup>10</sup> [Canterbury Maps Viewer](#)

<sup>11</sup> 0162 – Millar's Machinery Limited

submitters do have an opportunity to file rebuttal evidence no later than 10 working days prior to the commencement of the relevant hearing, following receipt of the Council's s42A report.

- 5.5 The submission DPR-0487 from Kelvin and Sue McIntyre in relation to Dunsandel has been withdrawn and has not been considered in this report.
- 5.6 Submission points addressed in this report are not affected by the Council's Intensification Planning Instrument (IPI), which is currently being progressed through a streamlined planning process.

## 6. Consideration of submissions

### ***Matters addressed in this report***

- 6.1 This report considers submissions that were received by the Council in relation to the zoning of land in the Ellesmere area and forms part of the submissions seeking rezoning across the PDP. Provisions relating to subdivision and land use activities within these zones have been dealt with in separate s42A reports considered in earlier hearings. As such, the scope of this report is limited to the geographic extent and appropriateness of the zone that is subject to a submission, unless a new zone and/or set of provisions is proposed as part of the rezoning request.
- 6.2 An overview of Ellesmere is provided below, however for the purposes of this report the submissions will be considered by township with subtopics under each based on the zoning request type (for example, GRUZ to GRZ). An overview of each town will be provided before addressing the relevant submissions by zoning topic.

## 7. Overview of Ellesmere

- 7.1 The Ellesmere area takes its name from Te Waihora/Lake Ellesmere, which is a culturally significant taonga to the local Te Taumutu Rūnunga and an important natural feature in the area. Leeston is the primary settlement in the Ellesmere area, and is categorised as a service township in Selwyn 2031. The remaining townships include Doyleston, Southbridge, Dunsandel and Rakaia Huts, which are recognised as rural townships in Selwyn 2031. A map of the Ellesmere area is shown below.



**Figure 4:** Ellesmere area spatial extent. Source: Ellesmere Area Plan, Figure 1

- 7.2 The land in Ellesmere sits in the southwestern area of the Selwyn District. As shown above, it is primarily bound by the Rakaia River, the Selwyn River, the coast, and Te Waihora/Lake Ellesmere. It falls largely within the catchment of Te Waihora/Lake Ellesmere. Te Waihora/Lake Ellesmere is a taonga of significance to Ngāi Tahu and their ancestors due to its abundant mahinga kai. There has always been a permanent Ngāi Tahu settlement with several pa at various sites around Taumutu, in particular Ngāti Moki Marae which sits at the southern end of Te Waihora/Lake Ellesmere. Whānau and hapū from Te Pātaka o Rākaihautū /Banks Peninsula and Kaiapoi hold mana whenua rights to Te Waihora/Lake Ellesmere as well. The quality of the water in the lake, the levels of the lake, the quality and abundance of mahinga kai, and access for mahinga kai and other customary uses are significant issues for Ngāi Tahu. The impacts of townships and associated effects such as wastewater and stormwater disposal, land drainage, and loss of mahinga kai habitat on the lake and its catchment are important issues for mana whenua.<sup>12</sup>
- 7.3 Along with the Taumutu and Ngāti Moki Marae, Ellesmere contains several other settlements. Leeston is the largest of these, recognised as a KAC in the Activity Centre Network and supports the wider Ellesmere catchment. Despite being a KAC, Leeston plays a supporting servicing role to Rolleston and Lincoln in the context of the District as a whole. Southbridge, Doyleston and Dunsandel are the other townships in the Ellesmere area. Southbridge is the largest of these other towns, but all three are denoted as Rural Activity Centres and play a supporting role to Leeston in respect of servicing and scale.
- 7.4 The Ellesmere area, within the vicinity of the townships, contains a number of recorded flood sites and areas of high groundwater. As addressed above, the Ellesmere area townships are also located within LUC Class 1, 2 and 3 soils, which are valued for their productive capacity.

<sup>12</sup> Ellesmere Area Plan.



- 7.5 The rationale for the zoning pattern contained in the notified PDP is set out in the relevant section 32 reports, including the reports for Urban Growth, Residential, Rural, Commercial and Mixed Use and Leeston Industrial. The individual zone names and descriptions generally reflect the national direction set out in the National Planning Standard. The PDP reflects the township network established in Selwyn 2031, which is intended to provide a support framework for managing the character, scale and intensity of growth across the district as a whole.
- 7.6 The Ellesmere Area is subject to the EAP, which sets the strategic growth direction for the area and the townships that reside within it. The capacity assessments and projections used to inform the EAP are seven years old. SDC now use the SCGM as the tool for understanding capacity. The SCGM has recently been updated and a summary of the revised capacity is provided at **Appendix 3**.
- 7.7 This report now addresses the rezonings sought in each township, addressed in alphabetical order as follows:
- 7.7.1 Doyleston Rezoning Submissions;
  - 7.7.2 Dunsandel Rezoning Submissions;
  - 7.7.3 Leeston Rezoning Submissions;
  - 7.7.4 Southbridge Rezoning Submissions.

## 8. Doyleston Rezoning Submissions

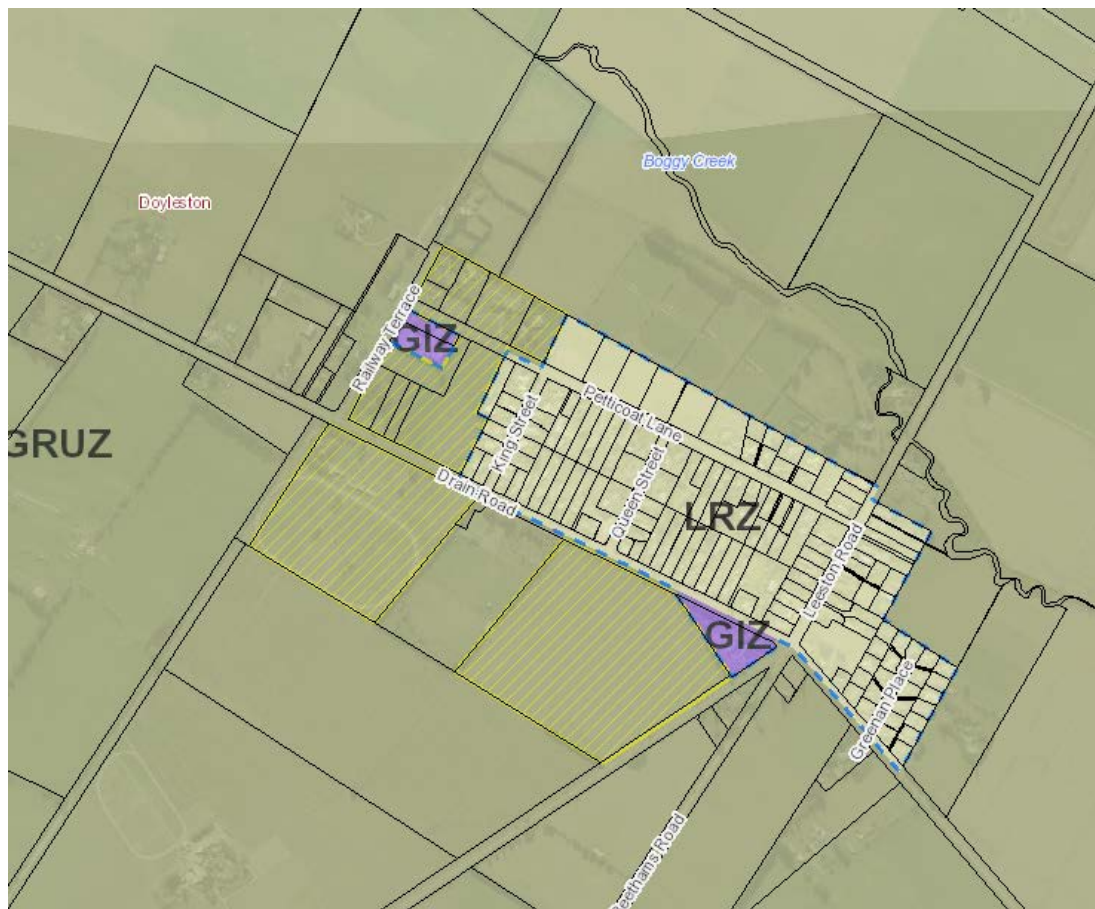
### *Overview*

- 8.1 Doyleston is positioned 3km to the east of Leeston, on the main road to Christchurch. It is approximately 29km southwest of Hornby, and is at the meeting point for roads from a number of the smaller rural settlements such as Brookside, Irwell, Lakeside and Killinchy. A satellite view of Doyleston is shown in **Figure 5** below.



**Figure 5:** Map of the Doyleston area. Source: Canterbury Maps

- 8.2 The layout of the township is based on a grid pattern, with the current layout of residential development characterised by low-density detached housing. Doyleston is subject to a LRZ in the PDP (see **Figure 6**) which requires a minimum average allotment size of 750m<sup>2</sup>. The existing township is contained within an urban growth overlay in the PDP.

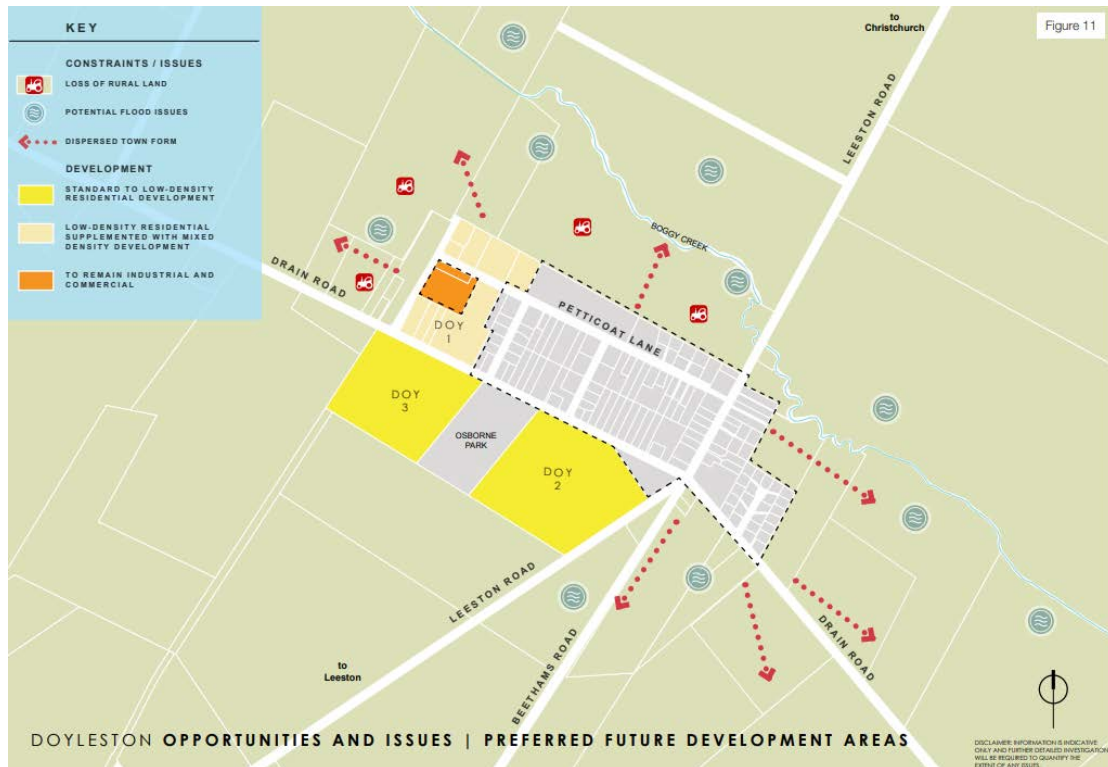


**Figure 6:** Proposed zoning for Doyleston under the PDP. The Township boundary is represented by the blue line, with the Urban Growth Overlay represented by the hatched yellow areas.

- 8.3 Doyleston is identified as a 'rural township' in Selwyn 2031<sup>13</sup> and is: "... based on village characteristics with some services offered to the surrounding rural area." It represents a small component of employment in the Ellesmere Area Township catchment. Employment in Doyleston is primarily in the rural sector, with the balance being in the retail and commercial sector and the industrial sector.
- 8.4 The EAP outlines that the 2015 population of Doyleston was 370 people (132 households), which is projected to grow to a 2031 population of 622 (222 households). The Selwyn Growth Model used at that time signalled a relatively significant estimated increase of 252 people (90 households), which was a result of the high proportion of dwelling consents having been issued in recent years.
- 8.5 The EAP states that there was sufficient developable land (at the time that plan was prepared) and no new areas for residential or business purposes are required to accommodate projected growth within Doyleston. It also identifies a number of issues that would need to be addressed to facilitate

<sup>13</sup> Link to Selwyn 2031 - [Selwyn District Council - Selwyn 2031](#).

additional growth in the township. However, some potential growth areas to the south of Drain Road are identified, as it was recognised that Doyleston had less 'large' contiguous areas of developable land. As addressed in the Rezoning Framework Report, these potential growth areas have not been tested for appropriateness in an RMA setting. It is for proponents to provide the appropriate evidence to justify the rezoning of this, or other land, within the vicinity of the township.



**Figure 7:** Doyleston opportunities and issues. Source: Ellesmere Area Plan, Figure 11, page 38.

- 8.6 The SCGM indicates that there is capacity for an additional 37 dwellings in the existing zoned areas of Doyleston, with approximately half of this capacity (18) being attributed to 'infill' potential (existing house on the site) with the remainder (19) being available capacity on vacant sites. The summary of the SCGM states that it is projected that Doyleston will need another 16 houses to meet demand out to 2031. Accordingly, on the basis of the SCGM, there is technically a sufficient supply of land in Doyleston. The SCGM does not consider the likelihood of this potential capacity being realised only that it is available.

## Doyleston – Requests relating to GRUZ to LRZ

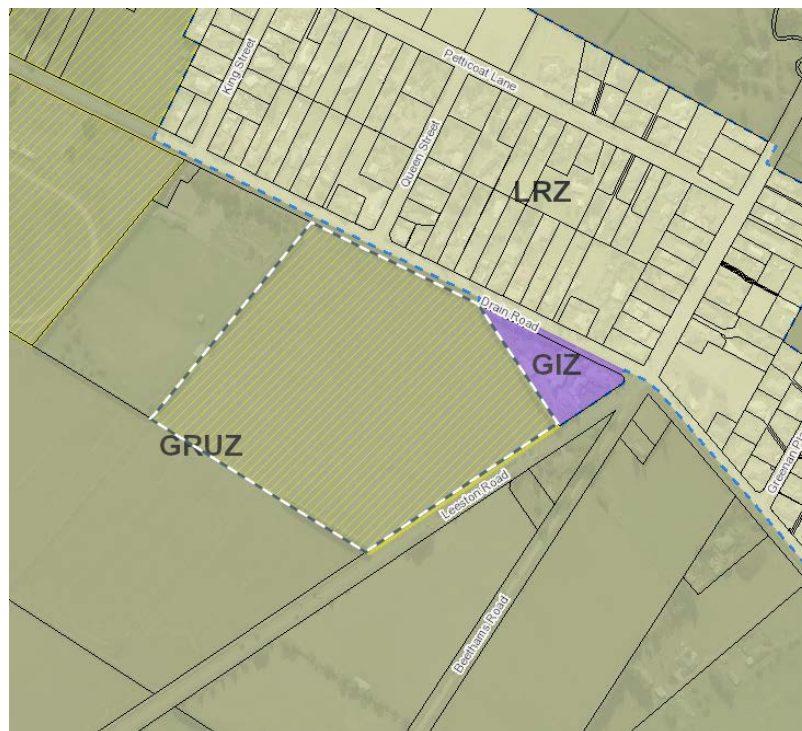
### Submissions

- 8.7 Two submission points and four further submission points were received in relation to this subtopic. The two submission points are addressed separately below.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0162	Millar's Machinery	2	Support in Part	Amend zoning at 461 Drain Road, Doyleston (Part RS 5979) from General Rural Zone (GRUZ) to Low Density Residential Zone (LRZ).
DPR-032	CCC	FS100	Oppose	
DPR-0212	ESAI	FS040	Oppose	

### Analysis

- 8.8 Millar's Machinery Limited<sup>14</sup> seeks to amend the zoning at 461 Drain Road, Doyleston (Part RS 5979) from General Rural Zone to Low Density Residential Zone, as shown in Figure 8 below. This is estimated to provide for 50-60 residential lots. The submission point is supported by expert evidence from Elliott Sinclair in relation to planning, urban design, geotechnical, natural hazards, flooding, infrastructure servicing, and Stantec in relation to transport. Each of these technical reports have been peer reviewed by SDC. The reviews are provided at **Appendix 3**. Further submissions in opposition to the submission have been provided by CCC<sup>15</sup> and ESAI<sup>16</sup>.



**Figure 8:** PDP map of 461 Drain Road, Doyleston

- 8.9 As part of the submission an ODP has been provided as shown in Figure 9 below. This outlines some of the key elements for analyses and consideration.

<sup>14</sup> 0162.002 – Millar's Machinery Limited

<sup>15</sup> FS0100 – CCC.

<sup>16</sup> FS040 – ESAI.





**Figure 9:** ODP for 461 Drain Road, Doyleston<sup>17</sup>

8.10 A number of peer reviews of the submitter's evidence have been commissioned to inform the following evaluation of the appropriateness of the rezoning request against the Greenfield Framework below and any recommendations that are considered necessary to accept or reject the submission (refer to **Appendix 3**). These are as follows:

- The ITA and transport evidence prepared by Stantec has been peer reviewed by Flow Transportation Specialists (Mr Matt Collins).
- The geotechnical assessment prepared by Elliot Sinclair has been peer reviewed by Geotech Consulting (Mr Ian McCahon).
- The infrastructure servicing report prepared by Elliot Sinclair has been peer reviewed by SDC's Water Asset Manager (Mr Murray England).
- The Flooding Assessment prepared by Elliot Sinclair has been peer reviewed by Tonkin and Taylor (Mr Tim Morris).
- The urban design report prepared by Elliot Sinclair has been peer reviewed by Urban Shift (Mr Hugh Nicholson).
- The contaminated land assessment prepared by Elliot Sinclair has been peer reviewed by Pattle Delamore Partners (Mr Rowan Freeman).

8.11 Each of these reviews and their outcomes are briefly described below.

8.12 The rezoning sought by Millar's Machinery Limited<sup>18</sup> is located within the proposed UGO of the PDP as notified. The UGO and zoning request are consistent with the preferred future development area,

<sup>17</sup> 0162.002 – Millar's Machinery Limited, Appendix A – Outline Development Plan

<sup>18</sup> 0162.002 – Millar's Machinery Limited

known as 'DOY2'<sup>19</sup>, identified in the EAP for future growth in Doyleston (shown in **Figure 7** further above).

- 8.13 With regard to the NPS-HPL, and as set out in Section 4, the 'preferred development areas' identified in the EAP are, in my opinion, areas identified as suitable for commencing urban development. In line with this view, the land subject to the submission is exempt from consideration against the NPS-HPL
- 8.14 As set out in the Rezoning Framework Report, for re-zoning requests that are within the Urban Growth Overlay or meet the significance criteria (discussed in section 10), the request is balanced against a greenfield framework. This framework reflects the objectives and policies, as altered by s42A Urban Growth recommendations, within the Urban Growth Chapter and the outcomes sought by overarching strategic planning documents.
- 8.15 Given the significance of the change sought by the submitter, and the level of the evidence that has been provided in support of the submission and subsequent peer reviews, a summary of the key matters relevant to the appropriateness of urban development at the site is set out below. This is followed by an assessment against the greenfield framework as described above.

### ***Flooding***

- 8.16 The subject site is located within the Plains Flood Management Overlay. The 200-year return period Selwyn Flood Hazard Map (refer to Figure 10 below) indicates the southern and eastern areas of the Site are located within a flood zone. Flood depth is in this area range from approximately < 0.2 m to 1 m, which is not insignificant but has not been classified as a high hazard area.



**Figure 10:** Extent of flooding overlay over subject site for 461 Drain Road, Doyleston. Source PDP planning maps

<sup>19</sup> As showing in Figure 7

- 8.17 Flood modelling has been completed for both pre and post development flood flow patterns. A stormwater basin has been proposed to capture the majority of the flood flow to channelise and buffer the flood water prior to it crossing Leeston Road. The general location of the stormwater basin is identified on the ODP at Figure 9 above, with the remainder of the subject site being considered suitable for residential development with respect to the flooding.
- 8.18 However, the works required to channel flood water through the subject site will result in a small increase in flood depth in the adjoining Osborne Park in a 200-year flood event due to the narrowing of the existing flow path. The relatively small increase in depth and likelihood of the flooding event means that the works are likely to have little impact on the use and function of Osbourne Park in a 200-year flood event. More detailed modelling and design work at subdivision/engineering stage can further assess the extent of the impact and provide further mitigation through design, if required.
- 8.19 Modelling also shows that there is also an increase of 20mm – 100mm in the flood path to the south-east of the subdivision across Leeston Road. The impacts of the increased flooding are over farmland and there are no residential dwellings impacted by this increase. The closest and first property impacted by this increase in flooding is Part RS 5979, which is directly west of the subject site across Leeston Road. This property is owned by the submitter, which the submitter in their planning evidence<sup>20</sup> has suggested offers a possible mitigation measure to occur by channelling and direct flooding south on Part RS 5979 to the existing 74 Strathlathan Drain (see Figure 11 below), to alleviate the flood depth increase through the properties further to the south-east.



**Figure 11:** 74 Strathlathan Drain in blue (Background sourced from Google maps)

- 8.20 Although the degree of increased flooding is not significant at 20mm – 100mm, more detailed modelling and design work can be undertaken at the subdivision/engineering stage to further assess the extent of the impact and provide further mitigation through design, if required. This would

<sup>20</sup> 0162 – Millar Machinery Ltd, s32AA Planning Assessment, Para. 166

include understanding the impacts of utilising 74 Strathlachan Drain as a possible mitigation measure.

- 8.21 Overall, the submitter assessment and the peer review outline that there is a potential risk of flooding in a 200-year event, but that this risk can be overcome through suitable stormwater design.
- 8.22 As noted in Section 5 of this report the initial peer review of the submitted flooding evidence raised some clarification issues around methodology of the flooding assessment. The Council and submitter experts undertook informal conferencing to address these clarification issues. The points discussed and resolved in this informal conferencing are outlined in the peer review at **Appendix 3**.

#### ***Geotechnical/Natural Hazards***

- 8.23 As described in the submitter evidence<sup>21</sup> and the Geotechnical Peer review at **Appendix 3**, the land is considered geotechnically suitable for residential development.

#### ***Transport***

- 8.24 As described in the submitter evidence<sup>22</sup> and the transport peer review, the overall transport effects are negligible for the location and wider transport network. The submitter evidence does highlight some improvements to the Drain Road/Leeston Road intersection but correctly, in my opinion, states that these can, and are best to, be considered at the subdivision stage. Any future development will be subject to TRAN-R8, which will require an integrated transport assessment to be developed and provided.
- 8.25 However, Council's transport peer reviewer, Mr Collins, does consider that having only one road connection provides few opportunities for connectivity and resilience in the transport network. He has recommended that an additional connection be shown on the ODP to Leeston Road or Drain Road. A connection to Leeston Road is preferred, but the recommendation to have a connection to either road recognises the potential constraint of the stormwater basin to accessing Leeston Road. Similar connectivity issues have been raised in Council's Urban Design peer review as outlined in the sections below. To ensure greater resiliency and connectivity, I agree it would be appropriate to incorporate a secondary road connection in the development if feasible.
- 8.26 Given the likely increase in pedestrian and cycle movements from the proposed rezoning Mr Collins also considers that the existing design and separation for these active modes is insufficient along Drain Road. He has recommended that the ODP be amended to provide for and require the construction of a shared use path on Drain Road between Queen Street and Leeston Road.

#### ***Contamination***

- 8.27 The submitter has provided evidence<sup>23</sup> regarding the suitability to develop the site from a land contamination perspective, which has been peer reviewed by Council. No HAIL activities have been identified at the site, and testing has demonstrated that all contaminants present at the site from nearby previous activities (in particular, a timber treatment plant) are below all relevant standards. Accordingly, the assessment concludes that the site is fit for rezoning for residential land use.

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<sup>21</sup> 0162 – Millar Machinery Ltd, Appendix E Natural Hazard Risk Assessment

<sup>22</sup> 0162 – Millar Machinery Ltd, Appendix H Integrated Transport Assessment

<sup>23</sup> 0162 – Millar Machinery Ltd, Appendix D Detailed Site Investigation

- 8.28 Any future subdivision will be subject to the further assessment under the NES-CS. Through this process appropriate conditions can be considered and applied to further manage the discovery of any unanticipated contaminants.

### ***Urban Design***

- 8.29 The submitter has provided urban design evidence<sup>24</sup>, which has been peer reviewed by Council. Both the submitter's evidence and the peer review by Mr Nicholson (**Appendix 3**) conclude that the site's location would contribute to a consolidated and compact urban form for Doyleston, noting that it is close to both the symbolic center of Doyleston and Osborne Park. The peer review recommends several changes be made to the ODP in relation to connectivity, visual amenity, and landscape treatment, but in both cases the evidence is consistent that the overall zoning change sought is appropriate.
- 8.30 The changes to the ODP recommended by Mr Nicholson are set out below:
- 8.30.1 *That a second street connection with a shared pedestrian/ cycle path is provided onto Leeston Road on the south-eastern boundary of the site.* This aligns with the recommendation of Council's transport peer review and, in my opinion, it is preferable that the ODP be amended to include this connection. However, more information is required from the submitter on the feasibility of this connection in relation to the form and function of the stormwater basin.
  - 8.30.2 *That a second pedestrian / cycle connection to Osborne Park is provided adjacent to the pump track / playground.* I agree this would be beneficial to the connectivity of the development.
  - 8.30.3 *That a shared pedestrian / cycle path is provided along the Drain Road frontage.* This also aligns with the recommendation from Council's Transport peer reviewer that the ODP should include a requirement for the construction of a shared use path on Drain Road between Queen Street and Leeston Road. I agree that the ODP should be amended to reflect this recommendation to improve connectivity and to cater for the increase in pedestrian and cycle demand generated from the future development.
  - 8.30.4 *That the properties along Drain Road are required to provide vehicle or pedestrian accessways and low front fences along their frontage with Drain Road.* Having the properties front Drain Road, with direct access, would be the preferred solution. However, the drain along Drain Road has an important function in carrying stormwater and mitigating the impacts in heavy rain events. Mr Morris outlines in his addendum letter (dated 28 November 2022)<sup>25</sup> at **Appendix 3** that multiple crossings could be achieved in principle but would require adequate engineering to ensure that local flooding issues did not arise. However, Mr Morris also outlines that such engineering, depending on the number of accesses, could 'add quite a lot of cost' to the development. Requiring access over the drain may disrupt the function of the drain and the cost of the engineering solution to achieve this may make the overall development unfeasible. The submitter may

<sup>24</sup> 0162 – Millar Machinery Ltd, Appendix G, Urban Design Report

<sup>25</sup> Appendix 3, Tokin and Taylor Peer Review, Addendum letter, pg.2, Section 2 (ii)

wish to provide more information with respect to the feasibility of this. However, with the information available and in and line with Mr Nicholson's comments I would agree that a degree of access, whether pedestrian or vehicular, to Drain Road would be appropriate.

- 8.30.5 With regard to having low front fences along Drain Road, even if the lots along Drain Road 'face' internally to the site, the fencing along the Drain Road boundary (in this scenario the 'rear' boundary) will still have to be considered against PDP rule LRZ-R6. This rule<sup>26</sup> controls the height of fencing along road boundaries to create a sense of openness and connection to the road and existing urban area and would require at least low or 50% visually permeable fencing along the Drain Road boundary.
- 8.30.6 *That open-style reserve fencing is specified along the Leeston Road boundary.* I note this is also already addressed in the PDP through rule LRZ-R6.
- 8.30.7 *That visually permeable fencing with gates for pedestrian access is specified along the Osborne Reserve boundary, and the macrocarpa hedge is replaced with strip of native planting in consultation with the Council and the local community.* Again, I note that the fencing aspect is already addressed in the PDP through rule LRZ-R6. Removing the macrocarpa hedge and any replanting along the Osborne Reserve boundary will require input from Council's Reserve Team and, if the reserve management process dictates it, input from the community. As this may require additional process and approval, I do not consider it appropriate to include this as a requirement in the PDP. This can be addressed at the subdivision stage and as part of the overall design phase.
- 8.30.8 *That acoustic fencing and a landscape strip with native planting is specified along the boundary with the industrial zone in the north-eastern corner to mitigate against potential adverse effects from the industrial activities.* This is a reasonable request given the interface with an industrial zoning. The applicant's s32AA<sup>27</sup> outlines reverse sensitivity issues and possible measures to mitigate these (buffer, fencing, landscaping or building setbacks), but concludes that the exact form of mitigation measures are best dealt with at subdivision stage. While I agree that the exact form of mitigation can be addressed at subdivision stage, I consider that the matter can be addressed in more detail in the ODP. The ODP proposed by the submitters currently offers only a description of an 'interface treatment' along the entire Drain Road boundary and the interface with the GIZ, with no other provisions provided to indicate consideration of reverse sensitivity. I agree with Mr Nicholson's recommendation above, the ODP should be amended to clearly show that there is need for reverse sensitivity considerations at the GIZ interface. This will allow more detailed consideration of the reverse sensitivity effects and the appropriate mitigation methods, if any are required.
- 8.30.9 That a rural edge treatment with open rural fencing and an appropriate setback with native tree planting is specified along the south-western boundary. Given the southwestern boundary interfaces with the GRUZ, I consider that keeping an open fence

<sup>26</sup> Subject to consideration the Residential Topic in relation to submission points DPR-0005.003, DPR-0409.22, DPR0410.008 and DPR-414.251.

<sup>27</sup> 0162 – Millar Machinery Ltd, Section 32AA Planning Assessment, Section 8.7, para 180

treatment with some planting is appropriate and complements the recreation link proposed in the ODP. Accordingly, I recommend that an additional ‘interface treatment’ be added to the ODP.

### ***Infrastructure***

- 8.31 The infrastructure evidence prepared by Elliot Sinclair and peer reviewed by Mr Murray England confirm that stormwater capacity is sufficient to service the area. However, further detailed modelling of the catchment and existing waterways is necessary to ensure that the sizing and location of stormwater management areas are appropriate. This can be done as part of any future resource consenting process as more detail about the development is known and provided.
- 8.32 With regard to wastewater, the additional lots that would arise from this zoning would result in the Ellesmere Wastewater Treatment Plant (WwTP) exceeding its current resource consent conditions.<sup>28</sup> To address this issue SDC have confirmed in the 2021/31 Long Term Plan (LTP) that a wastewater pipe from the Ellesmere WWTP to the Pines Wastewater Treatment Plant in Rolleston will be constructed. This project is scheduled to commence construction in 2023/24.
- 8.33 Due to the capacity constraints at the current WwTP, Mr England has requested a rule that restricts development until the Ellesmere WwTP has been connected to the Pines WwTP and can service the lots within the rezoned area. This is effectively a deferral of the zoning, the appropriateness of which needs to be carefully considered. In this case, there is a reasonable degree of certainty that the necessary capacity in the system will be achieved given the infrastructure project is identified and planned in the LTP with a funding mechanism (a combination of the sewerage district-wide targeted rate and development contributions). With no current capacity for wastewater available, the request could be rejected as it is unable to be serviced. However, with the pipeline expected to be operational around 30 June 2024 there is likely to be capacity in the very near future. As the request is for all other purposes acceptable (for the reasons set out in the following paragraphs), it is my opinion that a rule restricting development until the pipeline is operational is appropriate.
- 8.34 I consider the above relief appropriately balances the wastewater capacity issues with the merits of the rezoning proposal. Given the short timeframe for resolving this issue, I consider that it is more effective and efficient that the appropriateness of the zoning be considered now, and the timing of development being able to occur controlled through a rule, rather than be rejected outright.

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<sup>28</sup> Statement of Evidence of Mr England at para 9 - 12.



**Greenfield Framework**

Criteria	Assessment:
<b>Does it maintain a consolidated and compact urban form?</b>	The site is located within a proposed UGO and provides for integration to Doyleston to promote a consolidated and compact urban form for the township. This is supported by the submitter's urban design assessment and Council's Peer review. To strengthen this integration, it is recommended that amendments are made to the ODP to ensure greater connection to Osborne Park and the adjoining roading network, including direct access to Drain Road for lots adjoining Drain Road.
<b>Does it support the township network?</b>	The rezoning would facilitate additional households that would add to the existing housing capacity within the township and the district. There is no evidence to establish the additional households are required to support the township's status as a Rural Activity Centre. However, the site is a UGO and a development area in the EAP, which in defining this area for growth considered the impacts of the growth on the ability for existing community facilities, commercial centers and reserve land to support the growth and deemed the site and scale appropriate for urban development. As described in sections above, the SDC Transport and Urban Design Peer Reviews have recommended additional roading connections to Leeston and/or Drain Road, direct access to Drain Road for lots adjoining Drain Road, walking and cycling connection to Osbourne Park and a shared pedestrian / cycle path is provided along the Drain Road.
<b>If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?</b>	The land is subject to the UGO, but a private plan change request under Schedule 1 Part 2 has not been initiated. There is an ODP provided with the submission. The ODP provided in the submission is generally supported. However, recommendations have been made by SDC experts in peer reviewing the submitter evidence. Recommended changes are described in the peer review summary further above, however these primarily relate to additional connections (roading and pedestrian), site access, boundary treatments and reverse sensitivity.
<b>Does not affect the safe, efficient, and effective functioning of the strategic transport network?</b>	As outlined in the submitter's transport assessment and Council's Peer review ( <b>Appendix 3</b> ), the effects on the transport network are considered negligible, provided that the changes to the ODP addressed above are recommended to improve the connectivity of future development.
<b>Does not foreclose opportunity of planned strategic transport requirements?</b>	There is nothing to indicate that the rezoning could foreclose any planned strategic transport infrastructure.
<b>Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or</b>	The site is not identified as being a High Hazard, Significant Natural Area, Site of Significance to Māori or an Outstanding Natural or Visual Amenity Landscape in the PDP. As addressed above, the site has experienced surface flooding in the past, but it is anticipated that any flood hazard can be mitigated through appropriate subdivision design.



Criteria	Assessment:
<b>Area of Significance to Māori?</b>	
<b>Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours</b>	The site is not subject to the Air Noise Contours identified in the CRPS, SDP, or PDP.
<b>The loss of highly productive land</b>	The site is comprised of Class 3 versatile soils, but the potential rezoning is not subject to the NPS-HPL by virtue of the site being identified in a strategic planning document (EAP) as an area suitable for commencing urban development.
<b>Achieves the built form and amenity values of the zone sought</b>	The rezoning would enable the land to be subdivided and developed to urban densities that is consistent with the rural character of Doyleston and the provisions of the LRZ. The multi-functional stormwater and reserve facilities will provide a high level of residential amenity and character.
<b>Protects any heritage site and setting, and notable tree within the re-zoning area</b>	The land does not accommodate any heritage sites or notable trees.
<b>Preserves the rural amenity at the interface through landscape, density, or other development controls</b>	<p>The Urban Design report sets out a number of interfaces with the surrounding urban, rural and open space areas. These are generally considered appropriate, subject to changes being made to the ODP, which is described in the peer review summary above but generally require:</p> <ul style="list-style-type: none"> <li>- open-style reserve fencing on the Leeston Road boundary;</li> <li>- a visually permeable fence with gates for pedestrian access along the Osborne Reserve boundary, alongside native planting;</li> <li>- acoustic fencing and a landscape strip along the boundary with the industrial zone in the north-east corner to mitigate against potential effects from the industrial effects;</li> <li>- rural edge treatment with open rural fencing and a setback with native tree planting along the south-western boundary;</li> <li>- direct access to Drain Road for lots adjoining Drain Road</li> </ul>
<b>Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones</b>	<p>The site is bordered by rural land to the southwest. A small portion of the site borders an industrial zone to the northeast. There is a potential risk that the site may result in reverse sensitivity effects on both the GRUZ and GIZ land. However, reverse sensitivity effects can be appropriately managed through appropriate fencing and setbacks against both these boundaries (as set out above).</p> <p>The ODP should be amended to clearly show that there is need for reverse sensitivity considerations at the GIZ interface. This will allow more detailed consideration of the reverse sensitivity effects and the appropriate mitigation methods, if any are required.</p>
<b>Does not significantly impact the operation of</b>	The ITA provided by the submitter concludes that the proposal will not have any significant effects on the operation of the surrounding roading network.

Criteria	Assessment:
<b>important infrastructure, including strategic transport network</b>	
<b>How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available</b>	There is a bus (route 87) that runs between Southbridge and Lincoln that stops in Doyleston (on Leeston Road outside Jack's Service Centre) at 7:00am (on the way to Lincoln) and 4:29pm and 6:26pm (on the way back to Southbridge). However, given the limited bus services, it is likely that the development will contribute to continued car dependency and higher traffic demand during peak hours.
<b>Ensuring waste collection and disposal services are available or planned</b>	There is no expert evidence to establish whether there is any planned extensions or capacity to increase existing waste collection and disposal services to meet the needs that would be generated from any future subdivision or development that would be enabled by the rezoning.
<b>Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services</b>	The site is located adjacent to Osborne Park, and would be within the average walking and cycling distance to the service station/dairy. Paths are proposed to run between the site and Osborne Path and through the proposed stormwater basin to connect with the existing path on Leeston Road. An additional roading connection is recommended to either Drain Road or Leeston Road as well as having direct access to Drain Road for lots adjoining Drain Road. A connection with Osborne Park and Leeston Road is recommended to increase connectivity with the surrounding land.
<b>Promotes walking, cycling and public transport access</b>	There is a shared pedestrian/cycle path along the site's boundary with Leeston Road. However, this is not considered adequate to support the increase in pedestrian and cycle demand should the site be rezoned. It is recommended that there be a shared use path on Drain Road between Queen Street and Leeston Road.
<b>The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha</b>	<p>The rezoning would enable the land to be subdivided and developed to urban densities, which is a more optimal utilization of the land and would better contribute to a well-functioning urban environment when compared to the rural residential densities currently enabled through the PDP UGO. However, there is no expert evidence to substantiate what density is being sought as part of the rezoning request, including whether it could achieve a 15hh/ha net density or what constraints exists that support a density of 12hh/ha.</p> <p>The request seeks LRZ that may generate 50-60 houses on the net average site area but the zone also provides for greater density through small site and comprehensive developments as an RDA activity.</p> <p>Generally, the site area provided for as average in the LRZ would accord to around 10hh/ha, which aligns with the Chapter 6 requirements for 'greenfield' areas in the Greater Christchurch Area (albeit noting the site is outside Greater Christchurch).</p> <p>Chapter 5 of the RPS, or the relevant UG policy of the PDP (UG-P14) do not set out a required household density for areas outside Greater Christchurch.</p>

Criteria	Assessment:
<b>The request proposes a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district</b>	<p>The rezoning is likely to facilitate a range of housing types, sizes, and densities to what have been established in Doyleston.</p> <p>However, there is no expert evidence to establish what housing typologies are being sought or whether they are required to respond to demographic changes, social needs or to improve housing affordability.</p> <p>As described in the above row the request seeks LRZ that may generate 50-60 houses on the net average site area, but the zone also provides for greater density through small site and comprehensive developments as an RDA activity.</p>
<b>An Outline Development Plan is prepared</b>	An ODP has been prepared in support of this rezoning request. However as described above recommendations are made to amend aspects of the ODP

8.35 On the basis of the above assessment, I recommend that the submission point be accepted in part for the following reasons:

- 8.35.1 I consider that development of the site is consistent with Objective 5.2.1 and Policies 5.3.1 and 5.3.2 of the CRPS.
- 8.35.2 I consider that the proposed relief is a more appropriate way to achieve the Urban Growth provisions of the PDP (as notified), including Objective UG-O2 and Policies UG-P1 and UG-P2.
- 8.35.3 I consider that the rezoning request is exempt from the NPS-HPL as the land has been identified for 'future urban development' under Clause 3.5(7)(b)(i).
- 8.35.4 The rezoning enables the growth of the Doyleston township in a manner consistent with the existing built form and amenity values of the township, and with the township's role in the PDP and EAP.

#### ***Recommendations and amendments***

8.36 I recommend, for the reasons given above, that the Hearings Panel:

- 8.36.1 Amend the ODP provided by the submitter to include the following elements:
  - A secondary road connection to either Leeston Road or Drain Road
  - A 'shared use' path on Drain Road between Queen Street and Leeston Road
  - A second pedestrian / cycle connection to Osborne Park adjacent to the pump track / playground within Osbourne Park.
  - A 'reverse sensitivity treatment' indicated along the boundary with the GIZ
  - A 'rural edge treatment' indicated along the south-western boundary.
- 8.36.2 Amend the Planning Maps as described in **Appendix 2** to rezone Part RS 5979 from GRUZ to LRZ.
- 8.36.3 Add a new Development Area as described in **Appendix 2** to show the Outline Development Plan provided by the submitter and as amended above.

- 8.36.4 Add a rule restricting residential development in line with the LRZ until the Leeston WWTP is connected to the Pines WWTP.
- 8.36.5 The amendments recommended to the Planning Maps are set out in a consolidated manner in **Appendix 2**.
- 8.36.6 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.
- 8.37 The expert evidence of Millar's Machinery Limited is accompanied by a robust s32AA assessment that concludes that the rezoning of the site to LRZ is the most appropriate way to achieve the objectives of the PDP and give effect to both the CRPS and NPS-UD.
- 8.38 The assessment identifies that there is a clear policy framework within the CRPS to support the growth of Doyleston. I consider that the proposed LRZ will be located and designed in a way that achieves consolidated, well designed, and sustainable growth that is sensibly located near the existing centre of Doyleston, Osborne Park and the Metro bus stop. I consider that the rezoning, with the changes proposed to the submitter's ODP, will result in the most efficient use of land.
- 8.39 Having reviewed this assessment in the context of the outcomes sought by the higher order directions provided in the CRPS and NPS-UD, I agree with these conclusions within the submitter's s32AA evaluation and adopt it for the purpose of this assessment.

## 9. Dunsandel Rezoning Submissions

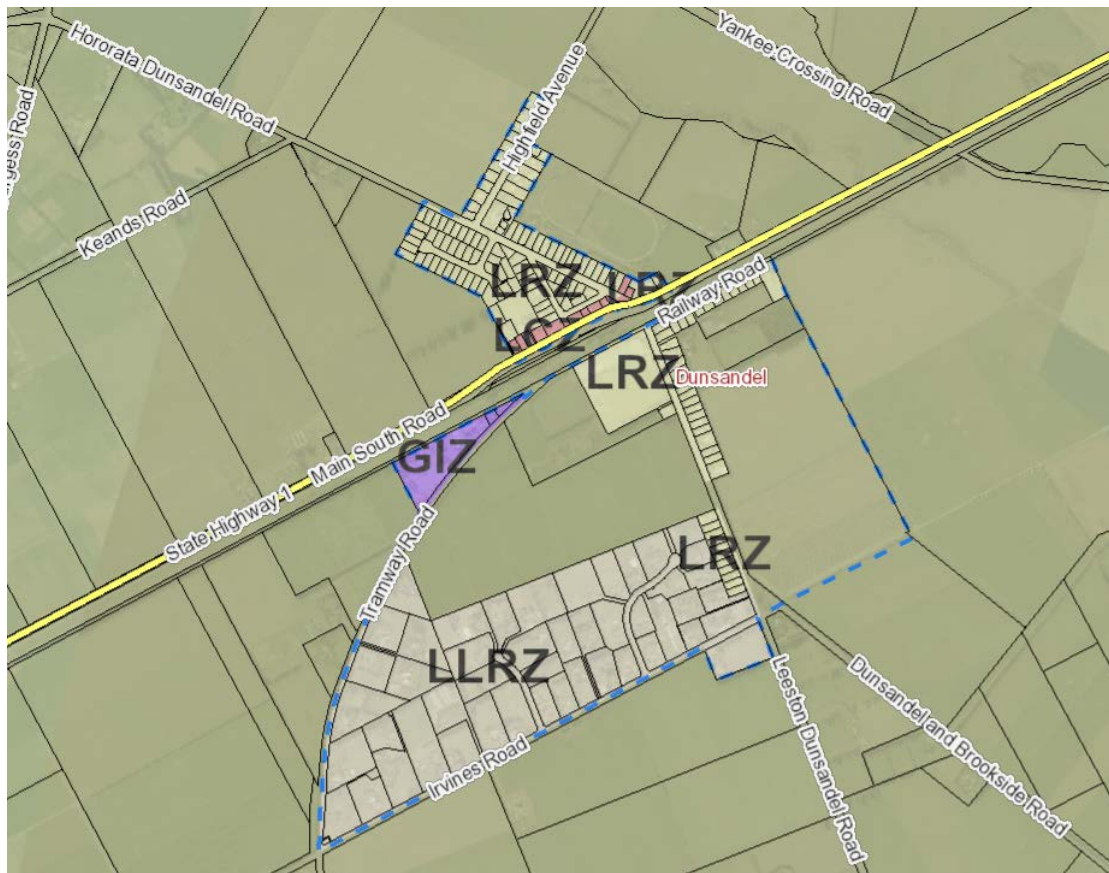
### *Overview*

- 9.1 Dunsandel is located on State Highway 1, approximately 18 km from Rolleston. It is the main rural service town between Christchurch and Rakaia. It has grown in recent years with the subdivision of land bordering the township. It is classified as a "rural township" in Selwyn 2031, whose function is "...based on village characteristics with some services offered to the surrounding rural area". A satellite view of the Dunsandel area is included in **Figure 13** below.



**Figure 13:** Map of the Dunsandel area. Source: Canterbury Maps

- 9.2 Under the PDP, the residential area of Dunsandel is split between low density residential near State Highway 1 and the commercial centre, and another area zoned large lot residential to the southwest. These two residential areas are separated by several parcels of rural land. There is a local centre zone containing existing businesses along State Highway 1 and a pocket of land zoned General Industrial adjacent to the railway line to the west of the township. These zonings are set out in **Figure 14** below.



**Figure 14:** Proposed zoning for Doyleston under the PDP. The township boundary is represented by the blue line. Source: PDP Planning Maps

- 9.3 In 2015, Dunsandel had a population of 496 (176 households). The EAP predicts that this population is expected to grow to a population of 560 (200 households) by 2031. Employment in the town is primarily in the industrial sector, followed by the rural and commercial sectors. The Synlait dairy factory is located approximately 6.5 km south of Dunsandel on State Highway 1.
- 9.4 No new areas for residential or business purposes are required to accommodate projected growth within Dunsandel over the Ellesmere 2031 planning horizon. However, the EAP does identify some potential growth areas with the township. As addressed in the Rezoning Framework Report, these potential growth areas have not been tested for appropriateness in an RMA setting. It is for proponents to provide the appropriate evidence to justify the rezoning of this, or other land, within the vicinity of the township. The opportunities and issues for Dunsandel, as identified in the EAP, are set out in **Figure 15** below.





## Dunsandel – Requests relating to GRUZ to LRZ

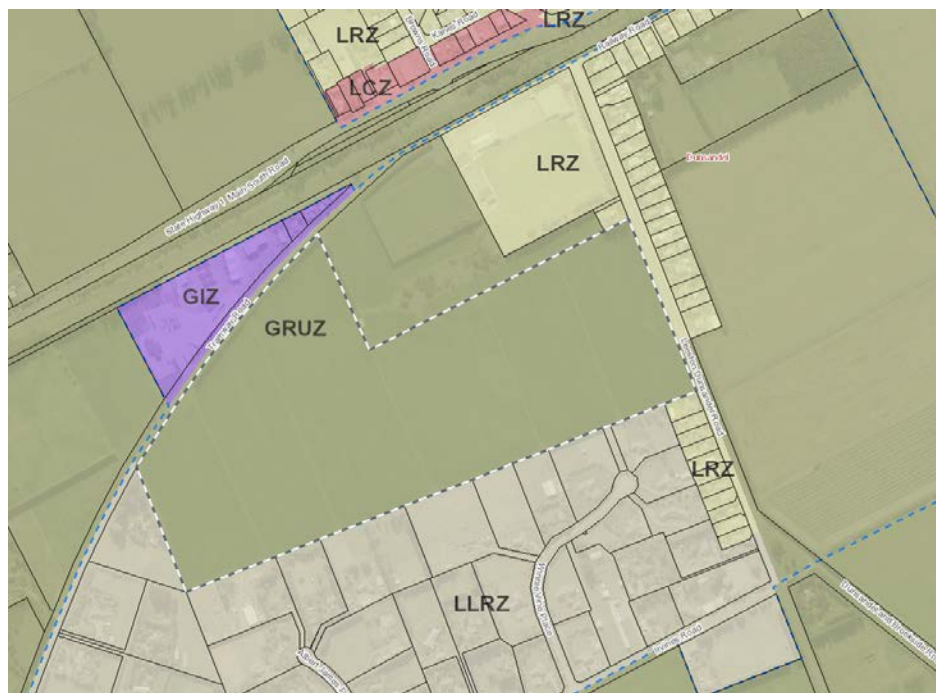
### Submissions

9.7 One submission point and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0107	CGGL	1	Oppose	Amend the zoning from General Rural Zone to Low Density Residential at Lot 2 DP 65151 in Dunsandel.

### Analysis

9.8 Country Garden Group Ltd<sup>30</sup> seek to rezone an approximately 22.97ha parcel of land between Tramway Road and Leeston Dunsandel Road from GRUZ to LRZ, as shown on the map below. The submission is supported by a Preliminary Wastewater and Water Supply Assessment from Fraser Thomas, which has been peer reviewed by Council's Water Asset Manager, Mr England.



**Figure 16:** PDP map of Lot 2 DP 65151. Source PDP Planning Maps

9.9 The site is legally described as Lot 2 DP 65151 held in Record of Title CB38C/1145. It is located between two existing residential areas of the township. The site classified as LUC 2 land. It is located outside the UGO in the PDP.<sup>31</sup>

9.10 The site is indicated within the EAP as being a 'undeveloped residential land'<sup>32</sup>, as shown in Figure 15 further above. However, the site is zoned Deferred Living (A) zone in the SDP, which is not a developable residential zone. The reasons for the site's deferred zoning in the SDP are addressed in

<sup>30</sup> DPR-0107.001.

<sup>31</sup> There is no UGO proposed in Dunsandel.

<sup>32</sup> EAP, Figure 13, page 45

the section 32 report<sup>33</sup> and Deferred Zones baseline report<sup>34</sup>. In summary, the SDP requires that, prior to the urban development of the site, matters regarding the disposal of sewage, the provision of a potable water supply and adequate consideration of reverse sensitivity issues, as well the impact of traffic on the intersection of Browns Road with State Highway 1, be addressed. Unlike other deferred zones within the district, an appropriate density has not been identified for this zone, as density is considered to be a function of how the land could be serviced for effluent disposal (which remains to be determined).

9.11 The Preliminary Wastewater and Water Supply Assessment states that it is feasible for:

- a water supply to be provided to a residential development of up to 250 lots; and
- wastewater flows to be disposed of on-site (subject to SDC and ECan approval), or potentially transferred to the Rolleston Wastewater Treatment Plant (subject to SDC approval and cost-sharing).

9.12 However, Mr England considers<sup>35</sup> that there is not a sufficient supply of water from existing consents for re-zoning the area identified in the submission. In his opinion, water supply is limited, and to ensure the provision of integrated infrastructure a consented water supply needs to be provided.

9.13 With regard to wastewater, the submitter proposed a number of solutions that have merit, including on site treatment or connection to the Pines Wastewater Treatment Plant. Subject to obtaining appropriate Regional Consents and Council permission, wastewater may not be a barrier to development.

9.14 Other than the preliminary wastewater and water assessment, no specialist evidence has been provided to enable the substantive merits of the rezoning. No evidence has been provided to demonstrate the need and appropriateness for residential development at the site. Accordingly, it is considered that granting the relief sought by the submitters would be contrary to Chapter 5 of the RPS<sup>36</sup> and Objectives 1 and 3 of the NPS-UD.

9.15 The rezoning would also contribute to the loss of LUC 2 land that must be avoided under Policy 5 of the NPS-HPL. As addressed in section 4 above for the ‘exemption provisions’ of the NPS-HPL to be applicable, the relief sought by the submitter must be considered an “urban rezoning” of land that is not “identified for future urban development”<sup>37</sup>.

9.16 It is noted the land is zoned ‘Deferred Living’ under the SDP and there is a question of whether the land then would be exempt under Section 3.5(7) of the NPS-HPL. For the reasons that follow, I consider the relief sought by the submitter to be an “urban rezoning” of LUC 2 land, but not of land “identified for future urban development”.<sup>38</sup>

9.17 ‘Urban rezoning’ is defined in that NPS as “changing from a general rural or rural production zone to an urban zone”. Although the relief sought falls within the definition of an ‘urban rezoning’ in the context of the PDP (i.e. GRUZ to LRZ), the complexity originates from the site’s ‘Deferred Living (Area

<sup>33</sup> Section 32 Report – Areas with deferred zoning.

<sup>34</sup> SDC Baseline Assessment Deferred Zones (RE015).

<sup>35</sup> Statement of Evidence of Mr England at para 22-24

<sup>36</sup> And potentially Chapter 11 (Policy 11.2.1 in particular), depending on the site’s susceptibility to flooding.

<sup>37</sup> NPS-HPL – Section 3.5(7)

<sup>38</sup> It is also not in the process of being rezoned through a Council-initiated or adopted process.



A)' zoning in the SDP, and whether this SDP zoning is an 'urban zone' as defined in the NPS-HPL (and hence whether the proposed zoning is an 'urban rezoning' from the existing SDP zoning). While the submitter is not seeking to amend the SDP, I consider the SDP zoning is relevant for the purpose of the NPS-HPL given it is the operative zoning applicable to the site.

9.18 In this case, the provisions of the SDP rural zone apply until the relevant matters in Rule 12.1.3.17 of the SDP are addressed.<sup>39</sup> Until these matters are addressed, I consider that the GRUZ, as described in the National Planning Standards, is the nearest equivalent zone to the Deferred Living (Area A) zone in the SDP. Accordingly, I consider that rezoning sought is an 'urban rezoning' in accordance with the NPS-HPL.

9.19 I do not consider that the site has been "identified for future urban development". As noted above, the site is zoned in the SDP as a 'Deferred Living (Area A)' and indicated in the EAP as 'undeveloped residential land', but as described above does not have a developable residential zone in place. In my opinion, the identification the site does not fall within the NPS-HPL definition of being 'identified for future urban development',<sup>40</sup> which is defined as:

*(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or*

*(b) identified:*

*(i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*

*(ii) at a level of detail that makes the boundaries of the area identifiable in practice*

9.20 In particular the SDP does not fall under either (a) or (b). As discussed above, I consider that the Deferred Living (Area A)' zoning of the SDP is not an 'urban zone' for the purposes of the NPS-HPL (and hence the rezoning proposed would constitute an 'urban rezoning' in the sense it would result in a rezoning of rural land under the SDP to urban land under the PDP).

9.21 Accordingly, I consider that the relief sought is an 'urban rezoning' of highly productive land in accordance with the NPS-HPL, meaning that the NPS-HPL is applicable. Granting the relief sought would be in clear conflict with Policy 5 and clause 3.6 of that Policy Statement, which are stated in directive terms.

9.22 On the basis of the above assessment, I recommend that the submission point is rejected for the following reasons:

9.22.1 Granting the relief would be inconsistent with Policy 5 NPS-HPL in respect to the loss of LUC Class 2 highly productive soils.

9.22.2 There is insufficient information and no evidence to determine whether the actual and potential effects of the rezoning are satisfactory and to enable the substantive merits of the rezoning request to be evaluated.

9.22.3 Granting the relief would not be the most efficient or effective way of implementing the Transport and Urban Growth Objectives and Policies of the PDP.

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<sup>39</sup> SDP, Rule 1.2.1.

<sup>40</sup> NPS-HPL, clause 3.5(7)(b)(i).

### **Recommendation**

9.23 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

## **Dunsandel – Requests relating to GRUZ to LLRZ**

### **Submissions**

9.24 Two submission points and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0436	P.B and J.C Nahkies	1	Oppose	Amend the Township Boundaries - Dunsandel to include Lots 1 and 2 DP 74807 and Lot 1 DP 305456.
DPR-0436	P.B and J.C Nahkies	2	Oppose	Amend the zoning of Lots 1 and 2 DP 74807 and Lot 1 DP 305456 from General Rural to Large Lot Residential.
DPR-032	CCC	FS165	Oppose	

### **Analysis**

- 9.25 P.B and J.C Nahkies<sup>41</sup> seek to amend the zoning of Lots 1 and 2 DP 74807 and Lot 1 DP 305456 from GRUZ to LLRZ, as shown on the map below, to enable the development of 35 LLRZ sections. A corresponding amendment to the Dunsandel UGO is also sought. As shown in Figure 17 below, the subject site is located between SH1 and the Main South Railway Line to the north, a GIZ zoning to the east, Tramway Road to the south and GRUZ zoning to the west. The GIZ is occupied by Ellesmere Transport Ltd.
- 9.26 The subject site also contains a Noise Control Overlay (NCO) in relation to protecting the function of SH1 and the Main South Railway Line from reverse sensitivity effects. Both are defined as Strategic Transport Networks and any sensitive activity located with the NCO on the subject site will be considered against Rule NOISE-R3, to ensure appropriate noise mitigation is in place.
- 9.27 Expert evidence has been provided in support of the submission from planning, transportation, land contamination, geotechnical, acoustics, infrastructure services, and property. A Further submission in opposition to the submission has been provided by CCC.<sup>42</sup>

<sup>41</sup> 0436.001 and .002 – PB and JC Nahkies

<sup>42</sup> FS165 - CCC



**Figure 17:** DPR-0436 Subject site in red. Source of background map: PDP Zoning Map

- 9.28 The rezoning sought by the Nahkies is not located within a proposed UGO of the PDP as notified. The subject site is identified only as a 'possible future development area' in the EAP compared to the 'preferred future development areas' of the EAP that have become the UGOs.
- 9.29 As set out in the Rezoning Framework Report, for any greenfield re-zoning outside of an UGO, the first test is whether it meets the NPS-UD Policy 8 significance criteria, encompassed in the Urban Growth Objectives. This framework reflects the objectives and policies, as altered by s42A Urban Growth recommendations, within the Urban Growth Chapter and the outcomes sought by overarching strategic planning documents.
- 9.30 As mentioned above, the following peer reviews have been commissioned to inform the following evaluation of the appropriateness of the rezoning request against the 'NPS Policy 8 test' and Rural Residential Framework below and any recommendations that are considered necessary to accept or reject the submission (refer to **Appendix 3**).
- The ITA and transport evidence prepared by Novo Group has been peer reviewed by Flow Transportation Specialists (Mr Matt Collins).
  - The geotechnical assessment prepared by Fraser Thomas Limited has been peer reviewed by Geotech Consulting (Mr Ian McCahon).
  - The infrastructure servicing evidence prepared by Mr Brent Nahkies has been peer reviewed by SDC's Water Asset Manager (Mr Murray England).
  - The Nosie Assessment and evidence by Altissimo Consulting has been peer reviewed by Acoustic Engineering Services (Mr James Boland).
  - The contaminated land assessment and evidence prepared by Fraser Thomas Limited has been peer reviewed by Pattle Delamore Partners Limited (Mr Rowan Freeman).

- An Economic/Demand report and evidence prepared by Mr Brent Nahkies has been peer reviewed by Formative Limited (Mr Derek Foy).
- An urban design review of the Outline Development Plan and overall submission points has been undertaken by Urban Shift (Mr Hugh Nicholson).

9.31 As part of the submission an ODP has been provided as shown in Figure 18 below. This outlines some of the key elements for analysis and consideration.



**Figure 18** – DPR 0436– PB and JC Nahkies Outline Development Plan. Source: Appendix 7 Tramway Road Nahkies ODP Narrative



Figure 19: 'Preferred Future Development Areas', EAP, Figure 13, Page 45

#### NPS-UD 'gateway' test

- 9.32 The Rezoning Framework Report identifies that, to meet the NPS-UD Policy 8 significance criteria, the rezoning must demonstrate that it contributes to a well-functioning urban environment, is well-connected to transport corridors and satisfies any regional council criteria. These pre-requisites have been encapsulated in the PDP Urban Growth Chapter objectives, which form the basis for the following evaluation.
- 9.33 It is noted that UG-03 is not applicable to areas outside Greater Christchurch, however whether there is sufficient capacity in Dunsandel is still a relevant consideration in balancing out the directions of UG-01 and UG-02. As outlined in the Dunsandel overview section there is not a need to respond to short to medium term capacity issues within Dunsandel, including to provide a wider range of housing types, sizes and densities, respond to demographic change or to support commercial or industrial growth.
- 9.34 In respect to UG-01, the request for LLRZ over the subject site could be developed in line with the LLRZ provisions to provide an environment that meets amenity outcomes. From a strategic perspective, the site has been identified as a 'possible future urban area' in the EAP and is coordinated with available infrastructure to enable servicing, provided the existing water permit held by the submitter is transferred to SDC. The site adjoins the Main South Railway and is adjacent to SH1. Although both transport routes are identified in the PDP as Strategic Transport Networks and are to be protected accordingly, the submitter has provided expert evidence that this infrastructure will not be compromised with appropriate mitigation. This has been supported by the Council's peer review.
- 9.35 The design and location of the subject site however is not well integrated into the township, with a lack of connection and accessibility to services and other areas of Dunsandel, in particular it's

severance by SH1. This is highlighted in Council's urban design review (Appendix 3), which points to other locations within Dunsandel as a preference for development (the two areas to the south of the township shown in yellow shading), shown in Figure 19 above. These areas, including intensification of the existing LLRZ, are better placed to integrate into the township and are not impeded by restrictions in relation to Strategic Transport Networks or potentially incompatible GIZ, as the subject site is.

- 9.36 With regard to the integration issue, it is noted the poor urban form is somewhat a result of the lack of development in these other more 'preferred' locations in Dunsandel. Had these areas been zoned or developed, then I consider the lack of integration and poor urban form would be reduced. The submitted Outline Plan provides for connections to Tramway Road that could be extended across and in to the more 'preferred' development locations. However, as the form of Dunsandel stands, the zoning of the subject site would be inconsistent with UG-01.
- 9.37 In respect to UG-02, the land that is sought to be rezoned from GRUZ to LLRZ could contribute to achieving a consolidated and compact urban form in the longer term, by providing a transition boundary for township growth to the west. By providing this as LLRZ it provides a buffer to the GRUZ zone and indicates a clear transition as to where urban development should cease. However, this 'transition' already exists to a degree with the industrial zone immediately to the east of the subject site and the LLRZ to the south. This reinforces the issue described above in the UG-01 discussion, that the design and location of the subject site is not well integrated into the township, with a lack of connection and accessibility to services and other areas of Dunsandel. Again, this is a result of the nature of the existing form and development of Dunsandel. In isolation the development lacks this integration and accessibility, but in a longer-term context the proposal has provision for this should areas to the east develop in line with the EAP. However, there are challenges in integrating the subject site and other 'greenfield' land on the southern side of SH1 into the balance of the township, which requires a strategic planning approach and public investment to improve safe and convenient access without compromising the safe and efficient operation of SH1. Again, as the form of Dunsandel stands the zoning of the subject site would be inconsistent with UG-02.
- 9.38 As the rezoning is considered to be inconsistent with the PDP Urban Growth objectives, it is subsequently inconsistent with relevant policies (including policies UG-P1, UG-P2, UG-P4, UG-P7, UG-P9, UG-P10, UG-P11, & UG-P12). In turn this makes it inconsistent with the objectives and policies of the NPS-UD (Objectives 1 to 8 and Policies 1 to 8) and CRPS (Objectives 5.2.1 and Policies 5.3.1, 5.3.2, 5.3.3, 5.3.5, 5.3.8, 5.3.12)

#### **Highly Productive Land**

- 9.39 The subject site is comprised of Class 2 and 3 versatile soils, the urban rezoning of which is required to be avoided under the NPS-HPL.
- 9.40 As outlined in NPS-HPL Part 3 Clause 3.6 directs that Tier 1 and 2 territorial authorities can only allow the urban rezoning of highly productive land where it is required to meet housing demand (under the NPS-UD), there are no other reasonably practicable or feasible options to achieve a well-functioning urban environment, and the benefits outweigh the costs associated with the loss of highly productive land.

- 9.41 For the 'exemption provisions'<sup>43</sup> of the NPS-HPL to be applicable, the relief sought by the submitter must be considered an urban rezoning of highly productive land that is not "identified for future urban development". The site is indicated in the EAP as a 'Possible Future Development Area Suitable for Low Density Residential'<sup>44</sup>. As outlined in Section 4 of this report I consider the EAP to be a 'strategic planning document', and that the land is identified in Figure 13 of EAP at a level of detail that makes the boundaries of the area identifiable in practice, I do not consider that the EAP goes so far as to identify the land as 'suitable for commencing urban development over the next 10 years'. Rather, the language in the EAP is couched in a less definitive matter which, in my opinion, does not reach the threshold required in the NPS-HPL.
- 9.42 Given this position, the submitter's request needs to be considered against the 'exemption' provisions in clause 3.6 of the NPS. With regard to capacity need, the submission provides some analysis of the capacity based on the EAP calculations and concludes there is likely no additional capacity in Dunsandel. However, this is not supported by the commentary further above and in the SCGM summary provided at **Appendix 3**.
- 9.43 Other than the SCGM, there is not sufficient information and clarity on what the demand for housing in Dunsandel is to fully assess what is the minimum necessary to rezone to provide for the required development capacity. As it stands, with the information available, the submitter's request would fail this first 'test' of demonstrating what is the sufficient development capacity required to meet demand for housing.
- 9.44 In relation to section 3.6(1)(b) of the NPS-HPL, there is arguably also other reasonably practicable or feasible options in Dunsandel for providing development capacity, such as intensification (whether by development of existing sites or rezoning existing LLRZ areas to a higher density).
- 9.45 As the relief sought is for 'urban rezoning' and there is no clear justification for its rezoning in line with section 3.6 of the NPS-HPL, I consider that granting the relief sought would be in clear conflict with Policy 5 and clause 3.6 of the NPS- HPL.
- 9.46 On the basis of the above assessment, I recommend that the submission points<sup>45</sup> are rejected for the following reasons:
- 9.46.1 The rezoning is inconsistent with the PDP Urban Growth objectives and is subsequently inconsistent with relevant policies (including policies UG-P1, UG-P2 , UG-P4, UG-P7, UG-P9, UG-P10, UG-P11, & UG-P12). In turn this makes it inconsistent with the objectives and policies of the CRPS (Objectives 5.2.1 and Policies 5.3.1, 5.3.2, 5.3.3, 5.3.5, 5.3.8, 5.3.12)
  - 9.46.2 The rezoning is on LUC Class 2 and 3 soils, which are highly productive, and so granting the relief would be inconsistent with the NPS-HPL (Objective 1 and Policies 1, 2, 4, 5, 7, 8 & 9).

### ***Recommendation***

- 9.47 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

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<sup>43</sup> NPS-HPL, section 3.6(1)

<sup>44</sup> The EAP was developed before the release of the National Planning Standards. The reference to Low Density residential in the context of the EAP was more of a general reference to density and does not relate specifically to requiring LRZ of the PDP.

<sup>45</sup> DPR-0436.001 & 002, PB and JC Nahkies



9.48 As there has been a full review of the submitter evidence I have, for the sake of completeness and consideration for all parties, still provided an assessment against the Rural Residential Framework below.

#### Rural Residential Framework

Criteria	The request, at a minimum:
<b>Is within the Rural Residential Strategy</b>	<p>The land is not identified in the rural residential strategy. However, it is not required to as Dunsandel is not subject to CRPS Chapter 6 objectives and policies.</p> <p>It is identified in the EAP at Figure 13 as a 'possible future development area for low density residential development'.</p>
<b>How it integrates into or consolidates with an existing settlement.</b>	<p>As the urban form of Dunsandel stands the rezoning would not be well integrated into the township, with a lack of connection and accessibility to services and other areas of Dunsandel.</p> <p>The submitter has not provided any urban design advice, however as an Outline Development Plan was provided a general urban design peer review (<b>Appendix 3</b>) was commissioned by Council.</p> <p>Council's Urban design review raises some fundamental concerns with the design and location of the proposed zoning. These are outlined below</p> <ul style="list-style-type: none"> <li>- The request does not contribute to a consolidated and compact urban form.</li> <li>- The location and design provide a low to moderate level of connectivity across the township. The subject site is 'severed' by SH1 (and the Main South Railway Line) to the north and has no connection into the existing residential areas across Tramway Road.</li> <li>- The location and design provide a low to moderate level of accessibility to services, schools and recreation areas due to a lack of walking and cycling facilities and public transport.</li> <li>- Potential for reverse sensitivity effects from the GRUZ to the west, the GIZ to the east, and SH1 and the Main South Railway Line to the north.</li> </ul> <p>This is highlighted in Council's urban design review, which points to other locations within the township as a preference for development. If the request was approved, then the urban design peer review has suggested some recommended amendments to the Outline Development Plan to mitigate some of the concerns. It is recommended that the Outline Development Plan identify:</p> <ul style="list-style-type: none"> <li>- an upgraded frontage to Tramway Road to provide for a shared pedestrian/cycle path</li> </ul>



Criteria	The request, at a minimum:
	<ul style="list-style-type: none"> <li>- a rural interface treatment, including that open rural fencing, an appropriate setback<sup>46</sup> with tree planning is specified in the narrative.</li> <li>- appropriate treatments for the northern and north-eastern boundaries are specified in the ODP narrative<sup>47</sup>.</li> </ul>
<b>Access provided by a sealed road but not a strategic or arterial road</b>	The properties have direct frontage to Tramway Road, which is not a strategic road and is sealed.
<b>Does not effect the safe, efficient, and effective functioning of the strategic transport network?</b>	Both the submitter evidence <sup>48</sup> and the transport peer review, at Appendix 3, conclude that the overall transport effects are negligible for the location and wider transport network.
<b>Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or Area of Significance to Māori?</b>	<p>Large parts of the site are subject to the Plains Flood Management Overlay. No assessment is provided as to whether areas on site are susceptible to high hazard risks. The PDP has mechanisms to consider appropriate building locations and earthworks through Rules NH-R3 and R3. However further information on the level of flood risk on the subject site would be required to consider the appropriateness of the relief sought more fully.</p> <p>As described in the submitter's evidence<sup>49</sup> and the Geotechnical Peer review at Appendix 3, the land is considered geotechnically suitable for residential development.</p>
<b>Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours.</b>	The 50 db Ldn Air Noise Contours does not apply to the requested area.
<b>The loss of highly productive land.</b>	<p>The land is comprised of Class 2 and 3 soils, which are recognized as highly productive land under the NPS-HPL (Clause 3.5). The NPS-HPL requires that the development of highly productive land for urban rezonings (Clause 3.6) or rural lifestyle activities is to be avoided (Clause 3.7) (Policies 5 and 6). There is no evidence to establish that the rezoning exemptions have been satisfied (Clauses 3.6 and 3.10). The rezoning is also inconsistent with the PDP urban growth policies relating to the versatile soil resource (UG-P9).</p>
<b>Achieves the built form and amenity values of the zone sought.</b>	<p>The planning evidence in support of the submission identifies that the rezoning aligns with the intent of the objectives and policies of the PDP in relation to LLRZ. The Site is on the rural boundary of Dunsandel township so will achieve "an open and spacious peri-urban character at the rural interface."</p> <p>There are a number of possible impacts to amenity of the zone from the SH1, the Main South Railway Line and the adjoining GIZ.</p>

<sup>46</sup> Setbacks for buildings and structures from zone interfaces for LLRZ by rule LLRZ-R2

<sup>47</sup> Noise related treatments along the north and eastern boundaries have been addressed by the noise experts.

<sup>48</sup> 0436– PB and JC Nahkies, Statement of Lisa Williams (Traffic).

<sup>49</sup> 0436– PB and JC Nahkies, Geotechnical Investigation Report and Statement of Mason Vout Reed (Geotech)

Criteria	The request, at a minimum:
	<p>However, as outlined in the expert evidence and Council's peer reviews these matters are able to be mitigated through boundary treatments.</p> <p>Council's peer review has recommended an additional mitigation by way of a buffer area to the eastern boundary. If the submission points were to be accepted, then it is recommended this is included on the ODP for more detailed consideration at the subdivision stage in combination with the noise barrier.</p>
<b>Protects any heritage site and setting, and notable tree within the re-zoning area</b>	There are no PDP heritage sites or notable trees within the requested area.
<b>Preserves the rural amenity at the interface through landscape, density, or other development controls</b>	The LLRZ by virtue of its density helps preserve the rural amenity at the zone interface. If the submission points were to be accepted then, to further protect this interface, it is recommended appropriate treatments for the northern and north-eastern boundaries are specified in the ODP narrative.
<b>Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones</b>	<p>The submitter has provided evidence<sup>50</sup> on potential reverse sensitivity issues in relation to noise from adjoining activities. Both the submitter's evidence and the peer review (Appendix 3) conclude that the subject site is appropriate for residential use from a noise perspective, with the recommended mitigation. The mitigation proposed by the submitter is in the form of a noise barrier up to 5m high along eastern boundary adjoining the GIZ. This is identified on the submitter's Outline Development Plan.</p> <p>It is noted that both experts suggest a barrier along the northern boundary is preferred but not required as future dwellings will be subject to acoustic design should they locate within the NCO. It is also possible, subject to final subdivision design, that future dwellings could be located outside the NCO.</p> <p>In addition to the mitigation measures provided, the Council's noise peer review has recommended an additional measure to further protect the Ellesmere Transport activity in the GIZ. A specific distance has not been provided but this could be determined at the subdivision stage once the final form of the noise barrier is determined. Should the rezoning request be accepted, the ODP should be amended to identify a need to consider a buffer along the eastern boundary, in combination with the noise barrier.</p>
<b>Does not significantly impact the operation of important infrastructure, including strategic transport network</b>	The subject site adjoins or is adjacent to SH1 and the Main South Railway Line. Both are defined as Strategic Transport Networks but are protected by an NCO on the subject site. This will ensure any future noise sensitive activities will be considered against Rule NOISE-

<sup>50</sup> 0436– PB and JC Nahkies, Statement of Michael Smith (Acoustic) and Acoustic Report

Criteria	The request, at a minimum:
	R3, to ensure appropriate noise mitigation is in place to protect the strategic transport network.
<b>How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available</b>	<p>The submitter has provided a statement<sup>51</sup> on the ability to service the site. This has been reviewed (<b>Appendix 3</b>) by Mr England, SDC's Water Services Manager. Mr England has raised one concern with regard to water capacity as the consented water allocation for the Dunsandel water supply is under pressure and Mr England recommends prioritizing existing zone areas. However, if existing consent CRC 980139.1 held by P.B Nahkies is transferred to the Council then Mr England would be satisfied that that the zoning sought could be serviced.</p> <p>Rules to this effect have been utilized in other areas under the SDP. If the submission point is accepted, I recommend that a rule requiring transfer of the water consent be added.</p>
<b>An ODP is prepared</b>	The submission has established an ODP that aligns with the format and content of the PDP.

9.49 Further supporting evidence was provided but this did not 'fit' comfortably in the Rural Residential Framework table. This evidence is outlined below.

#### ***Economic/Demand Assessment***

9.50 The submitter has provided evidence,<sup>52</sup> and the Economic Assessment review at **Appendix 3** generally agrees, that additional growth at Dunsandel is not inappropriate given the overall growth experienced in Selwyn. As outlined in Mr Foy's peer review, the residential development that would be enabled by the relief sought would not have more than minor adverse economic effects or result in any significant redistribution of growth within Selwyn. However, there is no clear identification of what is sufficient development capacity to meet demand for housing under the NPS-UD.

#### ***Contamination***

9.51 The submitter has provided evidence<sup>53</sup> regarding the suitability to develop the site from a land contamination perspective, which has been peer reviewed by PDP (Appendix 3).

9.52 The submitter evidence identified a number of potential/actual HAIL areas.<sup>54</sup> In addition to these, the Council's Peer review (Appendix 3) has identified two other potential/actual HAIL areas.<sup>55</sup>

9.52.1 Potential issue for lead based paint from the relocated building on the site having contaminated the soil;

9.52.2 Buried soils from the installation of an inground swimming pool.

<sup>51</sup> 0436– PB and JC Nahkies, Statement of Brent Nahkies (Services)

<sup>52</sup> 0436– PB and JC Nahkies, Statement of Brent Nahkies (Property)

<sup>53</sup> 0436– PB and JC Nahkies, Evidence of Sean Finnigan (PSI) and Preliminary Site Investigation - Contamination

<sup>54</sup> 0436– PB and JC Nahkies, Evidence of Sean Finnigan (PSI), paragraphs 14 and 15

<sup>55</sup> Appendix 3, Peer Review – Contamination, Section 2.1

- 9.53 Both the submitter evidence and Council's peer review have not stated that the site is not suitable for development but that further investigation needed. Should the rezoning request be approved any future subdivision will be subject to the requirements of the NES-CS, at which stage a Detailed Site Investigation (DSI) can occur to assess the extent of any contamination and how that may be remediated.

## 10. Leeston Rezoning Submissions

### *Overview*

- 10.1 Leeston is located approximately 23 km southwest of Lincoln, 25 km southwest of Rolleston and 42 km southwest of Christchurch. Leeston had a 2015 population of 2,275 people (813 households). A satellite view of Leeston is shown in **Figure 20** below.



**Figure 20:** Map of the Leeston area Source: Canterbury Maps

- 10.2 The EAP outlines that the town is anticipated to increase to a 2031 population of 3,402 (1,215 households). This represents an estimated increase of 1,127 people (402 households). Leeston is the largest employment area in Ellesmere, comprising nearly a quarter of the Ellesmere township-based workforce. Half of the township-based retail and commercial employment for the Ellesmere area is within Leeston, with the township also containing 28% of the total number of employees in the urban-based industrial sector.

- 10.3 Due to its central location, size and the role it plays in servicing the wider Ellesmere area, both Selwyn 2031 and the PDP have categorised Leeston as a service township whose function is “...based on providing a high amenity residential environment and primary services to rural townships and surrounding rural area.” The PDP also identifies Leeston as acting as a Key Activity Centre for the District.
- 10.4 The EAP provides that, in terms of development capacity:
- 10.4.1 for residential land, there is sufficient available land to accommodate projected population growth through to 2031 without the need to rezone greenfield land. The maximum potential yield for infill subdivision of the Living zoned land in Leeston (including Deferred zoned land), could amount to as many as 953 additional sections. There are also a number of undeveloped residential sections within existing established neighbourhoods in Leeston.
  - 10.4.2 for business land, there is a land shortfall of 8,000m<sup>2</sup>. However, it is anticipated that this growth can be accommodated within the existing Business 1 zone land holdings and premises.
  - 10.4.3 for industrial land, there is a shortfall of up to 2.8ha of industrial land. However, it is anticipated that much of this growth could be accommodated within the existing industrial area.
- 10.5 As described elsewhere in this report the SCGM has recently been updated and a summary of the revised capacity is provided at **Appendix 3**. This indicates that there is capacity for an additional 714 dwellings in the existing zoned areas of Leeston<sup>56</sup>, with 673 of these being associated with areas of vacant land. The summary of the SCGM states that it is projected that Leeston will need another 180 houses out to 2031 and on that basis, there is technically a sufficient supply of land in Leeston to meet projected demand to 2031 and beyond. The SCGM and the analysis in **Appendix 3** does not consider the likelihood of this potential capacity being realised only that it is available.
- 10.6 A map from the Area Plan showing the preferred future development areas for Leeston is included in **Figure 21** below.

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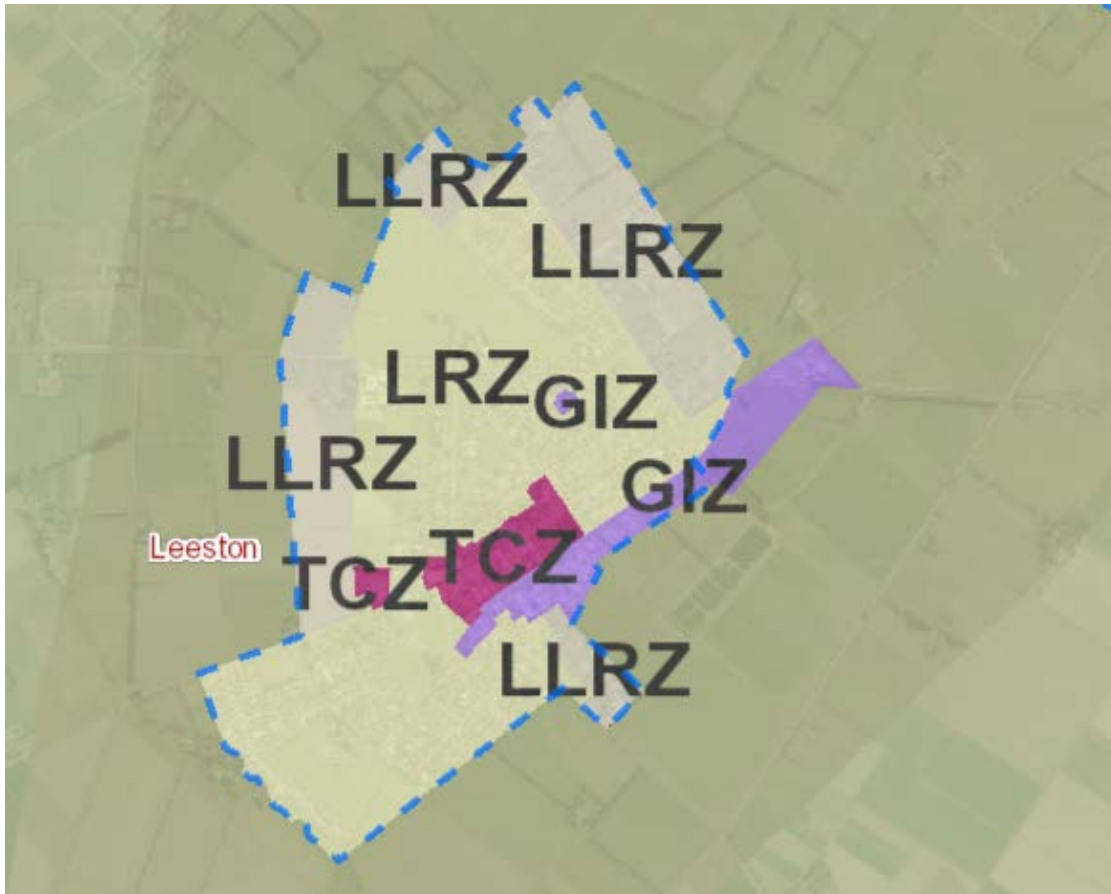
<sup>56</sup> For clarity this excludes the development capacity identified as ‘Future Urban Development Areas’ in the revised capacity tables provided in the Capacity Update report.



**Figure 21:** Leeston preferred future development areas. Source: Ellesmere Area Plan

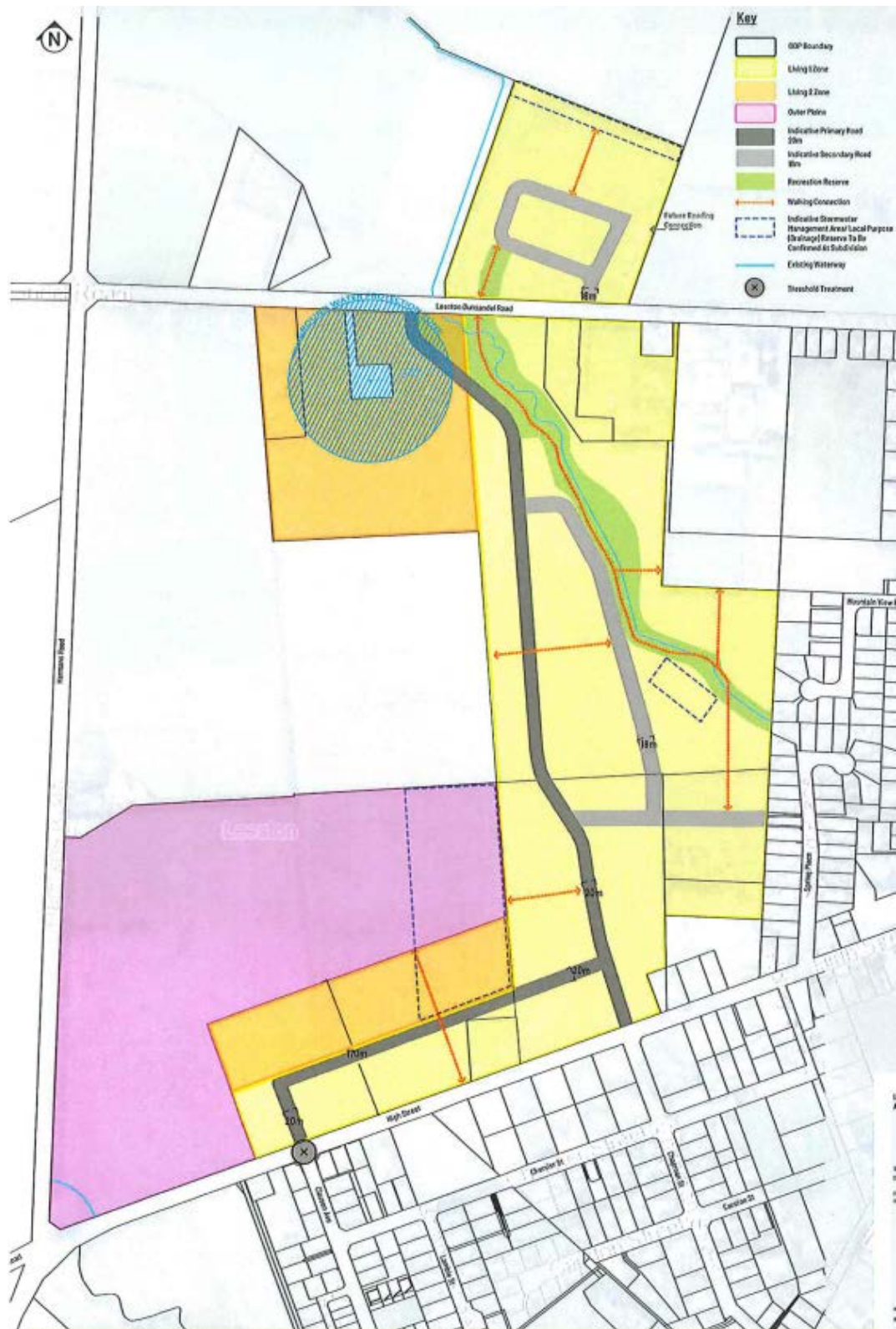
- 10.7 The majority of the residential area of Leeston is zoned Low Density Residential in the PDP, with three pockets of Large Lot Residential on the north-eastern, south-eastern and western outskirts of the town respectively. The business district, focused on High Street near the centre of the town, is zoned Town Centre. The industrial area, contained primarily south of Station Street, is in the General Industrial Zone. Outside of these areas, a few existing businesses have been 'spot zoned' Town Centre and General Industrial zones. The PDP zonings for Leeston are shown in **Figure 22** below.





**Figure 22:** Proposed zoning for Leeston under the PDP. The Urban Growth overlay is represented by the blue line.

- 10.8 An area of West Leeston is subject to Plan Change 62 (PC62) to the SPD, which is now operative in the SPD. PC62 uplifted a deferment and rezoned approximately 42.8 ha of land west of Leeston township consisting of Living 1 (deferred), Living 2 (deferred) and Outer Plains to Living 1 and Living 2 zones, as shown in the plan below.



**Figure 23:** Plan Change 62 Outline Development Plan – Appeals version. Source: (ENV-2021-CHC-65 Consent Order dated 10 January 2022)

## Leeston – Requests relating to West Leeston

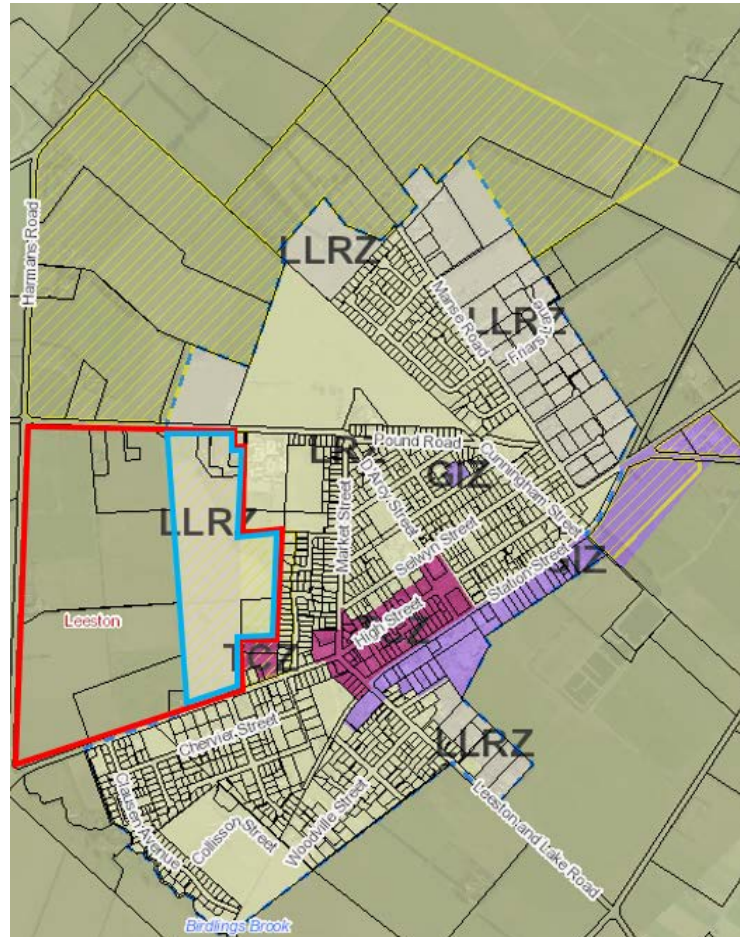
### Submissions

10.9 Seven submission points and ten further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0053	T & M Saunders	1	Oppose in part	Amend GRUZ to LLRZ as mapped between Harmons Rd/High St, Leeston and fronting High Street at least to a point from the existing LLRZ in Leeston to where it aligns with development opposite on Clausen Avenue.
DPR-032	CCC	FS091	Oppose	
DPR-0212	ESAI	FS039	Oppose	
DPR-0130	S Farrant	1	Support in Part	Amend so that land at 33 Leeston-Dunsandel Road, Leeston (legally described as Lot 2 DP 451172) be rezoned from LLRZ to LRZ (or equivalent to 'Living 1' as referred to under Plan Change 62) so that the Council definition of zoning is consistent, conforms with the definition provided in the Proposed District Plan and better meets the needs of the community.
DPR-0130	S Farrant	2	Support in Part	Make the necessary amendments to lift the deferral on 33 Leeston-Dunsandel Road, Lot 2 DP 451172.
DPR-0362	J Ferguson	5	Oppose	Amend the planning maps to rezone all of the GRUZ area between High Street, Harmans Road, Leeston Dunsandel Road and the existing built form of Leeston to a combination of GRZ and LLRZ or similar zones, at a density between 450 m2 and 2,000 m2 or similar.
DPR-032	CCC	FS135	Oppose	
DPR-0212	ESAI	FS041	Oppose	
DPR-0364	BAFFT	4	Oppose	Amend the planning maps to rezone all of DEV-LE1 and the area bounded by High Street, Harmans Road, Leeston Dunsandel Road and the existing built form of Leeston so as to provide a mixture of residential zones ranging in size between 450m2 and 2,000m2 or similar.
DPR-032	CCC	FS137	Oppose	
DPR-0212	ESAI	FS042	Oppose	
DPR-0364	BAFFT	5	Oppose	Amend the planning maps so as to rezone all of DEV-LE1 to a higher density ranging between 400m2 and 650 m2 or similar.
DPR-032	CCC	FS138	Oppose	
DPR-0212	ESAI	FS043	Oppose	
DPR-0369	Holly Farm	1	Oppose	Amend the planning maps to rezone all of the area between High Street, Harmans Road, Leeston Dunsandel Road and the existing built form of Leeston to a combination of GRZ and LLRZ or similar zones, at a density between 450 m2 and 2,000 m2 or similar.
DPR-032	CCC	FS140	Oppose	
DPR-0212	ESAI	FS045	Oppose	

### Analysis

- 10.10 Several submitters seek to rezone the area between High Street, Harmans Road and Leeston Dunsandel Road from GRUZ to a combination of GRZ or LLRZ, with minimum lot size densities ranging between 450m<sup>2</sup> and 2000m<sup>2</sup> the Large Lot Residential Zone, as shown on the map (in red area below in Figure 24) below.<sup>57</sup>



**Figure 24:** Proposed zoning for Leeston under the PDP. The Urban Growth Overlay is represented by the yellow diagonal lines, with the area of 'West Leeston' within the UGO outlined in blue.

- 10.11 The submission requests are for an area that is located partly in a UGO (identified in blue above in Figure 24). As set out in the Rezoning Framework Report, for re-zoning requests that are within the Urban Growth Overlay or meet the significance criteria (discussed in section 10), the request is balanced against a greenfield framework. This framework reflects the objectives and policies, as altered by s42A Urban Growth recommendations, within the Urban Growth Chapter and the outcomes sought by overarching strategic planning documents. Further submissions in opposition to the submissions have been provided by CCC<sup>58</sup> and EASI<sup>59</sup>.

<sup>57</sup> Several submitters also seek that changes in density to the existing township. This matter is addressed below in the LRZ to GRZ section

<sup>58</sup> FS091, 135, 137, 138 and 140 - CCC

<sup>59</sup> FS039, 041.042,043 and 045 - EASI



- 10.12 No evidence has been provided with the submissions on the PDP to demonstrate the need for the relief sought. In addition, no evidence has been provided to address the potential issues and constraints and to justify whether the zoning just is appropriate.
- 10.13 Only planning evidence has been provided post submissions to support the BAFFT and Holly Farm submissions<sup>60</sup> and seeks the recognition of PC62 into the PDP.
- 10.14 The rezoning would also contribute to the loss of LUC 3 land that must be avoided under the NPS-HPL. As outlined elsewhere in the report, for the 'exemption provisions'<sup>61</sup> of the NPS-HPL to be applicable, the relief sought by the submitters must be considered an urban rezoning of HPL that is not "identified for future urban development". As shown in Figure 21 further above part of the relevant land is indicated in the EAP as a 'Possible Future Development Area' Suitable for Low Density Residential<sup>62</sup>. As outlined in Section 4 of this report it is my view that areas identified as 'Possible Future Development Area' constitute an area 'suitable for commencing urban development over the next 10 years' and so this area would be subject to the NPS-HPL. However, the areas identified in Figure 23 as being subject to the 'approved' PC62, which is now an operative 'urban zoning' in the SDP is exempt from consideration against the NPS-HPL as it is an existing 'urban zoning'.
- 10.15 With insufficient evidence I consider that granting the full relief sought by the submitters (to rezone the entire area identified in Red in Figure 24 above) would be inconsistent to Chapter 5 of the RPS<sup>63</sup>. The full relief sought would also contribute to the loss of LUC 3 land that must be avoided under the NPS-HPL. Although I do not consider the full relief sought as being appropriate I do believe part of the submission relief relating to the PC62 area and the operative SDP zoning needs further consideration.

#### ***PC62 Area***

- 10.16 As outlined below, there is merit in considering further the area relating to PC62 (as identified in Figure 23 above), which has been made operative in the SPD and for which planning evidence has been provided for.
- 10.17 Part of the relief sought by submitters could be accepted without the required supporting technical information. As mentioned above, part of the land has been subject to a private plan change process (PC62) to the SPD that was approved and made operative after the notification of the PDP. This is further outlined in the technical planning evidence supplied to support the BAFFT and Holly Farm submissions.<sup>64</sup>
- 10.18 PC62 has been through a formal plan change process in the context of the SDP, and the residential zoning approved under that change has been deemed to be an efficient and effective use of the land. Although no evidence has been provided to support this submission, I consider the fact that it has been recently approved under the SDP means that the reasoning contained within that decision

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<sup>60</sup> 0364 B. A Freeman Family Trust, Michael Vincent (Planning) and 0369 Holly Farm, Statement of Michael Vincent

<sup>61</sup> NPS-HPL, section 3.6(1)

<sup>62</sup> The EAP was developed before the release of the National Planning Standards. The reference to Low Density residential in the context of the EAP was more of a general reference to density and does not relate specifically to requiring LRZ of the PDP.

<sup>63</sup> And potentially Chapter 11 (Policy 11.2.1 in particular), depending on the site's susceptibility to flooding.

<sup>64</sup> 0364 B. A Freeman Family Trust, Michael Vincent (Planning) and 0369 Holly Farm, Statement of Michael Vincent

should be given significant weight when determining the most appropriate zoning applicable for the PC62 area through the PDP process.

10.19 However, given PC62 was considered against the SDP provisions, I consider it prudent to consider the submission, as it relates to the PC62 area, against the Greenfield Framework. For clarity, I note that the below assessment only applies to the area subject to PC62 as identified in Figure 23 above and now operative in the SDP.

10.20 With regard to the NPS-HPL, and as described above, the PC62 area is land already zoned urban by virtue of its zoning under the SDP and is therefore not subject to consideration under the NPS-HPL.

#### Greenfield Framework

Criteria	Assessment:
<b>Does it maintain a consolidated and compact urban form?</b>	The majority of the PC62 area is located within a proposed UGO and provides for integration to Leeston to promote a consolidated and compact urban form for the township.
<b>Does it support the township network?</b>	The rezoning would facilitate additional households that would add to the existing housing capacity within the township and the district. There is no evidence to establish that additional households are required to support the township's status as a Key Activity Centre. However, the site is a UGO and a development area in the EAP, which in defining this area for growth considered the impacts of the growth on the ability for existing community facilities, commercial centers, and reserve land to support the growth and deemed the site and scale appropriate for urban development.
<b>If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?</b>	The land is subject to the UGO and a private plan change request has been approved (PC62) that includes an ODP. Approving the submissions, in part, to bring across the zoning of the PC62 area and the related ODP and provisions will ensure the land is developed consistently with that anticipated under the PC62 plan change process.
<b>Does not affect the safe, efficient, and effective functioning of the strategic transport network?</b>	Through the PC62 process, the impacts on the efficient and effective functioning of the strategic transport network were considered appropriate.
<b>Does not foreclose opportunity of planned strategic transport requirements?</b>	There is nothing to indicate that rezoning the PC62 area could foreclose any planned strategic transport infrastructure.
<b>Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or Area of Significance to Māori?</b>	The site is not identified as being a High Hazard or Significant Natural Area, Site of Significance to Māori or an Outstanding Natural or Visual Amenity Landscape in the PDP.



Criteria	Assessment:
<b>Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours</b>	The site is not subject to the Air Noise Contours identified in the CRPS, ODP, or PDP.
<b>The loss of highly productive land</b>	The site is comprised of Class 2 and 3 versatile soils, but the potential rezoning is not subject to the NPS-HPL by virtue of the site being urban-zoned land under the SDP.
<b>Achieves the built form and amenity values of the zone sought</b>	The rezoning would enable the land to be subdivided and developed to urban densities that is consistent with the rural character of Leeston and the provisions of the GRZ and LLRZ. GRZ zoning would be recommended to apply to the Living 1 area of PC62 to ensure consistency with the recommendation made in relation to the submissions seeking a change from LRZ in Leeston to GRZ.
<b>Protects any heritage site and setting, and notable tree within the re-zoning area</b>	The land does not accommodate any heritage sites or notable trees.
<b>Preserves the rural amenity at the interface through landscape, density, or other development controls</b>	The provisions for the PC62 area provide for increased rural interface setbacks (20m). If approved, it is recommended that these provisions be brought across into the PDP.
<b>Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones</b>	The PC62 area would adjoin the GRUZ but, as set out above, the interface provision approved through the PC62 process should be carried across into the PDP.
<b>Does not significantly impact the operation of important infrastructure, including strategic transport network</b>	There is nothing to indicate that rezoning the PC62 area would significantly impact the operation of important infrastructure, including strategic transport network
<b>How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available</b>	<p>The PC62 area has been considered appropriate and able to be serviced by required infrastructure. However, the PC62 area provision include a restriction on development beyond the 80<sup>th</sup> section due to wastewater capacity issues. Again, it is considered appropriate to bring across the relevant specific provision for the PC62 area.</p> <p>There is a bus (route 87) that runs between Southbridge and Lincoln. However, given the limited bus services, it is likely that the development will contribute to continued car dependency and higher traffic demand during peak hours.</p>
<b>Ensuring waste collection and disposal services are available or planned</b>	Waste collection and disposal services are available.
<b>Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services</b>	The PC62 area is subject to an ODP that provides connections through the site, to adjoining residential areas and the transport network.

Criteria	Assessment:
<b>Promotes walking, cycling and public transport access</b>	<p>The PC62 area is subject to an ODP that provides walking and cycling connections through the site, to adjoining residential areas and the transport network.</p> <p>The PC62 area adjoins the number 87 Southbridge to Lincoln Bus service route.</p>
<b>The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha</b>	<p>The rezoning would enable the land to be subdivided and developed to urban densities, which is a more optimal utilization of the land and would better contribute to a well-functioning urban environment. Although the requests do not specify a particular zone, the submission seeks a range of densities. In reflecting the SDP zoning and the recommendation in relation to requests seeking change for LRZ to GRZ, the recommended PDP zoning for the PC62 area would be split between the GRZ and LLRZ. The combination of these two zones, and the more enabling provision of the GRZ, can provide for an appropriate range of densities, including those sought by the submitters.</p> <p>Generally, the site area provided for as an average in the GRZ would accord to around 10hh/ha to 12 hh/ha, which aligns with the Chapter 6 requirements for 'greenfield' areas in the Greater Christchurch Area by way of a comparison.</p> <p>Chapter 5 of the RPS, or the relevant UG policy of the PDP (UG-P14), do not set out a required household density for areas outside Greater Christchurch.</p>
<b>The request proposes a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district</b>	<p>The rezoning is likely to facilitate a range of housing types, sizes, and densities to what have been established in Leeston.</p> <p>As described in the above, the requests do not specify a particular zone and the submission seeks a range of densities. The combination of the GRZ and LLRZ zones, and the more enabling provision of the GRZ can provide for a range of densities, including those sought by the submitters.</p>
<b>An ODP is prepared</b>	An ODP has been prepared in support of this rezoning request.

### ***Recommendations and amendments***

10.21 On the basis of the above assessment, I recommend that the submission point be accepted in part, in so far as to rezone the land to reflect the PC62 decision of the SDP for the following reasons:

- 10.21.1 I consider that development of the site is consistent with Objective 5.2.1 and Policies 5.3.1 and 5.3.2 of the CRPS.
- 10.21.2 I consider that the proposed relief is a more appropriate way to achieve the Urban Growth provisions of the PDP (as notified), including Objective UG-O2 and Policies UG-P1 and UG-P2.
- 10.21.3 I consider that the rezoning request is exempt from the NPS-HPL as the land has been identified for 'future urban development' under Clause 3.5(7)(b)(i).

- 10.21.4 The rezoning enables the growth of the Leeston township in a manner consistent with the existing built form and amenity values of the township and the approval of PC62.
- 10.22 I recommend, for the reasons given above, that the Hearings Panel:
- 10.22.1 Amend the Planning Maps as shown in **Appendix 2** to rezone areas of the General Rural Zone to General Residential Zone and a Large Lot Residential Zone.
- 10.22.2 Amend DEV-LE1 as shown in Appendix 2 to reflect the PC62 Outline Development Plan
- 10.22.3 Add new provisions as outlined in **Appendix 2** to reflect the specific provisions of the ODP that relate to the PC62 area
- 10.23 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 10.24 The following points evaluate the recommended changes under Section 32AA of the RMA.

Effectiveness and efficiency

- 10.25 The above amendments are considered to be effective and efficient, compared to the provisions as notified as they reflect a zoning that was recently approved by an experienced independent commissioner on the basis of detailed evidence. Retaining the GRUZ zone and provision of the PDP would undermine the development of land able to take place under the ODP (following any relevant resource consents being obtained). Given the PC62 area is located within the UGO, rezoning the land to enable the residential development anticipated by PC62 is a more appropriate method of implementing Objective UG-O2 and Policy UG-P2. Carrying the PC62 provisions, including the Outline Development Plan, through into the PDP will ensure consistency with Policy UG-P1.

Costs and benefits

- 10.26 The benefits of this amendment ensure consistency in planning decisions and enable the land to be developed in accordance with its existing zoning. Not making this change will create uncertainty in the ability to develop and potentially erode the investment already made to zone the land under the ODP.

Risk of acting or not acting

- 10.27 There is very little risk in acting on this recommendation as the land has already been through a robust RMA process to determine its appropriateness as a residential zone. Not acting will have cost and effectiveness issues as outlined above.

Conclusion as to the most appropriate option

- 10.28 The recommendation is considered more appropriate in achieving the objectives of the PDP and the overall purpose of the RMA as it reflects an already existing zone of the ODP. Large parts of the area recommended to be rezoned are already deemed appropriate for future urban growth by way of recognition as a development area in Leeton (DEV-LE1). The recommendation provides consistency in planning decisions and certainty for the landowner and wider community on Leeston growth and development.

## Leeston – Requests Seeking change for LRZ to GRZ

### ***Submissions***

10.29 Four submission points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0364	BAFFT	1	SUB-REQ1	Oppose	Amend the residential zone of Leeston from LRZ to GRZ and adopt the minimum average net site area, Residential Zones for GRZ accordingly
DPR-0364	BAFFT	2	SUB-REQ1	Oppose	Amend the residential zone of Leeston from LRZ to GRZ and adopt the minimum average net site area, Residential Zones for GRZ accordingly
DPR-0364	BAFFT	3	Rezoning	Oppose	Amend the planning maps so as to rezone the LRZ areas within Leeston to GRZ.
DPR-032	CCC	FS136	Rezoning	Oppose	
DPR-0414	Kāinga Ora	429	Rezoning	Oppose	Amend the planning maps to rezone residential properties proposed to be zoned Low Density Residential zone to General Residential Zone in Leeston.
DPR-0136	Stewart, Townsend and Fraser	FS099	Rezoning	Oppose in Part	
DPR-0157	K and B Williams	FS317	Rezoning	Oppose in Part	
DPR-0209	M Singh	FS049	Rezoning	Oppose in Part	
DPR-0298	TRRG	FS1046	Rezoning	Oppose in Part	
DPR-0302	Smith, Boyd and Blanchard	FS113	Rezoning	Oppose in Part	
DPR-0461	Dunweavin	FS894	Rezoning	Oppose in Part	
DPR-0488	Dally Family Trust	FS099	Rezoning	Oppose in Part	
DPR-0492	KDL	FS686	Rezoning	Oppose in Part	
DPR-0493	GNL and Heinz Wattie	FS356	Rezoning	Oppose in Part	

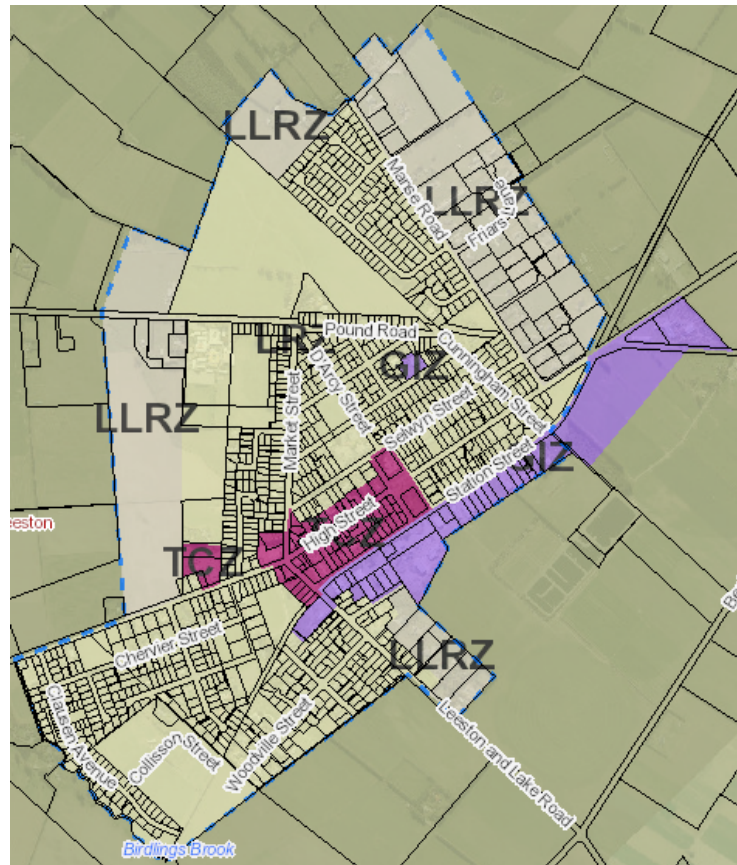
### ***Analysis***

10.30 Kāinga Ora<sup>65</sup> and the B.A. Freeman Family Trust<sup>66</sup> seeks to amend the Low Density Residential Zone in Leeston to the General Residential Zone, as shown on the map below. The Kāinga Ora submission point is supported by expert evidence from Joe Jeffries in relation to planning, and the BAFFT submission point is supported by expert evidence from Mike Vincent, also in relation to planning. A

<sup>65</sup> DPR-0414.429

<sup>66</sup> DPR-364.001, .002, .003

number of submitters have opposed Kāinga Ora's submission point in part, and CCC have opposed BAFFT's submission point.



**Figure 25:** Extent of proposed LRZ in Leeston. Source PDP Planning Maps

10.31 The key difference between the notified versions of the LRZ and GRZ relates to the anticipated development for each zone, which is most clearly illustrated through the relevant zone objectives:<sup>67</sup>

10.31.1 Objective LRZ-O1 provides for residential activity that is characterised by low density and spacious housing typologies consistent with a suburban character.

10.31.2 Objective GRZ-O1 provides for a quality, urban residential amenity and a range of residential unit typologies to meet the diverse needs of the community, at higher densities than anticipated in all other residential zones.

10.32 Despite the contrast in the wording of the respective zones' objectives and policies, the methods<sup>68</sup> in the respective zones to achieve these provisions are largely similar. However, a notable exception to this is the average minimum lot size, which is 750m<sup>2</sup> for the LRZ and 650m<sup>2</sup> for the GRZ. In terms of character and amenity, I do not consider that the differing minimum section size between the LRZ and the GRZ is likely to result in adverse character and amenity effects in the town.<sup>69</sup>

10.33 From a character and amenity perspective, the key difference between the two zones in practice is likely to be consideration against the objective and policy framework of the zones for different

<sup>67</sup> Which are supported by policies intended to achieve the same end.

<sup>68</sup> Including rules, rule requirements and activity statuses.

<sup>69</sup> RE007 – character and amenity.

residential unit typologies, with the GRZ containing a more enabling policy framework than the LRZ for a range of housing typologies at differing densities.

- 10.34 However, I consider that the GRZ provisions contain sufficient controls to ensure that any development maintains the role of the Leeston township and achieve high-quality amenity for future residents. I consider that the development enabled in the GRZ would align with Leeston's anticipated role in the Township Network, while enabling a compact and sustainable form that responds to the community's needs.
- 10.35 It is also noted that the change in the zoning can also be serviced by infrastructure. The change to GRZ, which requires an average lot size of 650m<sup>2</sup>, reflects the existing density provisions of the SDP. This level of 'density' is already able to be serviced. Mr England supports this<sup>70</sup> in review at **Appendix 3**.
- 10.36 For the above reasons, I consider that the relief sought by the submitters would implement the outcomes sought for the Leeston township in the PDP, including through the Strategic Direction<sup>71</sup> and Urban Growth chapters<sup>72</sup>, in a more efficient and effective manner than the PDP as notified. In particular, the relief sought more closely aligns with the direction in UG-P17 to support housing choices and achieve higher residential densities in and around KACs.
- 10.37 The CCC generally opposes the intensification of residential development in Leeston and other areas outside the Greenfield Priority Areas, projected infrastructure boundary and Future Development Areas identified in Map A of Chapter 6 of the CRPS. Map A of Chapter 6 of the RPS seeks to direct development within the Greater Christchurch area.<sup>73</sup> Importantly, Chapter 6 does not provide any direction for development *outside* of Greater Christchurch (referred to in the CRPS as the 'Wider Region') – with that direction instead being provided through Chapter 5. In my opinion, the submitters' relief more effectively gives effect to Objective 5.2.1 and Policy 5.3.1 of the CRPS, while remaining consistent with the outcomes sought in Policy 5.3.3.
- 10.38 On the basis of the above assessment, I recommend that the submission point be accepted for the following reasons:
- 10.38.1 The proposed relief is consistent with Chapter 5 of the RPS.
- 10.38.2 The proposed relief is the most appropriate way to implement the Strategic Directions and Urban Growth provisions of the District Plan.
- 10.38.3 The proposed relief would assist in reducing the need to develop land subject to the NPS-HPL.
- 10.38.4 The proposed relief aligns with Leeston's role in the PDP Township Network.

### ***Recommendations and amendments***

- 10.39 I recommend, for the reasons given above, that the Hearings Panel:

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<sup>70</sup> Statement of Evidence of Mr England at para 27

<sup>71</sup> Strategic Objective SD-UFD-01

<sup>72</sup> Objectives UG-O1, UG-O2 and Policies UG-P7 and UG-P10.

<sup>73</sup> Which is implemented through Policy 6.3.1, which seeks that the urban form identified in Map A be given effect to in relation to recovery and rebuilding of Greater Christchurch.



- 10.39.1 Amend the Planning Maps as shown in **Appendix 2** to rezone areas of the Low Density Residential Zone to General Residential Zone in Leeston.
- 10.40 The amendments recommended to the Planning Maps are set out in a consolidated manner in **Appendix 2**.
- 10.41 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 10.42 The expert evidence of Kāinga Ora is accompanied by a robust s32AA assessment that concludes that the extent of the proposed GRZ in Leeston is the most appropriate way to achieve the objectives of the PDP and give effect to both the CRPS and NPS-UD.
- 10.43 The assessment identifies that there is a clear policy framework to promote and enable greater residential density of existing urban areas. I consider that a General Residential zoning is consistent with good urban design practice, which considers the optimal spatial arrangement of land uses relative to each other, and Leeston's role in the Township Network. I consider that the rezoning will result in the most efficient use of land, support community and commercial centres, and maximise use of active transport networks.
- 10.44 Having reviewed this assessment in the context of the outcomes sought by the higher order directions provided in the CRPS and NPS-UD, I agree with these conclusions and adopt the submitter's s32AA evaluation.

## Leeston – Requests Seeking change for TCZ to LCZ

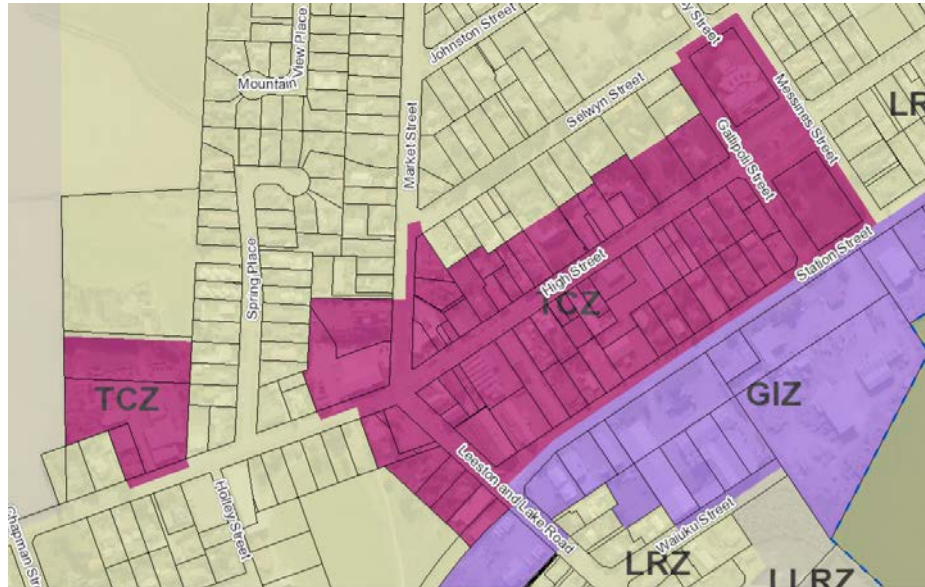
### ***Submissions***

- 10.45 One submission points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora	428	Oppose	Amend the planning maps to rezone the TCZ to LCZ in Leeston.
DPR-0136	Stewart, Townsend and Fraser	FS095	Oppose in Part	
DPR-0157	K and B Williams	FS312	Oppose in Part	
DPR-0209	M Singh	FS048	Oppose in Part	
DPR-0298	TRRG	FS1045	Oppose in Part	
DPR-0302	Smith, Boyd and Blanchard	FS112	Oppose in Part	
DPR-0461	Dunweavin	FS893	Oppose in Part	
DPR-0488	Dally Family Trust	FS095	Oppose in Part	
DPR-0492	KDL	FS685	Oppose in Part	
DPR-0493	GNL and Heinz Wattie	FS352	Oppose in Part	

### Analysis

10.46 Kāinga Ora<sup>74</sup> seeks to amend the Town Centre Zone in Leeston to a Local Centre, as shown on the map below (Figure 26). No expert evidence has been filed in support of this submission point. A number of submitters have opposed the submission in part.



**Figure 26:** PDP map of TCZ in Leeston. Source PDP Planning Maps.

10.47 The outcomes sought for the Town Centre Zone are described in TCZ-O1 as being *“the primary focus for commercial activities within the District and provides a diverse range of commercial activities, along with recreation, cultural and community activities and civic services, with associated residential activity.”* The outcomes for the LCZ are described in LZ-O1 as providing *“primarily for commercial and community activities that service the convenience needs of residents of the town and the surrounding residential area.”* The PDP anticipates the LCZ acting in a supporting role to the TCZ. The rule framework in the PDP seeks to limit the scale of retail, office, trade supply and other commercial activities establishing in LCZ, to ensure the primary role of the KACs are not undermined.

10.48 I consider that a TCZ is appropriate in that it gives effect to the Township Network as described in Selwyn 2031 and Leeston’s function in the PDP as a KAC. As noted in the Baseline Report, the use of precincts in Lincoln and Rolleston has been used to reinforce the primacy of those centres in comparison to Leeston. I consider that this is sufficient to ensure the network of centres operates effectively, while also appropriately enabling commercial development in Leeston. I do not consider that the relief sought is the most appropriate way to achieve the objectives and policies of the PDP, including Strategic Objective SD-D1-05 and Objective CMUZ-O1.<sup>75</sup> Rather, I consider that a TCZ achieves the strategic outcomes of the PDP more efficiently and with less restrictions on the activities that can take place in the town centre.

10.49 On the basis of the above assessment, I recommend that the submission point be rejected for the following reasons:

<sup>74</sup> DPR-0414.428

<sup>75</sup> Including supporting policies.

- 10.49.1 Granting the relief is not the most efficient or effective way to implement the objectives and policies of the PDP, including Strategic Objective SD-D1-05 and Objective CMUZ-O1.
- 10.49.2 There is insufficient information and no evidence to determine whether the actual and potential effects of the rezoning are satisfactory and to enable the substantive merits of the rezoning request to be evaluated.

### ***Recommendation***

10.50 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

10.51 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **Leeston – Requests Seeking change for TCZ to GIZ**

### ***Submissions***

10.52 Two submission points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0155	Cochranes	1	Oppose	Amend the planning maps so as to zone the following parcels as GIZ rather than TCZ: -Lot 2 DP 533466 -Lot 1 DP 319397 -Lot 2 DP 9697
DPR-0155	Cochranes	2	Support	Requests that a buffer area be shown on the planning maps, and a new rule inserted to ensure that future owners of the neighbouring land were aware of the requirements. Also seeks that the buffer area be of an appropriate width to allow the construction of acoustic fencing and/or mounding to provide acoustic mitigation to the extent necessary to meet the noise levels for residential properties, as proposed in NOISE-REQ1/NOISE-TABLE1.

### ***Analysis***

10.53 Cochranes of Canterbury<sup>76</sup> seeks to amend the Town Centre Zone at 125 and 125A High Street in Leeston to the General Industrial Zone, as shown on the map below. As an alternative, Cochranes seek the insertion to the Planning Maps of a buffer area of 5m to 10m on the northern and western boundaries of the site to be acoustically mounded or fenced prior to any residential development on adjoining properties. The submission points are supported by expert evidence from Jane West in relation to planning.

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<sup>76</sup> 007-David Thompson



**Figure 27:** PDP map of site (surrounded by blue line). Source: Cochranes submission



**Figure 28:** PDP map of proposed buffer area: Source: Cochranes submission

10.54 The submitter runs a farm machinery sales, service and repair business. The submitter states that the activities presently taking place at the site fit under the definition of Industrial, Commercial and Retail in the PDP. The definition of these activities, along the definition of trade retail and trade suppliers, in the PDP are as follows:<sup>77</sup>

10.54.1 Commercial activity: *means any activity trading in goods, equipment or services. It includes any ancillary<sup>78</sup> activity to the commercial activity (for example administrative or head offices).*

<sup>77</sup> These activities are also defined in the National Planning Standards 2019.

<sup>78</sup> Ancillary activities are defined as an activity that supports and is subsidiary to a primary activity.

- 10.54.2 Industrial activity: *means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.*
- 10.54.3 Retail activity: *A commercial activity that uses land and/or buildings for displaying or offering goods for sale. It includes supermarkets and department stores, but excludes food and beverage outlets, drive through facilities and trade retail and trade suppliers.*
- 10.54.4 Trade retail and trade supplies: *A commercial activity involving sales to businesses, institutional customers and the general public, with a focus on supplying goods in one or more of the following categories:...*  
*d. farming and agricultural supplies; ...*  
*f. hire services; and*
- 10.55 I consider that the primary activity at the site, being the sale of agricultural machinery, falls under the definition of a trade and retail supply activity (and is therefore a commercial activity). The complicating factor is whether the service and repair of the farm machinery is an ancillary activity to the commercial activity (which would be a permitted activity under the TCZ and the GIZ) or whether it is a stand-alone industrial activity (which would be a non-complying activity under the TCZ and a permitted activity under the GIZ). On balance, due to the scale of the operation, I consider that the servicing operation, although secondary to the primary commercial activity, is a separate industrial activity. I note that the storage of machinery for sale, servicing or repair purposes is an ancillary activity to the commercial and industrial activities.
- 10.56 I do not consider that the zoning at the site is obliged to reflect the activities taking place at the site. Rather, the most appropriate zone type should reflect the broader objectives and policies of the PDP, RPS and Part 2 of the RMA. In determining the most appropriate zoning for the site, regard must be had to the actual or potential effects on the environment of any activity activities that would apply through the application of a rule within a rezoning request.<sup>79</sup>
- 10.57 As a separate industrial activity, the servicing of machinery would likely be assessed as a non-complying activity under the TCZ chapter (as notified). However, this activity status does not mean that the activity cannot continue. As noted by the submitter, the current activities may have existing use protections under section 10 of the RMA. In addition, any industrial activity which has an existing resource consent will be able to operate in accordance with the conditions of that resource consent. The conditions of any resource consent(s) will need to be complied with, regardless of the future zoning of the site (and consequential activity status for industrial activities). Amendments to the conditions of any resource consent can be applied for as a discretionary activity pursuant to section 127 RMA.
- 10.58 I consider that the primary activity taking place at the site is the supply of farming machinery – and that the effects of any new industrial activities that are not ancillary to this activity (and are hence will be considered as stand-alone industrial activities) on the neighbouring land uses should be considered and any potential conflicts managed. I do not consider that allowing these industrial

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<sup>79</sup> RMA, section 76(3).

activities to take place as permitted activities<sup>80</sup> would appropriately manage potential adverse effects resulting from incompatible land uses, and would therefore be inconsistent with Objective 5.2.1 and Policy 5.3.1 of the RPS. I consider that the TCZ will be more appropriate in managing the effects of the activities within the site, given the neighbouring land uses are primarily residential, and therefore will be a more appropriate method to achieve the relevant Strategic and CUMZ objectives and policies.<sup>81</sup>

10.59 With regard to the relief sought<sup>82</sup> for a buffer zone on adjoining land to mitigate the effects of the GIZ, I note that the submitter has not provided any evidence to support the extent, effectiveness or need for this. Further, I consider that any mitigation needed to change the zone from TCZ to a more enabling GIZ should be internalised on the submitter's site. Without more information the relief sought cannot be considered, nor impacts of a GIZ. Regardless, and for the reasons outlined above, I do not believe that a GIZ is appropriate for this location within Leeston.

10.60 It is noted that through the PC62 process and its subsequent approval that a rule has been included requiring the establishment of an acoustic fence along the boundary of the Cochranes site. This is recommended to be included into the PDP as part of the recommendations relating to the West Leeston submission points. This will provide some relief for the Cochranes but only to the extent that it remains a TCZ.

10.61 On the basis of the above assessment, I recommend that the submission points are rejected for the following reasons:

10.61.1 The TCZ will be more appropriate in managing the effects of the activities the site, given the neighboring land uses are primarily residential, and therefore will be more appropriate method to achieve the relevant Strategic and CUMZ objectives and policies.<sup>83</sup>

10.61.2 Rezoning the site to GIZ would enable a wider range of industrial activities to take place, with incompatible effects on the neighbouring residential properties.

10.61.3 The relief sought is inconsistent with Objective 5.2.1 and Policy 5.3.1 of the CRPS.

10.61.4 The relief sought is not required to allow the existing lawful activities occurring at the site to continue.

### ***Recommendation***

10.62 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

10.63 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **Leeston – Requests Seeking change for GRUZ to GIZ**

### ***Submissions***

10.64 One submission point and no further submission points were received in relation to this subtopic.

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<sup>80</sup> In accordance with Rule GIZ-R4.

<sup>81</sup> Including Objectives SD-DI-01, SD-DI-02, CUMZ-01, CUMZ-04 and CUMZ-05 and Policy CUMZ-P5.

<sup>82</sup> DPR-0155.002

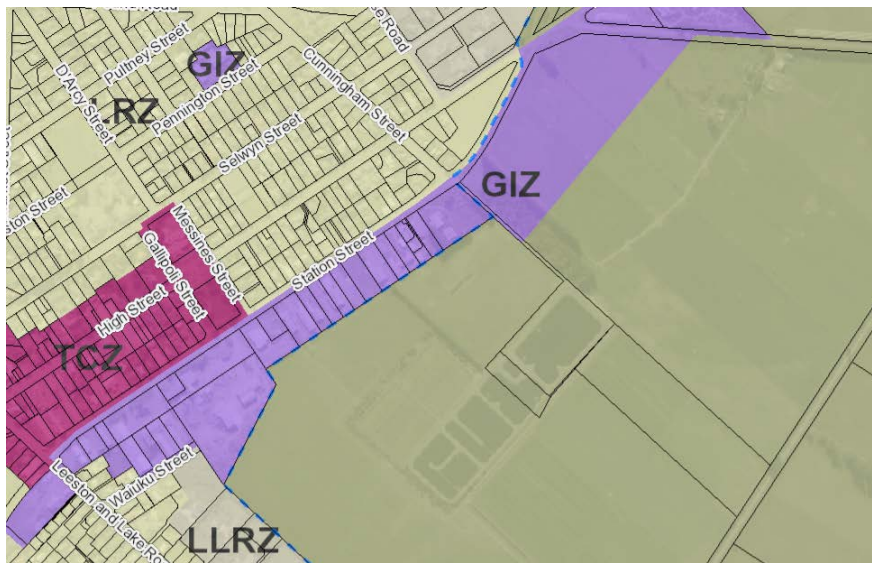
<sup>83</sup> Including Objectives SD-DI-01, SD-DI-02, CUMZ-01, CUMZ-04 and CUMZ-05 and Policy CUMZ-P5.



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0362	J Ferguson	4	Neither Support Nor Oppose	Increase the extent of GIZ on Station Street Leeston further to the southeast.

### Analysis

10.65 The submitter seeks to increase the extent of the General Industrial Zone on Station Street, Leeston further to the southeast. The submitter has not provided a map or any further specifics regarding the extent of the increase sought, but the general location of the GIZ within the vicinity of Station Street is shown on the map below. The submitter has provided statement of evidence in support of the submission, but no expert evidence has been provided.



**Figure 29:** PDP map of General Industrial Zone in the vicinity of Station Street. Source PDP Planning Maps

10.66 The land to the southeast of the GIZ on Station Street is zoned GRUZ under the PDP, with pockets of LRZ and LLRZ land at the southwestern end. The Ellesmere WwTP is located 100 - 200 metres to the southeast of the GIZ.

10.67 The EAP does state that growth is anticipated within the industrial sector within Leeston and that there was scope to investigate the appropriateness of additional industrial land through the District Plan Review Process. Two areas were identified in the EAP, being 'LEE 3' running north-east along Station Street and a 'possible future area' to the southeast of industrial land on Station Street.

10.68 Through the District Plan Review process, the area referred to as 'LEE 3' has been classified as GIZ in the PDP as notified. No evidence has been provided by the submitter to demonstrate the need for additional industrial zoning to the southeast of Station Street, nor of the infrastructure and servicing capacity to support the rezoning (RPS Objectives 5.2.1 and 5.2.2 and Policies 5.3.1 and 5.3.2,<sup>84</sup> UG-

<sup>84</sup> Noting that 'regionally significant infrastructure' as it appears in those provisions is defined in the RPS as including 'sewage collection, treatment and disposal networks', 'community land drainage infrastructure' and 'community potable water systems'.

P12). Without this evidence I am unable to conclude that the proposed rezoning is consistent with the Urban Growth provisions of the PDP, nor Chapters 5 and 11 of the RPS.

10.69 The rezoning would also contribute to the loss of LUC 3 land that must be avoided under the NPS-HPL.<sup>85</sup>

10.70 On the basis of the above assessment, I recommend that the submission point is rejected for the following reasons:

10.70.1 Granting the relief would be inconsistent with the NPS-HPL in respect to the loss of LUC Class 3 highly productive soils.

10.70.2 There is insufficient information and no evidence to determine whether the actual and potential effects of the rezoning are satisfactory and to enable the substantive merits of the rezoning request to be evaluated.

10.70.3 For the above reasons granting the relief would be inconsistent with the Urban Growth Objectives and Policies of the PDP and Chapter 5 of the RPS.

### ***Recommendation***

10.71 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

10.72 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **Leeston – Requests Seeking change for GIZ to LRZ**

### ***Submissions***

10.73 One submission point and no further submission points were received in relation to this subtopic.

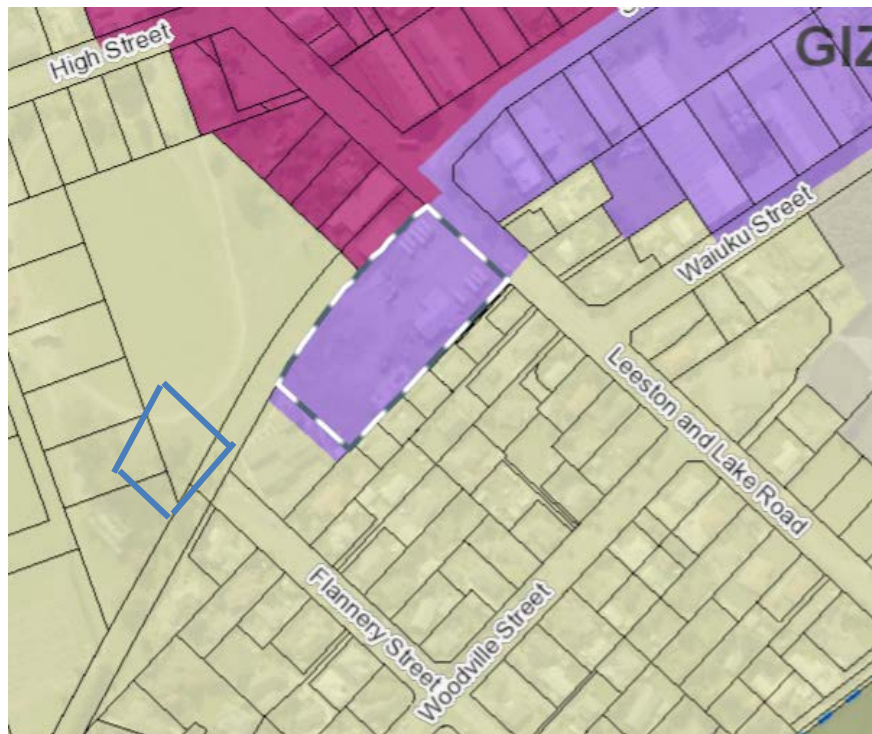
Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	SDC	113	Oppose	Amend the zoning maps for Lot 1 and 2 DP 469043 from General Industrial to Low Density Residential.

### ***Analysis***

10.74 Selwyn District Council<sup>86</sup> seeks to amend the zoning for Lot 1 and 2 DP 469043 on Leeston Lake Road as shown on the Planning Maps from General Industrial to Low Density Residential, as shown on the map below (Figure 29). No submitter evidence has been provided in support of this submission point.

<sup>85</sup> For completeness, I do not consider that the site has been identified in the EAP to the extent required to fall within clause 3.5(7)(b)(i) of the NPS-HPL.

<sup>86</sup>DPR-0207-Selwyn District Council



**Figure 29:** PDP map showing Lot 1 (striped line) and 2 (blue line) DP 469043

10.75 The submitter seeks to rezone the land to facilitate the potential use of the site for a medical centre and further retirement village living accommodation. However, no evidence has been provided by the submitter to demonstrate the effect the rezoning will have on the capacity of industrial land in Leeston, nor whether there is a requirement for further residential zoned land in the township. The EAP and section 32 report are clear that there is a shortage of industrial zoned land in Leeston. Without this evidence, I am unable to conclude that this relief is the most appropriate method to achieve the Strategic Direction and Urban Growth objectives and policies of the PDP.

10.76 On the basis of the above assessment, I recommend that the submission point is rejected for the following reasons:

10.76.1 Granting the relief would be inconsistent with the Urban Growth Objectives and Policies of the PDP and Chapter 5 of the RPS.

10.76.2 There is insufficient information and no evidence to determine whether the actual and potential effects of the rezoning are satisfactory and to enable the substantive merits of the rezoning request to be evaluated.

#### ***Recommendation***

10.77 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

10.78 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 11. Southbridge Rezoning Submissions

### **Overview**

- 11.1 Southbridge is located approximately 50km southwest of Christchurch and 7 km southwest of Leeston. It is classified as a “rural township” in Selwyn 2031, whose function is “...based on village characteristics with some services offered to the surrounding rural area”. A satellite view of the Southbridge area is included in **Figure 30** below.



**Figure 30:** Map of the Southbridge area Source: Canterbury Maps

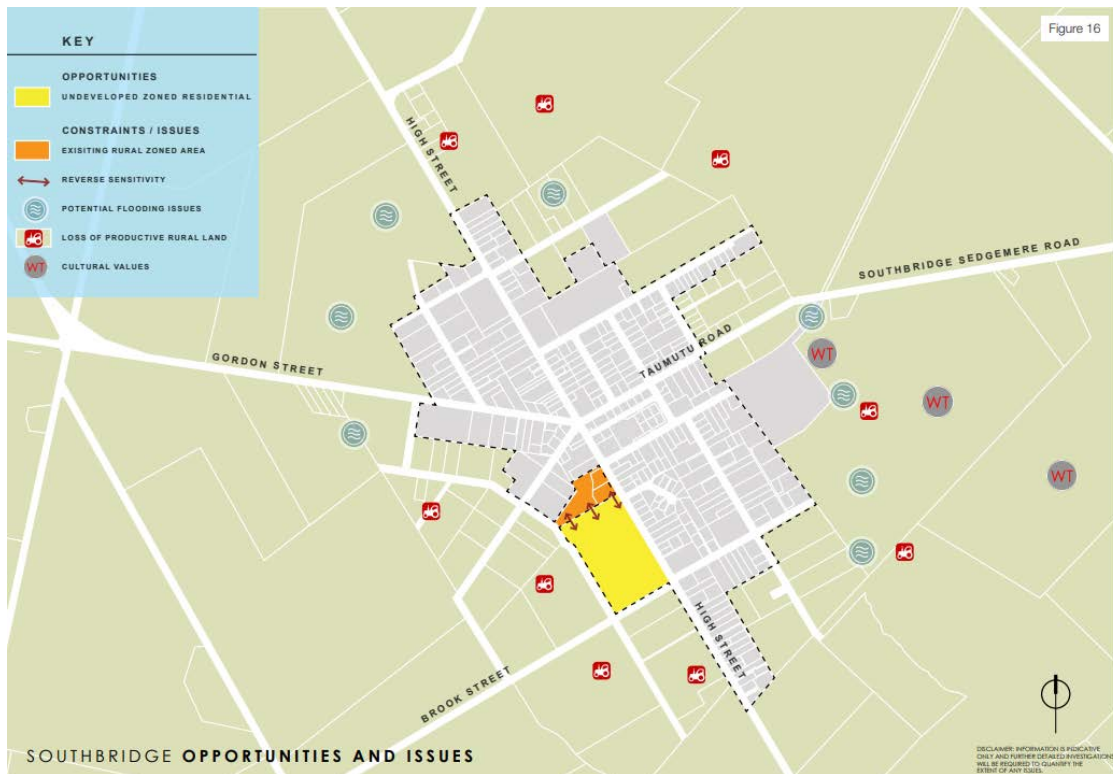
- 11.2 Under the PDP, the residential area of Southbridge is zoned low density residential, with a pocket of large lot residential at the near the township’s north-eastern boundary. There is a local centre zone on High Street to the north of Taumutu Road and Gordon Street containing the township’s business area, and a band of general industrial zoning to the south of Taumutu Road and St John Street. A map showing the PDP zoning of Southbridge is shown in **Figure 31** below.





**Figure 31:** Proposed zoning for Southbridge under the PDP. The Urban Growth overlay is represented by the yellow diagonal lines.

- 11.3 Southbridge represents the third largest component of township-based employment in the Ellesmere area. Employment in Southbridge is primarily in the industrial sector followed by the rural sector and retail and commercial sector. The 2015 population of Southbridge was 959 people (340 households), with this population projected to grow to a 2031 population of 1,095 (391 households), being an estimated increase of 136 people (51 households). Overall, there is considered to be sufficient available land to accommodate projected population growth through to 2031 without Council proactively zoning additional residential greenfield land. This growth is primarily able to occur through the development of existing residential sections. An opportunity and issues map for Southbridge is included in **Figure 32** below.



**Figure 32:** Southbridge opportunities and issues. Source: Ellesmere Area Plan, Figure 16, page 61

## Southbridge – Requests Seeking change for LRZ to GRZ

### Submissions

11.4 One submission point and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora	430	Oppose	Amend the planning maps to rezone residential properties proposed to be zoned Low Density Residential Zone to General Residential Zone in Southbridge.
DPR-0136	Stewart, Townsend and Fraser	FS096	Oppose in Part	
DPR-0157	K and B Williams	FS313	Oppose in Part	
DPR-0209	M Singh	FS050	Oppose in Part	
DPR-0298	TRRG	FS1047	Oppose in Part	
DPR-0302	Smith, Boyd and Blanchard	FS114	Oppose in Part	
DPR-0461	Dunweavin	FS895	Oppose in Part	
DPR-0488	Dally Family Trust	FS096	Oppose in Part	
DPR-0492	KDL	FS687	Oppose in Part	
DPR-0493	GNL and Heinz Wattie	FS353	Oppose in Part	



### Analysis

- 11.5 Kāinga Ora seeks to amend the Low Density Residential Zone in Southbridge to the General Residential Zone, as shown on the map below. The submission point is supported by expert evidence from Joe Jeffries in relation to planning. A number of submitters have opposed the submission in part.



**Figure 33:** Map of relief sought by Kāinga Ora: Source: Kāinga Ora submission

- 11.6 The key differences between the LRZ and GRZ are set out above in the Leeston LRZ to GRZ section. For the reasons given in that section, I note that the differing minimum section size between the LRZ (750m<sup>2</sup>) and the GRZ (650m<sup>2</sup>) is unlikely to result in adverse character and amenity effects in the township.<sup>87</sup> From a character and amenity perspective, the key difference lies in the residential unit typologies, with the GRZ containing a more enabling policy and rule framework for a range of housing typologies.
- 11.7 However, I do not consider that the GRZ provisions would align with Southbridge's role in the Township Network as a 'Rural Township', whose function is based on village characteristics with some services offered to the surrounding area. To this extent, I note that Southbridge's role is in contrast to Leeston's role in the PDP as a 'Key Activity Centre', with Southbridge having comparatively smaller employment opportunities and demand for housing and business land. Southbridge is also located further from the District's main centres and the Greater Christchurch area.
- 11.8 I agree that the relief sought by the submitter may encourage consolidation of the Southbridge urban centre. However, I do not consider that the relief sought is necessary for Southbridge to meet anticipated housing demand, with development able to occur through the development of existing residential sections within the LRZ framework. Opportunities for more dense residential

<sup>87</sup> Baseline Report RE007 – Character and amenity.

development, such as infill and small site developments, are not precluded from the LRZ, provided that the development does not conflict with the character of the township. Accordingly, I do not consider that the relief is necessary for Southbridge to provide sufficient housing choice to meet the District's housing needs.

- 11.9 I also do not consider that the relief sought will maintain or enhance Southbridge's sense of identity and character (as identified in the Selwyn 2031 as 'village characteristics'), nor encourage high-quality urban design, including the maintenance and enhancement of amenity values, within the Southbridge context. On balance, I consider that the notified version of the PDP better gives effect to relevant direction in the RPS.
- 11.10 For the above reasons, I do not consider that the relief sought is more efficient or effective in implementing the relevant objectives and policies in the PDP, including Strategic Objectives SD-DI-O1, SD-UFD-O1, and Urban Growth Objective UG-O1 and Policy UG-P10.
- 11.11 On the basis of the above assessment I recommend that the submission point be rejected for the following reasons:
- 11.11.1 The relief does not give effect to the Chapter 5 of the RPS;
  - 11.11.2 The relief is not more efficient or effective at implementing the objectives and policies of the PDP;
  - 11.11.3 The relief does not align with Southbridge's role within the Township Network, nor classification in Selwyn 2031.

### ***Recommendation***

- 11.12 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.
- 11.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **12. Conclusion**

- 12.1 For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.