

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Rezoning: Rural and Miscellaneous

Jon Trewin

24 November 2022

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0017	Christina McLachlan	
DPR-0028	Tony Stewart	
DPR-0032	Christchurch City Council	CCC
DPR-0033	Davina Louise Penny	
DPR-0043	Poultry Industry Association of New Zealand and Egg Producers Federation of New Zealand.	Poultry Industry and Egg Producers
DPR-0057	Road Metals Co Ltd	
DPR-0068	MetroPort Christchurch	MetroPort
DPR-0080	Philip J Hindin	
DPR-0136	Lynn and Malcolm Stewart, Lynn and Carol Townsend and Rick Fraser	Stewart, Townsend and Fraser
DPR-0156	Peter Stafford	
DPR-0165	Seo Jung	
DPR-0186	Malcolm Douglas	
DPR-0209	Manmeet Singh	
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0215	Winstone Aggregates	
DPR-0248	Michele and Regan Beight	
DPR-0266	Richard Graham	
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	Department of Corrections
DPR-0350	Hohepa Homes Trust Board	Hohepa
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Ltd	CIAL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0397	Survus Consultants Ltd	Survus
DPR-0407	Royal Forest and Bird Protection Society of New Zealand	Forest and Bird
DPR-0414	Kainga Ora – Homes and Communities	Kainga Ora
DPR-0415	Fulton Hogan Ltd	
DPR-0417	Jenny Fisher, Graham and Racquel Drayton, John and Fiona Kipping, David and Elizabeth Whiten.	Fisher, Drayton, Kipping, and Whiten
DPR-0420	Synlait Milk Limited	Synlait
DPR-0422	Federated Farmers of New Zealand – North Canterbury	Federated Farmers
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0454	Central Plains Water Ltd	
DPR-0460	Marama Te Wai Ltd	
DPR-0481	Graeme and Virginia Adams	
DPR-0488	Dally Family Trust and Julia McIlraith	Dally and McIlraith
DPR-0537	Stephen Lycett	
DPR-0588	Michael House	

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
APP	Appendix
CE	Coastal Environment
CMUZ	Commercial and Mixed Use Zone
CRPS	Canterbury Regional Policy Statement 2013
DPZ	Dairy Processing Zone
EI	Energy and Infrastructure
EIB	Ecosystems and Indigenous Biodiversity
EW	Earthworks
GIZ	General Industrial Zone
GRUZ	General Rural Zone
GRZ	General Residential Zone
HH	Historic Heritage
IMP	Mahaanui Iwi Management Plan 2013
LLRZ	Large Lot Residential Zone
NATC	Natural Character
NES-F	National Environmental Standards for Freshwater
NES-PF	National Environmental Standards for Plantation Forestry
NFL	Natural Features and Landscapes
NH	Natural Hazards
NPS	National Planning Standards
NPS-ET	National Policy Statement on Electricity Transmission
NPS-HPL	National Policy Statement on Highly Productive Land
NPS-REG	National Policy Statement on Renewable Electricity Generation
NPS-UD	National Policy Statement on Urban Development
NZCPS	New Zealand Coastal Policy Statement
ONL	Outstanding Natural Landscapes
PDP	Proposed Selwyn District Plan
PORTZ	Port Zone
RESZ	Residential Zone
RMA	Resource Management Act 1991
SASM	Sites and Areas of Significance to Maori
SD	Strategic Directions
TRAN	Transport
VAL	Visual Amenity Landscapes

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 the evaluation undertaken by myself as the planning author.
- 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 Jon Trewin. I am employed by the Council as a Strategy and Policy Planner. My qualifications include a MSc in Development Planning from Reading University, UK.
- 2.2 I have 15 years' experience as a resource management planner, with this including working in the UK and New Zealand on a variety of policy and planning related work concerning natural resource management, transport planning, economic development and land use planning.
- 2.3 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 General Rural Zone that have not been addressed in the other rezoning packages. It also addresses a number of miscellaneous rezoning requests that do not fit into a specific geographical area or are generalised in nature.
- 3.2 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, submission

points that sought the retention of the provision without amendment are not footnoted. Appendix 2 also sets 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 and 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 report¹, 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 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 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 where relevant.

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 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. 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 taken into

¹ Paragraph 1.1, Rezoning Framework Report

account in formulating recommendations. However, 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.

- 5.3 **Minute 29** of the Hearing Panel require that S42a reports include an assessment of each rezoning request against the requirements of the NPS-HPL based on the information available, where relevant. If any information gaps relating to the NPS-HPL assessment are identified in the s42A report, or if the submitter disagrees with the s42 author's assessment, the submitter will have an opportunity to supply this information through rebuttal evidence.
- 5.4 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 General Rural Zone (not assigned to another rezoning package) including submissions of a general/miscellaneous nature 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 submission, unless a new zone and/or set of provisions is proposed as part of the rezoning request.

Overview of General Rural Zone – Miscellaneous Rezoning Requests

- 6.2 Given the dispersed geography and generalised nature of some of the requests, it is not possible to provide a map of the entire area subject to the report, typical of the other rezoning S42a reports. However, where a request does relate to a specific area, a map is provided.
- 6.3 At the time of writing, the NPS-HPL is in effect. As per Minute 29 from the Hearing Panel, the NPS-HPL (in addition to other national policy statements) forms part of the assessment for rezoning requests.
- 6.4 A total of 39 submissions and further submissions were made on this topic. Of these, 21 submissions were further submissions only. The report has been structured in the following way:
 - 6.4.1 General submissions that are of a miscellaneous nature and/or do not relate to a specific geographical area.
 - 6.4.2 Requests to rezone areas of the GRUZ to a Rural Lifestyle Zone.
 - 6.4.3 A request to rezone an area of the GRUZ to a Special Purpose Zone for the Hohepa Homes Trust.
 - 6.4.4 A request to rezone an area of the GRUZ to a Special Purpose Zone for the Department of Corrections.

7. General Submissions

Submissions

7.1 18 submissions points and 20 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0017	Christina McLachlan	2	MAP	Support	Request limited further greenfield development be allowed in the district.
DPR-0537	Stephen Lycett	FS014	MAP	Support	<i>Retain the provision for very limited greenfield site development within the area. Allow in full</i>
DPR-0460	Marama Te Wai Ltd	FS005	MAP	Oppose	<i>Develop land that is not suited to agriculture</i>
DPR-0454	Central Plains Water Ltd	FS001	MAP	Support	<i>Allow in full.</i>
DPR-0375	Waka Kotahi	FS243	MAP	Support in Part	<i>Further consideration is given to the submission prior to determining whether an increased density is appropriate.</i>
DPR-0043	Poultry Industry and Egg Producers	FS001	MAP	Support	<i>Allow in full.</i>
DPR-0028	Tony Stewart	1	GRUZ-SCHED2	Oppose in Part	Amend density controls in SCA-RD9 - Claremont to provide the option for further subdivision.
DPR-0057	Road Metals Co Ltd	1	CHAPTER	Neither Support Nor Oppose	Insert a quarry zone into the Plan where quarries are an established activity.
DPR-0415	Fulton Hogan Ltd	FS003	CHAPTER	Support in Part	<i>Accept the submission subject to appropriate amendments to the SDP.</i>
DPR-0032	CCC	FS086	CHAPTER	Oppose	<i>Oppose</i>
DPR-0215	Winstone Aggregates	FS026	CHAPTER	Support	<i>Accept the submission.</i>
DPR-0033	Davina Louise Penny	FS009	CHAPTER	Support	<i>Quarry zone to be established that allows for a 1km buffer from the zone and residential properties or communities . The zone should be limited to no more than 250 hectares active at any one time, and no more than 4 operations/ operators within that 250 hectares. Refer to the original further submission for full reason.</i>
DPR-0414	Kainga Ora	FS006	CHAPTER	Oppose in Part	<i>Not specified.</i>
DPR-0057	Road Metals Co Ltd	4	CHAPTER	Neither Support Nor Oppose	Insert plan objectives, policies and rules allowing and encouraging quarry development and/or discouraging other activities from establishing in the proposed quarry zone.
DPR-0415	Fulton Hogan Ltd	FS005	CHAPTER	Support in Part	<i>Accept the submission subject to appropriate amendments to the SDP.</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0446	Transpower	FS001	CHAPTER	Neither Support Nor Oppose	<i>If the submission is allowed, ensure that the new provisions are subject to, and do not prevail over, the provisions in the proposed District Plan that enable and protect the National Grid.</i>
DPR-0215	Winstone Aggregates	FS027	CHAPTER	Support	Accept the submission.
DPR-0414	Kainga Ora	FS008	CHAPTER	Oppose in Part	Not specified.
DPR-0068	MetroPort	37	MAP	Support	Retain Port Zoning.
DPR-0165	Seo Jung	1	MAP	Support In Part	Requests that Council re-zone more land to provide sections larger than the normal residential lots (around 2000sqm ~ 3000sqm).
DPR-0186	Malcolm Douglas	1	MAP	Neither Support Nor Oppose	Requests Council to be proactive and follow the NPS-UD 2020.
DPR-0186	Malcolm Douglas	2	MAP	Neither Support Nor Oppose	Request Council stop using good agricultural land for housing and let the boundaries of land at Edwards/Brookside and Ellesmere Junction Roads merge as of right and forthwith.
DPR-0186	Malcolm Douglas	3	MAP	Neither Support Nor Oppose	Not specified.
DPR-0215	Winstone Aggregates	1	MAP	Support	Retain the Plains area of Selwyn District as General Rural Zone in the Planning Maps as notified.
DPR-0033	Davina Louise Penny	FS010	MAP	Oppose in Part	<i>To not allow for the rural zone be open for quarrying applications as is the current situation, when it would be fairer and more transparent to have dedicated quarry zones. This offers certainty to both the industry and the people of Selwyn. And also offers a degree of protection from the negative impacts that result from quarry activities.</i>
DPR-0215	Winstone Aggregates	5	MAP	Support	Retain the Rural Density Overlay as notified.
DPR-0248	Michele and Regan Beight	2	MAP	Oppose	Amend the zoning of the property at 134 Raineys Road (Lot 1 DP 74823) to improve the submitter's ability to subdivide in line with other properties in close physical proximity and with the same land characteristics.
DPR-0032	CCC	FS121	MAP	Oppose	<i>Oppose submissions that seek an increase in the amount of residential land or density and/or an increase in the amount of land zoned for industrial purposes. Refer to original submission for full reasons.</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0266	Richard Graham	3	MAP	Oppose	Insert Open Space zoning to identify existing recreational areas and protect these from future development.
DPR-0363	IRHL	336	CHAPTER	Support	Retain as notified
DPR-0370	Fonterra	1	MAP	Support	Retain as notified
DPR-0209	Manmeet Singh	FS734	MAP	Oppose in Part	Reject submission in Part
DPR-0370	Fonterra	2	MAP	Support	Retain as notified
DPR-0209	Manmeet Singh	FS735	MAP	Oppose in Part	Reject submission in Part
DPR-0397	Survus	1	MAP	Oppose in Part	Rezone the Malvern and Ellesmere Area Plan Preferred Future Development Areas to enable urban development now, consistent with the zoning identified for these locations in these plans.
DPR-0212	ESAI	FS046	MAP	Oppose in Part	Disallow in part.
DPR-0420	Synlait	12	MAP	Support	Retain as notified.
DPR-0080	Philip J Hindin	FS001	MAP	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.

Analysis

- 7.2 Christina McLachlan² considers that a large amount of farmland has been lost to urban development in the last 10 years and that, as such, limited further greenfield development should be allowed in the district. Council has experienced an influx of private plan changes in recent years that have sought to subdivide largely greenfield areas near to existing settlements for residential and commercial development. These private plan change applications have sought to leverage off of the provisions of the NPS-UD which enable growth to occur on greenfield land even where this has not been planned through Council growth documents, providing certain requirements can be met. This includes whether the plan change will contribute to a well-functioning urban environment, is well-connected along transport corridors and several other criteria yet to be determined (at the time of writing) at a regional level.
- 7.3 Central Government has however recently introduced the NPS-HPL which places restrictions on the development of fertile land for urban development and introduces new tests of appropriateness. Council will be required to implement the NPS-HPL through the District Plan. The NPS-HPL introduces new thresholds relating to the rezoning of highly productive land for urban development that any future development proposals would need to meet. This relates only to highly productive land however and, more broadly, the PDP is required to provide sufficient development capacity under the NPS-UD so cannot have a blanket limitation on greenfield development where this is giving effect to the NPS-UD. I therefore recommend that the submission point is accepted in part to

² DPR-0017.002 Christina McLachlan

the extent that the NPS-HPL will be a factor in the consideration of rezoning requests on greenfield land through the District Plan review process.

- 7.4 Tony Stewart³ seeks that density controls in SCA-RD9 (Claremont) are amended to provide the option to subdivide to a minimum of 2,500m² given its location in close proximity to Templeton and the boundaries of Christchurch. Claremont is within the 50dBA airport noise contour. Under the CRPS, Policy 6.3.5.4, district plans must avoid noise sensitive activities within the 50dBA airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A. As Claremont falls under none of these categories, I recommend the submission point is rejected.
- 7.5 Road Metals Co Ltd⁴ seek that a quarry zone is inserted into the PDP with accompanying objectives, policies and rules to facilitate quarrying and to prevent other activities from establishing in the proposed zone. I addressed a similar point from the submitter in the GRUZ S42a report where I recommended the point was rejected for the following reasons:
- 7.5.1 I agree with Council's conclusions regarding (discounting) the option of a quarry zone. This was not considered to be feasible as there are a large number of quarries in the district and it would be difficult to produce rules that capture all of the site-specific requirements and potential adverse effects. Other concerns were that it could potentially 'pick winners' and distort the market at the expense of immediate neighbours as well as creating considerable litigation in order to get accepted into the district plan and be resource intensive for Council to develop.
- 7.5.2 Rather than a spatially displayed buffer zone around a quarry zone, Council has opted for a setback requirement for sensitive activities from identified mineral extraction activities (in Schedule 1 of the GRUZ chapter) as well as any mineral extraction activities lawfully established after the decision date for the PDP. The lack of a spatial component can be justified as the relevant rule requirement (GRUZ-REQ11) distinguishes between different activities (processing, excavation, etc) which adds a complicating factor. I agree with this approach as it is consistent with the CRPS Policy 5.3.2, GRUZ-O1 and GRUZ-P7. This approach effectively aligns with the submitter's relief for buffer zones, hence the recommendation to reject the submission point (as no change is required).
- 7.6 I have not changed my opinion on this and therefore maintain my recommendation for the reasons outlined above that the submission points are rejected.
- 7.7 MetroPort⁵ seek that the Port Zone is retained in the PDP. I recommend this submission point is accepted as no change to remove the zoning is sought.
- 7.8 Seo Jung⁶ seeks that Council rezone more land for sections that are between 2-3,000m² to provide sections that are larger than normal residential lots. Policy 6.3.7.4b of the CRPS requires that

³ DPR-0028.001 Tony Stewart

⁴ DPR-0057.001 and 004 Road Metals Co Ltd

⁵ DPR-0068.037 MetroPort

⁶ DPR-0165.001 Seo Jung

greenfield residential development in the Greater Christchurch area of Selwyn District be developed at a minimum density of 10 households per hectare, which is smaller than the requested size (which would amount to 3-5 households per hectare). Overall, there is limited opportunity to develop sections of this size as they are too small to be considered rural residential, which is around 1-2 households per hectare as defined by the CRPS, and too large to meet the required size for greenfield development. I therefore recommend this submission point is rejected.

- 7.9 Malcolm Douglas⁷ seeks that Council proactively follow the NPS-UD 2020, respond to private plan changes and rezone more land to accommodate growth. Council has received a number of private plan changes since the NPS-UD came into effect on 20 August 2020. The majority of these have progressed through the process to the extent that Council has issued a decision for approval (with the exception of Plan Change 73). I therefore recommend that this submission point is accepted in part.
- 7.10 Malcom Douglas⁸ also seeks that Council stop using good agricultural land for housing and let the boundaries of land at Edwards/Brookside and Ellesmere Junction Roads merge as of right and forthwith. The reason given is that this area has poorer agricultural soil, is suitable for subdivision and is close to services and infrastructure. The submitter does not provide any further evidence to support the appropriateness of this zoning. Although I acknowledge that according to the Land Use Class Database, the soil type in this area does not appear to be highly productive soil (with the exception of a small area of Class 3 to the west of the land indicated), this is only one matter to be considered in determining if the rezoning is appropriate. Given the lack of evidence to support this rezoning proposal, I recommend the submission point is rejected. In terms of the request for Council to stop using good agricultural land for housing, I refer to the discussion above for Christina McLachlan.
- 7.11 Winstone Aggregates⁹ support retaining the Plains area as General Rural Zone. I recommend this submission point is accepted as no changes are proposed to remove this aspect from the PDP. They also support retaining management of residential density within that area to ensure land is available for primary production. To this end they seek that the rural density overlay is retained as notified. I recommend this submission point is accepted in part to the extent that some changes have been recommended to the mapping of rural density through the GRUZ Hearing¹⁰.
- 7.12 Michelle and Regan Beight¹¹ seek an amendment to the zoning of their property at 134 Rainey's Road near Lincoln to improve the ability for them to subdivide in line with other nearby properties. Land in this area is zoned GRUZ as notified with a rural density of one household per 4ha (under SCA-RD1). The subject site (Lot 1 DP 74823) is 13.35ha and appears from aerial imagery to presently have one residential dwelling. Provided density can be maintained, the site could be subdivided to support an additional two residential dwellings. Any further subdivision would be inconsistent with the CRPS in terms of not maintaining a rural density of one dwelling per 4ha in the Greater

⁷ DPR-0186.001 and 003 Malcolm Douglas

⁸ DPR-0186.002 Malcolm Douglas

⁹ DPR-0215.001 Winston Aggregates

¹⁰ DPR-0215.005 Winston Aggregates

¹¹ DPR-0248.002 Michele and Regan Beight

Christchurch area. No evidence has been provided to amend the zoning in this area. I therefore recommend the submission point is rejected.

- 7.13 Richard Graham¹² seeks that Open Space zoning is used in the PDP to identify existing recreational areas and protect them from future development. I recommend this submission point is rejected. The existing approach is to rely on designations with the underlying zoning being the same as neighbouring land use (e.g. residential). Whilst I note that other district plans have open space zones, the Council reserves team have commented that the use of designations as the primary tool to manage activities in reserves was working well and in their opinion no change was required. Given this advice, I recommend that the submission point is rejected.
- 7.14 IRHL¹³ supports all GRUZ provisions as notified. This point appears to have already been addressed in the S42a report for the GRUZ Hearing Topic¹⁴. Consistent with the recommendation of that report, I recommend this submission point is accepted in part as I am recommending changes to the GRUZ Chapter as a result of other submissions.
- 7.15 Fonterra¹⁵ and Synlait¹⁶ are seeking that the DPZ Special Purpose Zone be retained as notified. Fonterra¹⁷ also seek that areas of the GRUZ that adjoin the DPZ are retained as notified due to their compatible nature. I recommend these submission points are accepted as no changes are proposed to the zoning of these sites.
- 7.16 Survus¹⁸ seek that the Malvern and Ellesmere Area Plan Preferred Future Development Areas be rezoned to enable urban development now, consistent with the zoning identified for these locations in those plans. The Area Plans were adopted in September 2016. Their primary purpose was to serve as a high-level planning direction to guide growth and sustainable management of the townships in the Malvern and Ellesmere wards through to 2031. Both Area Plans reached the conclusion that there is sufficient available land to accommodate projected population growth within each township through to 2031 without the need to rezone any additional land for residential or business needs. The Area Plans did identify potential areas for further intensification beyond 2031.
- 7.17 Council have made the decision not to proactively rezone new areas of greenfield land based on the overall level of growth expected over the life of the Plan (including based on the assessments under the Area Plans). The Area Plans preferred future development areas have however been incorporated into the PDP as 'Urban Growth Overlays' as indicative of future growth direction. While the Overlays identify suitable areas for future growth, the PDP includes direction on specific things any rezoning of land within the overlay is to be considered against (essentially a merits-based assessment). The submitter has not provided any evidence to show how rezoning these areas would meet the objectives and policies set out for Urban Growth in the PDP. I therefore recommend the submission point is rejected.

¹² DPR-0266.003 Richard Graham

¹³ DPR-0363:336 IRHL

¹⁴ https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/704886/S42-Report-General-Rural-Zone.pdf Para 7.4

¹⁵ DPR-0370:001 Fonterra,

¹⁶ DPR-0420:012 Synlait

¹⁷ DPR-0370:002 Fonterra

¹⁸ DPR-0397:001 Survus Consultants Ltd

Recommendation

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

8. Rural Lifestyle Zone

Submissions

- 8.1 17 submission points and 47 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	187	MAP	Oppose In Part	Insert a Rural Lifestyle Zone into the PDP to better accommodate the areas covered by SCA-RD8 - SCA-RD18
DPR-0156	Peter Stafford	FS005	MAP	Support	Allow the submission.
DPR-0371	CIAL	FS027	MAP	Neither Support Nor Oppose	Accept in Part.
DPR-0353	HortNZ	192	R (Rule)	Support	Insert a new rule for subdivision in the Rural Lifestyle Zone to Table SUB-6.
DPR-0156	Peter Stafford	FS006	R (Rule)	Support	Allow the submission.
DPR-0371	CIAL	FS028	R (Rule)	Neither Support Nor Oppose	Accept in Part.
DPR-0353	HortNZ	184	TABLE	Oppose In Part	Amend to refer to areas listed in Table SUB-6 as sites within the Rural lifestyle zone, rather than as SCA-RD8 - SCA-RD18.
DPR-0156	Peter Stafford	FS004	TABLE	Support in part.	Allow the submission in part, subject to the amendments sought by the submitter to Table sub-6
DPR-0353	HortNZ	145	MAP	Oppose	Rezone the land covered by SCA-RD8 - Bealey Spur from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS251	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS256	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS014	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	146	MAP	Oppose	Rezone the land covered by SCA-RD9 - Claremont from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS252	MAP	Oppose	Reject submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	CIAL	FS026	MAP	Neither Support Nor Oppose	Accept in Part.
DPR-0415	Fulton Hogan Ltd	FS050	MAP	Oppose	Disallow the submission or accept the submission subject to appropriate plan amendments.
DPR-0488	Dally and McIlraith	FS257	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS015	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	147	MAP	Oppose	Rezone the land covered by SCA-RD10 - Edendale from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS253	MAP	Oppose	Reject submission
DPR-0156	Peter Stafford	FS003	MAP	Support	Allow the submission.
DPR-0488	Dally and McIlraith	FS258	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS016	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	148	MAP	Oppose	Rezone the land covered by SCA-RD11 - Greendale from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS254	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS259	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS017	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	149	MAP	Oppose	Rezone the land covered by SCA-RD12 - Johnsons Rd from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS255	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS260	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS018	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	139	MAP	Oppose	Rezone the land covered by SCA-RD13 - Jowers Rd from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS245	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS261	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS008	MAP	Support	The PDP to be amended as requested by the submission.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	140	MAP	Oppose	Rezone the land covered by SCA-RD14 - Kingcraft Drive from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS246	MAP	Oppose	Reject submission
DPR-0417	Fisher, Drayton, Kipping, and Whiten	FS001	MAP	Support	Rezone the land for residential lifestyle purposes as sought by Horticulture NZ, or with an alternative residential zoning which best achieves a compact urban form and efficient servicing.
DPR-0488	Dally and McIlraith	FS262	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS008	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	141	MAP	Oppose	Rezone the land covered by SCA-RD15 - Railway Corner from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS246	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS262	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS008	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	142	MAP	Oppose	Rezone the land covered by SCA-RD16 - Raven Drive from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS248	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS264	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS011	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	143	MAP	Oppose	Rezone the land covered by SCA-RD17 - Rocklands from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS249	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS265	MAP	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS012	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	144	MAP	Oppose	Rezone the land covered by SCA-RD18 - Yorktown from General Rural Zone to Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS250	MAP	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS266	MAP	Oppose in Part	Reject submission in part.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0588	Michael House	FS013	MAP	Support	The PDP to be amended as requested by the submission.
DPR-0353	HortNZ	302	CHAPTER	Support	Insert a new zone chapter to support the proposed Rural Lifestyle Zone.
DPR-0136	Stewart, Townsend and Fraser	FS269	CHAPTER	Oppose	Reject submission
DPR-0488	Dally and McIlraith	FS268	CHAPTER	Oppose in Part	Reject submission in part.
DPR-0588	Michael House	FS020	CHAPTER	Support	The PDP to be amended as requested by the submission.
DPR-0422	Federated Farmers	14	EXPLANATION	Oppose in Part	Amend SCA-RD8 to SCA-RD18 to Rural Lifestyle Zone and delete as special control areas in the General Rural Zone.
DPR-0481	Graeme and Virginia Adams	FS017	EXPLANATION	Support in Part	Allow in Part
DPR-0407	Forest and Bird	FS070	EXPLANATION	Oppose in Part	Reject the submission to ensure indigenous biodiversity does not become fragmented and lost through by subdivisions
DPR-0422	Federated Farmers	247	New	Neither Support Nor Oppose	Insert a new chapter for Rural Lifestyle blocks and include appropriate Objectives, Policies and rules to cater for this residential type. Make any consequential amendments.

Analysis

- 8.2 HortNZ¹⁹ seek that the Specific Control Areas in the Plan, specifically those with smaller densities (SCA-RD8 – SCA-RD18) are rezoned to rural living zones (essentially a ‘Rural Lifestyle Zone’ under the NPS). HortNZ state that the current approach weakens the integrity of the rural zone, as rural objectives, policies and rules (except residential density) will apply, and the s32 analysis did not consider the option of applying a Rural Lifestyle Zone to these areas.
- 8.3 The NPS describe a Rural Lifestyle Zone as ‘*areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur*’²⁰. The specific control areas identified by HortNZ range from 800m² to 13,000m² and vary widely in location from, for example, the Port Hills (Rocklands - SCA-RD17) and the outskirts of Prebbleton (Kingcraft Drive - SCA-RD14) to the High Country (Bealey Spur – SCA-RD8). Whilst these are considerably below standard rural density in the areas they are located, generally the other provisions of GRUZ still apply. The exception are rules relating to rural industry where resource consent specifically would be required at any scale for this activity²¹.

¹⁹ DPR-0353:139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 184, 187, 192, 302 HortNZ

²⁰ NPS p37

²¹ Where locating in other areas of rural density (SCA-RD1-RD7) that are not former EDA’s the permitted area of land for rural industry is 200-500m².

- 8.4 The specific control areas reflect the Existing Development Areas (EDA's) that are in the Operative District Plan. The bulk of these were either formalised in the transitional district plan or authorised via resource consents. They are in essence anomalies in the rural planning framework and are unlikely to become existing settlements in of themselves. .
- 8.5 The use of a specific control area for density is consistent with its intended use as a tool in the NPS- *A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particular site applies)*²². In my view, rezoning the identified specific control areas to a Rural Lifestyle Zone from GRUZ would not materially change how they are managed as density would still be the primary matter to be controlled. It is also notable that, that with the exception of Greendale and Yorktown, all EDA's have been subdivided and built-out.
- 8.6 In essence, were this relief to be accepted, there would be an extra Chapter of the PDP with no real difference in management and possibly various specific control areas within a Rural Lifestyle Zone would still be required given the spread of densities across the EDA's. Residential use already exists to a large degree and is limited to one dwelling per site, therefore the potential for new residential development is limited. Other uses are also unlikely to establish in place of residential activity, apart from perhaps low-level commercial activity although this would be restricted to 100m². Rural industry is restricted entirely. Based on this, I consider that having a whole new zone chapter is less efficient than a specific control area within GRUZ when the planning framework would be the same. I therefore recommend the submission points are rejected.
- 8.7 NCFF²³ more broadly are seeking a new chapter for 'rural lifestyle blocks' which cater for sections that are smaller than 4ha in size but greater than in size than that provided for by LLRZ. They seek new provisions and any consequential amendments to give effect to this relief sought.
- 8.8 I consider that the option to provide for sections smaller than 4ha in Greater Christchurch outside of existing urban areas, identified greenfield priority areas or land identified in a rural residential strategy is extremely limited. Within Greater Christchurch, Policy 6.3.1 of the CRPS requires that all urban activities are located within existing urban areas or identified greenfield priority areas unless specifically provided for in the CRPS. An urban activity in Greater Christchurch includes residential activity (excluding rural residential activities) at a density of more than one household unit per 4 ha of site area. Rural residential development in Greater Christchurch may be permissible under Policy 6.3.9 of the CRPS if in accordance with a rural residential strategy developed by the local authority. Rural residential in Greater Christchurch must have an average density of between 1-2 households per hectare. The PDP identifies areas where rural residential can occur based on Policy 6.3.9, either by zoning or by way of the urban growth overlay. If zoned, these areas are identified in the PDP as LLRZ (which has an average minimum site size of 5,000m²) and this zone is considered to be the 'best fit' zone for this activity under the NPS and the CRPS. .
- 8.9 Outside of Greater Christchurch, the above limitations do not apply. Here rural residential development is defined more broadly in the CRPS to refer to '*low density residential development*

²² NPS p50

²³ DPR-0422:14, 247 NCFF

*outside or on the fringes of urban areas*²⁴. The PDP does not include a Rural Lifestyle Zone as LLRZ is considered to fulfil the role of ‘rural residential development’ as envisaged by the CRPS. Outside of Greater Christchurch, LLRZ also has a minimum average site size of 5,000m² as this is largely consistent with existing L2 zoning in the Operative District Plan. Outside of Greater Christchurch GRUZ is proposed at a higher density of 1 dwelling per 20-40ha (SCA-RD2 and SCA-RD3).

- 8.10 In considering whether a Rural Lifestyle Zone is appropriate to fulfil a density gap between LLRZ and GRUZ, be it within or outside of Greater Christchurch it is important to note that there is strong direction in the NPS-HPL to not rezone highly productive land for rural lifestyle unless Policy 3.10 applies. Policy 3.10 relates to long term constraints on land, such that primary production is not demonstrably feasible in the medium to long term. Consideration against Policy 3.10 will need to be applied on a case-by-case basis, not in a general sense across large tracts of rural land. I therefore recommend the submission points are rejected as not enough evidence is provided as to where a Rural Lifestyle Zone should apply and how such a zone would comply with the NPS-HPL.

Recommendation

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

9. Hohepa Homes Trust Proposed Special Purpose Zone

Submissions

- 9.1 Two submission points and one further submission point was received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0350	Hohepa	1	Map	Neither Support or Oppose	Insert new Special Purpose Zone: Hohepa zoning with Outline Development Plan over application site
DPR-0350	Hohepa	2	Chapter	Neither Support or Oppose	Insert provisions including objectives, policies, rules and matters for discretion, that support the purpose of the proposed zone.
DPR-0446	Transpower	FS020	CHAPTER	Neither Support or Oppose	<i>If the submission is allowed, ensure that the site can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.</i>

Analysis

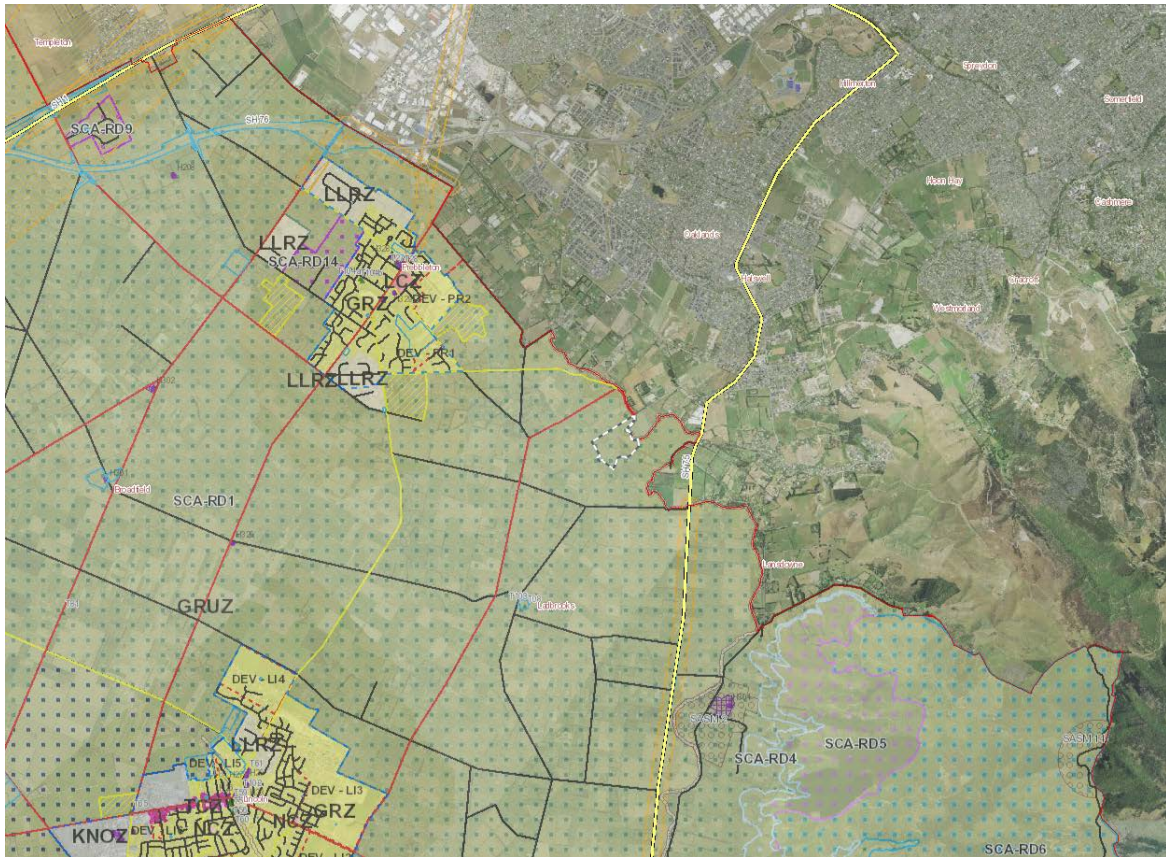
- 9.2 The submitter is seeking a special purpose zone over land that is legally described as Lot 1 DP 47349 BLK II HALSWELL SD. It is located on the corner of Trices Road and Sabys Road very close to the

²⁴ CRPS p244

boundary of Christchurch District. The land is approximately 19.80ha in size and is located in the Inner Plains part of the rural zone (SCA-RD1 in GRUZ in the PDP).

- 9.3 The site provides a specific service that is not readily available elsewhere in the region, being a permanent residential collective for intellectually disabled people in a rural setting. There are four dwellings on site with two smaller minor residential units associated with two of the houses. According to the submission, there are 15 intellectually disabled adults on site. This could conceivably rise in future with new intake creating additional demand for new dwellings/flats, especially as those living there can reside permanently.
- 9.4 Also on site are storage sheds, tunnel houses, ancillary buildings and a daytime activity centre (the Gaia Day Centre).
- 9.5 Existing resource consents held by the Trust from the Selwyn District Council are as follows:
 - 9.5.1 R689 – Approved in 1984 under the Town and Country Planning Act to develop the site for use as a residential facility. This consent was not fully implemented.
 - 9.5.2 R302410 – Approved 16/01/97 to relocate a fifth dwelling onto rural lot of 19.8ha in flood zone.
 - 9.5.3 R303246 – Approved 08/04/98 to erect a new building comprising replacement shop, kitchen and cafeteria.
 - 9.5.4 R145071 – Approved 18/06/14 to relocate a fourth dwelling to Hohepa Farm. This was to replace two dwellings removed in 2010/11 due to earthquake damage.
- 9.6 The main constraint on the future development of the site is residential density. Four dwellings are present on site which is generally consistent with residential density in the Inner Plains of one dwelling to 4ha – i.e. in this case four dwellings to 19.8ha of site area. Any further dwellings may not be able to achieve this density standard under GRUZ and may require resource consent as a non-complying activity. The expansion of activities on site may also, depending on their nature, fall under the definition of community, educational or health facilities in the PDP. These activities all require resource consent either as a discretionary or non-complying activity in the GRUZ.
- 9.7 Given this, a special purpose zone is sought to futureproof the use of the site for further expansion, to avoid repeated resource consents and to streamline development of the site.
- 9.8 A further submission was made by Transpower relating to the Bromley – Islington A 220KV transmission line which crosses the site, seeking that any effects on its operation are avoided. This is discussed further in the table below.
- 9.9 A site visit was undertaken on 3rd October 2022 with the permission of the Trust.
- 9.10 Location of Site and Proposed Outline Development Plan:

Location in Eastern Selwyn District



Location in Eastern Selwyn District - Detailed



Appendix 2: proposed Outline Development Plan Schedule X



Greenfield Framework

- 9.11 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.
- 9.12 According to the Rezoning Framework Report, a greenfield re-zoning request that is not within the Urban Growth Overlay nor meets the significance criteria could still be accepted if it fills some other need. This could be that it is a zoning anomaly and 'fills a gap' or links the provision of infrastructure. As these are bespoke requests or considerations, it will be up to the reporting officer's discretion to consider if it is appropriate in this context. I consider that the Hohepa Homes Trust rezoning request could be considered to 'fill a gap' by providing accommodation for those with an intellectual

disability in a rural setting. The below greenfield framework is used as a benchmark for assessing the proposal.

Criteria	Assessment:
Does it maintain a consolidated and compact urban form?	The proposed development area included in the ODP is coherent with the existing collection of buildings and residential units on site.
Does it support the township network?	No, by its unique nature it is not supportive of the township network – it is located separately and non-contiguously to any urban area.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	Not applicable – the site is not within an urban growth overlay.
Does not effect the safe, efficient, and effective functioning of the strategic transport network?	Trices Road is an arterial road at this point of the road network. Site access is located at a right angle where Trices Road becomes Sabys Road in Christchurch District. The road speed is limited to 60kph. It is unclear from the rezoning request whether traffic volumes are expected to increase in the future. I understand that the residents themselves do not drive to and from the site however there is the occasional movement of vehicles comprising staff, servicing and taxiing for the residents. It is necessary to understand present vehicle movements and likely future movements to determine the effect of the rezoning on the intersection of the site access with Trices/Sabys Road.
Does not foreclose opportunity of planned strategic transport requirements?	There are no planned strategic transport upgrades that will be compromised by the rezoning request.
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?	SASM37 is located within the site boundaries along the stream that forms the eastern border. However this is very much peripherally located within the overall development area contemplated by the ODP.
Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours	The site is located outside of the 50 db Ldn Air Noise Contour.
The loss of highly productive land	The NPS-HPL is now in effect. The site presently is shown as having a mix of Class 1 and Class 2 soils. It would therefore need to comply with the objectives and policies of the NPS-HPL. Presently this information is not available noting that the submission was received well before the NPS-HPL came into effect. The submitter will therefore, prior to the Hearing, need to make a planning case for the alternative use of the land for residential purposes, taking into account the objectives and policies of the

Criteria	Assessment:
	NPS-HPL. Further discussion on this is included below.
Achieves the built form and amenity values of the zone sought	<p>The submitter states that the site proposed for development in the ODP will be subject to several built form standards that are already present in GRUZ. This includes setbacks, height to boundary and height. As a note, these may be subject to change from the notified planning provisions as a result of submissions.</p> <p>The submitter does not specifically mention building coverage or the likely number of residential units that will eventuate. I understand that this cannot be determined at this stage as this is needs based and will evolve but the proposed new zone does provide an open-ended ability to intensify the community with new dwellings. It would provide more certainty to have some standard on building coverage and the number of residential units (or persons who will reside there) expected which will provide greater certainty on the upper ceiling of permitted development that is expected within the development area.</p>
Protects any heritage site and setting, and notable tree within the re-zoning area	There are no heritage sites or notable trees within the site area.
Preserves the rural amenity at the interface through landscape, density, or other development controls	<p>As above, the submitter proposes to utilise several rule requirements from GRUZ on built form. I note that there is the potential for these rule requirements to change through the Hearings process therefore it is important to ensure there are not any unintended consequences for the Hohepa site if the rezoning request is approved.</p> <p>No specific controls on landscape are proposed. The northeast of the site is the road boundary and to the east is the stream buffer with existing tree cover. The southwest portion of the development area is adjacent to the area that will remain as rural production land that is also in the Trust's ownership. The north-west interface includes a residential dwelling and rural land, separated by a shelterbelt.</p>

Criteria	Assessment:
Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones	Surrounding zoning is GRUZ. There are rural production activities that surround the development area, inclusive of rural land within the Trust's ownership.
Does not significantly impact the operation of important infrastructure, including strategic transport network	<p>As above, Trices Road is an arterial road in the Selwyn District Plan roading hierarchy. Present traffic movements to and from the site have not been provided with the rezoning request meaning that there is no baseline available, making effects on the arterial road difficult to assess.</p> <p>Transpower dual circuit line Bromley – Islington A 220KV runs across that part of the site that is outside of the area indicated as the development area on the ODP. There is no indication that this will be affected by the rezoning request.</p>
How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available	<p>The site is presently serviced by bore water through consent CRC010680 from ECAN. The resource consent expires on January 31, 2035. It is not specified whether the bore will be sufficient to service future development needs. It is also not specified whether reticulation will be sought in future. Conceivably, reticulated water could be sourced from Christchurch District along Sabys Road although this would require several hundred metres of new water pipes.</p> <p>Presently the site holds a resource consent to discharge contaminants from ECAN. CRC010681, expiring on 12 December 2035, allowing stormwater and vegetable washwater from a specified area to be discharged into Knights Stream. No other details on stormwater disposal appear to be available.</p> <p>Wastewater is currently disposed of on-site. It is not clear whether this is a permitted activity under the Land and Water Plan but no resource consent appears to be held. Although not stated in the submission, I understand that a reticulated wastewater system is being sought and discussions are being held with ECAN, CCC and Council.</p>
Ensuring waste collection and disposal services are available or planned	Waste collection is currently provided by Selwyn District Council.

Criteria	Assessment:
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services	There is no access to parks or commercial areas through the zoned land. The community services are self-contained for the use of residents of the site.
Promotes walking, cycling and public transport access	No walking, cycling and public transport access is proposed. This is largely due to the rural nature of the site. There may be opportunities in the future to connect the site through a walking and cycling path to residential development that is underway at Sabys/Quaifes Road in Christchurch District.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha	No density is proposed. However, the site is unique and not proposing typical residential development to be available on the open market. The site is a unique offering, providing a social service for a subset of society with specialised needs.
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	The site is a unique offering, providing housing on a permanent basis for intellectually disabled adults with housing need in a rural environment.
An ODP is prepared	<p>A basic ODP has been prepared that shows the development area with the balance area to remain as rural production land.</p> <p>SASM37 will remain as an overlay, regardless of the underlying zoning. Resource consent will be required for earthworks and buildings and structures within the area displayed. It would be beneficial to show this as a constraint area on the ODP.</p>

9.13 No Section 32AA assessment was provided with the submission which would be expected to include a consideration of alternatives. Under the NPS, Chapter 8 (Zone Framework Standard), Clause 3 an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria.

9.13.1 Are significant to the district, region or country.

9.13.2 Are impractical to be managed through another zone.

9.13.3 Are impractical to be managed through a combination of spatial layers.

9.14 There is no evaluation by the submitter as to whether a new special purpose zone is consistent with Chapter 8, Clause 3 of the NPS.

9.15 In my opinion there are three reasonable alternatives to a rezoning request:

9.15.1 Seeking to apply a designation. As the Trust is not a requiring authority under s168 RMA, they would need to petition a Ministry of the Crown to apply a designation over the site to enable

ongoing use and development as a residential and support facility for intellectually disabled people.

- 9.15.2 Apply a Specific Control Area or Precinct over the site to allow site specific activities to take place that are different to GRUZ rules (such as different densities, community, education or health facilities). The activity would still need to be consistent with the objectives and policies of GRUZ however.
- 9.15.3 Continue to apply for resource consent under the GRUZ provisions. The Trust has indicated that they wish to move away from this as it is not efficient. Applying for resource consent each time does create uncertainty, particularly where applications are assessed as non-complying activities.
- 9.16 Minute 29 from the Hearing Panel requires that each rezoning request be assessed against the provisions of the NPS-HPL. As stated, no information is provided with the submission, which predates the NPS. A special purpose zone is considered to be 'urban rezoning' under the provisions of the NPS-HPL, therefore the presumption is that it not be allowed, unless otherwise provided for in the NPS-HPL (Policy 5). Further information from the submitter is sought in this regard.
- 9.17 The land is indicated as being Technical Category 3 (TC3) according to information viewable in Canterbury Maps Viewer. It is likely that some geotechnical assessment would have been undertaken at an earlier stage in relation to securing building consent. Further information is sought from the submitter²⁵ noting that the area is located outside of the area identified as having low geotechnical risk by Council.
- 9.18 Due to the lack of information at this time, I recommend that the submission points are rejected. However, if the submitter was able to provide the following additional information, then this would assist in determining the appropriateness of the rezoning request:
 - 9.18.1 An assessment of the proposal against the provisions of the NPS-HPL.
 - 9.18.2 A s32AA assessment, to determine that the proposal is the most appropriate way to achieve the purpose of the Act.
 - 9.18.3 Confirmation of the rules and rule requirements that will apply to the site – including an upper limit on residential units/number of persons who will reside on site and total building coverage.
 - 9.18.4 Discussion on present and expected future traffic movement and impact on the intersection of access to the site with Trices/Sabys Road.
 - 9.18.5 Discussion on geotechnical risk associated with development of the site area.
 - 9.18.6 An updated ODP showing the constraint of SASM37 on the placement of buildings and structures and earthworks.

²⁵ [Canterbury residential technical guidance - Part d: Subdivisions \(building.govt.nz\)](https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/113746/LowGeotechnicalRiskArea_Sept2013.pdf)
https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/113746/LowGeotechnicalRiskArea_Sept2013.pdf

- 9.18.7 Confirmation of the wastewater disposal solution that will replace the current on-site system and whether other existing servicing arrangements are expected to continue.

Recommendation

- 9.19 I recommend, for the reasons given above, that the Hearings Panel retain the zoning at Lot 1 DP 47349 BLK II HALSWELL SD as notified.
- 9.20 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10. Proposed Correctional Facilities Special Purpose Zone

Submissions

- 10.1 Three submission points were received in relation to this subtopic.

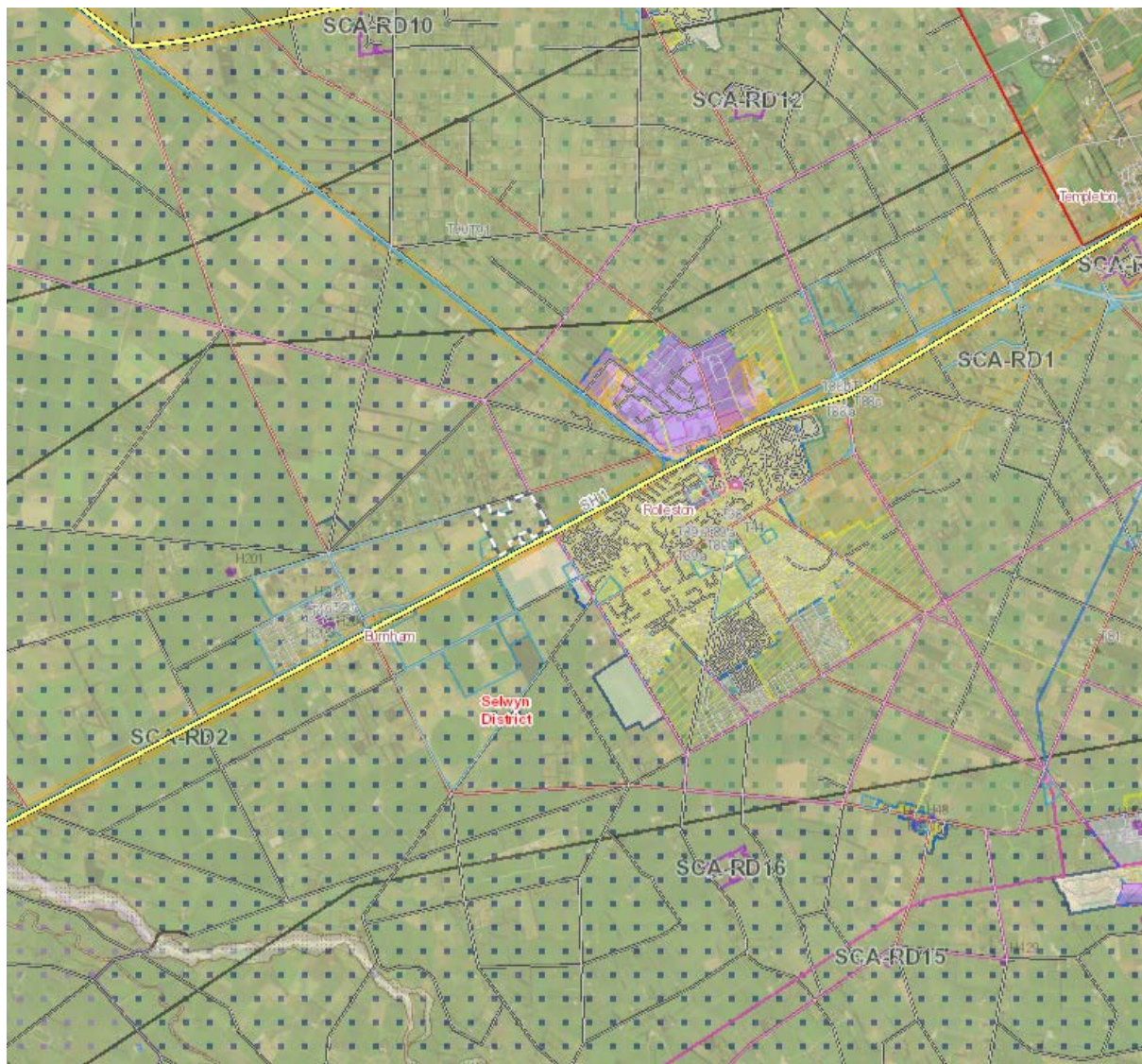
Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0300	Department of Corrections	16	MAP	Oppose	Amend the zoning of the land underlying Rolleston Prison, identified as Lots 2, 4, and 6 DP67195, Sections 1 and 2 SO 14371, from General Rural Zone to Special Purpose Corrections Zone.
DPR-0300	Department of Corrections	17	CHAPTER	Neither Support Nor Oppose	Add a Special Purpose Corrections Zone Chapter to Part 3 - Area Specific Matters as per the draft chapter set out in Attachment 1 to the submission.
DPR-0300	Department of Corrections	18	DEF	Neither Support Nor Oppose	Insert as follows: <u>Non-Custodial Rehabilitation Activity Means the use of land and buildings for non-custodial rehabilitative and reintegration activities and programmes undertaken by, or on behalf of, Ara Poutama Aotearoa, the Department of Corrections.</u>

Analysis

- 10.2 The submitter is seeking a special purpose zone over land that is legally described as Lots 2, 4 and 6 DP 67195, Section 1 & 2 SO 14371. The area is subject to a designation MCOR-1, rolled over from the Operative District Plan, the purpose of which is a prison. There are no conditions attached to the designation for the use of the site for this purpose.
- 10.3 The rationale for the special purpose zone, rather than continuing to exclusively rely on the designation, is that the description of the site as 'Rolleston Prison' is too generic and ambiguous for certain activities. This is for the following specified activities – 'non-custodial rehabilitation', 'community corrections activity' and 'supported residential accommodation'. If these were deemed to fall outside of the purposes of the site under the designation then reliance on underlying GRUZ rules would be problematic and onerous in the submitter's view as they would likely be categorised as being either non-complying or discretionary activities.

- 10.4 The package proposed by the submitter explicitly permits corrections activities that are enabled by the designation. In addition it futureproofs other activities at the site including additional 'non-custodial rehabilitation activity' and 'community corrections activity' and the establishment of 'supported residential accommodation'. The submission provides further detail on what these types of activities entail.
- 10.5 The package also includes a number of rule requirements relating to bulk and location and other changes to protect the amenity of the proposed zone's interface with GRUZ.
- 10.6 No site visit was undertaken due to the practicalities of the site being a secure facility.
- 10.7 Location of Site and Proposed Outline Development Plan:

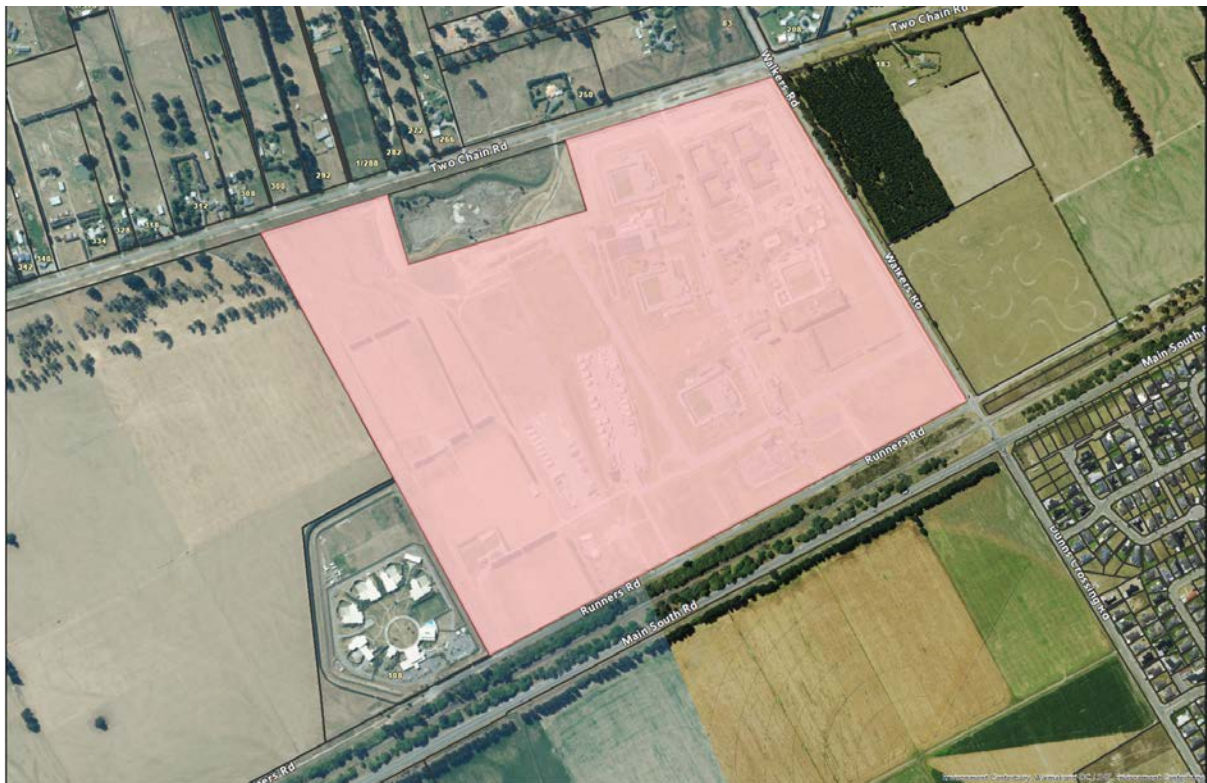
Location in Eastern Selwyn District



Location in Eastern Selwyn District - Detailed



Site Area



Greenfield Framework

- 10.8 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.
- 10.9 According to the Rezoning Framework Report, a greenfield re-zoning request that is not within the Urban Growth Overlay nor meets the significance criteria could still be accepted if it fills some other need. This could be that it is a zoning anomaly and ‘fills a gap’ or links the provision of infrastructure. As these are bespoke requests or considerations, it will be up to the reporting officer’s discretion to consider if it is appropriate in this context. Prisons and correctional facilities are not considered to be infrastructure under the RMA²⁶. However, I consider that the Department for Corrections rezoning request could be considered to ‘fill a gap’ by providing facilities associated with custodial and non-custodial facilities associated with the operation of the prison. The below greenfield framework is used as a benchmark for assessing the proposal.

Criteria	Assessment:
Does it maintain a consolidated and compact urban form?	The proposed special purpose zone is contiguous with the existing designation boundaries for Rolleston prison.
Does it support the township network?	No, by its unique nature it is not supportive of the township network – it is located separately and non-contiguously to any urban area.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	Not applicable – the site is not within an urban growth overlay.
Does not effect the safe, efficient, and effective functioning of the strategic transport network?	<p>The Prison is adjacent to SH1, the Main South railway line and Walkers Road, an arterial road. Main access is through Runners Road, essentially a frontage road to SH1. The submission does not discuss transport movements to and from the prison site presently or in the future as may be enabled by the special purpose zone except to say that the zoning will not materially change the character, scale or intensity of development. The submission also states that the immediate road network was recently confirmed as operating safely, considered as part of the recent Prison Expansion Project. The detail of this assessment was not included in the submission.</p> <p>It is noted that the characteristics of the surrounding area may change, with land to the east opposite the</p>

²⁶ A recommendation has been made to include Rolleston Prison as ‘Important Infrastructure’ in the S42a report for EI.

Criteria	Assessment:
	<p>prison subject to PC80, which seeks a rezoning from GRUZ to GIZ. To the south is the PC73 site which seeks rezoning to Living Z from Living 3 in the Operative Selwyn District Plan. This is currently subject to an appeal against Council's decision to refuse the plan change. Therefore, it would be useful to review this assessment in the context of approved and potential land use change in the area, including the likelihood of any extra traffic generation from the activities enabled under the special purpose zone, to confirm the effects of safety and performance on the intersections at SH1, Walkers and Runners Road.</p>
<p>Does not foreclose opportunity of planned strategic transport requirements?</p>	<p>Waka Kotahi and Council are progressing improvements to SH1 and surrounding roads through Rolleston as part of the New Zealand Upgrade Programme. As part of the programme, the intersection of Dunns Crossing Road/Walkers Road/SH1 will be upgraded. Whilst no transport assessment is included in the submission, it would be expected that the increase in capacity at the intersection would benefit access to and from the site. As above however, given it appears that an assessment has been undertaken on the performance of the road network as part of the Prisons Expansions Project, it would be useful to be able to review this assessment in light of the potential changes to land use in the area.</p>
<p>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?</p>	<p>The site is not located in any high hazard area, important landscape or area of biodiversity or site or area of significance to Maori.</p>
<p>Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours</p>	<p>The site is not located in the 50 db Ldn Air Noise Contour.</p>
<p>The loss of highly productive land</p>	<p>The site is not on Class 1, 2 or 3 soils as shown in the LUC database.</p>
<p>Achieves the built form and amenity values of the zone sought</p>	<p>According to the submitter, the special purpose zone will not promote a character, scale or intensity of development above that currently enabled through the designation. The site is largely built up with institutional buildings to the east and south with tracts of open land to the west. Under the existing designation, this could be developed for custodial purposes associated with the prison. The rezoning would allow that to occur as well as enable a broader</p>

Criteria	Assessment:
	range of activities associated with the prison, but not other activities incompatible with the rural zone. I agree with the submitter that fundamentally there would not be a significant change to the character, intensity or nature of what is already enabled under the designation.
Protects any heritage site and setting, and notable tree within the re-zoning area	There are no heritage sites or notable trees within the site.
Preserves the rural amenity at the interface through landscape, density, or other development controls	I agree with the submitter that the proposal would not fundamentally change the character, intensity or nature of what is already enabled under the designation. The special purpose zone also includes some controls on bulk and location for the activities that are additional to the custodial type activities enabled through the designation. This will assist in maintaining rural amenity where development interfaces with the rural zone.
Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones	As above, the rezoning provides bulk and location controls at the rural interface for non-custodial activities, reducing potential reverse sensitivity effects.
Does not significantly impact the operation of important infrastructure, including strategic transport network	Other than the strategic transport network which is discussed above, there is no important infrastructure that will be significantly impacted by the rezoning request.
How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available	The site is currently serviced through reticulated water, an emergency back-up supply via a bore, stormwater that is discharged to ground via infiltration devices and reticulated wastewater. The submission states that the capacity of the existing water and sewer services for the site, and the demands of the additional development were considered as part of the recent prison expansion project, which confirmed the Council networks have sufficient capacity.
Ensuring waste collection and disposal services are available or planned	Waste is collected by Selwyn District Council.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services	Not relevant to this rezoning request.
Promotes walking, cycling and public transport access	Not relevant to this rezoning request.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha	Not relevant to this rezoning request.

Criteria	Assessment:
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	Not relevant to this rezoning request.
An ODP is prepared	No ODP has been prepared.

- 10.10 The Proposed Special Purpose Zone does align with the NPS as one of the identified Special Purpose Zones listed in Chapter 8, Table 13. The existing use of the site aligns with the NPS zone description.
- 10.11 Turning to the provisions of the proposed special purpose zone, I generally agree with the objectives proposed as being appropriate to achieve the purpose of the RMA and the policies proposed are appropriate to achieve the objectives. Proposed CORZ-P4 requires clarification from the submitter as I assume that this relates to activities within the Corrections Zone maintaining rural amenity and character beyond the Correction Zone to the extent practicable (in the recommended amendments to the PDP as set out in **Appendix 2** below I have largely replicated the amendment proposed by the submitter albeit with my interpretation of what CORZ-P4 is trying to achieve).
- 10.12 I also generally agree with the rules, as these reflect existing custodial use enabled by the designation plus the associated overlapping activities sought by the submitter. In terms of the rule requirements these largely mirror those for GRUZ. The submitter is, for example, proposing maximum permitted structure heights of up to 9m for buildings that are designed for human occupation and 12m for other buildings or structures. From a brief review of the perimeter of the site through Google StreetView™, most existing buildings are single or double storey therefore it is reasonable to assume that this will be sufficient for Non-Custodial Rehabilitation Activity, Community Corrections Activity and Supported Residential Accommodation.
- 10.13 The site is surrounded by roads on the eastern and southern boundaries. The northern boundary is a mix of road boundary and a series of gravel pits owned by Council and used to dispose of contaminated waste. The western boundary of the site is a mix of rural production land (750m of the boundary) and a youth residential facility owned by Oranga Tamiriki. The potential for reverse sensitivity effects is therefore considered to be low and I consider that the setbacks proposed, which largely mirror those for GRUZ, are sufficient.
- 10.14 The submitter also proposes a definition of 'Non-Custodial Rehabilitation Activity'. I agree that this is appropriate and recommend it is accepted.
- 10.15 Various other amendments are proposed to the Subdivision, Earthworks, Light, Noise and Signs chapters to insert 'CORZ' alongside the standards already in place for GRUZ. I consider that this is appropriate and agree with the submitter that this provides a compatible interface with surrounding activities and properties.
- 10.16 The site is located in an area generally assessed as having low geotechnical risk²⁷. Typically a Plan Change (or rezoning request) would be accompanied by some assessment of geotechnical risk,

²⁷ https://www.selwyn.govt.nz/__data/assets/pdf_file/0004/113746/LowGeotechnicalRiskArea_Sept2013.pdf

consistent with guidance from MBIE²⁸. Given the location and nature of the existing activity this may not be necessary however, if an assessment has been undertaken, it would be useful for this information to be supplied.

10.17 I recommend that the rezoning request is accepted provided the submitter can supply information on the performance and safety of the road network (referenced to have been undertaken as part of the Prison Expansion Project) with the possibility this be reviewed in light of plan changes (where approved) in the area. In addition, it would be useful for the submitter to supply the relevant servicing reports undertaken for the water and wastewater networks and any geotechnical assessment as part of the Prison Expansion Project.

Recommendations and amendments

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

- a) Add a new Chapter – Special Purpose Zone – Correctional Facilities, as shown in **Appendix 2**
- b) Update the Planning Maps to display Special Purpose Zone – Correctional Facilities in **Appendix 2**.

Section 32AA evaluation

10.19 The expert evidence of the Department of Corrections is accompanied by a robust s32AA assessment that concludes that the Proposed Special Purpose Zone is the most appropriate way to achieve the objectives of the PDP and give effect to both the CRPS and relevant national policy statements.

10.20 The assessment concludes that:

10.20.1 the rezoning of Rolleston Prison from General Rural Zone to Corrections Zone is consistent with the Zone Framework Standard of the National Planning Standards and that the rezoning is intended to provide a more tailored framework enabling additional non-custodial justice sector reintegration and rehabilitation activities on a site where activities of a similar character, scale, and intensity already exist and are enabled by way of designation. It also provides a basis against which any future alterations to the sites' designation can be assessed. In so doing it will future proof the site and provide increased opportunity to provide for these activities in the District as critical social infrastructure.

10.20.2 the activities enabled will be subject to rules and performance standards that ensure activities are compatible with the character and amenity of the surrounding General Rural Zone.

10.20.3 the rezoning is assessed as giving effect to/being consistent with the relevant planning documents and in particular the CRPS, which provides key direction for the management of natural and physical resources in the region through the PDP. The section 32 assessment of the rezoning has found that the proposed objectives are appropriate to achieve the purpose of the RMA, and provisions in the proposal are the most appropriate way to achieve the proposed objectives.

²⁸ <https://www.building.govt.nz/assets/Uploads/building-code-compliance/canterbury-rebuild/repairing-and-rebuilding-houses/canterbury-guidance-part-d.pdf>

- 10.21 Having reviewed this assessment in the context of the outcomes sought by the higher order directions provided in the CRPS and national policy statements, I agree with these conclusions and adopt the submitter's s32AA evaluation.

11. Conclusion

- 11.1 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.