

Proposed Selwyn District Plan



Section 42A Report

Part A of Intensification Planning Instrument – Variation 1 to the Proposed District Plan

Report on submissions and further submissions

General Submissions

Jessica Tuilaepa

22 March 2023

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
V1-0001	Erith Boyd	-
V1-0006	Johan Rivas	-
V1-0013	Jig Dhakal	-
V1-0015	Darren Wilson	-
V1-0021	Lincoln Voice Incorporated	-
V1-0024	Robert Claman	-
V1-0030	Tracey MacLeod	-
V1-0031	Elene Anderson	-
V1-0038	Jeff Heyl	-
V1-0042	Jason Horne	-
V1-0044	Nicki Turner	-
V1-0046	Denise Carrick	-
V1-0050	Kathleen Liberty	-
V1-0055	AgResearch Limited	-
V1-0064	Margaret Gael Morrison	-
V1-0074	Jeremy Alsop	-
V1-0077	Ryman Healthcare Limited	Ryman
V1-0078	KiwiRail	-
V1-0079	Retirement Villages Association of New Zealand Incorporated	RVA
V1-0081	Adriana de Groot	-
V1-0083	The New Zealand Transport Agency	Waka Kotahi
V1-0088	Orion New Zealand Limited	Orion
V1-0092	Selwyn District Council	SDC
V1-0102	CSI Property Limited	CSI
V1-0103	Carter Group Property Limited	-
V1-0104	Sonya Strahan	-
V1-0109	Fiona Thirring	-
V1-0113	Kāinga Ora Homes and Communities	Kāinga Ora
V1-0114	CSI Property Limited and Rolleston West Residential Limited	CSI and RWRL
V1-0115	Rolleston Industrial Developments Limited	RIDL
V1-0119	Stephanie Broomhall	-
V1-0131	Terri Winder and Chris Lea	-

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
CON	Controlled activity status
CRPS	Canterbury Regional Policy Statement 2013
DIS	Discretionary activity status
GRZ	General Residential Zone
GRUZ	General Rural Zone
ISPP	Intensification Streamlined Planning Process
LRZ	Low Density Residential
LLRZ	Large Lot Residential Zone
MDRS	Medium Density Residential Standards
MRZ	Medium Density Residential Zone
NC	Non-complying activity status
NPS-UD	National Policy Statement on Urban Development 2020
ODP	Outline Development Plan
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
RDIS	Restricted discretionary activity status
RMA or Act	Resource Management Act 1991
RMA-EHS	Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021
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 Part A of the Intensification Planning Instrument (IPI) – Variation 1 to the PDP and submissions lodged with respect to the General submissions on Variation 1 to 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 in Variation 1 without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by me as the planning author. In preparing this report I have had regard to the [s32 report](#) prepared in support of the IPI and the various s42A reports prepared in relation to the PDP to date, including Officer Right of Reply reports, which can be found on [Councils website](#).
- 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 Jessica Barbara Tuilaepa. I have been employed by the Council within the planning team for the past twelve years, being a Senior Strategy and Policy Planner for the past four years. My qualifications include a Bachelor of Commerce from Otago University and Master of Environmental Policy from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.
- 2.2 I have 14 years' experience as a resource management planner, with this work including various resource management positions in local government and private companies since 2008. My predominant experience has been in statutory policy and resource consent planning in the Selwyn District. My experience includes processing and reporting on resource consent applications, district plan formulation and policy advice for the Council, preparation of Assessment of Environmental Effects, monitoring and compliance of consent conditions. My role as part of the District Plan Review Team includes consultation, research, and reporting and as Topic Lead for Part 1, and the CMUZ, DPZ, GIZ, KNOZ and PORTZ chapters in addition to the Commercial and Industrial Rezoning requests in Eastern Selwyn, the CMUZ submissions for Variation 1 to the PDP and those matters discussed in this report.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic 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 the General submissions on Variation 1 of the PDP.

- 3.2 Recommendations are made to either retain provisions in Variation 1 without amendment, or delete, add to, or amend the provisions. 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 within Variation 1, submissions points that sought the retention of the provision without amendment are not footnoted. Appendix 2 also contains a table setting out recommended spatial amendments to the PDP Planning Maps.
- 3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Several alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

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, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; and give effect to any national policy statement, the New Zealand coastal policy statement, national planning standards; the CRPS; and any regulations¹. Regard is also to be given to any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 Variation 1 to the PDP is "Part A" of the Council's IPI, which has been prepared in response to the RMA-EHS. The IPI is to be processed in accordance with the ISPP, alongside the completion of the PDP hearings process. As outlined in the supporting [s32 report](#), the purpose of the RMA-EHS is to enable greater housing choice within five of the largest urban environments in New Zealand, including Selwyn.
- 4.3 This is to be achieved through the introduction of mandatory MDRS within a new MRZ in Rolleston, Lincoln and Prebbleton townships. The MDRS allows for the establishment of up to three residential units, each up to three storeys high (11 metres) on most sites without the need for a resource consent. Exemptions apply based on identified qualifying matters, such as heritage areas and protecting nationally significant infrastructure, but it is otherwise mandatory to apply MDRS to relevant residential zones.
- 4.4 Variation 1 to the PDP introduces a new MRZ on the following land:
- All the existing General Residential zones in Rolleston, Lincoln and Prebbleton;

¹ Section 74 RMA

- Land covered by the following Council-approved private plan changes (PC) to the Operative District Plan: PC68 and PC72 in Prebbleton, PC69 in Lincoln and PC71, PC75, PC76 and PC78 in Rolleston. It is noted that the land covered by PC73 in Rolleston is not included in the variation to the PDP, but is subject to a variation to the private plan change;
 - The Housing Accords and Special Housing Area (HASHA) and COVID-19 Recovery (Fast-track Consenting) areas in Rolleston; and
 - 47 ha of rural land (on six different sites) within the Future Development Area (FUDA) that are in between existing residential and private plan change areas in Rolleston.
- 4.5 The MRZ has immediate legal effect from the date of notification of Variation 1 (20 August 2022) where it applies to existing relevant residential zones within these townships. Where new MRZ land is proposed to be rezoned through the variation, the proposed MRZ does not have legal effect.
- 4.6 There are also a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP, as set out in the original [s32 report](#) and '[Overview](#)' [s42a Report](#). These documents are discussed in more detail within this report where relevant to the assessment of submission points. It is further noted that the assessment of submission points is made in the context of other Section 32 reports already undertaken with respect to relevant PDP topics, which can be viewed on [Councils website](#).
- 4.7 All recommended amendments to provisions since the initial Variation 1 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 required.

National Policy Statement on Urban Development

- 4.8 The National Policy Statement on Urban Development (NPS-UD) recognises the national significance of urban environments and provides direction on planning for urban environments through establishing well-functioning urban environments. While Council is identified as a Tier 1 local authority, the Tier 1 urban environment referred to in Table 1 of the NPS-UD is Christchurch. For the application of the NPS-UD, the urban environment is considered to explicitly relate to the Greater Christchurch Region, as shown on Map A within Chapter 6 of the CRPS.
- 4.9 In this context, it is recognised that the RMA-EHS applies to geo-spatial areas of Rolleston and Lincoln as they have been defined as having relevant residential zones by way of having a population greater than 5,000 people at the 2018 census. Prebbleton has been included as part of the geo-spatial scope of this Variation as the RMA-EHS also states that an area predominately urban in character, which the local authority intends to be part of the urban environment should also be included. When taking into consideration the definition of 'urban environment', and assessing Prebbleton's estimated current population exceeding 5,000 people, its proximity to the housing and labour market of Christchurch City, and its location along key transport routes, it was determined that Prebbleton meets this definition and should be included as part of this Variation.
- 4.10 Alongside Prebbleton the same option of including West Melton is also available to Council. However, given the different context that exists between Prebbleton and West Melton, largely West Melton's existing lower density built and zoned environment, its distance to Christchurch City, lack

of employment and amenities, and its lack of public transportation it was considered that the rezoning of West Melton to medium density would constitute poor planning practice.

National Policy Statement on Highly Productive Land

- 4.11 The NPS-HPL came into force on 17 October 2022 to provide national direction on how highly productive land is protected from inappropriate subdivision and development. 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 highly productive land of the Canterbury Region are prepared under Clause 3.5(1). The NPS-HPL is specifically relevant to 'urban rezoning', which it defines as a change from a GRUZ to an 'urban zone' that is inclusive of the GRZ and LLRZ². Clause 3.5(7) identifies that the NPS-HPL applies to all GRUZ land that has a LUC Class 1, 2 and 3 and is not subject to an UGO in the PDP or subject to a Council initiated, or adopted, plan change to rezone the land from GRUZ to urban or rural lifestyle.
- 4.12 The NPS-HPL objective requires that highly productive land 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). The urban rezoning of highly productive land (Policy 5), its use for rural lifestyle living³ (Policy 6) and subdivision (Policy 7) are required to be avoided except as provided in the NPS-HPL.
- 4.13 NPS-HPL Part 3 Clause 3.6 requires that Tier 1 and 2 territorial authorities can only allow the urban rezoning⁴ of highly productive whether 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 requires territorial authorities to avoid the rezoning of highly productive land as rural lifestyle, except where the exemptions in Clause 3.10 are satisfied.

National Planning Standards

- 4.14 As set out in the [Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance with the Planning Standards.

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.

² NPS-HPL – Part 1: Preliminary provisions, 1.3 Interpretation - 'Urban rezoning'

³ Refer to the Rural Lifestyle Zone (RLZ) in the National Planning Standards 2019, 8. Zone Framework Standard, Table 13 Pg.37

⁴ NPS-HPL – 1.3 Interpretation, Urban rezoning means changing from the general rural or rural production zone to an urban zone

6. Consideration of submissions

Overview of submissions

- 6.1 A total of 44 submission points and 45 further submissions were received on general matters of Variation 1 to the of the PDP.

Structure of this report

- 6.2 This report relies on the s42A [Overview s42A Report](#) s42a report for [Part 1](#) and the s42a [Report for NPS-HPL](#) and the higher order framework that affects the whole chapter.
- 6.3 This report follows the order of the provisions within the PDP, and new overlay areas. The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendation and Amendments. Where an amendment is recommended the applicable s32AA assessment will follow on from the Recommendations section for that issue.

7. Amendments outside of Variation 1 area

Introduction

- 7.1 This section responds to the submission points relating to requests to amend the zoning and/or provisions in townships outside of the Variation 1 subject area.

Submissions

- 7.2 Four submissions points and 26 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0113	Kāinga Ora	003	MRZ	Oppose In Part	Amend the planning maps to rezone residential properties within approximately a 400m walkable catchment from the edge of the proposed Local Centre Zone in Darfield from LRZ, and a small area of LLRZ, to MRZ . Refer to original submission for full decision requested, including attachments.
V1-0078	KiwiRail	FS003	MRZ	Oppose	Reject amendment sought in submission to the extent that it is inconsistent with the relief sought in KiwiRail's primary submission.
V1-0083	Waka Kotahi	FS024	MRZ	Oppose	Reject the submission point
V1-0088	Orion	FS018	MRZ	Oppose In Part	Should land be rezoned as a result of any submission on Variation 1 to the proposed District Plan, that the corridor protection provisions sought in earlier Orion submissions and/or as amended in hearing evidence are applied to the rezoned land where that land intersects with the SEDLs.

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0102	CSI	FS268	MRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0103	CGPL	FS268	MRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0114	CSI and RWRL	FS268	MRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0115	RIDL	FS268	MRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0131	Terri Winder and Chris Lea	FS007	MRZ	Support In Part	<i>Allow in part</i>
V1-0113	Kāinga Ora	004	GRZ	Oppose In Part	Amend the planning maps to rezone the remaining residential properties proposed to be zoned LRZ to GRZ in Darfield. Refer to original submission for full decision requested, including attachments.
V1-0078	KiwiRail	FS004	GRZ	Oppose	<i>Reject amendment sought in submission to the extent that it is inconsistent with the relief sought in KiwiRail's primary submission.</i>
V1-0083	Waka Kotahi	FS025	GRZ	Oppose	<i>Reject the submission point</i>
V1-0088	Orion	FS019	GRZ	Oppose In Part	<i>Should land be rezoned as a result of any submission on Variation 1 to the proposed District Plan, that the corridor protection provisions sought in earlier Orion submissions and/or as amended in hearing evidence are applied to the rezoned land where that land intersects with the SEDLs.</i>
V1-0102	CSI	FS269	GRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0103	CGPL	FS269	GRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0114	CSI and RWRL	FS269	GRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0115	RIDL	FS269	GRZ	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0131	Terri Winder and Chris Lea	FS008	GRZ	Support In Part	<i>Allow in part</i>
V1-0113	Kāinga Ora	005	GRZ	Oppose In Part	Amend the planning maps to rezone residential properties proposed to be zoned LRZ to GRZ in Leeston. Refer to original submission for full decision requested, including attachments.

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0088	Orion	FS020	GRZ	Oppose In Part	Should land be rezoned as a result of any submission on Variation 1 to the proposed District Plan, that the corridor protection provisions sought in earlier Orion submissions and/or as amended in hearing evidence are applied to the rezoned land where that land intersects with the SEDLs.
V1-0102	CSI	FS270	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0103	CGPL	FS270	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0114	CSI and RWRL	FS270	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0115	RIDL	FS270	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0113	Kāinga Ora	006	GRZ	Oppose In Part	Amend the planning maps to rezone residential properties proposed to be zoned LRZ to GRZ in Southbridge. Refer to original submission for full decision requested, including attachments.
V1-0088	Orion	FS021	GRZ	Oppose In Part	Should land be rezoned as a result of any submission on Variation 1 to the proposed District Plan, that the corridor protection provisions sought in earlier Orion submissions and/or as amended in hearing evidence are applied to the rezoned land where that land intersects with the SEDLs.
V1-0102	CSI	FS271	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0103	CGPL	FS271	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0114	CSI and RWRL	FS271	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
V1-0115	RIDL	FS271	GRZ	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.

Analysis

- 7.3 Kāinga Or⁵ seeks to amend the planning maps to rezone residential properties within approximately a 400m walkable catchment from the edge of the proposed Local Centre Zone in Darfield from LRZ, and a small area of LLRZ, to MRZ. I note that Darfield does not have a Local Centre Zone, it has a

⁵ V1-0113.003 Kāinga Ora

Town Centre Zone. That aside, in the absence of any meaningful evidence, planning evaluation or s32AA evaluation from the submitter and given that this request sites outside of the scope of the Variation, I recommend that this submission point be rejected.

- 7.4 Kāinga Ora⁶ seeks to amend the planning maps to rezone residential properties within the LRZ in Darfield, Leeston and Southbridge to GRZ. In the absence of any meaningful evidence, planning evaluation or s32AA evaluation from either submitter, I recommend that these submission points be rejected.

Recommendation

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

8. Sprawl on Highly Productive Land

Introduction

- 8.1 This section responds to the submission points relating to Sprawl and Highly Productive Land.

Submissions

- 8.2 Six submissions points and seven further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0001	Erith Boyd	001	MRZ	Oppose	Not specified.
V1-0088	Orion	FS001	MRZ	Oppose In Part	Should land be rezoned as a result of any submission on Variation 1 to the proposed District Plan, that the corridor protection provisions sought in earlier Orion submissions and/or as amended in hearing evidence are applied to the rezoned land where that land intersects with the SEDLs.
V1-0030	Tracey MacLeod	005	UG	Neither Support Nor Oppose	Lessen the damage to land for food growing by limiting the spread of urban sprawl.
V1-0031	Elene Anderson	002	UG	Oppose In Part	Engage in dialogue with residents and ratepayers and prioritise their needs and wishes in terms of how to apply the intensification directive.
V1-0031	Elene Anderson	005	UG	Oppose In Part	Update the PDP to address how Variation 1 will prevent the further loss of farmland to development.
V1-0102	CSI	FS049	HPW20	Support	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.

⁶ V1-0113.004, 005, 006 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0103	CGPL	FS049	HPW20	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0113	Kāinga Ora	FS035	HPW20	Oppose	<i>Disallow</i>
V1-0114	CSI and RWRL	FS049	HPW20	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0115	RIDL	FS049	HPW20	Support	<i>Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.</i>
V1-0044	Nicki Turner	005	UG	Oppose	Lessen the damage to land for food growing by limiting the spread of urban sprawl.
V1-0119	Stephanie Broomhall	003	UG	Oppose In Part	Amend the MDRS.
V1-0021	Lincoln Voice	FS087	UG	Support	<i>Allow. Any private plan changes (such as PC69), or submissions seeking rezoning that are located on Highly Productive Land that had not been initiated by Selwyn Council, or made operative in the District Plan at the time of the National Policy Statement Highly Productive Land (NPS HPL) coming into effect, should be removed from variation 1 until they have been fully evaluated under the provisions of the NPS HPL.</i>

Analysis

- 8.3 Erith Boyd⁷ considers that the rural land surrounding Rolleston, Springston and Prebbleton should be retained, and that urban spread is not environmentally or visually sustainable. The submitter considers development around these townships is being considered on a case-by-case basis and development will not be enabled where deemed to be inappropriate. I recommend that this submission point be accepted in part.
- 8.4 Tracey Mcleod and Nicki Turner⁸ considers that action should have been taken sooner to protect highly productive land and versatile soils as development has taken place on inappropriate land. The aim of the Variation is to intensify existing urban areas and where growth occurs, the Council will be required to comply with the NPS-HPL. I recommend that this submission point be rejected.
- 8.5 Elene Anderson⁹ considers that there is no mention or consideration in the PDP nor Variation 1 on the proposed NPS-HPL. The PDP and Variation 1 were both notified before the gazettal of the NPS-HPL. With the provisions of the NPS-HPL now in effect, these will be considered on a case-by-case basis as required for rezoning requests. I recommend that this submission point be accepted in part.

⁷ V1-0001.001 Erith Boyd

⁸ V1-0030.005 Tracey McLeod and V1-0044.005 Nicki Turner

⁹ V1-0031.005 Elene Anderson

8.6 Elene Anderson¹⁰ considers that there is strong community support in Lincoln against the loss of productive farmland in the housing development. The submitter seeks relief in the form of Council engagement with residents and ratepayers to prioritise their needs and wishes in terms of how to apply the intensification directive. The community have the ability to be engaged through public participatory processes where possible, but I note the Amendment Act does contain mandatory changes. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria, through the specified process, therefore I recommend that these submission points be rejected.

8.7 Stephanie Broomhall¹¹ considers that Lot 4 DP 374131 has been recognised as highly productive and needs to be protected. It is determined by the NPS-HPL what areas are protected by the NPS-HPL. I recommend that this submission point be rejected.

Recommendation

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

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

9. Transport, Infrastructure and Facilities

Introduction

9.1 This section responds to the submission points relating to Transport, Infrastructure and Facilities.

Submissions

9.2 Twenty submissions points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0006	Johan Rivas	001	HPW30	Oppose	That Council undertake a proper impact study.
V1-0077	Ryman	FS002	HPW30	Oppose	Disallow the submission
V1-0079	RVA	FS002	HPW30	Oppose	Disallow the submission
V1-0006	Johan Rivas	003	Non-DPR	Oppose	Requests Council develop infrastructure first before growing densities.
V1-0077	Ryman	FS004	Non-DPR	Oppose	Disallow the submission
V1-0079	RVA	FS004	Non-DPR	Oppose	Disallow the submission
V1-0013	Jig Dhakal	004	UG	Neither Support Nor Oppose	Request an increase in recreational/ stormwater zoning for the district in particular the connection from Lincoln to Prebbleton.
V1-0015	Darren Wilson	002	HPW30	Oppose	Delete variation as notified
V1-0024	Robert Claman	006	HPW30	Oppose	Delete variation as notified.

¹⁰ V1-0031.002 Elene Anderson

¹¹ V1-0119.003 Stephanie Broomhall

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0042	Jason Horne	001	Non-DPR	Oppose	Delete variation as notified
V1-0042	Jason Horne	004	Non-DPR	Oppose	Delete variation as notified
V1-0042	Jason Horne	005	NH	Oppose	Delete variation as notified
V1-0046	Denise Carrick	006	Non-DPR	Oppose	Seeks that Council approaches the Ministry of Education, to obtain a definite dates and schedule for another Rolleston High School, Lincoln High School rebuild, and space allocated for a High School in Prebbleton.
V1-0046	Denise Carrick	008	Non-DPR	Oppose	Requests that Council does not proceed with implementing the medium density policy without Christchurch City also implementing the policy.
V1-0046	Denise Carrick	010	Non-DPR	Oppose	Requests that Council puts a plan in place to upgrade the roads between Lincoln/ Prebbleton and Lincoln/ Rolleston to make them safer and help prevent numerous accidents.
V1-0081	Adriana de Groot	003	Non-DPR	Oppose	Amend transport planning to focus on traffic impacts, and car parking.
V1-0081	Adriana de Groot	004	Non-DPR	Oppose	Amend transport planning to focus on traffic impacts, and car parking.
V1-0081	Adriana de Groot	005	Non-DPR	Oppose	Amend transport planning to focus on traffic impacts, and car parking.
V1-0081	Adriana de Groot	006	Non-DPR	Oppose	Not specified
V1-0083	Waka Kotahi	019	TRAN	Support	That consideration be given to initiatives and/or infrastructure that supports mode shift.
V1-0104	Sonya Strahan	004	NH	Oppose	Delete Leinster Terrace, Lincoln from Variation 1 of Selwyn Proposed District Plan.
V1-0109	Fiona Thirring	011	NH	Oppose	Delete variation as notified

Analysis

- 9.3 Jason Horne¹² considers that the cost of improving water supply infrastructure should be placed on new subdivisions, rather than existing ratepayers, and that increased density will decrease the amount of permeable surface area to manage rainwater, increasing the risk of flooding. The submitter seeks to delete Variation 1 as notified. The Council's Long-Term Plan sets the budgets for infrastructure and is not a matter being considered through this process. The plan proposes limits on maximum site coverage and minimum landscaping requirements through the proposed MRZ provisions. If sites are located in recognised flood areas, the Natural Hazards provisions apply, which guide development on flood prone sites. I recommend that these submission points be rejected.

¹² V1-0042.001 and 005 Jason Horne

- 9.4 Jason Horne¹³ and Denise Carrick consider that the proposal does not allow additional space for current schools or any additional school to cater for the additional population. The Ministry of Education determines where and when to establish schools, and the provision of schools is not a matter being considered through this process. I recommend these submission points be rejected.
- 9.5 Johan Rivas¹⁴ considers higher density residential areas will put more pressure on infrastructure to a greater degree than was intended, and that increasing traffic volumes are creating access issues from main roads into residential areas. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria, therefore I recommend that these submission points be rejected.
- 9.6 Jig Dhakal¹⁵ considers further recreational areas and greenspace connections should be provided within the Prebbleton, Lincoln and Rolleston townships. Reserves will continue to be provided in accordance with Council's Open Space Strategy via Subdivision Consent or Designation. I recommend that these submission points be accepted in part.
- 9.7 Darren Wilson¹⁶ considers that infrastructure is unable to support additional residential growth. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria, therefore I recommend that this submission point be rejected.
- 9.8 Robert Claman¹⁷ considers that there is an inability of services to cope with intensive housing. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria, therefore I recommend that this submission point be rejected.
- 9.9 Denise Carrick¹⁸ considers that the policy in Selwyn should not be more permissive than the implementation of medium density in Christchurch City. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria. Variation 1 does not propose a more permissive approach than the minimum requirements of the MDRS, therefore I recommend that this submission point be rejected.
- 9.10 Denise Carrick¹⁹ also considers that there is not currently the roading infrastructure to support more residents in Lincoln and Prebbleton. The submitter requests that Council puts a plan in place to upgrade the roads between Lincoln/ Prebbleton and Lincoln/ Rolleston to make them safer. Council has a road safety programme that is separate to the Variation 1 process, therefore I recommend that this submission point be rejected.
- 9.11 Ariana De Groot²⁰ considers major accessways including Springs, Ellesmere, Ellesmere Junction, and Birchs Roads to be under constant repair, that parking access is a constant issue in central Lincoln and around schools, and that bus service reliability and frequency are discouraging use. The submitter seeks nonspecific amendments to transport provisions. In the absence of any meaningful

¹³ V1-0042.004 Jason Horne and V1-0046.006 Denise Carrick

¹⁴ V1-0006.001, 003 Johan Rivas

¹⁵ V1-0013.004 Jig Dhakal

¹⁶ V1-0015.002 Darren Wilson

¹⁷ V1-0024.006 Robert Claman

¹⁸ V1-0046.008 Denise Carrick

¹⁹ V1-0046.010 Denise Carrick

²⁰ V1-0081.003, 004 and 005 Ariana De Groot

evidence, planning evaluation or s32AA evaluation from the submitter I recommend that these submission points be rejected.

- 9.12 Ariana De Groot²¹ considers that medical services are inadequate for a growing population. The PDP provides a framework for these activities to establish in appropriate zones, but the establishment of medical services is not something that can be required by the District Plan. I recommend that this submission point be rejected.
- 9.13 Waka Kotahi²² supports the use of financial contributions as a tool to contribute towards public realm improvement and mode shift. We have not included Financial Contributions provisions into the plan through the Variation, however the potential to do so will be investigated in the future. I recommend that this submission point be rejected.
- 9.14 Sonya Strahan and Fiona Thirring²³ are concerned with flooding. The PDP has specific provisions relating to mitigating flood hazards. The submitters seek to delete Variation 1 as notified. The plan proposes limits on maximum site coverage and minimum landscaping requirements through the proposed MRZ provisions. If sites are located in recognised flood areas, the Natural Hazards provisions apply, which guide development on flood prone sites. I recommend that these submission points be rejected.

Recommendation

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

10. Process, Policy, and the Plan

Introduction

- 10.1 This section responds to the submission points relating to Process, Policy, and the Plan.

Submissions

- 10.2 Fourteen submissions points and seven further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0031	Elene Anderson	001	Non-DPR	Oppose In Part	Engage in dialogue with the Christchurch City Council and the government.
V1-0031	Elene Anderson	003	HPW30	Oppose In Part	Update the PDP to address how Variation 1 will protect the night sky and the West Melton Lighting Control Area.

²¹ V1-0081.006 Ariana De Groot

²² V1-0083.019 Waka Kotahi

²³ V1-0104.004 Sonya Strahan and V1-0109.011 Fiona Thirring

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
V1-0077	Ryman	FS014	HPW30	Oppose	Disallow the submission
V1-0079	RVA	FS014	HPW30	Oppose	Disallow the submission
V1-0031	Elene Anderson	004	LIGHT	Oppose In Part	Update the PDP to address how Variation 1 will protect the night sky and the West Melton Lighting Control Area.
V1-0077	Ryman	FS015	LIGHT	Oppose	Disallow the submission
V1-0079	RVA	FS015	LIGHT	Oppose	Disallow the submission
V1-0050	Kathleen Liberty	003	Non-DPR	Oppose	Join with Christchurch City Council to appeal the Medium Density Rules to the High Court.
V1-0038	Jeff Heyl	004	Non-DPR	Oppose	Delete variation as notified
V1-0064	Margaret Gael Morrison	001	Non-DPR	Oppose	Amend.
V1-0074	Jeremy Alsop	002	Non-DPR	Oppose	Delete variation as notified
V1-0077	Ryman	001	HPW20	Oppose In Part	Amend to include MRZ-Medium Density Residential Zone
V1-0079	RVA	001	HPW20	Oppose In Part	Amend to include MRZ-Medium Density Residential Zone
V1-0081	Adriana de Groot	007	Non-DPR	Oppose	Amend Proposed District Plan to reinstate local planning processes and the right of appeal.
V1-0081	Adriana de Groot	008	Non-DPR	Oppose	Request Council opens dialogue with Government regarding local sustainable and affordable housing solutions.
V1-0083	Waka Kotahi	006	TCZ	Support In Part	A greater walkable catchment around the TCZ should be provided, with a 400m walkable catchment considered to be appropriate.
V1-0055	AgResearch	FS017	TCZ	Support	Allow the submission
V1-0083	Waka Kotahi	021	Non-DPR	Neither Support Nor Oppose	Consideration should be given to how the Council will manage restrictive building covenants on properties within new subdivisions so that they can be consistent with the proposed objectives and policies of the residential chapters.
V1-0092	SDC	001	HPW20	Support In Part	Amend HPW-20 zone descriptions to include MRZ as follows: <u>Medium Density Residential Zone/MRZ/Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.</u>
V1-0077	Ryman	FS039	HPW20	Oppose In Part	Disallow the submission or amend it to make it consistent with the

Submitter ID	Submitter Name	Submission Point	Provision	Position	Decision Requested
					<i>remainder of the Proposed Plan and the Housing Enabling Act.</i>
V1-0079	RVA	FS039	HPW20	Oppose In Part	<i>Disallow the submission or amend it to make it consistent with the remainder of the Proposed Plan and the Housing Enabling Act.</i>
V1-0092	SDC	050	0	Support In Part	Review and make changes as necessary to achieve the MDRS and associated PDP objectives, and to enable the implementation of the relevant MDRS and PDP policies, including appropriate provision for qualifying matters.
V1-0021	Lincoln Voice Incorporated	FS089	0	Oppose In Part	<i>Disallowed in part. Selwyn Council needs to revise Variation 1 to recognise and give effect to the provisions of the NPS HPL, as well as align these provisions with the accompanying technical guidance that will be provided by the Government. Any private plan changes (such as PC69), or submissions seeking rezoning that are located on Highly Productive Land that had not been initiated by Selwyn Council, or made operative in the District Plan at the time of the National Policy Statement Highly Productive Land (NPS HPL) coming into effect, should be removed from variation 1 until they have been fully evaluated under the provisions of the NPS HPL.</i>

Analysis

- 10.3 Elene Anderson²⁴ considers that dark skies around Selwyn are being impacted by increased sky glow and that any intensification activities will need to ensure that the West Melton Observatory Lighting Area is protected. It is not proposed at this time to include any areas of MRZ within the West Melton Observatory Lighting Area. If development of the land within the area intensifies in the future, there are sky glow provisions in the LIGHT chapter of the PDP. As no intensification is included within the West Melton Lighting Control Area I do not consider further plan amendments are necessary at this time and therefore I recommend that this submission point be rejected.
- 10.4 Elene Anderson, Kathleen Liberty and Jeremy Alsop²⁵ do not support the Variation. The submitters consider that Council should support the Christchurch City Council and enter negotiations with the government regarding intensification. As a Tier 1 Council, SDC must apply the MDRS to those

²⁴ V1-0031.003 and 004 Elene Anderson

²⁵ V1-0031.001 Elene Anderson, V1-0050.003 Kathleen Liberty, and V1-0074.002 Jeremy Alsop

townships that meet the specified criteria, therefore I recommend that these submission points be rejected.

- 10.5 Jeff Heyl²⁶ considers the Variation is entirely unnecessary for Selwyn District, and that the MDRS are intended to address Auckland's housing shortage. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria, therefore I recommend that this submission point be rejected.
- 10.6 Margaret Gael Morrison²⁷ considers that supermarkets are not suitable in residential areas. The submitters raises concerns about a recently consented Pak n Save in Rolleston. The Variation does not propose to alter the residential framework as it relates to commercial activities. I recommend that this submission point be rejected.
- 10.7 SDC, Ryman and RVA²⁸ considers that MRZ is missing from the zone descriptions in HPW-20. I agree with the submitters, and I recommend that these submission points be accepted.
- 10.8 Ariana De Groot²⁹ considers that the PDP removes resident's input to local planning processes and the right of appeal and seeks that Council opens dialogue with Government regarding local sustainable and affordable housing solutions. As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria, through the specified process, therefore I recommend that this submission point be rejected.
- 10.9 Waka Kotahi³⁰ considers that Council should take a long-term, enabling view of development in the TCZ and that a 400m walkable catchment around the TCZ should be provided. In the absence of any meaningful evidence, planning evaluation or s32AA evaluation from the submitter I recommend that this submission point be rejected.
- 10.10 Waka Kotahi³¹ seeks that consideration be given to how the Council will manage restrictive building covenants which may prohibit the ability to develop a site to the extent of the MDRS. Council has no jurisdiction to prevent private covenants from being applied to titles, this is the prerogative of the landowner. I recommend that this submission point be rejected.
- 10.11 SDC³² generally supports the introduction of the *Medium density residential zone* in appropriate locations in Greater Christchurch. The submitter considers some provisions as notified are likely to be inadequate to achieve the MDRS and associated PDP objectives, or to enable the implementation of the relevant MDRS and PDP policies and seeks to make changes as necessary to achieve the MDRS and associated PDP objectives, and to enable the implementation of the relevant MDRS and PDP policies, including appropriate provision for qualifying matters. I recommend that this submission point be accepted.

²⁶ V1-0038.004 Jeff Heyl

²⁷ V1-0064.001 Margaret Gail Morrison

²⁸ V1-0092.001 SDC, V1-0077.001 Ryman and V1-0079.001 RVA

²⁹ V1-0081.006 and 007 Ariana De Groot

³⁰ V1-0083.006 Waka Kotahi

³¹ V1-0083.021 Waka Kotahi

³² V1-0092.050 SDC

Recommendation

10.12 I recommend, for the reasons given above, that the Hearings Panel

- a) Amend HPW-20 to include a description of the Medium Density Residential Zone.

10.13 The amendments recommended for HPW-20 are set out in a consolidated manner in **Appendix 2**.

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

11. Conclusion

11.1 For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the recommended 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.