

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Prebbleton Rezoning Requests

Rachael Carruthers

10 May 2023

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
V1-0011	Helen and Tom Fraser	H & T Fraser
V1-0028	Adam and Sarah Pollard; Trevor Holder and Westpark Trustees Limited; Xiaojiang Chen and Ying Li; Nicholas Patrick Leeming, Simon Shamy and Philip Shamy	A & S Pollard <i>et al</i>
V1-0029	Gary and Lynda Burgess	G & L Burgess
V1-0049	Transpower New Zealand Limited	Transpower
V1-0066	Birchs Village Limited	Birchs Village
V1-0070	Ballantrae Residents Group	Ballantrae
V1-0076	Jenny Fisher	J Fisher
V1-0080	Christchurch City Council	CCC
V1-0087	Margaret Springer	M Springer
V1-0088	Orion New Zealand Limited (Orion)	Orion
V1-0098	Urban Estates No. 21 Limited, SJ & MJ Abbot, HM & WJ Bishop, AJ Longbottom, JJ Verity, EC & J Radford, GM & J Drinnan and Franco Farms Limited (Urban Estates No.21 Group) Developments Limited	Urban Estates <i>et al</i>
V1-0128	GM & J Drinnan	GM & J Drinnan
V1-0130	Dally Family Trust & Robbie and Julia McIlraith	Dally & McIlraith

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
HPL	Highly productive land
ISPP	Intensification Streamlined Planning Process
LLRZ	Large Lot Residential Zone
MBIE	Ministry of Business, Innovation and Employment
MDRS	Medium Density Residential Standards
MRZ	Medium Density Residential Zone
NC	Non-complying activity status
NES-FM	National Environmental Standards for Freshwater Management
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
ODP	Outline Development Plan
PC	Private Plan Change
PDP	Proposed Selwyn District Plan
Pines WWTP	Pines waste water treatment plant, Rolleston
Planning Standards	National Planning Standards
REDIS	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
SDP	Operative Selwyn District Plan
SNA	Significant Natural Area
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 Prebbleton rezoning. 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 In preparing this report I have had regard to the various s42A reports prepared in relation to the PDP and Variation 1, including the right of reply reports and associated recommended amendments, as listed below:

S42A Report	Response to Hearing Panel Questions	Right Of Reply	Current Recommended Amendments
PDP Residential	Response to Panel Questions	Right of Reply	Recommended Amendments 2 Dec 2022
PDP Subdivision	Response to Panel Questions Joint Response to Panel Questions - Subdivision and Residential	Right of Reply	Recommended Amendments 2 Dec 2022
PDP Rezoning: Prebbleton			Recommended Amendments 2 Dec 2022
Variation 1 Residential			
Variation 1 Subdivision			

- 1.3 I have also 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 also informed by both the technical information provided by:
- 1.3.1 Selwyn Residential Capacity and Demand Model – IPI 2023 – **Appendix 3**
 - 1.3.2 Transport – Mat Collins, Flow Transportation Specialists Ltd – **Appendix 4**
 - 1.3.3 Urban form – Hugh Nicholson – **Appendix 5**
 - 1.3.4 Water, wastewater and sewer – Hugh Blake-Manson – **Appendix 6**
- 1.4 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 required.
- 1.5 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 Rachael Margaret Carruthers. I am employed by the Council as a Policy Planner. My qualifications include Master of Social Science (Hons) and Post Graduate Diploma in Resource and Environmental Planning, both from the University of Waikato. I am an Intermediate member of the New Zealand Planning Institute.
- 2.2 I have 20 years of experience as a planner with Selwyn District Council, with my experience including monitoring and compliance of consent conditions, processing and reporting on resource consent applications, private plan change requests and notices of requirement for designations, district plan formulation and policy advice for the Council. I am Topic Lead for the *Natural Hazards, Ecosystems and Indigenous Biodiversity, Public Access, Subdivision, Activities on the Surface of Water* and *Designations* chapters of the PDP, and for Variation 1 I am the Topic Lead for the *Subdivision* chapter and the rezoning requests for Prebbleton.
- 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 Variation 1 requests to rezone land in the Prebbleton area of Selwyn District, which includes properties within the township itself as well as the surrounding peri-urban area.
- 3.2 Recommendations are made to either retain provisions 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 Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the 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 (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.

- 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 [Section 32](#) evaluation, the purpose of the RMA-EHS is to enable greater housing choice within five of the largest urban environments in New Zealand, including Selwyn district. This is to be achieved through the introduction of mandatory MDRS within a new MRZ in Rolleston, Lincoln and Prebbleton townships.
- 4.3 Variation 1 to the PDP introduces a new MRZ on the following land:
- All the residential areas in Rolleston, Lincoln and Prebbleton proposed to be GRZ in the PDP;
 - Land covered by the following Council-approved private plan changes to the Operative District Plan: PC68 and PC72 in Prebbleton, PC69 in Lincoln and PC71, PC75, PC76 and PC78 in Rolleston;
 - The HASHA and COVID-19 areas in Rolleston; and
 - 47 ha of rural land (on six different sites) within the FUDA that are in-between existing residential and private plan change areas in Rolleston.

National Policy Statement on Urban Development

- 4.4 The NPS-UD recognises the national significance of urban environments and provides direction on planning for urban environments through establishing well-functioning urban environments. While the 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.
- 4.5 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 Variation 1 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 Variation 1.
- 4.6 West Melton did not qualify for inclusion in Variation 1 because the township has a current resident population below 5,000. It was also determined that applying the MRZ to the township would “constitute poor planning practice” due to existing low density built and zoned environment, its distance to Christchurch City, and its lack of employment, amenities, and access to public transport.

National Policy Statement on Highly Productive Land (NPS-HPL)

- 4.7 The NPS-HPL came into force on 17 October 2022 to provide national direction on how highly productive land is to be 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 maps are prepared by the regional council 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 LLRZ. 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.

4.8 Most of the submissions seeking rezoning from GRUZ to MRZ around Prebbleton relate to land that falls within the interim definition of highly productive land (HPL), in that, at the commencement date of the NPS-HPL:

- Was zoned general rural; and
- Mapping based on the New Zealand Land Resource Inventory classified the land as Land Use Capability 1, 2, or 3; but
- Was not located within an urban growth overlay or subject to a Council-initiated plan change to rezone it from general rural to urban or rural lifestyle.

4.9 The only submissions considered in this assessment where the NPS-HPL is not a consideration are V1-0029 G & L Burgess (because the submission area is within an urban growth overlay) and V1-0070 Ballantrae (because the submission area is not currently zoned GRUZ).

4.10 The NPS-HPL provides a pathway for urban rezoning on HPL to align with both the requirements in the NPS-UD and the wider RMA functions of all local authorities. In this way the NPS-HPL provides a pathway for councils to enable sufficient development capacity to meet demand for housing and business land in regions and districts. Policy 5 is the key policy relating to urban rezoning, which states:

The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

4.11 Local authorities are therefore directed to avoid rezoning HPL unless they follow the process set out in Clause 3.6 of the NPS-HPL (restricting urban rezoning of highly productive land). This means that urban rezoning should be avoided on HPL unless all tests in Clause 3.6 can be met.

4.12 The NPS-HPL enables rezoning of HPL to an urban zone (provided certain tests can be met) to enable local authorities to provide 'sufficient development capacity' to meet demand for housing and business land to give effect to the NPS-UD. This also aligns with the general function of regional councils and territorial authorities under the RMA to provide sufficient development capacity to meet demand for housing and business land (ss30(1)(ba) and 31(1)(aa) RMA).

4.13 'Sufficient development capacity' is defined in Part 3, subpart 1 of the NPS-UD. The Guide to Implementation¹ notes that the intention of this test is to ensure that rezoning HPL to an urban zone only be considered if it is 'required' to provide sufficient development capacity to meet demand for housing and business land (as assessed in a HBA for tier 1 and 2 local authorities, **Appendix 3**). Where there is already sufficient development capacity to meet demand for housing and business land

¹ <https://environment.govt.nz/assets/publications/NPS-Highly-Productive-Land-Guide-to-implementation.pdf>

within the same locality and market, Clause 3.6(1)(a) is not met and urban rezoning on HPL cannot occur.

- 4.14 The intent is that the Clause 3.6(1)(a) test could support the rezoning of HPL to an urban zone if needed to provide for short term (within next 3 years) and/or medium term (3–10 years) sufficient development capacity as this is required to be zoned for housing and business land for it to be ‘plan-enabled’ (Clause 3.4 NPS-UD). As noted above, the other tests set out in Clause 3.6 NPS-HPL would also need to be met before rezoning could be considered.
- 4.15 The purpose of Clause 3.6(5) is to minimise the amount of HPL lost to urban rezoning and to ensure the loss of HPL is the minimum necessary to provide the required development capacity and achieve a well-functioning urban environment. The Guide to Implementation² notes that, in practice, this clause should ensure any urban rezoning of HPL is an efficient use of that land (eg, it provides a high yield of housing to meet the demand for housing, rather than lower density residential development which depletes more HPL), that the loss of HPL should only be considered if required to provide enough development capacity, and that the minimum amount of HPL should be lost to provide that capacity. Acknowledging that the NPS-UD refers to providing at least sufficient development capacity, the Guide to Implementation notes that significant additional development capacity (beyond that is required for the next 10 years) should not generally be provided on HPL.

National Planning Standards

- 4.16 As set out in the [PDP 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, and as a consequence Variation 1, has been prepared in accordance with the Planning Standards.

Planning context

- 4.17 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 [Re-Zoning Framework s42A report](#) and as such, are not repeated within this report. As set out in Mr Baird’s report³, 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.
- 4.18 It is further noted that the assessment of submission points is made in the context of other reports already undertaken with respect to relevant PDP topics.

² <https://environment.govt.nz/assets/publications/NPS-Highly-Productive-Land-Guide-to-implementation.pdf>

³ Paragraph 1.1, Rezoning Framework Report

- 4.19 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.

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 Submission V1-0013.002 Jig Dhakal and associated further submissions were originally allocated to be heard as part of this hearing, but the primary submission seeks additional TCZ land rather than residential land. As such, the submission points will be considered by the *Commercial and mixed use zones* Variation hearing.

Clause 16(2)

- 5.3 Clause 16(2) of Schedule 1 to the RMA allows a local authority to make an amendment to the PDP, at any time before the approval of the proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of 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 **Appendix 2**.

Clause 99(2)(b)

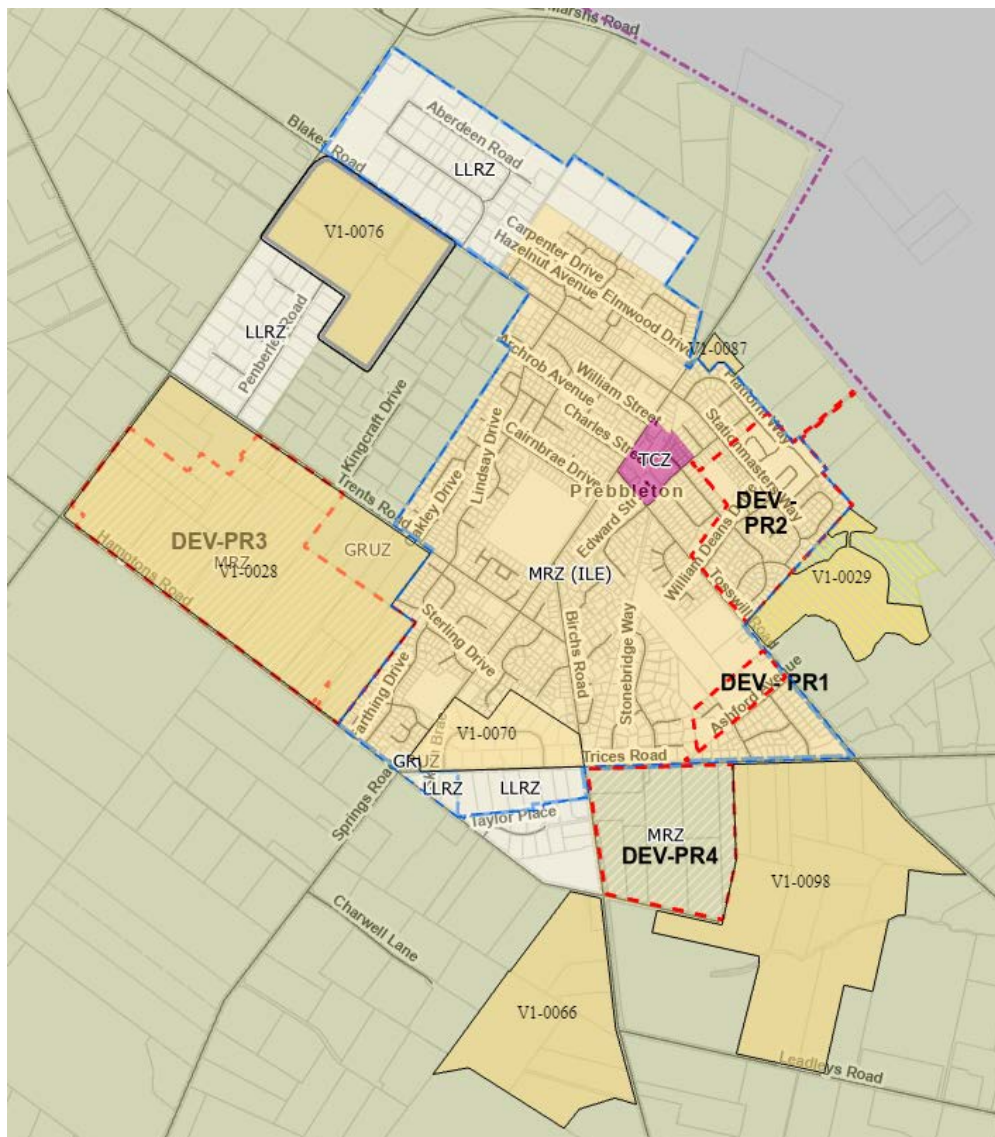
- 5.4 Clause 99(2)(b) of Schedule 1 to the RMA allows an IPI independent hearings panel to make recommendations that are outside the scope of the submissions made on the IPI, provided that they are related to a matter identified by the panel or any other person during the hearing. Where amendments are recommended pursuant to Cl99(2)(b), they are identified as such in **Appendix 2**.

6. Prebbleton context

- 6.1 The location of areas subject to submission in the context of the zoning of Prebbleton as proposed through Variation 1 is shown in Figure 1 below. An overview of the Prebbleton area is included in the PDP s42A rezoning report for Prebbleton and as such, this description is not repeated here.⁴

⁴ Section 6 of https://www.selwyn.govt.nz/_data/assets/pdf_file/0009/1269477/s42A-Rezoning-Report-Prebbleton-Updated.pdf

Figure 1 Variation 1 proposed zoning and submission areas - Prebbleton



7. Consideration of submissions

Matters addressed in this report

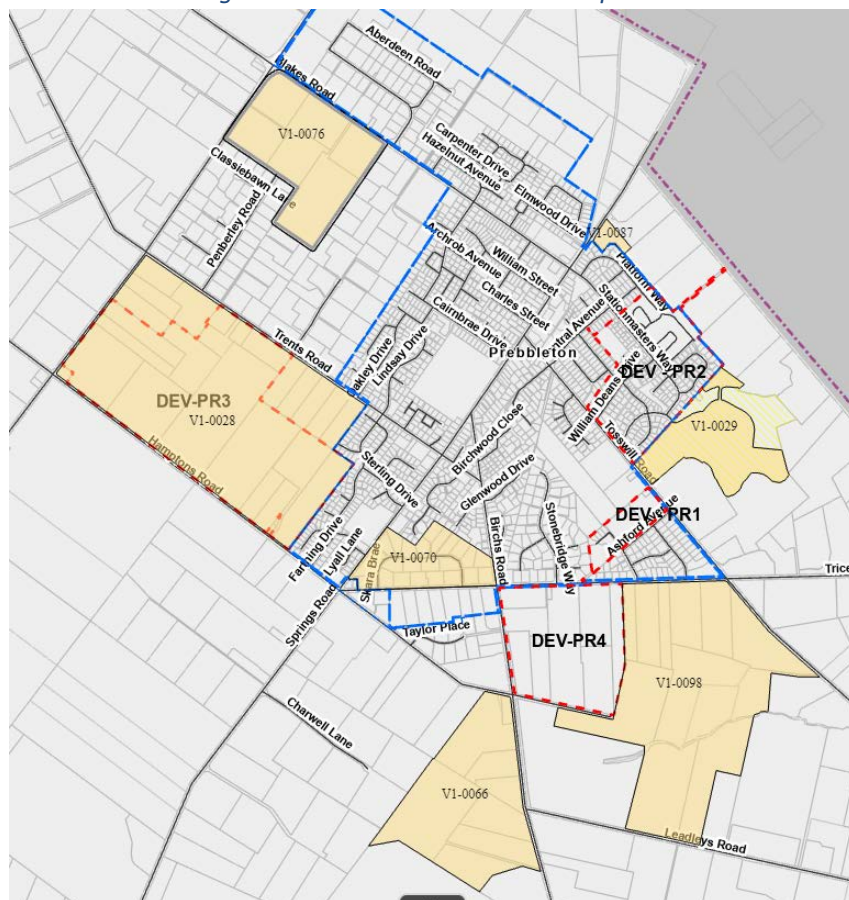
- 7.1 This report considers submissions that were received by the Council on Variation 1 in relation to the residential zoning of land in and around Prebbleton and forms part of the submissions seeking rezoning across the PDP and Variation 1. Provisions relating to subdivision and land use activities 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.
- 7.2 As the submissions are geographically based, they have been addressed by submitter (or by group of submitters where the areas of interest overlap), rather than by topic.

- 7.3 In each case, 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.
- 7.4 In preparing this report, I have been assisted by technical reports prepared by the following authors, and I accept their conclusions in each case:
- 7.4.1 Capacity and demand – Rodney Yeoman, Formative Ltd (**Appendix 3**)
 - 7.4.2 Geotechnical – Ian McCahon, Geotech Consulting Ltd (**Appendix 4**)
 - 7.4.3 Transport – Mat Collins, Flow Consulting Ltd (**Appendix 5**)
 - 7.4.4 Urban form – Hugh Nicholson, Urban Shift Ltd (**Appendix 6**)
 - 7.4.5 Water, wastewater, stormwater and waterrace networks – Hugh Blake-Manson, Waugh Infrastructure Management Ltd (**Appendix 7**)

Overview of submissions

- 7.5 A total of 12 submission points and 23 further submission points were received in relation to requests for additional land in seven locations to be zoned MRZ in or adjoining Prebbleton, as shown yellow in Figure 2 below.

Figure 2 Prebbleton MRZ rezone requests

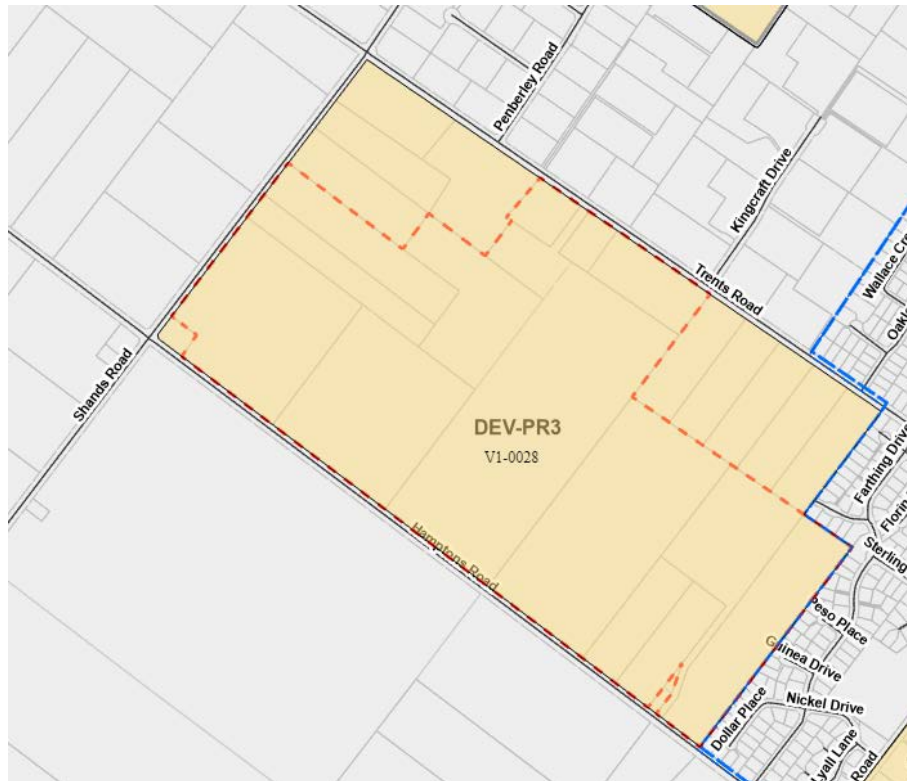


8. V1-0028 A & S Pollard *et al*

Introduction

- 8.1 One submission and two further submissions were received in relation to the land bordered by Trents, Shands and Hamptons Roads. Variation 1 proposed MRZ over that part of the submission area that was subject to PC68 and included in Variation 1 as DEV-PR3, as shown outlined in red in Figure 3 below:

Figure 3 V1-0028 A & S Pollard et al, laid over DEV-PR3



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0028	A & S Pollard <i>et al</i>	001	Oppose	The submitters request that: - The block bound by Hamptons, Shands and Trents Roads be rezoned to MRZ; or - Should this first relief not be granted, that MRZ on all of the land south of Prebbleton bound by Hamptons, Shands and Trents Roads be declined; and - Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out in this submission.
V1-0080	CCC	FS002	Oppose	Reject the submission
V1-0088	Orion	FS005	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.

Analysis

- 8.2 The majority of the submission area is proposed to be zoned MRZ through Variation 1. The submitters request that, if the whole of the area is not able to be zoned MRZ, then the whole of the area (including the PC68 land) should remain GRUZ.
- 8.3 In making my assessment below, I have relied on the advice of:
- 8.3.1 In relation to residential demand and capacity, the Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (**Appendix 3**)
 - 8.3.2 In relation to transport matters, Mat Collins (**Appendix 5**)
 - 8.3.3 In relation to urban form, Hugh Nicholson (**Appendix 6**)
 - 8.3.4 In relation to water, wastewater and stormwater infrastructure, Hugh Blake-Manson (**Appendix 7**)
- 8.4 As set out in the s32 Report for Variation 1,⁵ the land within PR-DEV3 has already been determined as appropriate for urban purposes through a Schedule 1 process. For the remainder of the area, the submission is assessed against the greenfield framework.

Greenfield Framework

Criteria	Analysis
Does it maintain a consolidated and compact urban form?	The submission areas would contribute to a consolidated and compact urban form by ‘rounding off’ this part of Prebbleton
Does it support the township network?	The form and scale of the proposal is consistent with the District’s township network and supports the anticipated growth of Prebbleton as a service township within the District.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The submission areas are outside the Urban Growth Overlay.
Does not affect the safe, efficient and effective functioning of strategic transport network.	Mr Collins is of the opinion the submitter’s request can be adopted from a transport perspective, provided that the roading upgrades required for DEV-PR3 are also applied to the wider submission area, as set out on p5 of Appendix 5
Does not foreclose opportunity of planned strategic transport requirements.	As above
Is not completely located in an identified High Hazard Area, ONL, VAL, SNA or SASM.	The submission area does not contain any of these listed areas. No geotech report has been provided for the additional land. 184 Hamptons Road and 743 Shands Road are small enough, and the testing for PC68 ⁶ extensive enough, that I consider that additional testing would not be required to enable these two properties to be considered for rezoning. Consistent with MBIE guidelines, additional geotechnical testing would be required at time of subdivision.

⁵ https://www.selwyn.govt.nz/_data/assets/pdf_file/0009/1055934/Section-32-Report.pdf

⁶ https://www.selwyn.govt.nz/_data/assets/pdf_file/0005/358286/20201105-Appendix-C-Engeo-Geotechnical-Assessment.pdf

Criteria	Analysis
	I consider that additional testing would be required to determine whether the Trents Road properties would be appropriate for rezoning from a geotechnical perspective.
Does not locate noise sensitive activities with the 50 db Ldn Air Noise Contour	The submission area is outside both the 50 db Ldn Air Noise Contour included in the PDP and the updated noise contour requested by CIAL in their Variation 1 submission. ⁷
The loss of highly productive land.	The submission area contains land that is Land Use Capability Class 2, 3 and 4 (shown grey-green, grey-yellow and yellow respectively in Figure 3 below)
Achieves the built form and amenity values of the zone sought	The submission does not seek to amend the built form and amenity values of the MRZ.
Protects any heritage site and setting, and notable tree within the re-zoning area.	The submission area does not contain any of these listed areas.
Preserves the rural amenity at the interface through landscape, density or other development controls.	The submission areas would result in the interface being a series of road boundaries, which would better provide for an appropriate rural-urban interface than the notified interface.
Does not significantly impact the operation of important infrastructure, including the strategic transport network.	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that the roading upgrades required for DEV-PR3 are also applied to the wider submission area, as set out on p5 of Appendix 5
How it aligns with existing or planned infrastructure, including public transport networks and connecting with water, wastewater and stormwater networks where available.	Mr Collins is of the opinion that the submitter's request can be accepted from a transport perspective, provided that the roading upgrades required for DEV-PR3 are also applied to the wider submission area, as set out on p5 of Appendix 5 Mr Blake-Manson is of the opinion that the submitter's request should be able to be accommodated in terms of water, stormwater and wastewater treatment, but that there is insufficient capacity in the wastewater pipe network between Prebbleton and the Pines Wastewater Treatment Plant in Rolleston (Appendix 7).
Ensuring waste collection and disposal services are available or planned.	As an extension of the Variation 1 MRZ zoning as notified, solid waste collection and disposal systems could be expanded to include the submission areas.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services.	Mr Nicholson is of the opinion that, with appropriate amendments to the DEV-PR3 ODP, connectivity through the submission areas could be created (section 6 of Appendix 6).
Promotes walking, cycling and public transport access.	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that the footpath suggested by the submitter is incorporated into the DEV-PR3 ODP (section 1 of Appendix 5).

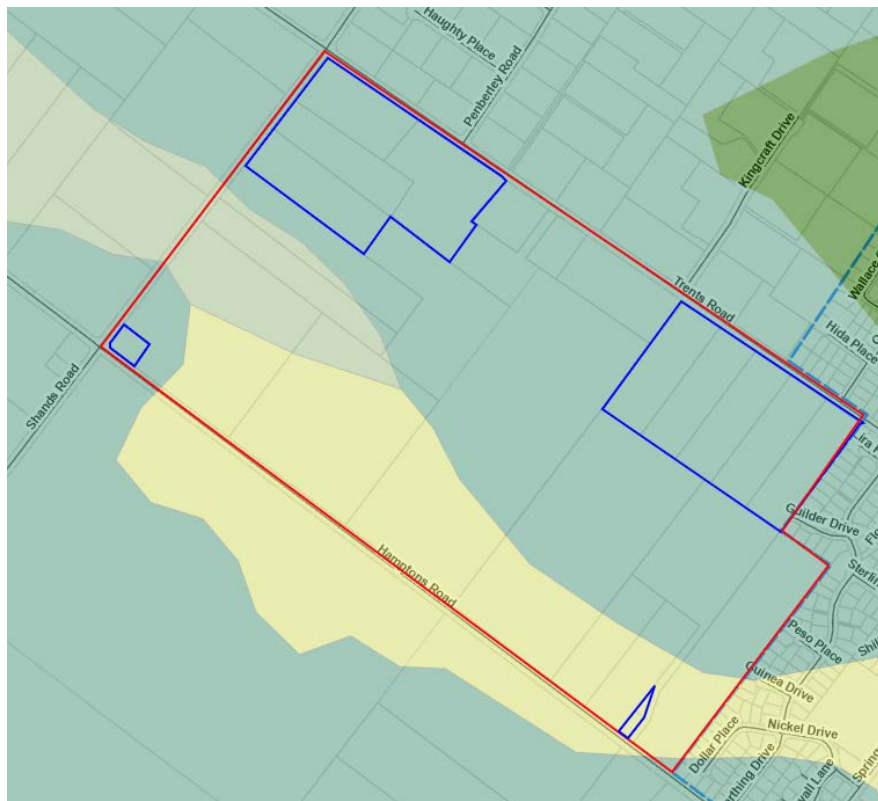
⁷ V1-0065.003 CIAL

Criteria	Analysis
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha.	The Variation 1 s42A report for the Residential Chapter recommends that the ODP text for new areas to be zoned MRZ be amended to require a minimum density of 15 hh/ha. No qualifying matters are proposed for the submission area.
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 submission does not propose to modify the MRZ provisions and so would provide for a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district.
An ODP is prepared.	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that the DEV-PR3 ODP is amended to include the submission areas to ensure that a coherent and legible internal transport network is provided. Mr Nicholson is of the opinion that, with appropriate amendments to the DEV-PR3 ODP to provide for connections to the primary and secondary roads in the PC68 ODP, and to create one new connection onto Shands Road, and four new connections onto Trents Road, as shown in Figure 5 of Appendix 6 .

- 8.5 The submission area contains land that is Land Use Capability Class 2, 3 and 4 (shown grey-green, grey-yellow and yellow respectively in Figure 4 below), and so is subject to NPS-HPL. The southernmost property, at 184 Hamptons Road (approximately 1600m²), is LUC Class 4 and so is not subject to the NPS-HPL. Clause 3.6 of the NPS-HPL⁸ sets out the criteria that must be met in order for this land (excluding 184 Hamptons Road) to be rezoned from Rural to an urban zone, and the assessment is below.

⁸ <https://environment.govt.nz/assets/publications/National-policy-statement-highly-productive-land-sept-22-dated.pdf>

Figure 4 V1-0028 showing LUC Class 2, 3 and 4 land

**NPS-HPL Criteria**

Criteria	Analysis
Is the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD?	The Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (Appendix 3) identifies that the feasible supply of residential dwellings in Prebbleton significantly exceeds the demand in both the short-medium term and the long term. As such, the urban rezoning would not be required to provide sufficient development capacity to give effect to the NPS-UD.
Are there any other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment?	At least sufficient development capacity is already provided within existing zoned land at Prebbleton. As such, there are other reasonably practicable and feasible options for providing at least sufficient development capacity within Prebbleton.
Do the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values?	The urban rezoning is not required to provide sufficient development capacity for Prebbleton in the short-medium term. As such, the cost of rezoning this HPL land at this time would outweigh any benefit.

8.6 In summary, although rezoning of the whole submission area that is not already proposed for rezoning could be supported from transport and urban form perspectives, the Trents Road sites could not be supported from a wastewater infrastructure perspective and so the sites are not infrastructure-ready as defined by the NPS-UD.⁹ In addition, the Trents Road sites and 743 Shands Road do not pass the tests set out in Clause 3.6 of the NPS-HPL.

8.7 However, rezoning 184 Hamptons Road would ‘fill in’ a small area that could not realistically be used for land-based primary production activities in their current form, a situation that would be exacerbated by the land surrounding them being zoned MRZ as proposed by Variation 1. 184 Hamptons Road is of a size and are in a location that no amendment to the ODP at DEV-PR3 would be required, beyond adjusting the boundaries. I therefore recommend that the A & S Pollard *et al* submission point¹⁰ be accepted in part.

Recommendations and amendments

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

- a) Amend the planning maps as shown in **Appendix 2** by rezoning 184 Hamptons from GRUZ to MRZ.
- b) Make consequential amendments to each of SCA-RD1 and DEV-PR3, to reflect the rezoning as shown in **Appendix 2**.

8.9 The recommended amendments are set out in a consolidated manner in **Appendix 2**.

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

Section 32AA evaluation

8.11 The following points evaluate the recommended changes under Section 32AA of the RMA.

Effectiveness and efficiency

8.12 The site is already in residential use, and a zone that reflects this use would result in opportunities to use the site consistent with its existing use more effectively and efficiently than if the land remains rural while surrounded by MRZ land.

Costs and benefits

8.13 The site is already in residential use, and a zone that reflects this use would enable a limited amount of development on each site than if the land remains rural while surrounded by MRZ land.

8.14 A change in zoning would have a financial impact in terms of rateable value and therefore a rates burden to owners, but the site is already categorized as residential for rating purposes, and only around a quarter of Selwyn rates are based on the capital value of a property. I therefore consider that any increase in rates burden solely as a result of rezoning the site would be small. The property increased in value by 37.3% in the 1 September 2021 rating revaluation, compared to an increase of

⁹ <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>

¹⁰ V1-0028.001 A & S Pollard *et al*

33.7% for residential properties in Selwyn generally, with the adjoining PC68 being a likely contributor to the larger-than-average increase.

Risk of acting or not acting

- 8.15 Not acting in recommended manner would result in remnant land being left with rural zoning, while surrounded by development consistent with the MRZ, resulting in poor urban form.

Conclusion as to the most appropriate option

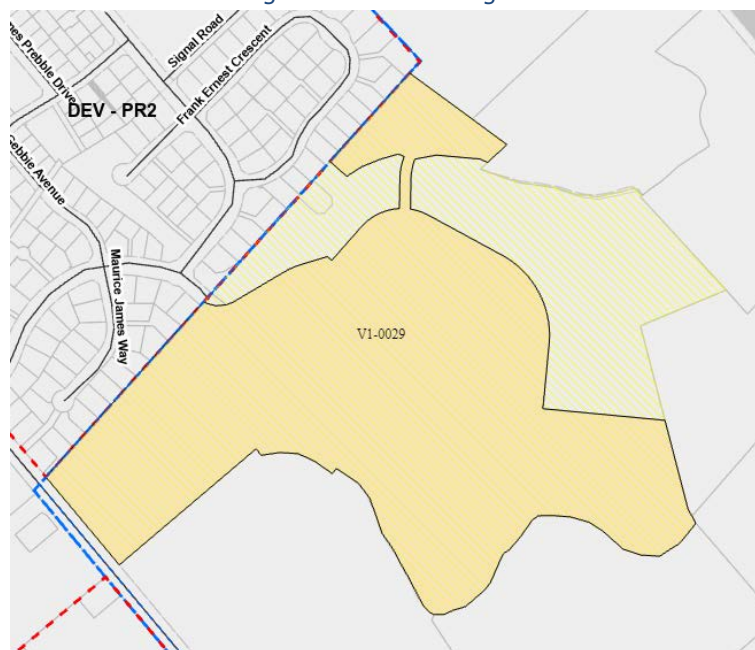
- 8.16 For the reasons outlined above, I consider that rezoning 184 Hamptons Road from GRUZ to MRZ would be a more appropriate way to achieve the objectives of the Plan, particularly SD-UFD-O1, than the notified zoning.

9. V1-0029 G & L Burgess

Introduction

- 9.1 Two submission points and two further submission points were received in relation to land on Tosswill Road, as shown in Figure 5 below. The site is within an urban growth overlay for rural residential development, the extent of which is shown with diagonal yellow hatching.

Figure 5 V1-0029 Burgess



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0029	G & L Burgess	001	Oppose	Amend zoning at 93 Tosswill Road, Prebbleton (legally described as Lot 4 DP 538252) from General Rural Zone to Medium Density Residential Zone.
V1-0080	CCC	FS027	Oppose	Reject the submission
V1-0088	Orion	FS042	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

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>and/or as amended in hearing evidence are applied to the rezoned land where that land intersects with the SEDLs.</i>
V1-0029	G & L Burgess	002	Support	Insert a new development area, with associated outline development plan and narrative, to guide development at 93 Tosswill Road, Prebbleton.

Analysis

9.2 The submission is supported by the following technical reports:

- 9.2.1 Natural Hazards Risk Assessment by Eliot Sinclair & Partners Ltd, dated 1 June 2022 and peer reviewed by Ian McCahon (**Appendix 4**).
- 9.2.2 Integrated Transport Assessment by Stantec, dated June 2021 and peer reviewed by Mat Collins (**Appendix 5**).
- 9.2.3 Urban Design Report 93 Tosswill Road Prebbleton, Submission for Residential Rezoning by Eliot Sinclair & Partners Ltd, dated July 2021 and the updated ODP attached to the submission, both peer reviewed by Hugh Nicholson (**Appendix 6**).
- 9.2.4 Infrastructure Servicing Report 93 Tosswill Road Prebbleton, Submission for Medium Density Rezoning by Eliot Sinclair & Partners Ltd, dated July 2022 and peer reviewed by Hugh Blake-Manson (**Appendix 7**).


9.3 In making my assessment below, I have also relied on the advice of:

- 9.3.1 In relation to residential demand and capacity, the Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (**Appendix 3**).

9.4 The submission is assessed against the greenfield framework.

Greenfield Framework

Criteria	Analysis
Does it maintain a consolidated and compact urban form?	The submission area is directly adjacent to the existing residential zone and so would contribute to a consolidated and compact urban form.
Does it support the township network?	The form and scale of the proposal is consistent with the District's township network and supports the anticipated growth of Prebbleton as a service township within the District.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The submission area is within the PDP and Variation 1 Urban Growth Overlay for rural residential development. As such, the submission is not consistent with the goals of the 2014 Rural Residential Strategy.
Does not affect the safe, efficient and effective functioning of strategic transport network.	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that identified roading upgrades are undertaken, and that identified intersection upgrades occur as set out in Section 2 of Appendix 5, before development is undertaken.

Criteria	Analysis
Does not foreclose opportunity of planned strategic transport requirements.	As above
Is not completely located in an identified High Hazard Area, ONL, VAL, SNA or SASM.	<p>The submission area contains a small area of land identified in Council modelling as a high hazard area, shown red in Figure 6 below where it crosses Dawson Creek.¹¹</p> <p><i>Figure 6 V1-0029, showing hazard (green) and high hazard (red) areas</i></p>  <p>The modelled high hazard area is not of a scale that would adversely affect urban zoning of the submission area.</p> <p>The submission area does not contain any of these other listed areas.</p> <p>The submission area is considered suitable from a geotechnical perspective. Consistent with MBIE guidelines, additional geotechnical testing would be required at time of subdivision.</p>
Does not locate noise sensitive activities with the 50 db Ldn Air Noise Contour	The submission area is outside both the 50 db Ldn Air Noise Contour included in the PDP and the updated noise contour requested by CIAL in their Variation 1 submission. ¹²
The loss of highly productive land.	Although almost exclusively LUC Class 1, the submission area is within the PDP Urban Growth Overlay, and so is not considered to be highly productive land.
Achieves the built form and amenity values of the zone sought	The submission does not seek to amend the built form and amenity values of the MRZ.
Protects any heritage site and setting, and notable tree within the re-zoning area.	No such features are located within the submission area
Preserves the rural amenity at the interface through landscape, density or other development controls.	The rural interface includes a waterbody and transport networks at that part of the rural interface that are not stormwater management areas. I therefore consider that rural amenity would be preserved at the interface.

¹¹ [Flood model results, V1-0029 Burgess](#)

¹² V1-0065.003 CIAL

Criteria	Analysis
Does not significantly impact the operation of important infrastructure, including the strategic transport network.	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that roading upgrades identified in section 2 of Appendix 5 are undertaken before development occurs.
How it aligns with existing or planned infrastructure, including public transport networks and connecting with water, wastewater and stormwater networks where available.	<p>Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that the identified roading upgrades are undertaken before development occurs.</p> <p>Mr Blake-Manson (Appendix 7) advises that stormwater can be adequately managed through the existing constructed stormwater management area adjoining the site.</p> <p>In relation to water, additional capacity within the network to fully service this proposed rezoning land is not currently available. While this could be addressed, Mr Blake-Manson considers that this is not necessarily the most efficient use of existing infrastructure.</p> <p>There is insufficient capacity in the wastewater pipe network between Prebbleton and the Pines Wastewater Treatment Plant in Rolleston.</p>
Ensuring waste collection and disposal services are available or planned.	Prebbleton is an area serviced by solid waste collection and disposal services. These could be expanded to include the submission area if required.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services.	<p>Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that the ODP is updated to include a local road that allows for future expansion into adjacent properties (section 2 of Appendix 5).</p> <p>Mr Nicholson is of the opinion that, with amendments to the ODP to rationalise the street layout, to provide for future connections to the east and to prefer local roads to be located adjacent to the edges of reserves and waterways (Figure 6 of Appendix 6).</p>
Promotes walking, cycling and public transport access.	Mr Nicholson is of the opinion that the submission area would provide good pedestrian and cycle connectivity.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha.	<p>The Variation 1 s42A report for the Residential Chapter recommends that the ODP text for new areas to be zoned MRZ be amended to require a minimum density of 15 hh/ha.</p> <p>No qualifying matters are proposed for the submission area, although a 220 kV transmission line requiring a 37m setback traverses the eastern side of the site.</p>
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 submission does not propose to modify the MRZ provisions and so would provide for a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district.
An ODP is prepared.	Mr Collins is of the opinion that the ODP should be updated to include a local road that allows for future expansion into adjacent properties to the north (section 2 of Appendix 5).

Criteria	Analysis
	Mr Nicholson is of the opinion that amendments to the ODP are required to rationalise the street layout, provide for future connections to the east and ensure that CPTED best practice is incorporated to promote public access and provide passive surveillance (Figure 6 of Appendix 6).

- 9.5 In summary, rezoning of the site can be supported from the transport and urban form perspectives, but there is insufficient capacity in the infrastructure network to service the site, particularly in relation to the conveyance of wastewater from Prebbleton to Rolleston. The site is therefore not infrastructure-ready as defined by the NPS-UD¹³ and so at this time, I recommend that the G & L Burgess submission point¹⁴ be rejected.

Recommendations

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

10. V1-0066 Birchs Village

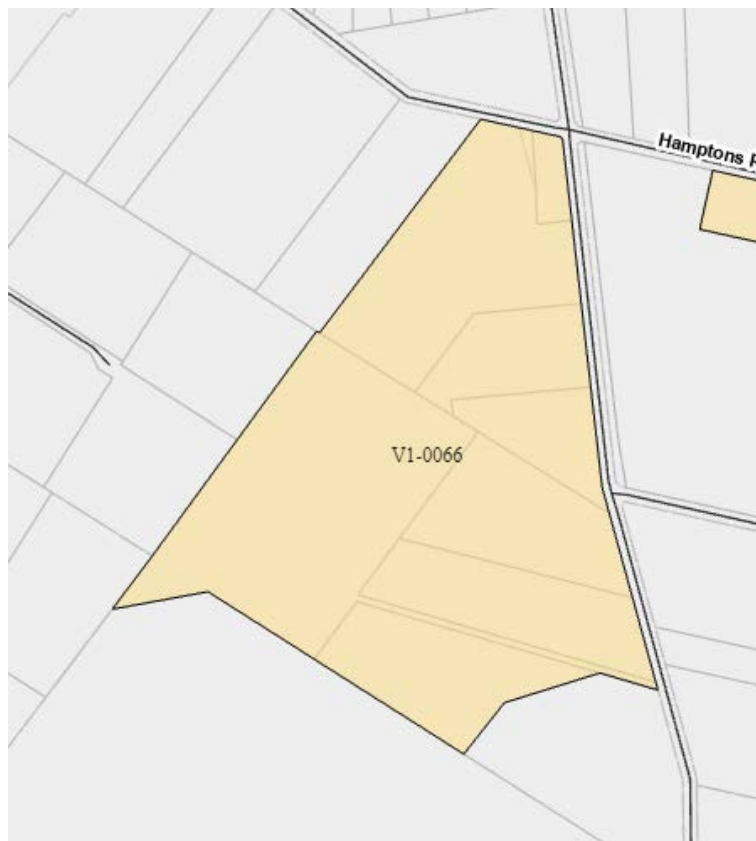
Introduction

- 10.1 Three submission points and six further submission points were received in relation to land on Birches Road as shown in Figure 7 below:

¹³ Clause 3.4(3) NPS-UD <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>

¹⁴ V1-0029.001 G & L Burgess

Figure 7 V1-0066 Birches Village Ltd



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0066	Birchs Village	001	Oppose	Rezoning land subject to PC79 from GRUZ to MRZ and provide an appropriately located Commercial Zone.
V1-0011	H & T Fraser	FS001	Oppose	Reject proposed amendment
V1-0080	CCC	FS013	Oppose	Reject the submission
V1-0088	Orion	FS017	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.
V1-0066	Birchs Village	002	Support In Part	Amend the township boundaries for Prebbleton to include the proposed rezoning area and new Recreation Reserve.
V1-0011	H & T Fraser	FS002	Oppose	Reject proposed amendment
V1-0088	Orion	FS025	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.
V1-0066	Birchs Village	003	Support	Insert a DEV to support the development of the PC79 area.
V1-0011	H & T Fraser	FS003	Oppose	Reject proposed amendment

Analysis

10.2 The submission is supported by the following technical reports:

- 10.2.1 Geotechnical Assessment Report, Birch's Village Plan Change, by Coffey Services (NZ) Ltd, dated 9 March 2021 and peer reviewed by Ian McCahon (although the heading of the peer review incorrectly refers to the project as Plan Change 72) (**Appendix 4**)
- 10.2.2 Plan Change 79, prepared by Baseline Group dated 13 April 2022 and peer reviewed by Mat Collins (**Appendix 5**)
- 10.2.3 Birchs Road Plan Change Urban Design Statement and Birchs Village Landscape and Visual Impact Report, both dated 8 April 2022 and both by David Compten-Moen, peer reviewed by Hugh Nicholson (**Appendix 6**)
- 10.2.4 Engineering Servicing Report Birchs Road, Prebbleton, by Baseline Group, dated 12 March 2022 and peer reviewed by Hugh Blake-Manson (**Appendix 7**)
- 10.3 In making my assessment below, I have also relied on the advice of:
- 10.3.1 In relation to residential demand and capacity, the Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (**Appendix 3**)
- 10.4 The submission area is also subject to Proposed Plan Change 79 to the SDP.¹⁵ At the time of writing, the substantial hearing had been held, but the proponent was yet to exercise their right of reply. The assessments of Mr Collins (**Appendix 5**), Mr Nicholson (**Appendix 6**) and Mr Blake-Manson (**Appendix 7**) have been informed by the discussion at the hearing, where they each appeared on behalf of the Council.
- 10.5 The submission is assessed against the greenfield framework.

Greenfield Framework

Criteria	Analysis
Does it maintain a consolidated and compact urban form?	The location of the submission area is such that it would not promote a consolidated and compact urban form for Prebbleton.
Does it support the township network?	As a service activity centre, Prebbleton provides goods and services to residents of the town as well as the wider rural area. However, there is still a reliance on the Key Activity Centres for larger scale businesses and more variety in retail and commercial activities. Provided that the proposed commercial area was small enough to provide only for local convenience shopping (dairy, hairdresser, takeaway etc.) and not larger businesses that could draw support away from the town centre, I consider that the form and scale of the proposal would support the anticipated growth of Prebbleton within the township network.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The submission area is outside the Urban Growth Overlay

¹⁵ www.selwyn.govt.nz/pc79

Criteria	Analysis
Does not affect the safe, efficient and effective functioning of strategic transport network.	Mr Collins is of the opinion that planned strategic transport upgrades identified in section 3 of Appendix 5 should be completed before any development of the submission area commenced. A realignment of the Birchs Road/Leadleys Road intersection would also be required.
Does not foreclose opportunity of planned strategic transport requirements.	The submission area would not foreclose opportunity of planned strategic transport requirements.
Is not completely located in an identified High Hazard Area, ONL, VAL, SNA or SASM.	The submission area is considered suitable from a geotechnical perspective. Consistent with MBIE guidelines, additional geotechnical testing would be required at time of subdivision, with particular attention required along the Birchs Road side.
Does not locate noise sensitive activities with the 50 db Ldn Air Noise Contour	The submission area is outside both the 50 db Ldn Air Noise Contour included in the PDP and the updated noise contour requested by CIAL in their Variation 1 submission. ¹⁶
The loss of highly productive land.	The submission area contains primarily LUC Class 2 land, with areas of LUC Class 1 land. This is discussed further below.
Achieves the built form and amenity values of the zone sought	The submission does not seek to amend the built form and amenity values of the MRZ.
Protects any heritage site and setting, and notable tree within the re-zoning area.	No such features are located within the submission area
Preserves the rural amenity at the interface through landscape, density or other development controls.	Less than 5% of the edges of the submission area adjoin existing residential areas in Prebbleton.
Does not significantly impact the operation of important infrastructure, including the strategic transport network.	Mr Collins is of the opinion that planned strategic transport upgrades identified in section 3 of Appendix 5 should be completed before any development of the submission area commenced.
How it aligns with existing or planned infrastructure, including public transport networks and connecting with water, wastewater and stormwater networks where available.	Mr Collins is of the opinion that identified planned roading upgrades should be completed before any development of the submission area commenced. Mr Blake-Manson (Appendix 7) advises that stormwater can be adequately managed through the proposed constructed stormwater management area. A Council water race is located adjoining the site in Birchs Road. Closure may not be possible, and any changes would need to be made in accordance with Council policy and bylaws. In relation to water, additional capacity within the network to fully service this proposed rezoning land is not currently available. Although this could be addressed, Mr Blake-Manson considers that this is not necessarily the most efficient use of existing infrastructure.

¹⁶ V1-0065.003 CIAL

Criteria	Analysis
	There is currently no capacity within the existing piped water network to service this proposed rezoning area. Work would be required by Council including to determine the most efficient scale, extent and timing of works. Water model data is not currently available to provide this information. There is insufficient capacity in the wastewater pipe network between Prebbleton and the Pines Wastewater Treatment Plant in Rolleston.
Ensuring waste collection and disposal services are available or planned.	Prebbleton is an area serviced by solid waste collection and disposal services. These could be expanded to include the submission area if required.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services.	Mr Nicholson considers that a number of amendments to the submitted ODP relating to movement networks would be required in order for it to be considered adequate (section 8 of Appendix 6).
Promotes walking, cycling and public transport access.	Mr Collins is of the opinion that the ODP narrative is insufficient to promote walking and cycling, and that an amendment is required. Mr Nicholson considers that the ODP has a low level of accessibility, resulting from poor walkability to the town centre, a lack of pedestrian/cycle facilities around the edge of the site, and a lack of certainty about the proposed commercial centre.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha.	The Variation 1 s42A report for the Residential Chapter recommends that the ODP text for new areas to be zoned MRZ be amended to require a minimum density of 15 hh/ha. No qualifying matters are proposed for the submission area.
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 submission does not propose to modify the MRZ provisions and so would provide for a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district.
An ODP is prepared.	As outlined in section 3 of Appendix 5 , Mr Collins is of the opinion that the ODP narrative is insufficient to address transport considerations, and that amendments are required. As outlined in section 8 of Appendix 6 , Mr Nicholson considers that a number of amendments to the submitted ODP would be required in order for it to be considered adequate.

- 10.6 The submission area contains land that is Land Use Capability Class 1 and 2 (shown green and grey-green respectively in Figure 8 below), and so is subject to the NPS-HPL. Clause 3.6 sets out the criteria that must be met in order for this land to be rezoned from Rural to an urban zone, and the assessment is below:

Figure 8 V1-0066 showing LUC Class 1 and 2 land



Criteria	Analysis
Is the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD?	The Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (Appendix X) identifies that the feasible supply of residential dwellings in Prebbleton significantly exceeds the demand in both the short-medium term and the long term. As such, the urban rezoning would not be required to provide sufficient development capacity to give effect to the NPS-UD.
Are there any other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment?	At least sufficient development capacity is already provided within existing zoned land at Prebbleton. As such, there are other reasonably practicable and feasible options for providing at least sufficient development capacity within Prebbleton.
Do the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values?	The urban rezoning is not required to provide sufficient development capacity for Prebbleton in the short-medium term. As such, the cost of rezoning this land at this time would outweigh any benefit.

- 10.7 In summary, rezoning of the site cannot be supported from the urban form or infrastructure perspectives. Neither does it satisfy the requirements of Clause 3.6 of the NPS-HPL. I therefore recommend that the Birchs Village submission points¹⁷ be rejected.

Recommendations

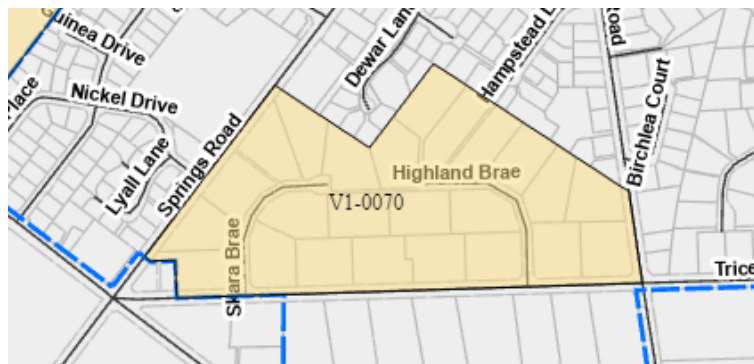
- 10.8 I recommend, for the reasons given above, that the Hearings Panel retain the zoning of the submission site as notified.
- 10.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11. V1-0070 Ballantrae

Introduction

- 11.1 One submission and one further submission was received, requesting that the land on the north side of Trices Road that is proposed to be zoned LLRZ be instead zoned MRZ, as shown in Figure 9 below.

Figure 9 V1-0070 Ballantrae



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0070	Ballantrae	001	Oppose	Amend the planning maps to rezone the following properties from LLRZ to MRZ in Prebbleton: - 1, 2, 3, 4, 5, 6, 7, 8 & 9 Skara Brae - 3, 4, 5, 6, 7, 8, 9 & 10 Highland Brae - 68, 360, 370, 372, 378, 386 and 394 Trices Road
V1-0088	Orion	FS030	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.

Analysis

- 11.2 Ballantrae requests that existing residential land be intensified, from LLRZ to MRZ. The following expert evidence has been provided with the submission:

¹⁷ V1-0066.001. V1-0066.002, V1-0066.003 Birchs Village

- 11.2.1 Integrated Transport Assessment – Lisa Williams, Novo Group (peer reviewed by Mat Collins, **Appendix 5**)

11.3 In making my assessment below, I have also relied on the advice of:

- 11.3.1 In relation to residential demand and capacity, the Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (**Appendix 3**)

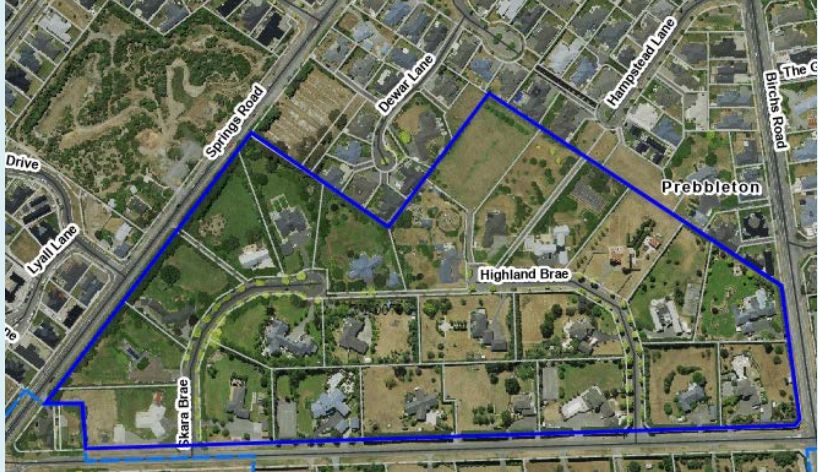
- 11.3.2 In relation to urban form, Hugh Nicholson (**Appendix 6**)

- 11.3.3 In relation to water, wastewater and stormwater infrastructure, Hugh Blake-Manson (**Appendix 7**)

11.4 As the submission requests the intensification of an existing residential zone, the intensification framework is applied to assess the proposal:

Intensification Framework

Criteria	Analysis
Helps the efficient use of infrastructure	Mr Blake-Manson (Appendix 7) considers that the requested intensification could be accommodated within the existing Prebbleton infrastructure network.
The request responds to the demographic changes and social and affordable needs of the district	Mr Nicholson (Appendix 6) considers that the requested intensification would act to improve social interaction and diversity, and improve access to and availability of community services.
Does it improve self-sufficiency for the town centres	The majority of the submission area is between 880m and 1200m from the town centre. Intensification of this area would support self-sufficiency for the town centre.
Promotes the regeneration of buildings and land	The submission area was developed for rural residential use in the early 2000s. As such, buildings are not yet of an age to require regeneration, as they are still being used for their original purpose.
Does not significantly impact the surrounding environment	The submission area is surrounded to the north, west and east by MRZ, and is bordered to the south by Trices Road, which forms a logical barrier between it and the LLRZ land on the southern side of the road. Noting that the submission is supported by 21 of the 25 affected landowners, I therefore consider that it would not significantly impact on the surrounding environment.
Does not undermine the operation of infrastructure	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that roading upgrades identified in section 4 of Appendix 5 are undertaken before development occurred. Mr Blake-Manson (Appendix 7) considers that the requested intensification could be accommodated within the existing Prebbleton infrastructure network.
Does not affect the safe, efficient and effective functioning of strategic infrastructure	Mr Collins (section 4 of Appendix 5) is of the opinion the submitter's request can be accepted from a transport perspective, provided that identified roading upgrades are undertaken before development occurred.

Criteria	Analysis
Achieves the built form and amenity values of the zone sought	The submission does not seek to amend the built form and amenity values of the MRZ.
Creates and maintains connectivity through the zoned land, including access to park, commercial areas and community services.	<p>The ODP that guided the original development of the subdivision area required a connection to the recreation reserve at the head of neighbouring Hampstead Lane. This was provided in the form of a narrow recreation reserve near the head of Highland Brae, as shown in Figure 10.</p> <p>While the two cul de sac heads connected by a strip of land owned as a freehold title by Council is an appropriate design response for the existing LLRZ zoning, I consider that an ODP would be required to guide intensification of the submission area, particularly given the large number of affected landowners who will have differing development aspirations. I consider that it would be helpful if the submitter were to provide the Panel with an ODP for consideration for inclusion in the PDP as DEV-PRA, should the submission point be accepted.</p> <p><i>Figure 10 V1-0070 showing connections between cul de sacs and Hampstead Lane</i></p> 
Promotes walking and cycling and public transport access.	Mr Collins is of the opinion the submitter's request can be accepted, provided that a footpath is provided along the site frontage with Trices Road, together with a safe pedestrian crossing point of Birchs Road near the Trices Road intersection, in order to promote walking and cycling

- 11.5 As the submission requests the intensification of an existing residential zone, the NPS-HPL does not apply to the area of the submission.
- 11.6 In summary, I consider that the intensification of this area would be an appropriate response to the intensification of surrounding areas, and that it can be adequately serviced, including within the pipeline to The Pines WWTP. I therefore recommend that the Ballantrae submission point¹⁸ be accepted.

¹⁸ V1-0070 Ballantrae

Recommendations and amendments

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

- a) Amend the planning maps as shown in **Appendix 2** by rezoning the land subject to submission point V1-0070.001 from LLRZ to MRZ.
- b) Introduce a new outline development area (DEV-PRA), based on information to be provided by the submitter, in a format consistent with other PDP ODPs.

11.8 The recommended amendments are set out in a consolidated manner in **Appendix 2**.

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

Section 32AA evaluation

11.10 The following points evaluate the recommended changes under Section 32AA of the RMA.

Effectiveness and efficiency

11.11 The submission area is already in residential use, and a zone that enables intensification would enable development consistent with the surrounding area more effectively and efficiently than if the land remains LLRZ while surrounded on three sides by MRZ land.

Costs and benefits

11.12 The submission area is already in residential use, and a zone that enables intensification of that use in a location that would better support the existing town centre compared other rezoning requests. Intensification would have social, economic, transport and environmental benefits that outweigh any costs associated with the loss of inefficient LLRZ zoning.

Risk of acting or not acting

11.13 Not acting in the recommended manner would result in LLRZ land being surrounded on three sides by MRZ, resulting in poor urban form.

Conclusion as to the most appropriate option

11.14 For the reasons outlined above, I consider that rezoning the submission area from LLRZ to MRZ would be a more appropriate way to achieve the objectives of the Plan, particularly SD-UFD-O1, than the notified zoning.

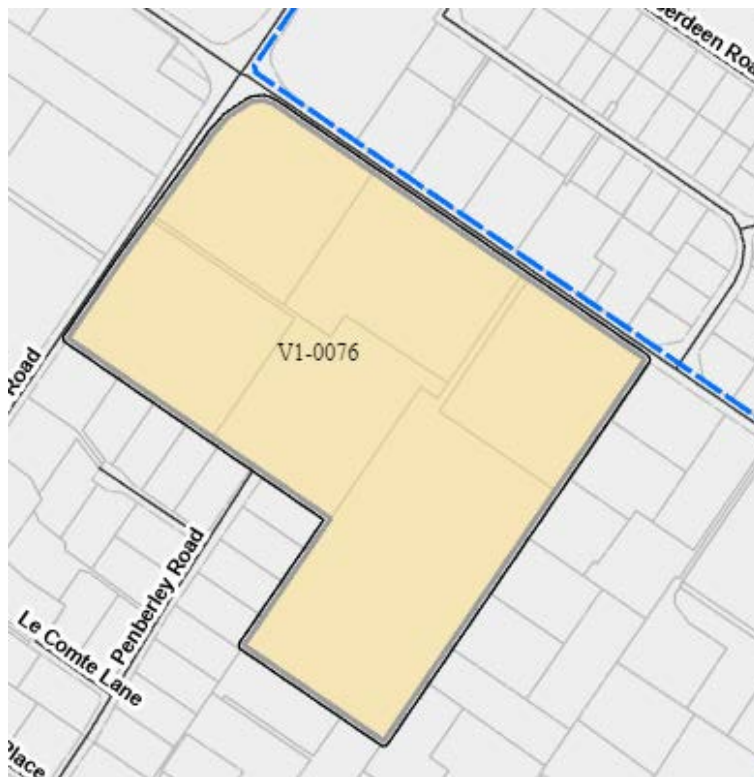
12. V1-0076 J Fisher

Introduction

12.1 Two submission point and four further submission points were received in relation to land on the southeastern corner of the intersection of Shands Road and Blakes Road as shown in Figure 11

below. This submission follows a submission on the PDP,¹⁹ requesting that the land be rezoned LLRZ, with inclusion within the Urban Growth Overlay as a secondary relief.

Figure 11 V1-0076 J Fisher



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0076	J Fisher	001	Oppose	Amend the planning maps to rezone the following properties from GRUZ to MRZ in Prebbleton: - Lot 1 DP 81701 - Lot 4 DP 81701 - Lot 2 DP 81701 - Lot 3 DP 81701 - Lot 1 DP 52527 - RS 37687
V1-0080	CCC	FS009	Oppose	Reject the submission
V1-0088	Orion	FS015	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.
V1-0130	Dally & McIlraith	FS002	Support In Part	Accept the submission, subject to the matters set out in 'reasons for support' being addressed to our satisfaction.
V1-0076	J Fisher	006	Oppose	Amend the planning maps to include the following properties in the Urban Growth Overlay in Prebbleton: - Lot 1 DP 81701 - Lot 4 DP 81701 - Lot 2 DP 81701 - Lot 3 DP 81701

¹⁹ DPR-0417.001 J Fisher, Hearing 30.2 Rezone – Prebbleton

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				- Lot 1 DP 52527 - RS 37687
V1-0130	Dally & McIlraith	FS007	Support In Part	Accept the submission, subject to the matters set out in 'reasons for support' being addressed to our satisfaction.

Analysis

- 12.2 J Fisher²⁰ acknowledges that the submission area should not be zoned MRZ on its own, as that would create an island of intensive residential amongst large lot zones. Rather, the submission requests that, if any of the surrounding LLRZ land is rezoned MRZ as part of the Variation, then the submission area should also be rezoned MRZ.
- 12.3 No evidence has been provided with either this submission, or the PDP submission. There has been no submission to intensify the surrounding LLRZ land through either the PDP or Variation 1, and so I recommend that the submission point²¹ be rejected.
- 12.4 A secondary relief²² sought is that the submission area be included within the Urban Growth Overlay. As noted above, there has been no submissions to intensify the surrounding LLRZ land. I consider that, if the surrounding land were to be considered for rezoning or inclusion in the Urban Growth Overlay, then including this land in that consideration would be appropriate, but as that is not currently the case at this time, I recommend that the submission point²³ be rejected.

Recommendations

- 12.5 I recommend, for the reasons given above, that the Hearings Panel retain the GRUZ zoning of the submission land.
- 12.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13. V1-0087 M Springer

Introduction

- 13.1 Two submission points were received in relation to 529 Springs Road, requesting that the site be rezoned from GRUZ to MRZ and that as a consequence the SCA-RD overlay be removed, as shown in Figure 12 below:

²⁰ V1-0076.001 J Fisher

²¹ V1-0076.001 J Fisher

²² V1-0076.006 J Fisher

²³ V1-0076.006 J Fisher

Figure 12 V1-0087 Springer



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0087	M Springer	001	Oppose	Amend the planning maps to rezone 529 Springs Road, Prebbleton GRUZ to MRZ.
V1-0088	Orion	FS033	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.
V1-0087	M Springer	002	Oppose	Delete the SCA-RD overlay from 529 Springs Road, Prebbleton.
V1-0088	Orion	FS034	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.

Analysis

13.2 The submission is supported by the following technical reports:

13.2.1 Preliminary Transport Assessment for 529 Springs Road, Templeton by Plan Creative Ltd, dated 16 September 2022 and peer reviewed by Mat Collins (**Appendix 5**).

13.2.2 Submission to Rezone Land to Residential LANDOWNER: MARGARET SPRINGER 529 Springs Road Prebbleton Infrastructure Report by Kim Sanders Consulting, dated September 2022 and peer reviewed by Hugh Blake-Manson (**Appendix 7**).

13.3 In making my assessment below, I have also relied on the advice of:

13.3.1 In relation to residential demand and capacity, the Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (**Appendix 3**).

13.3.2 In relation to urban form, Hugh Nicholson (**Appendix 6**).

13.3.3 In relation to water, wastewater and stormwater infrastructure, Hugh Blake-Manson (**Appendix 7**).

13.4 The submission is assessed against the greenfield framework.

Greenfield Framework

Criteria	Analysis
Does it maintain a consolidated and compact urban form?	The submission area is a relatively small site located on the northern boundary of Prebbleton. As such, rezoning this land would maintain a consolidated and compact urban form.
Does it support the township network?	The form and scale of the proposal is consistent with the District's township network and would support the anticipated growth of Prebbleton as a service township within the District, given the close proximity of the site to the proposed TCZ.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The submission area is outside the Urban Growth Overlay
Does not affect the safe, efficient and effective functioning of strategic transport network.	Mr Collins is of the opinion the submitter's request can be accepted from a transport perspective, provided that walking and cycling upgrades identified in section 5 of Appendix 5 are undertaken before development occurred.
Does not foreclose opportunity of planned strategic transport requirements.	The requested rezoning would not foreclose opportunity of planned strategic transport requirements.
Is not completely located in an identified High Hazard Area, ONL, VAL, SNA or SASM.	The submission area does not include any of these features. No Geotech report has been submitted in support of the submission. As such, there is insufficient information to demonstrate that the site is suitable from a geotechnical perspective.
Does not locate noise sensitive activities with the 50 db Ldn Air Noise Contour	The submission area is outside both the 50 db Ldn Air Noise Contour included in the PDP and the updated noise contour requested by CIAL in their Variation 1 submission. ²⁴
The loss of highly productive land.	The site wholly contains LUC Class 1 land. This is discussed further below.
Achieves the built form and amenity values of the zone sought	The submission does not seek to amend the built form and amenity values of the MRZ.
Protects any heritage site and setting, and notable tree within the re-zoning area.	No such features are located within the submission area
Preserves the rural amenity at the interface through landscape, density or other development controls.	No provisions to preserve rural amenity are proposed. The concept plan included with the submission includes 500m ² sites along the northeastern rural boundary with an equine veterinary clinic. The other adjoining property to the southeast is a 6ha rural property

²⁴ V1-0065.003 CIAL

Criteria	Analysis
Does not significantly impact the operation of important infrastructure, including the strategic transport network.	Mr Collins considers that the rezoning would be unlikely to have a noticeable effect on the wider transport network.
How it aligns with existing or planned infrastructure, including public transport networks and connecting with water, wastewater and stormwater networks where available.	<p>Mr Collins is of the opinion that a walking and cycling connection from the site to the existing shared use path on the western side of Springs Road should be provided with any development of this submission area (section 5 of Appendix 5).</p> <p>Mr Blake-Manson (Appendix 7) advises that stormwater can be adequately managed on the site.</p> <p>In relation to water, additional capacity within the network to fully service this proposed rezoning land is not currently available, but could be addressed.</p> <p>There is insufficient capacity in the wastewater pipe network between Prebbleton and the Pines Wastewater Treatment Plant in Rolleston.</p>
Ensuring waste collection and disposal services are available or planned.	Prebbleton is an area serviced by solid waste collection and disposal services. These could be expanded to include the submission area if required.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services.	The development design of adjoining land means that there is no opportunity for connectivity with the adjoining MRZ land, except externally to the site along Springs Road.
Promotes walking, cycling and public transport access.	The submission area is within 400m of the town centre and the Prebbleton Primary School although there are no walking or cycling facilities along this section of Springs Road. Mr Nicholson (section 10 of Appendix 6) recommends that if the submission is approved, the ODP is amended to include provisions requiring an urban upgrade of the Springs Road frontage with an appropriate treatment for the entrance to Prebbleton, and the construction of a safe shared pedestrian / cycle path from the site connecting to the existing path close to the corner of Springs Road and Stationmasters Way.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha.	<p>The Variation 1 s42A report for the Residential Chapter recommends that the ODP text for new areas to be zoned MRZ be amended to require a minimum density of 15 hh/ha.</p> <p>No qualifying matters are proposed for the submission area.</p>
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 submission does not propose to modify the MRZ provisions and so would provide for a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district.
An ODP is prepared.	A concept plan has been included with the submission, but additional work would be required to convert it into an ODP that included the matters identified by Mr Collins and Mr Nicholson.

- 13.5 The submission area contains land that is Land Use Capability Class 1 (shown green in Figure 13 below), and so is subject to the NPS-HPL. Clause 3.6 sets out the criteria that must be met in order for this land to be rezoned from Rural to an urban zone, and the assessment is below.

Figure 13 V1-0087 showing LUC Class 1 land



NPS-HPL Criteria

Criteria	Analysis
Is the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD?	The Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (Appendix 3) identifies that the feasible supply of residential dwellings in Prebbleton significantly exceeds the demand in both the short-medium term and the long term. As such, the urban rezoning would not be required to provide sufficient development capacity to give effect to the NPS-UD.
Are there any other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment?	At least sufficient development capacity is already provided within existing zoned land at Prebbleton. As such, there are other reasonably practicable and feasible options for providing at least sufficient development capacity within Prebbleton.
Do the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values?	The urban rezoning is not required to provide sufficient development capacity for Prebbleton in the short-medium term. As such, the cost of rezoning this land at this time would outweigh any benefit.

- 13.6 In summary, the site would be acceptable for rezoning from transport, urban form and stormwater perspectives, but water and wastewater cannot be adequately serviced and so the site is not

infrastructure-ready as defined by the NPS-UD. In addition, the site does not meet the criteria set out in Clause 3.6 of the NPS-HPL and so I recommend that the M Springer submission points²⁵ be rejected.

Recommendations

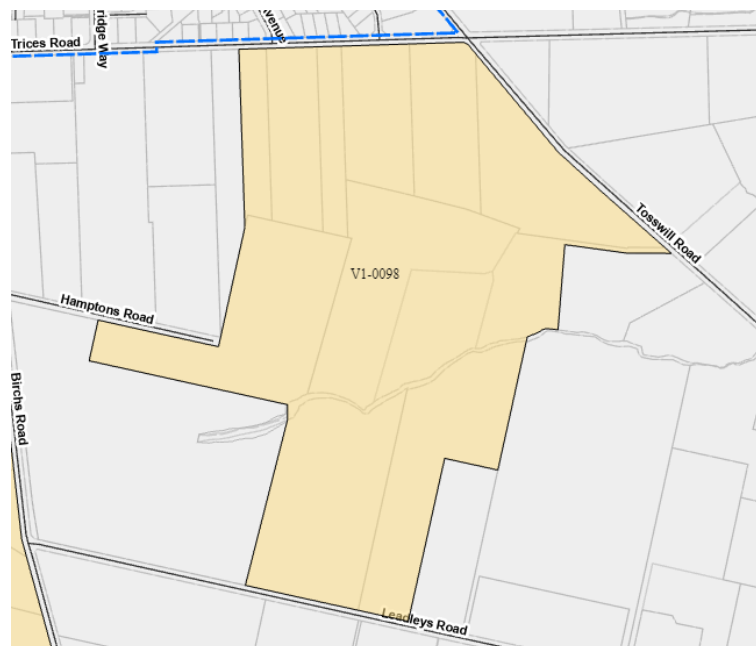
- 13.7 I recommend, for the reasons given above, that the Hearings Panel retain the zoning of the submission site as notified.
- 13.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

14. V1-0098 Urban Estates

Introduction

- 14.1 Two submission points and seven further submission points were received in relation to approximately 66ha of land between Trices Road and Leadleys Road, as shown in Figure 14 below:

Figure 14 V1-0098 Urban Estates et al



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
V1-0098	Urban Estates et al	001	Oppose	Amend the planning maps to rezone the following properties from GRUZ to MRZ in Prebbleton: <ul style="list-style-type: none"> - Lot 1 DP 4582 - Lot 2 DP 5857 - Pt RS 2423 - Lot 1 DP 25827 - Lot 3 DP 303244 - Lot 3 DP 25827 - Lot 1 DP 365486 - Lot 1 DP 54000

²⁵ V1-0087.001, V1-0087.002 M Springer

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<ul style="list-style-type: none"> - Lot 1 DP 68699 - Lot 2 DP 303244 - Lot 2 DP 830 - Lot 2 DP 436797
V1-0011	H & T Fraser	FS001	Oppose	Reject the rezoning in full.
V1-0049	Transpower	FS005	Oppose	In the absence of the identification of the National Grid as a qualifying matter within the Selwyn District, disallow the submission to the extent that the MRZ applies to land that is traversed by the 'National Grid Yard' and 'National Grid Subdivision Corridor'.
V1-0049	Transpower	FS006	Oppose	In the absence of the identification of the National Grid as a qualifying matter within the Selwyn District, disallow the submission to the extent that the MRZ applies to land that is traversed by the 'National Grid Yard' and 'National Grid Subdivision Corridor'.
V1-0080	CCC	FS023	Oppose	Reject the submission
V1-0088	Orion	FS036	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.
V1-0128	GM & J Drinnan	FS001	Support	Allow submission in full including with regard to that portion of land subject to appeal for Plan Change 72 and submitted on in Proposed District Plan Submission DPR-0174.
V1-0098	Urban Estates <i>et al</i>	002	Oppose	Insert a new development area, with associated outline development plan and narrative, to guide the development of land between Trices Road, Tosswill Road, Leadleys Road and Hamptons Road, Prebbleton.
V1-0128	GM & J Drinnan	FS002	Support	Allow submission in full including with regard to that portion of land subject to appeal for Plan Change 72 and submitted on in Proposed District Plan Submission DPR 0174.

Analysis


14.2 The submission is supported by the following relevant technical reports:

- 14.2.1 Geotechnical Investigation Report for Proposed Land Use Change by LandTech Consultants Ltd, dated 21 September 2022, and peer reviewed by Ian McCahon (**Appendix 4**)
- 14.2.2 Integrated Transport Assessment prepared by Abley, dated 28 September 2022 and peer reviewed by Mat Collins (**Appendix 5**)
- 14.2.3 Landscape and Visual Assessment prepared by DCM Urban Design, dated 29 September 3033 and peer reviewed by Hugh Nicholson (**Appendix 6**)
- 14.2.4 Urban Estates No.21 LTD Southeast Prebbleton – Selwyn Infrastructure Report Rezoning Submission by Davie, Lovell-Smith, dated September 2022 and peer reviewed by Hugh Blake-Manson (**Appendix 7**)

- 14.2.5 Draft Economics Assessment by Insight Economics, dated October 2022
- 14.2.6 Preliminary site investigation report by Momentum Environmental, dated September 2022
- 14.2.7 Ecological assessment prepared by Wildlands, dated September 2022
- 14.3 In making my assessment below, I have also relied on the advice of:
- 14.3.1 In relation to residential demand and capacity, the Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (**Appendix 3**)
- 14.4 The submission is assessed against the greenfield framework.

Greenfield Framework

Criteria	Analysis
Does it maintain a consolidated and compact urban form?	<p>The site adjoins the PC72 land (proposed as new MRZ land through Variation 1) and extends to the east and south. Mr Nicholson (section 11 of Appendix 6) considers that parts of the site would contribute to a compact and consolidated urban form for Prebbleton.</p> <p>In particular, the sections from 251-289 Trices Road and the property at 2 Hamptons Road would effectively infill the urban area to a notional southern boundary along Hamptons Road and would provide a positive connection with the new reserve.</p> <p>The remaining parts of the site would not contribute to a compact and consolidated urban form for Prebbleton and would create a significant urban extension into the surrounding rural land.</p>
Does it support the township network?	<p>With around 66ha and development of at least 15hh/ha, the submission area would contribute around 1,000 new sites. I consider that, when combined with the new MRZ areas proposed through Variation 1, Prebbleton's status as a service township may start to change.</p>
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	<p>The submission area is outside the PDP and Variation 1 Urban Growth Overlay.</p>
Does not affect the safe, efficient and effective functioning of strategic transport network.	<p>Mr Collins is of the opinion that the submitter's request should be rejected unless further assessment of the safety and efficiency effects of the rezoning on the transport network are provided (section 6 of Appendix 5). Should Council accept the rezoning request, he recommends that development within the site is delayed until specified upgrades to the surrounding transport network are provided.</p>
Does not foreclose opportunity of planned strategic transport requirements.	<p>As above</p>
Is not completely located in an identified High Hazard Area, ONL, VAL, SNA or SASM.	<p>The submission area is considered suitable from a geotechnical perspective (Appendix 4). Consistent with MBIE guidelines, additional geotechnical testing would be required at time of subdivision.</p>

Criteria	Analysis
	<p>Small, isolated areas of flood high hazard have been identified in Council modelling (Figure 15 below), but I consider that these could be addressed through subdivision design and are not sufficient to prevent rezoning.</p> <p><i>Figure 15 V1-0098, showing hazard (green) and high hazard (red) areas</i></p>  <p>Part of Waterway D as described in the ecological assessment included with the submission is an SNA. The ecological assessment concludes that the whole of this waterway must be retained, as it is a link between the upstream Paparua Water Race and Dawson Creek downstream, which is also part of the flood protection scheme. It also has the only wetland present, as defined under the Ministry for the Environment's wetland delineation protocols, being a natural riverine swamp wetland along the waterway's margins. All parts of this natural wetland D are thus subject to the wetland protections under the National Environmental Standards for Freshwater Management (NES-FM). A portion of this wetland is pūkio sedgeland habitat that meets the ecological significance criteria in the CRPS and the definition of a SNA under the PDP.</p> <p>I do not consider that the ecological values identified in the submission have been addressed in the ODP provided with the submission. No ONL, VAL, or SASM has been identified in the submission area.</p>
Does not locate noise sensitive activities with the 50 db Ldn Air Noise Contour	The submission area is outside both the 50 db Ldn Air Noise Contour included in the PDP and the updated noise contour requested by CIAL in their Variation 1 submission. ²⁶
The loss of highly productive land.	The submission area is a combination of LUC Classes 1 and 2. This is discussed further below.

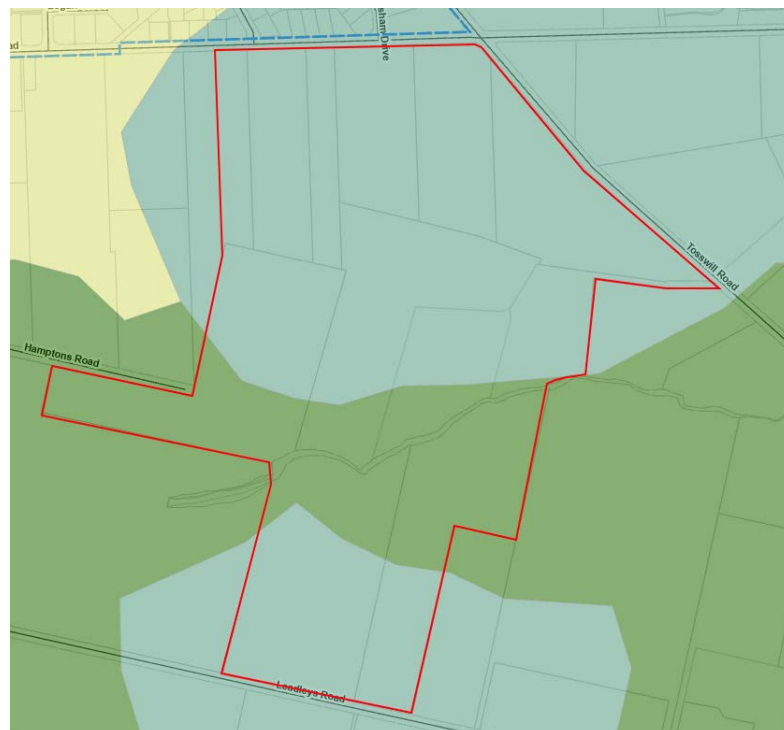
²⁶ V1-0065.003 CIAL

Criteria	Analysis
Achieves the built form and amenity values of the zone sought	The submission does not seek to amend the built form and amenity values of the MRZ.
Protects any heritage site and setting, and notable tree within the re-zoning area.	No such features are located within the submission area.
Preserves the rural amenity at the interface through landscape, density or other development controls.	The ODP included with the submission does not propose to preserve rural amenity at the interface through landscape, density or other development controls.
Does not significantly impact the operation of important infrastructure, including the strategic transport network.	Mr Collins (section 6 of Appendix 5) is of the opinion that the submitter's ⁴³ request should be rejected unless further assessment of the transport safety and efficiency effects of the rezoning are provided. Should Council accept the rezoning request, he recommends that development within the site is delayed until specified upgrades to the surrounding transport network are provided.
How it aligns with existing or planned infrastructure, including public transport networks and connecting with water, wastewater and stormwater networks where available.	Mr Collins is of the opinion that the submitter's request should be rejected unless further assessment of the safety and efficiency effects of the rezoning are provided. Should Council adopt the rezoning request, he recommends that development within the site is delayed until specified upgrades to the surrounding transport network are provided. In relation to water, Mr Blake-Manson (Appendix 7) concludes that Council's water infrastructure growth plans do not include the submission area. While this could be addressed, this is not necessarily the most efficient use of existing infrastructure. In relation to wastewater, there is currently no current viable means to transfer wastewater from this submission area through to the Pines WWTP.
Ensuring waste collection and disposal services are available or planned.	Prebbleton is an area serviced by solid waste collection and disposal services. These could be expanded to include the submission area if required.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services.	Mr Nicholson (section 11 of Appendix 6) considers that the northern and western parts of the submission area adjacent to Trices and Hamptons Road have moderate levels of connectivity and accessibility. In particular they would have good access to Kakaha Park and Prebbleton Domain, and although they would be slightly more than the 1km average walking trip distance from the town centre, they would have access to the Little River Rail Trail and public transport along Birchs Road. The southern and eastern parts of the site would have low levels of connectivity and accessibility. In particular they would rely on internal primary roads for access to the town centre via Tosswill Road.
Promotes walking, cycling and public transport access.	As described above, the northern and western parts of the submission area would promote cycling and public transport access.

Criteria	Analysis
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha.	The Variation 1 s42A report for the Residential Chapter recommends that the ODP text for new areas to be zoned MRZ be amended to require a minimum density of 15 hh/ha. No qualifying matters are proposed for the submission area.
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 submission does not propose to modify the MRZ provisions and so would provide for a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district.
An ODP is prepared.	Mr Collins is of the opinion that submitters request should be rejected unless further assessment of the transport safety and efficiency effects of the rezoning are provided. The adequacy of the provided ODP is unable to be assessed in the absence of this information. The ODP contains no mention of the recommendations of the ecological assessment included with the submission.

- 14.5 The submission area contains land that is Land Use Capability Class 1 and 2 (shown green and grey-green respectively in Figure 16 below), and so is subject to the NPS-HPL. Clause 3.6 sets out the criteria that must be met in order for this land to be rezoned from Rural to an urban zone, and the assessment is below.

Figure 16 V1-0098 showing LUC Class 1 and 2 land



NPS-HPL Criteria

Criteria	Analysis
Is the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD?	The Selwyn Residential Capacity and Demand – IPI 2023 Economic Assessment undertaken by Rodney Yeoman and Michael Gordon of Formative Ltd (Appendix 3) identifies that the feasible supply of residential dwellings in Prebbleton significantly exceeds the demand in both the short-medium term and the long term. As such, the urban rezoning would not be required to provide sufficient development capacity to give effect to the NPS-UD.
Are there any other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment?	At least sufficient development capacity is already provided within existing zoned land at Prebbleton. As such, there are other reasonably practicable and feasible options for providing at least sufficient development capacity within Prebbleton.
Do the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values?	The urban rezoning is not required to provide sufficient development capacity for Prebbleton in the short-medium term. As such, the cost of rezoning this land at this time would outweigh any benefit.

- 14.6 In summary, the rezoning of part of the submission area, being 251-289 Trices Road and the property at 2 Hamptons Road, can be supported from an urban form perspective, but there is insufficient information included with the submission to draw a conclusion about the appropriateness of the submission from the transport and ecological perspectives. The site is unable to be serviced from a wastewater perspective, and so the submission area is not 'infrastructure-ready' in terms of the NPS-UD. In addition, it does not satisfy the requirements of Clause 3.6 of the NPS-HPL for urban rezoning and so I recommend that the Urban Estates *et al* submission points²⁷ be rejected.

Recommendations

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

15. Conclusion

- 15.1 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.

²⁷ V1-0098.001, V1-0098.002 Urban Estates *et al*