

Response ID ANON-URZ4-5FT6-T

Submitted to Fast-track approval applications
Submitted on 2024-05-03 17:48:08

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Birchs Village Limited

2 Contact person

Contact person name:
Ryan Geddes

3 What is your job title

Job title:
Director

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

16 Southwark Street, Christchurch 8011

7 Is your address for service different from your postal address?

Yes

Organisation:
Anderson Lloyd

Contact person:
Alex Booker

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Partner

Please enter your service address:

Anderson Lloyd House, 70 Gloucester Street, Christchurch 8013

Section 1: Project location

Site address or location

Add the address or describe the location:

The Project Site is approximately 36.58ha located south of the existing Prebbleton Township (Hamptons Road) and west of Birchs Road. The Site adjoins existing township boundaries to the north, and on the opposite side of Birchs Road is Kakaha Park and rural land.

File upload:

Project location - aerial imagery.pdf was uploaded

Upload file here:

Birchs Village Project - Design bundle.pdf.pdf was uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

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NZ Titles LINZ RT Search With Diagram - combined.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

(a) John Gale Sheaf and Susan Frances Sheaf (Lot 1 DP 43993 comprised in certificate of title CB23A/548) (5900m2);

(b) Benjamin Kenneth Dixon and Michael James Dixon (Lot 2 DP 43993 comprised in certificate of title CB23A/549) (7.1ha);

(c) Benjamin Kenneth Dixon and Michael James Dixon (Lot 2 DP 29035 comprised in certificate of title CB23A/549) (847m2);

(d) Anthony James Sutton, Nicola Elizabeth Sutton and Andrew Gavin Weastell (Lot 3 DP 29035 comprised in certificate of title CB11A/888)(2.5ha);

(e) Jaqueline Maree Rademaker and Jason Henry Rademaker (Lot 1 DP 21433 comprised in certificate of title CB2C/1408) (2ha);

(f) Helen Fraser and Thomas John Fraser (Lot 1 DP 27551 comprised in certificate of title CB9F/265)(4ha);

(g) Beverley Joy Broadway and John James Broadway (Lot 2 DP 27551 comprised in certificate of title CB9F/266)(4ha);

(h) Sandra Jean Cunningham (Lot 2 DP 344727 comprised in certificate of title 183603)(4ha); and

(i) Anderson Lloyd Trustee Company (2013) Limited, Jennifer Faye Geddes and Ryan Peter Geddes (Lot 1 407808 comprised in certificate of title 427571) (12ha, but with a subdivision s224 enabling 3x 4ha blocks).

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Birchs Village Limited has contracts for sale and purchase for 7 of the 11 properties in the Birchs Village Project. 2 of the 11 landowners are working collaboratively with Birchs Village and support the proposal. The remaining 2 properties (Fraser and Sheaf) have not indicated they will develop collaboratively. These properties have been designed to be carved from the development, noting one is an existing residential sized lot (i.e. 5900m2) on the corner of the development. The Project can be developed in this way without affecting project viability.

Section 2: Project details

What is the project name?

Please write your answer here:

Birchs Village

What is the project summary?

Please write your answer here:

The Birchs Village Project seeks to develop a prime 36.58 hectare site for residential development and commensurate business offering for those residents in Prebbleton.

This is a unique opportunity to provide for medium density housing in a sought after location, along key transport routes, cycleway and bus stops and opposite the new \$14 Million reserve, Kakaha Park. It is unique because of a rare large contiguous land holding of rural residential developments.

The Proposal provides a different typology of housing (i.e. entry level housing, where attention and focus has been put on the relationship with land and its surrounds) in a highly desirable area of Prebbleton. This variety of housing is not otherwise provided for in Prebbleton, where there is a scarcity of available land. By contrast the "Prebbleton market has always been extremely popular but generally attracts wealthier and older owner occupier buyers (and larger more expensive homes) with few first home buyers". Prebbleton has recently been expressly identified as a Locally Important Urban Centre for growth in the Greater Christchurch Spatial Plan.

The Proposal has been confirmed as feasible. There is an approved business case and funding in place, and the developer is ready to commence development. The location is greenfield, but it is proposed to reuse 8 (and up to 10) residential lifestyle lots of varying sizes by removing houses and structures. Expert assessment has advised there are no infrastructure barriers with commencing the Project.

What are the project details?

Please write your answer here:

The Project provides for subdivision and development of a new unique and comprehensively developed housing project (supported by a small area of shops) in Prebbleton.

The Project will provide 527 allotments (with an average allotment of 650 m²). A minimum net density of 15 households per hectare is proposed consistent with an outline development plan provided. This density enables land value to be maximised and provides for both current demand and an estimated shortfall.

The Project site adjoins an existing residential area and is strategically located across the road from a newly established urban Kakaha Park (purchased and developed by the Council). It would connect the new reserve into the township. Servicing connections currently exist north along Birchs Road allowing for extension to existing infrastructure and services.

The project adds to the use of existing active travel walking and cycleways, and public transport options currently provided for along Birchs Road through to Lincoln, and to be enhanced in time in accordance with the Greater Christchurch Spatial Plan.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

The Green space will be developed first including key stormwater infrastructure, then housing will be progressively staged and with commercial development last.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource consent for land use and subdivision under the Resource Management Act 1991 is being sought.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Selwyn District Council and Canterbury Regional Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

A Private Plan Change application (PC79) was made on 9 June 2021 to rezone the site to Medium Density Residential and Neighbourhood Commercial Zones, and following introduction of the MDRS and the NPS-HPL, the application was declined, with the Council adopting the Commissioner recommendation, and notified on 6 September 2022. The primary reason for decline there as that the operative district plan was coming to an end.

A submission was also lodged on the new Selwyn District Plan on 11 December 2020 seeking the same rezoning and development of Birchs Village but was not accepted by the Independent Hearings Panel. Birchs Village has lodged an appeal against this decision in the Environment Court, and mediation is scheduled for September 2024.

Essentially the key challenge for this development is the regulation changes from the NPS-HPL which came into force mid-process. While the intent of the NPS-HPL is supported. As a result of residential lifestyle sections being included in the HPL, the interim definition of highly productive land captures this Project despite the land no longer being productive, and it is not going to be so in the future (based on soil expert advice). This is preventing this otherwise appropriate, high quality and comprehensive urban development from proceeding until such time as Regional Councils have updated their mapping in accordance with the NPS-HPL. For all purposes, the current intention of the relevant regional council appears to be to capture all LUC 1, 2 and 3 land. And the Selwyn District Council Plan includes no rural lifestyle sections (which would be excluded from the NPS-HPL). The Site comprises LUC 1 and 2 soils.

When the NPS-HPL was released the draft definition had been updated and the "at least 50% land or 4 hectares (whichever is the lesser) of land defined as Land Use Capability 1, 2 and 3 " and an exclusion for residential lifestyle blocks had been removed. This is in direct conflict with where future urban growth is generally intended to go, namely adjacent existing urban areas, where fragmentation has already occurred. Without the recognition of the existing fragmentation and its impact on highly productive land in the interim definition, the ability to provide for housing demand on this site is inappropriately restricted by the NPS-HPL, and confirms Treasury's view that the NPS-HPL works against housing objectives in the Urban Growth Agenda (UGA) and further restricts the supply of urban land. This hurdle for the project occurred mid plan change process and is now held up in the Environment Court.

The LUC 1 and 2 soils of the project are predominantly focused along the Site where it adjoins Birchs Road. This is also where the existing residential

properties on these sites are located, meaning the land has lost its productive potential and is irrevocably fragmented, but is being protected by the NPS-HPL (even though the 10 residential homes on lifestyle blocks are as small as 0.59 ha, 2ha and 2.6 ha, 4ha), whereas significant new homes could be achieved for the community. The Fast Track process is the absolute right process for this unintended consequence to be assessed.

No applications for resource consents have previously been lodged due to the hold in the plan change process.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

The Birchs Village development has been designed so that if the two landowners that Birchs Village Limited currently does not have agreements or contracts for sale and purchase with do not wish to proceed with development, the rest of the development can go ahead without those sites. This has been considered in the Project staging.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

The future developer of the Project has confirmed feasibility. It has an approved business case and funding in place, and is ready to commence construction as soon as consent is secured. Subdivision and development designs have been prepared, and as soon as consent is secured the developer intends to commence the Project.

The developer is an experienced developer with its preferred contractors and builders on hand, there are no resourcing issues that would delay the site works commencing for the Project.

Land development is estimated to be roughly three years across several stages, with dwelling construction likely to span approximately 5-8 years.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

- (a) Selwyn District Council;
- (b) Canterbury Regional Council;
- (c) Ngāi Tahu;
- (d) Adjoining landowners;
- (e) John Gale Sheaf and Susan Frances Sheaf;
- (f) Helen Fraser and Thomas John Fraser.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

A pre-application meeting was held with Selwyn District Council prior to the lodgement of the private plan change application in 2021.

The Applicant is the owner of 212A Birchs Road and the prospective purchaser of 144, Hamptons Road and 212 and 214B Birches Road. The Applicant is working with the owners of 160 and 176 Birchs Road. 142 and 198 Birchs Road have been consulted by the Applicant and are aware of the development intentions of the Applicant. The plan process has gone through a public process.

A copy of the original plan change application was submitted to Mahaanui Kurataiao Limited (MKT) concurrent with the lodgement to the Selwyn District Council in 2021.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not applicable.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The relevant treaty settlement relating to the Project is the Ngāi Tahu Claims Settlement Act 1998. There are no particular geographical aspects of the Ngāi Tahu Settlement which relate to the location of this project.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

(a) Servicing - there are no infrastructure barriers with commencing development and there is ample time (and a willingness to work with Council and other developers) to integrate the Project into community infrastructure decisions.

(b) Loss of rural land – there will be a loss of 36.58 ha of rural land in the Selwyn District. However, the properties are no longer used as rural lots but rather lifestyle properties. With the inability to obtain additional water for these lots, there is no feasible way to utilise them as rural properties and this is already seen by the current use on the ground. The Project enables a better use of the Site through intensification.

(c) Loss of highly productive land – the Project Site contains 36.58 ha of highly productive land. The land is already fragmented, cannot be used for rural production as it not able to obtain water to support this activity, and the actual loss of highly productive land is minimal, being 0.0044% of HPL in the Selwyn District and a 0.026% reduction of HPL in the Canterbury Region.

(d) Traffic – an increase in traffic on the roading network. This has been assessed by relevant experts (and peer reviewed by the Council) and is able to be accommodated within the existing and planned network and provides access for all modes. It is noted there will be some time before residents are occupying the Site and the nature of subdivision and construction means that this will occur progressively, noting the timing of planned upgrades (2023-2025) already appears commensurate with any noticeable increase traffic volumes from the Project Site.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

• National Policy Statement on Urban Development 2020 (NPS-UD) – The Project is consistent with and can meet the desired outcomes of the NPS-UD. The Project is located to contribute to the well-functioning urban environment of Prebbleton under Policy 1 and is also been designed as a well-functioning urban environment itself. The Project meets all of these minimum requirements but its rezoning of land is under appeal due to changes in legislation (e.g. NPS-HPL). The Project will assist SDC to meet its obligation under the NPS-UD to provide at all times at least sufficient development capacity to meet the expected demand for housing and for business land over the short term, medium term and long term.

• National Policy Statement for Highly Productive Land 2023 (NPS-HPL) – the Project Site contains highly productive soils. 4.97 ha of the Site contains class 1 soils (which border the Birchs Road frontage) and the remaining 31.61 ha of the Site are class 2 soils. The loss of highly productive soils here is minimal. In the context of the Selwyn District, this represents a loss of 0.0044% of HPL and a 0.026% reduction of HPL in the Canterbury Region. Clause 3.10 provides an exemption of highly productive land subject to permanent or long terms constraints. Technical assessments support the consideration of the Project under this clause. The assessment provides that the constraints affecting the Project Site are:

- (a) Wetness of the soils;
- (b) Moisture definitions and irrigation availability;
- (c) Nutrient limits;
- (d) Reverse sensitivity; and
- (e) Fragmentation.

Whilst the Proposal would result in the loss of a negligible amount of land which, while it may be “highly productive” in terms of the NPS-HPL definition, it is subject to a number of constraints which significantly limit its productive capacity now and over the long term.

• Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) – The majority of the Project Site has been used for pastoral use of the known history of the project Site, which does not pose a risk of soil contamination. Some Hazardous Activities and Industries List activities were identified within discrete areas of the Project Site, such as old buildings with lead-based paints and asbestos materials, storage of treated timber, potential use and storage of persistent pesticides, potential use of ash on a horse training track and multiple small disposal of waste to land risk areas. The identified HAIL activities/risks do not preclude subdivision of the land. As each stage of the Project is developed, the need for an updated preliminary site investigation and / or site inspection should be considered, along with detailed site investigations of the risk areas as required. The Project can be supported from a contaminated land risk perspective as any effects can be managed through routine testing and remediation, as required.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The fast track process will enable the Project to be approved and bring the housing to fruition in a more timely and cost – efficient way than the standard consenting process. It will enable a unique development for Prebbleton.

Unless resource consents for this Project are fast tracked, the land will remain as rural lifestyle blocks which are not actively used for rural production, and unable to be developed for residential development for a significant period of time whilst the Canterbury Regional Policy Statement is reviewed and that relies on this enabling Greenfield's development which is unclear. This is at least 5 years away. This will impact commercial contracts held for the development.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

This development is shovel ready – it is strategically located opposite Kakaha Park. It has been waiting for an opportunity to be developed since 2021.

If this project is not fast tracked, the commercial contracts will expire and this unique and significant development will be lost. We have a housing crisis and this will significantly add capacity to an area that is extremely popular but under resourced in terms of housing capacity.

A significant level of information has been prepared and tested through hearing processes. This includes technical reports, expert evidence, peer reviews, submissions and legal analysis. All of this information can be sourced here:

<https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-request-79-rezone-approximately>

The Project is ready to go and suited to the fast and efficient operation of the fast-track process.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

No.

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

No.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

The Project has been designed to increase the supply of housing in Prebbleton by almost 50% of the current offering, addressing housing needs by providing a range of densities with an average of 15 households per hectare.

Expert economic evidence was provided for the Project which demonstrates that sufficient capacity is not being enabled within the Selwyn District within the right areas, and there is a projected shortfall within Prebbleton. This Project will meet that demand, and provide more capacity (and housing choice) in the long term which is not prevented by the NPS-UD.

The Project will contribute to a well-functioning urban environment with its proximity to the park, along key transport routes, and walking distance to the town centre.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The creation of approximately 527 allotments (plus supporting commercial activity) will have significant economic impacts over a prolonged period, as well as wider economic impacts beyond the Project, but related to its development.

In 2023, it was estimated that land development and preparation costs would be about \$, with total construction costs of nearly \$. It is estimated that the Project could create:

(a) A one-time boost in GDP of \$138 million;

(b) Sustain employment for 1,040 FTE-years; and

(c) Additional household wages / salaries of \$68 million.

Beyond these direct impacts, the Project is likely to generate other economic benefits including:

(a) Providing a direct boost in market supply to help meet likely shortfalls;

(b) Bolstering land market competition, which helps deliver new sections to the market quicker, and at better average prices;

(c) Providing a variety of housing options/typologies to meet diverse needs and preferences; and

(d) Contributing to achieving critical mass to support greater local retail/service provision.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The Project Site has been strategically chosen for its location, along key transport routes that provide public transport options, cycleways and walking routes. The Project Site is extremely well located in respect of public transport compared to other Greenfield sites in the region, It is also adjacent to Kakaha Park and will mean residents in the Project Site will be able to access this facility without using their vehicles.

The Project greenhouse gas expert considered the Project to be ideal for passive house construction due to its flat site and is free of obstruction to the north and unlikely to be built out in the future. The Project is also well suited for the use of solar PV panels due to a flat site and limited trees within the area, and better insulated building materials. These factors will enable relatively energy efficient homes which result in relatively low emissions per resident.

It is reasonable to expect that, on average, smaller houses would be developed under the proposed density for the Project than would be developed under a lower density development. It is also reasonable to assume that larger houses would not necessarily accommodate more people. As such, the emissions/per person arising from the construction of housing can be expected to be relatively low for houses developed as part of the Project.

The Project supports a reduction in greenhouse gas emissions, relative to other greenfield development opportunities available in the Greater Canterbury region.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The Project Site is not located within an "at risk" location. It is an inland site and not at risk from sea level rise or an increased flooding risk. It is located within the Plains Flood Management Overlay (not the Floodplain) within the Partially Operative Selwyn District Plan (Appeals Version), as is the majority of the Selwyn District, but some distance from coastal areas and waterways.

If the anticipated impacts of climate change (sea level rise, flooding) occur sooner or more frequently than currently expected, there is a chance that a significant portion of the existing housing stock across New Zealand may become damaged and need to be replaced more quickly than may currently be anticipated. In this context, it will be highly valuable for the region, and indeed New Zealand as a whole, to ensure that there is sufficient land available in locations that have climate resilience (such as Prebbleton) to meet an unexpected increase in future housing demand due to climate displacement.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

In part. The Site is rurally zoned but predominately provides for residential lifestyle living. No rural production activities occur on the Project Site, and the ability to obtain water for rural activities in this "red zone" under the Canterbury Land and Water Regional Plan is prohibited. In this sense, the Project enables a better use of the land and reduces the need for water from 36.58 ha of land in the rural zone.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The Project is considered to be generally consistent with the local and regional policy documents, where applicable. The Project will enable residential use to be established in close proximity to an important recreational facility, Kahaka Park, making use of the Council's significant investment supporting accessibility without reliance on vehicles. The inclusion of neighbourhood scale commercial use will provide for the day-to-day convenience needs of the Project and users of Kahaka Park.

The Canterbury Regional Policy Statement 2011 is now outdated, a new regional policy statement is expected to be notified at the end of 2024, and the Greenfield areas identified within Map A for residential development have been completed or are underway.

The GCSP was recently released, following a consultation and hearing process. It provides that whilst Greenfield developments don't need to be specifically identified beyond broad locations. These broad locations for greenfield developments should, at a minimum:

1. Be adjacent to, near, or within a Significant Urban Centre, Major Town or a Locally Important Urban Centre in Greater Christchurch;
2. Be accessible to either MRT, Core Public Transport Routes or New / Enhanced Public Transport Routes;
3. Protect, restore and enhance the natural environment, historic heritage, and sites and areas of significance to Maori;
4. Be free from significant risks arising from natural hazards and the effects of climate change; and
5. Be cognisant of the landscape and visual context, integrate with natural features and align with good urban design principles.

The Project meets all of these minimum criteria.

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The Applicant has not been subject to any compliance or enforcement actions under any legislation, including the legislation referred to in the Bill.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Ryan Geddes

Important notes