

# **Operative Selwyn District Plan**

## **Private Plan Change 69 by Rolleston Industrial Developments Ltd: 'Lincoln South'**

### **Section 42A Report**

**Request to rezone approximately 190 hectares of Rural  
Outer Plains Zone to Living X, Living Z and Business 1 (Local  
Centre) at Lincoln**

**28 October 2021**

**Report prepared by**

**Nick Boyes**

**Consultant Planner**

# Introduction

## Qualifications and Experience

1. My full name is Nicholas (Nick) Brian Boyes. I am a Consultant Planner/Associate at Planz Consultants Ltd; a planning and resource management consulting company with offices in Christchurch, Dunedin and Auckland. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Honours) from Lincoln University (1999). I have worked in the field of planning/resource management since 1999, the last 20 years as a planning consultant. I am an accredited Hearings Commissioner and have acted in that capacity for the Ashburton and Selwyn District Councils.
2. I previously worked for the Selwyn District Council (the Council) as a Planner from 1999 to 2001.
3. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying section 32 evaluation reports, and preparing and presenting s42A reports and evidence at the Environment Court. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities.
4. I am also assisting the Council to process two other private plan change requests to rezone land at West Melton (PC74 and PC77).

## Scope of Report

5. I have been asked by the Council to prepare this report under section 42A of the Resource Management Act (the Act) to document the assessment of the subject private plan change request (PC69) to the operative Selwyn District Plan (the District Plan).
6. This report effectively acts as an audit of the detailed information lodged with the plan change request originally lodged with the Council on 29 October 2020 and prepared by Novo Group Ltd on behalf of Rolleston Industrial Developments Ltd. A full copy of the plan change request, submissions, summary of submissions and other relevant documentation can be found on the Council's website at <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-69,-rezone-186-hectares-of-rural-outer-plains-to-living-x,-living-z-and-business-1-zones,-lincoln>.
7. The purpose of this report is to assist the Hearing Commissioner in evaluating the request and deciding on submissions made on PC69 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations on matters raised in submissions, and any changes to the District Plan considered appropriate having considered the statutory requirements. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner. It should not be assumed that the Hearing Commissioner will reach the same conclusions or decisions having considered all the evidence from the Applicant and submitters.
8. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or

detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.












9. In preparing this report I have:
- Visited the site (Thursday 14 October 2021) and the surrounding area of Lincoln;
  - Reviewed the original plan change request, the further information request and the updated plan change documents received in response;
  - Read and summarised all the submissions received on the plan change request;
  - Considered the statutory framework and other relevant planning documents; and
  - Reviewed, and where necessary relied on, the peer reviews provided by other technical experts engaged by the Council to assist with the reporting on this private plan change, as follows:
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|--------------------|---|
| <b>Appendix A:</b> | Geotechnical Peer Review (Ian McCahon, Geotech Consulting Ltd)                            |
| <b>Appendix B:</b> | Land Contamination (Stephen Gardner, Environment Canterbury)                              |
| <b>Appendix C:</b> | Stormwater, Flood Management and Civil Construction (Tim Morris, Tonkin & Taylor Ltd)     |
| <b>Appendix D:</b> | Development Engineering Technical Memo (Zani van der Westhuizen, Selwyn District Council) |
| <b>Appendix E:</b> | Aquatic Ecology Peer Review (Greg Burrell, Instream Ecology Ltd)                          |
| <b>Appendix F:</b> | Water/Wastewater/Stormwater Servicing (Murray England, Selwyn District Council)           |
| <b>Appendix G:</b> | Odour Assessment (Chris Bender, Pattle Delamore Partners Ltd)                             |
| <b>Appendix H:</b> | Open Spaces Reserves Assessment (Mark Rykers, Selwyn District Council)                    |
| <b>Appendix I:</b> | Urban Design Assessment (Hugh Nicholson, Urban Shift Ltd)                                 |
| <b>Appendix J:</b> | Transportation Peer Review (Mat Colins, Flow Transport Ltd)                               |
| <b>Appendix K:</b> | Growth Capacity Report (Ben Baird, Selwyn District Council)                               |
10. This report seeks to provide as little repetition as possible and identifies only those parts of the request that are not supported or remain unresolved. If a matter is not specifically dealt with in this report, then there is no dispute with the position set out in the request.

## The Plan Change Proposal

- PC69 seeks to rezone approximately 190ha of land immediately adjoining the southern boundary of Lincoln Township from Rural (Outer Plains) to three different zonings; being Living Z, Living X and Business 1 (Local Centre).
- This is achieved primarily through an Outline Development Plan (ODP) to be inserted into the District Plan, which includes both maps and accompanying explanatory text. The overall ODP is shown in **Figure 1**. The nature of the plan change is fully described in the application documentation available on the Council's webpage for this request. The description below is a brief summary of that information.

## OUTLINE DEVELOPMENT PLAN (ODP) - LINCOLN SOUTH

### LEGEND

-  Outline Development Plan Area
-  Living Z Zone
-  Living X Zone
-  Business 1 Zone
-  Heritage Setting
-  Indicative Road
-  Indicative Pedestrian & Cycle Route
-  33kV Overhead Lines
-  Reserve Location (size to be determined at time of subdivision)
-  Stormwater Management
-  Setback

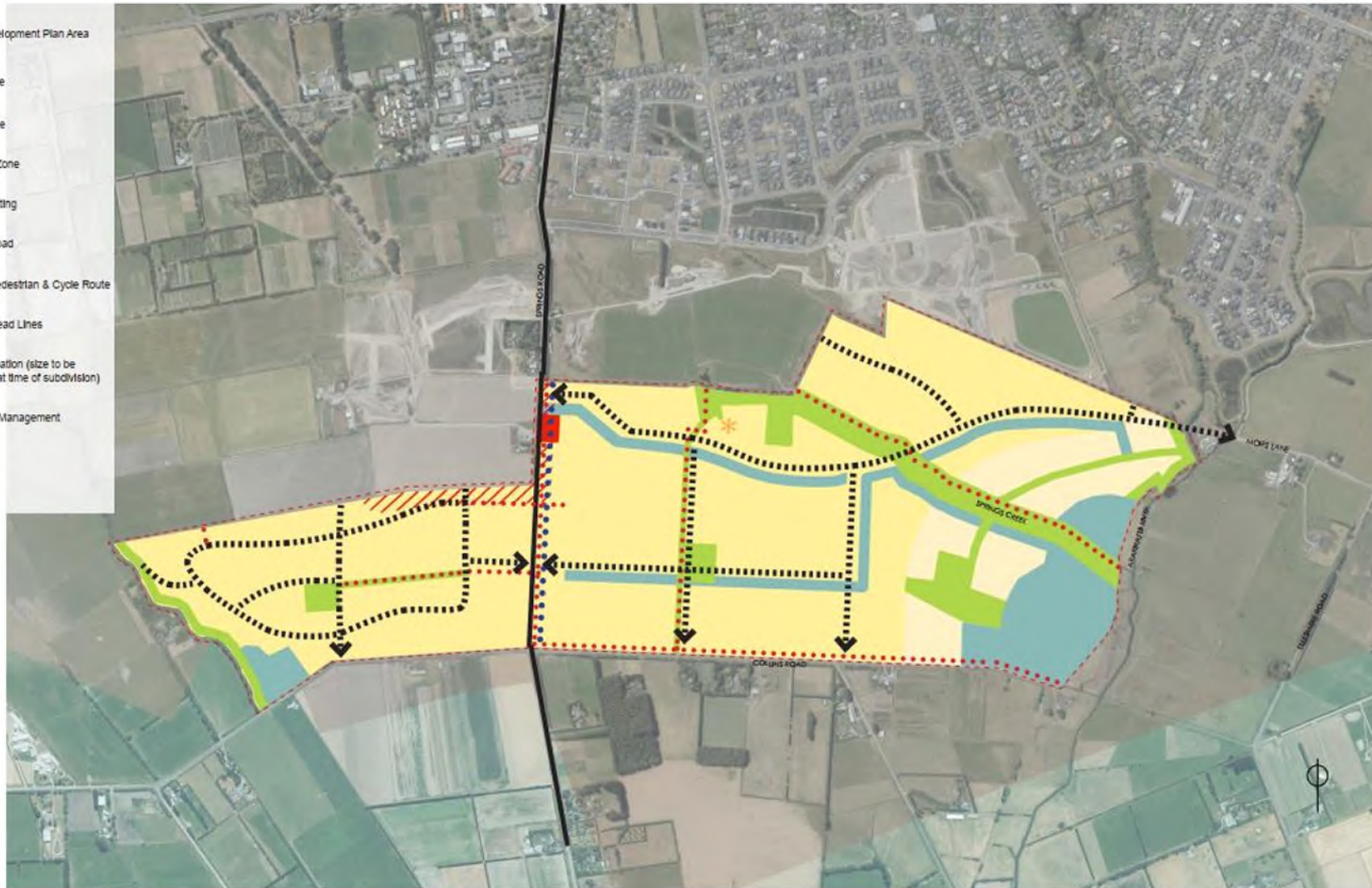


Figure 1: Outline Development Plan included in plan change request

13. The ODP is designed to achieve an overall minimum net density of 12 households per hectare (hh/Ha), providing for the establishment of some 2,000 new households. The ODP includes higher density (15hh/Ha) residential areas proposed adjacent to key open spaces and green corridors. Lower density Living X zoning provides a lower density (minimum lot area of 2,000m<sup>2</sup>) in the eastern areas subject to periodic inundation from the Ararira/LII River. The requests states that such allotments *“suit lower density development and areas of open space that can support stormwater management objectives”*<sup>1</sup>.
14. Existing rules contained in the District Plan would require any future subdivision and development to be in accordance with the ODP and the corresponding text. This provides the regulatory method of imposing and enforcing the ODP requirements as part of any future subdivision consent application received by Council should the plan change be successful.
15. The Living Z zone is proposed for the majority of the plan change site and this is an extension of the existing Te Whāriki development to the north. This zone will provide for variable lot sizes, including Low Density (average allotment size of 600m<sup>2</sup> and a minimum individual allotment size of 500m<sup>2</sup>), Medium Density Small-lot (maximum average of 500m<sup>2</sup>, with minimum of 400m<sup>2</sup>), and Medium Density Comprehensive (maximum average of 350m<sup>2</sup>, with no minimum site size).
16. A Business 1 zoned ‘local centre’ is proposed to provide for a small commercial area for neighbourhood shops at the intersection of Springs Road and the proposed primary road. Under this zoning retail activity is limited to a total floor area (in the centre) of 450m<sup>2</sup> GFA, and individual tenancies will not exceed 350m<sup>2</sup>. This local centre is envisaged to serve the plan change area with day to day products, with the request setting out that likely tenants being a dairy, takeaways and a café, or similar.

## Proposed Amendments to the District Plan

17. The following amendments to the Selwyn District Plan are proposed:
  - a) To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living X, Living Z and Business 1 (Local Centre) as shown in the ODP (as set out in **Figure 1**).
  - b) To amend Township Volume, **Appendix 37** Outline Development Plan- Lincoln by adding the full ODP (including explanatory text and all plans).
  - c) To amend **Rule 4.1.1** (Township Volume) introducing the following **Rule (4.1.1(B))** setting minimum finished floor levels for the Living X zone (Lincoln South):
 

*“Any dwelling on land located in Living X zone in Lincoln South shall have a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability Flood Event, and shall be sited on a building platform established prior to the issue of a building consent for the dwelling, which is of sufficient size to accommodate a dwelling and associated curtilage, in accordance with any applicable resource consent conditions for subdivision requiring the provision of building platforms in the Living X zone in Lincoln South”.*
  - d) To amend **Rule 4.9.32** (Township Volume) excluding the ODP area from this rule requirement to adhere to a 150m dwelling setback from the Lincoln Sewage Treatment Plant (LSTP).

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<sup>1</sup> Rolleston Industrial Development Ltd, Lincoln Plan Change Request, Attachment 5: Section 32 Evaluation, paragraph 22 (Novo Group Ltd, April 2021)



- e) Any other consequential amendments, including but not limited to renumbering of clauses.
18. In addition to this private plan change request, it is noted that the applicant has also submitted on the publicly notified Proposed Selwyn District Plan (pSDP) opposing the inclusion of the plan change area within the General Rural Zone (the 'GRUZ'). The submission (DPR-0384.008/009), seeks that the site be re-zoned to a combination of General Residential Zone (GRZ), Neighbourhood Centre (NCZ) and Local Centre Zone (LCZ), the latter including the provision for a supermarket.
19. At the time of writing this report, the hearings of submissions on the pSDP have commenced. My understanding of the statutory context is that there is no specific requirement to consider PC69 against the pSDP. However, the pSDP is useful in understanding the new framework by which urban development proposals will be considered in terms of the Council's obligations under section 74(1) of the RMA.

## Plan Change Site Description

20. The area of land affected by PC69 as shown on the ODP comprises 190 hectares and is bounded by the Te Whāriki and Verdecos Park subdivisions to the north, Collins Road to the south, an ephemeral waterway termed the 'Western Boundary Drain' to the west, and the Ararira/LII River to the east.
21. The subject land has an area of approximately 190 hectares and primarily comprises of the property at 1491 Springs Road, Lincoln (178 ha). The properties making up the plan change area are shown in the aerial photograph in **Figure 2** below, with the plan change area outlined in red.
22. The site has frontage and access to/from Springs Road and Collins Road to the south. Springs Road is an arterial road providing access to Ellesmere Junction Road, Gerald Street (Lincoln's main street), and connections through to Christchurch city further north. The site also has access to Moirs Lane, currently an unformed legal (paper) road to the east, which connects to Ellesmere Road.
23. The majority of the site comprises a dairy farm, with an existing cluster of buildings located east of Springs Road, near the northern boundary. This property includes the Springs' O'Callaghan farmhouse ('Chudleigh'), which was constructed in circa. 1877, but is not presently listed as a heritage item in the District Plan or by Heritage New Zealand, but is listed in the pSDP. Another dwelling is also located on this property between this cluster and Springs Road.
24. The plan change area also includes the properties at 1521 and 1543 Springs Road, as well as 36 and 208 Collins Road. These sites are in separate ownership to 1491 Springs Road and feature a dwelling, accessory buildings and associated rural activity. It is noted that not all property owners are party to PC69. The property owner/occupier of 208 Collins Road (M & A Wright) has submitted opposing PC69<sup>2</sup>; whilst the property owner at 36 Collins Road (Theresa Kortegast) has lodged a further submission supporting in part<sup>3</sup>. The current owners of the main part of PC69 (1491 Springs Road) have all submitted in support of the plan change request<sup>4</sup>.

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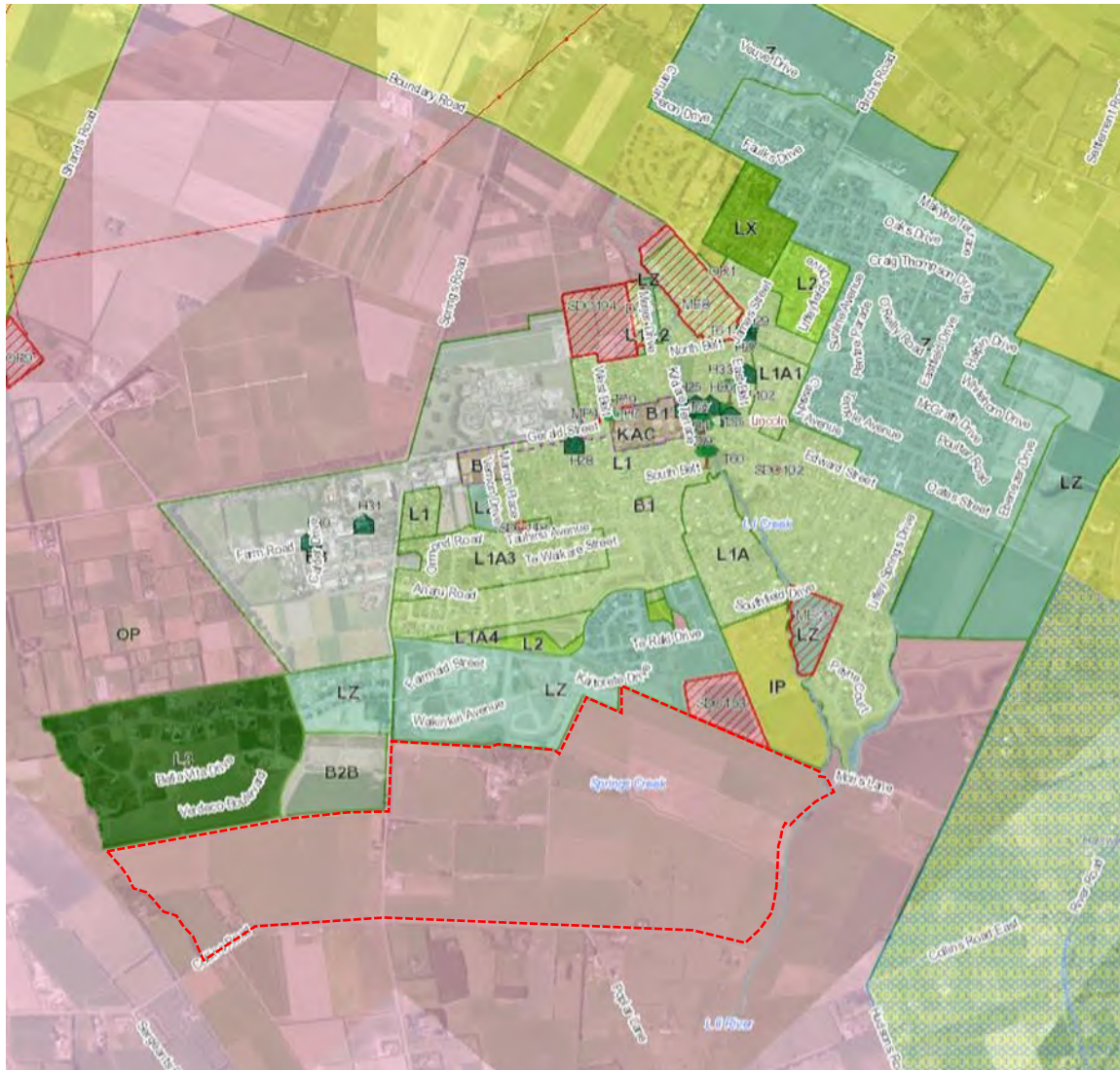
<sup>2</sup> PC69-0239.

<sup>3</sup> FS PC69-0266.

<sup>4</sup> PC69-0050 Gordon Hope; PC69-0010 Graeme Greenslade; PC69-0163 John and Leslie Greenslade; and PC69-0019 Megan Greenslade.



30. Land to the west of Springs Road immediately north of the plan change area is currently zoned Business 2B (B2B on **Figure 3**). This land is currently held in a single vacant allotment awaiting further development<sup>6</sup>.



**Figure 3: Current Zoning of Site and Surrounding Area under the Operative District Plan (PC69 area shown in red dashed line).**

31. To the south, east and west is Rural (Outer Plains) Zone land used predominantly for rural residential activity, grazing or other rural activity. The minimum density in this zone is one house per 20 hectares.

<sup>6</sup> It is noted that this land is also subject of a submission on the pSDP seeking a change in zoning to allow for residential activity (DPR-0352).



## Statutory Framework

32. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Resource Management Act 1991 (RMA).
33. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 relates to the use of the 'streamlined planning process' and is not relevant to this plan change.
34. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change; contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.
35. In this case, the tests to be applied to the consideration of PC69 under Schedule 1 Part 2 of the RMA are summarised below and include whether:
  - a) It accords with and assists the Council to carry out its functions (s74(1)(a) and s31).
  - b) It accords with Part 2 of the Act (s74(1)(b)).
  - c) It accords with a national policy statement, a New Zealand coastal policy statement, a national planning standard and any regulation (s74(1)(ea) and (f)).
  - d) It will give effect to any national policy statement, national planning standard or operative regional policy statement (s75(3)(a)(ba) and (c)).
  - e) The objectives of the request (in this case, being the stated purpose of the request) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)).
  - f) The provisions in the plan change are the most appropriate way to achieve the objectives of the District Plan and the purpose of the request (s32(1)(b)).
36. In evaluating the appropriateness of PC69, the Council must also:
  - a) Have particular regard to an evaluation report prepared in accordance with s32 (s74(1)(d) and (e)).
  - b) Have regard to any proposed regional policy statement, and management plans and strategies prepared under any other Acts and consistency with the plans or proposed plans of adjacent territorial authorities (s74(2)).
  - c) Take into account any relevant planning document recognised by an iwi authority (s74(2A)).
  - d) Not have regard to trade competition or the effects of trade competition (s74(3)).
  - e) Not be inconsistent with a water conservation order or regional plan (s75(4)).
  - f) Have regard to actual and potential effects on the environment, including, in particular, any adverse effect in respect to making a rule (s76(3)).
37. The functions of Council set out in s31 of the Act that are required to be maintained when evaluating the appropriateness of PC69 include the establishment, implementation and review of objectives, policies, and methods to:

- a) Achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources (s31(1)(a)).
  - b) To ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).
  - c) Control any actual or potential effects of the use, development, or protection of land (s31(1)(b)).
38. The request considers the actual and potential effects of the plan change on the environment, and where necessary, I have made further comment and assessment of these later in this report. Similarly, an assessment of PC69 against the various statutory documents it is required to have regard to is set out further below.

## PC69 Acceptance, Notification and Submission Process

- 39. On 29 October 2020 Rolleston Industrial Developments Limited lodged a private plan change request with the Council (PC69). Following a request for additional information and receipt of an updated request, PC69 was accepted for public notification at Council's meeting held on 24 March 2021 (under Clause 25(2)(b)).
- 40. PC69 was publicly notified in the Selwyn Times newspaper on 28 April 2021. Following notification, Council was made aware of a minor error in the public notice regarding the site area (notified as 186ha). As a consequence, the Council re-notified the request to avoid any potential issues, and extended the period for receiving submissions until 10 June 2021.
- 41. A total of 255 submissions were received. These were then summarised and publicly notified for further submissions in the Selwyn Times on 25 August 2021. The period for further submissions closed on 8 September 2021. A total of 7 further submissions were received by that date.
- 42. The submissions, submission summary and further submissions are available at the plan change webpage<sup>7</sup>.
- 43. PC69 has reached the point where a hearing is now required (Clause 8B of the First Schedule to the RMA). Following the hearing, the Council is required to give a decision on the plan change and the associated submissions (Clause 10 of the First Schedule to the RMA).

## Procedural Matters

- 44. A late submission was received from Ann Judson Farr (PC69-0263) on Friday 18 June 2021. This submission was included in those notified as part of the summary of submissions, thereby allowing for further submissions to be made. Section 37A allows for the time period to be extended to accept the submission. The delegation as to whether to accept this submission sits with the appointed Hearing Commissioner. Whilst the submission is clearly late, it is not considered that any party is unfairly prejudiced by accepting the submission, which raises similar issues to those raised in many other submissions received and was included in the summary. On that basis it is recommended that this submission is accepted.

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<sup>7</sup> <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-69,-rezone-186-hectares-of-rural-outer-plains-to-living-x,-living-z-and-business-1-zones,-lincoln>

## Assessment of the Request and Issues Raised by Submitters

45. This section provides an assessment of the material included within the request, submissions received and outlines the expert advice received to inform the overall recommendations within this report.
46. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled in terms of assessing this plan change, are:
- a) Land Suitability (Geotech, Land Contamination, Versatile Soils and Flooding/Water Table);
  - b) Aquatic Ecology;
  - c) Infrastructure Servicing (Water, Wastewater and Stormwater);
  - d) Reverse Sensitivity;
  - e) Open Space Reserves
  - f) Urban Design, Urban Form, Density and Character;
  - g) Transportation/Traffic; and
  - h) Other Matters (Effects on Community Facilities and Environmental Quality).
47. Given the number of submitters and the various issues raised within each, the approach to the reporting below is issue based. Individual submissions are for the most part not referenced; the number of submissions makes this impractical and inefficient in terms of time required to do so. Notwithstanding, my instruction from the Council included preparing the summary of submissions available on the Council's website, and on that basis I confirm that I have read and am familiar with the content of every submission/further submission lodged.

## Land Suitability

48. In relation to the land affected by PC69, there are considered to be five primary matters to consider under this topic:
- a) Geotechnical considerations;
  - b) Land Contamination;
  - c) Versatile Soils; and
  - d) Flooding
  - e) Groundwater Table/Springs.
49. Each of these are considered in turn below.

## Geotechnical Considerations

50. The request included a geotechnical assessment prepared by Chris Thompson of Coffey Services (NZ) Ltd. This report was peer reviewed by Ian McCahon of Geotech Consulting Ltd on behalf of the Council (see **Appendix A**). The initial peer review sought further information to bring the geotechnical investigation more in line with the MBIE Guidance and to enhance confidence in

the conclusions. As a result an updated Geotech assessment was provided prior to notification (dated 28 January 2021).

51. Having reviewed this updated information, Mr McCahon concluded that the bulk of the area is deemed to be equivalent TC1 with some small areas of TC2, and went onto state:

*No geotechnical hazards that prevent this site being used for use in terms of RMA section 106 have been identified. The overall soil model and conclusions appear to appropriate for the Plan Change area, and the additional information now included in the report enhances confidence in the conclusions.*

*It is noted that further testing is essential at subdivision consent stage.*

52. On that basis it is considered that there are no geotechnical considerations that impact on the ability to re-zone the plan change area.

## Land Contamination

53. The request included a Preliminary Site Investigation (PSI) prepared by Coffey Services (NZ) Ltd. This report was peer reviewed by Stephen Gardner of Environment Canterbury's Contaminated Land Team on behalf of the Council. The initial peer review sought further information to identify all potential HAIL activities across the plan change area. An updated PSI was provided prior to notification (dated 21 December 2020).
54. Contaminated soils are managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the 'NESC'). This applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change that would be facilitated by PC69. The NESC requires that a Detailed Site Investigation (DSI) is carried out when the use of the land changes or is proposed to be subdivided to identify the extent of the contaminants, and a Remedial Action Plan or Site Validation Reports prepared if required.
55. Mr Gardner's peer review of the PSI provided is attached as **Appendix B**. He concludes that *"the updated PSI is adequate and has been undertaken in accordance with the Contaminated Land Management Guidelines 1 and 5. The updated PSI has largely addressed previous concerns that I had with version 1 of the report. Any remaining questions regarding potential risks to human health will be addressed in subsequent DSI reports"*.
56. On that basis it is considered that any risk to people's health and wellbeing of developing the land for residential purposes can be effectively managed under the NESC, which will require further investigation at the subdivision consent stage. At this stage of the development process there is nothing to suggest that the land is unsuitable for development given the known HAIL activity previously undertaken within the plan change area.

## Versatile Soils

57. Under the land use capability classifications, the land affected by PC69 includes Class 1, 2 and 3 soils (see **Figure 4**). The request sets out that the status of the soils is comparable to or less versatile soils than those recently developed elsewhere in Lincoln<sup>8</sup>.

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<sup>8</sup> Rolleston Industrial Development Ltd, Lincoln Plan Change Request, Attachment 5: Section 32 Evaluation, paragraph 98 (Novo Group Ltd, April 2021)





**Figure 4: NZLRI LUC Classes 1-3 (Land Resource Inventory) (Source: Canterbury Maps as taken from the PC69 further information response)**

58. The request goes on to consider that the quantum of any loss is not considered to be significant when assessed in the context of the wider rural Lincoln area, or in terms of the District generally. Furthermore, the applicant considers the land use capability classifications only forms part of the overall soil versatility characterisation, noting that one-third of the request area is characterised as having poor soil drainage.
59. A significant number of submitters have raised the concerns regarding the permanent loss of productive soils. Those submissions reference the relevance of the proposed National Policy Statement on Highly Productive Land (pNPS-HPL) on the basis that it provides a clear signal to local authorities that highly productive land is a matter of national significance, and will help to ensure that it is given greater weight in land-use planning and decision-making.
60. Although the pNPS-HPL is useful as it signals the Governments intentions in respect to protecting highly productive land, it does not have any statutory weight at this point in time. Furthermore, at this stage there is limited guidance as to how the outcomes sought therein are to be balanced with the operative National Policy Statement on Urban Development (NPS-UD) in terms of prioritising versatile soils over the pressing need for further urban development to meet housing objectives. Final decisions on the proposed NPS-HPL will be made by Ministers and Cabinet in the first half of 2022. If approved by Cabinet, the proposal would likely take effect in the first half of 2022.
61. The cabinet papers prepared as part of the consultation process on the pNPS-HPL highlight that Treasury has signalled concerns that the pNPS-HPL may conflict with the goals for urban growth due to introducing restrictions on land use that do not currently exist<sup>9</sup>. In this regard it is noted that the proposed NPS-HPL policies focus on redirecting growth to more appropriate areas rather than constraining growth *per se*. However, in the context of Lincoln, where versatile soils effectively surround the existing urban area, this does call into question the suitability of the

<sup>9</sup> <https://www.mpi.govt.nz/dmsdocument/37065-Proposed-National-Policy-Statement-for-Highly-Productive-Land-Cabinet-paper> (paragraph 8).

land for urban development and the appropriateness of allowing any further urban growth to occur in this locality when compared to other less productive land.

62. It is clear that there are trade-offs between protecting highly productive land for primary production while providing for greater urban capacity. The pNPS-HPL serves to provide greater weight and recognition to the protection of versatile soils when undertaking this balancing exercise. Submitters have referred to the suitability of the less productive land around Rolleston for urban growth when compared to Lincoln.
63. In the context of PC69, the consideration comes down to promoting the best use of highly productive land resource to deliver the most benefit, which is essentially the outcome sought under section 32 of the RMA.
64. I consider that PC69 would represent a moderate loss of the overall Class 1 and Class 2 versatile soil resource within the region. This is mitigated to some extent by the soils within PC69 area being heavier and poorly drained when compared to other areas containing Class 1 and 2 soils around Lincoln, including those to the northwest which have recently been developed for urban purposes.
65. In and of itself, I do not consider the Land Use Classification of the soils making up the plan change area to be sufficient to state that the land is not suitable for residential development. It is however one of the considerations when evaluating the benefits, costs and risk at a local, regional and national level of allowing PC69. The more pressing issue in terms of land suitability is considered to be the flood/inundation potential and the high water table in the area evidenced by the number of springs present, as discussed below.

## Flooding

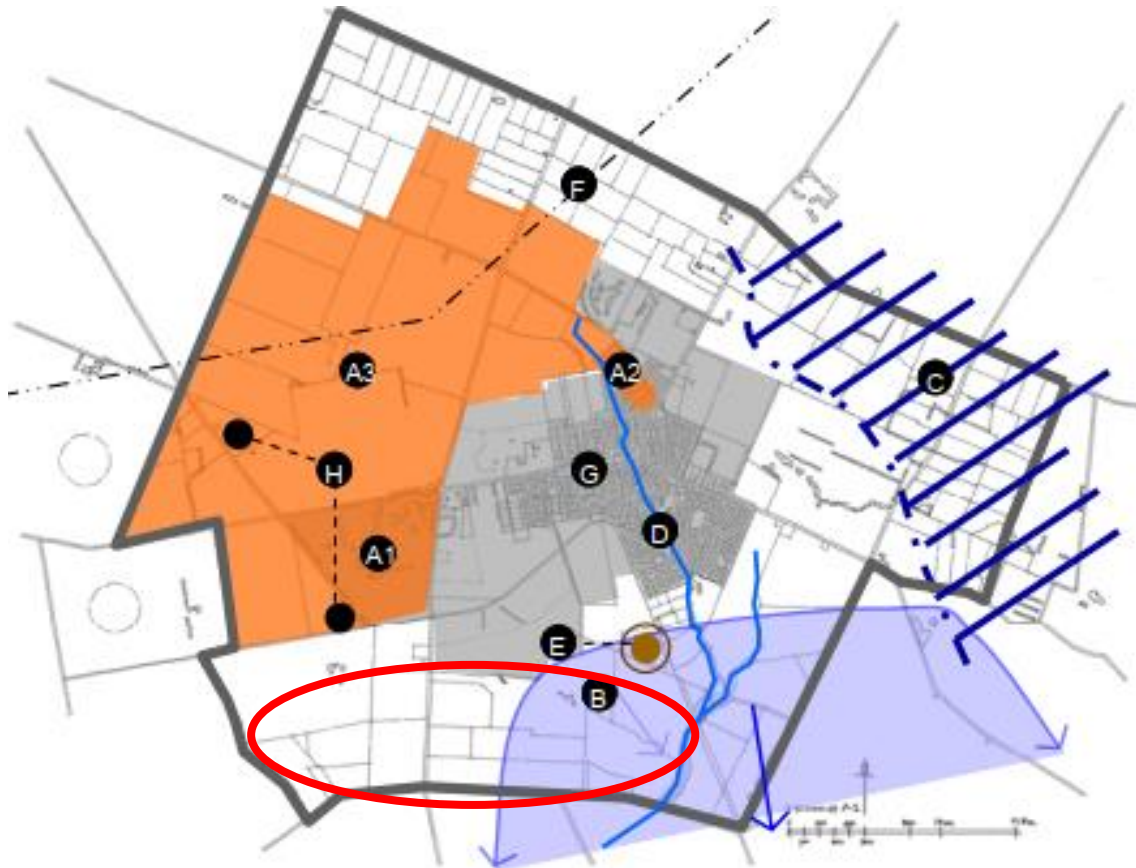
66. The plan change request includes an Infrastructure Assessment prepared by Inovo Projects (Appendix A), which includes a Stormwater Concept Design Report prepared by E2 Environmental Ltd. Each of these reports refers to the underlying site conditions, presence of springs on the site and flood management considerations.
67. Concerns around the high water table, presence of springs and flooding from the Arariri/LII River were raised in a significant number of submissions.
68. The request and supporting information acknowledges that the lower parts of the site next to the Arariri/LII River are susceptible to surface water ponding and flooding in high rainfall and flood events, including overtopping in more extreme events.
69. Approximately half the PC69 area was identified in the Lincoln Structure Plan<sup>10</sup> as being subject to a growth constraint (see **Figure 5**). Whilst the Structure Plan was prepared by the Council back in May 2008, the physical growth constraints identified therein remain valid and have not changed in the meantime. The Structure Plan notes that *“areas of low lying land to the east may not be suitable for development due to the proximity of lower flood plains associated with the Halswell River to the east, and high water table, poorly draining soils and the presence of springs in the south”*.
70. Flood modelling undertaken by the applicant in relation to the 0.2% Annual Exceedance Probability (AEP) indicates flooding of the Arariri/LII River floodplain next to the Arariri/LII River to a maximum level of approximately RL 4m (New Zealand Vertical Datum 2016). The section

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<sup>10</sup> [https://www.selwyn.govt.nz/\\_\\_data/assets/pdf\\_file/0011/10217/Final-Lincoln-Structure-Plan-May-08.pdf](https://www.selwyn.govt.nz/__data/assets/pdf_file/0011/10217/Final-Lincoln-Structure-Plan-May-08.pdf)

32 assessment states that parts of the site above RL 4m are not currently known to be subject to inundation and can be safely developed. The Infrastructure Report states that “*areas of the site below the RL 4m contour line can potentially be developed as larger residential lots subject to setting minimum building platform levels and allowing part of these lots to flood in extreme events*”<sup>11</sup>. It is understood that the 4m contour line approximates with the boundary of the proposed Living Z and Living X Zones shown on the overall ODP (**Figure 1** above).

71. In preparing this report further comment on the suitability of the land for development was sought from Tim Morris at Tonkin + Taylor Ltd (**Appendix C**).



**Figure 5: Diagrammatic representation of general growth constraints identified in Lincoln – PC69 generally indicated in red outline (Source: Lincoln Structure Plan, page 11).**

72. There are two primary matters arising in relation to flooding:
- The adequacy of the mapping currently available and relied on by the applicant given the significant ground level changes upstream of the site as a result of the adjoining residential development.

Mr Morris notes that overland flow from upstream catchments shown in the flood models, and in particular Te Whāriki subdivision, would have been modified by subdivision development upslope, which includes bunds along the common boundary with the plan change site. Whilst this might have some benefits to the flooding of the site, Mr Morris considers that the flood modelling should be updated to provide more detailed information in relation to the plan change site.

<sup>11</sup> Section 3.5/Page 7, Infrastructure Report, Invovo Project Ltd, October 2020.

The question is whether this should be undertaken as part of the plan change or at the subsequent resource consent stage of the planning process should the plan change be approved.

- b) The appropriateness of Living X development (minimum 2,000m<sup>2</sup> allotments) within areas that are known to be subject to inundation (below RL 4m) at the eastern end of the site.

In my view there are adverse amenity effects to having dwellings within areas subject to inundation, not to mention questions over adequacy of access. At this stage I consider that the appropriateness of the proposed Living X Zone for this land has not been established.

- 73. Mr Morris points out that various other factors could influence the findings set out in the Infrastructure Report submitted with PC69, and that a reliance statement confirming the model results are suitable for the purpose intended by those that prepared the model is required. Overall, Mr Morris considers that some areas within the site are likely suitable for urban development. However, there are also aspects of the land encompassed within the PC69 (i.e., that less than 4m RL) that make it not suitable for urban development in its present form having regard to the potential for inundation.

### Groundwater Table/Springs

- 74. A high groundwater level can introduce difficulties and complexity during construction and can influence the strength and durability of various infrastructure assets over their lifetime.
- 75. Mr Morris provides that the design and construction activities will be influenced by the site ground water conditions. Excessive ground water levels may result in localised inundation and problems for infrastructure and dwellings if subdivision design and/or construction is not appropriate. This is evident in the difficulties experienced by Council (and the developer) in relation to the adjoining Te Whāriki and Verdeco Park subdivisions. To document some of those difficulties, the Council's Development Engineering Manager, Zani van der Westhuizen, has provided the Memorandum attached as **Appendix D**. There are three key recommendations made by Ms van der Westhuizen:
  - a) It is recommended that updated LiDAR levels are obtained and the 1 in 200 year flood model be updated;
  - b) The subgrade present within PC69 will need to be properly investigated and should significant accumulations of peat/organic material be present, a plan should be proposed to remove such layers; and
  - c) An extended defects liability period (and associated bonds) is the only surety for Council that if the unforeseen happens and the assets fail, the developer will still be responsible to rectify it.
- 76. The applicant's Infrastructure Report provided with the request, sets out that the ECan GIS database shows 12 wells within the plan change site. The wells are used for domestic supply (4), irrigation and/or stockwater (5), and groundwater quality and water level observations (3). The productive water supply wells range in depth from 19m to 28m. The highest measured depth to groundwater in shallow wells varies between 0.2 and 0.42 m below ground level.



77. There are a number of artesian springs and associated land drains located across the site (as shown on the 'Blue Network' ODP, as shown in **Figure 6** below). Mr Morris states that springs (ground water emerging at the ground surface) are evidence of a high groundwater level.



**Figure 6: Blue Network ODP showing springs, waterways and drains across the plan change area.**

78. Springs are considered to be inappropriate locations for either housing or road development. It is understood from site discussions during the site visit on 14 October 2021 that it is the applicant's intent to include all springs within either Reserves and/or areas set aside for Stormwater Management. At present it is noted that there are springs locations shown on the map above that fall outside these areas. It is recommended that the ODP is updated to rectify this.
79. A relevant matter raised by Mr Morris is that groundwater levels change over time; and it is not clear from the information provided whether the locations on the ODP align with low, average or high ground water levels. Mr Morris notes that some springs may only emerge in particular wet years and disappear in dry years.
80. Overall, in my view there remains a significant question as to whether the request adequately considers matters relating to inundation and groundwater levels of the site, particularly those eastern areas subject to inundation. In my view these are not matters that can be appropriately left to be further considered at the subdivision consent stage of the process.

## Conclusion – Land Suitability

81. When assessing a plan change there is often debate as to the extent and adequacy of assessment required to support re-zoning versus the detailed design assessment undertaken at the subdivision consent stage. In relation to the matters raised above, the PC69 request states that a flood risk assessment will be carried out at subdivision consent application stage as required by section 106 of the Resource Management Act.
82. In my view where the land sought be re-zoned has physical characteristics that might make development for residential purposes more difficult (such as in this case), a greater level of information is required than might be considered appropriate for a greenfield development in an area such as Rolleston, where ground conditions are considered more conducive to development.
83. At the time of writing I am not in a position to recommend that residential development at the eastern end of the PC69 site, namely that proposed to be re-zoned as Living X, is

suitable/appropriate given the information currently available. It is noted that the high water table and risk of inundation of this area was identified as a growth constraint by the Council in the Lincoln Structure Plan back in 2008. Overall, I consider that there is insufficient information available to support rezoning that land or be in a position to adequately rely on the subsequent subdivision consent process to manage the land suitability constraints/natural hazard risks that would have otherwise precluded the granting of the request.

84. Otherwise, concern remains regarding whether all the springs have been adequately identified and mapped on the ODP. It is also considered that all springs should be included within reserve areas (either recreation or stormwater).

## Aquatic/Freshwater Ecology

85. As shown in **Figure 6** above, the plan change area is subject to various springs, drains and natural waterways of varying ecological significance. The request included an assessment of the aquatic ecology of the site prepared by Mark Taylor of Aquatic Ecology Ltd (AEL, October 2020) (Appendix F to the request). This report and assessment was peer reviewed on behalf of the Council by Greg Burrell of Instream Consulting Ltd. The outcome of this peer review is set out in Mr Burrell's Ecology Report attached as **Appendix E**.
86. The potential impact of residential development of the PC69 site on the waterways both within and downstream of the plan change area was a concern raised in a number of submissions lodged opposing PC69. The two key submitter concerns from an ecological perspective are the direct impact of habitat loss and the indirect impact of habitat fragmentation. This latter impact is a significant issue in urban environments.
87. The key ecology-related issue with PC69 is the impact of urban development on springs, wetlands, and associated waterways. Springs and wetlands are threatened ecosystems and culturally significant, and spring flows are highly sensitive to urban development. Mr Burrell undertook a review of data from the Canterbury Maps Viewer website, which indicates that the PC69 area has the greatest density of mapped springs within the Canterbury region<sup>12</sup>.
88. To address these concerns, PC69 relies on adherence to the 10m waterbody setback rules contained in the operative District Plan. The other key design features included in Mr Taylor's report on behalf of the applicant include:
- a) Stormwater discharging via first flush basins, detention basins and wetlands to attenuate stormflow and reduce contaminants to appropriate SDC & ECan guidelines;
  - b) Reserves/green space placed directly adjacent to key ecological waterways to protect them (i.e., western boundary drain, Springs Creek, Ararira/LII River, natural springs and isolated waterbodies); and
  - c) Fencing waterways with ecological value from further stock access.
89. On the basis such matters are incorporated into any subsequent development, Mr Taylor considers that *"the possibility of the plan change/rezoning ecological impacts being beneficial to the environment are likely to be increased"*.

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<sup>12</sup> The precise location and number of actual springs may vary from those mapped, but the number of springs provides an indication of the spring density in a general area.

90. Mr Taylor goes on to recommend that further ecological assessment of the following habitats is undertaken prior to any resource consent application in order to identify any ecologically significant biota, and construct mitigation measures to maintain and protect ecological values:
- isolated waterbodies east of Springs Road
  - minor drains in the south east corner of the development
  - the Ararira/LII River immediately downstream of the region proposed for re-zoning.
  - Springs Creek
91. Overall, Mr Taylor reaches the conclusion that if the above matters are implemented “*this plan change will not necessarily manifest adverse ecological effects*”. This is not considered to represent a ringing endorsement of the potential for PC69 to adequately address ecological concerns.
92. Mr Burrell notes that currently all waterbodies within the plan change area are affected to varying degrees by channelisation, lack of riparian trees and shrubs, and insufficient buffering from adjacent land use. Despite this, Mr Burrell still considers that the spring and wetland habitats across the site are ecologically significant, despite their degraded state, and still possess the ability to provide other important ecosystem services. The term ‘ecosystem services’ refers to the economic, social, environmental, and cultural benefits provided by wetlands.
93. Mr Burrell disagrees with Mr Taylor’s assessment that a 10m waterway setback is sufficient. Referencing the National Environmental Standards for Freshwater Management 2020 (NES-F), Mr Burrell considers an appropriate buffer between roads, buildings and springs, wetlands and other waterbodies should be somewhere in the range of 30-100m. He considers creating a buffer of this size around springs, wetlands, and other waterbodies will both mitigate against hydrological effects, but also improve ecological connectivity and integrity of the wetland area, by increasing the overall reserve size.
94. Other potential effects associated with the proposed plan change include construction-related effects, impacts on fish passage, and impacts of stormwater discharges on receiving water quality. Overall, Mr Burrell considers these potential effects could be adequately addressed through appropriate engineering design and construction methodologies at the subdivision stage.

### **Conclusion – Aquatic Ecology**

95. Overall, Mr Burrell considers it likely that the land use change associated with PC69 will reduce the value and extent of wetlands and springs, an outcome inconsistent with national environmental policy and guidelines aimed at protecting and enhancing wetlands and springs.

## **Infrastructure Servicing (Water/Wastewater/Stormwater)**

96. As referred to above, the request includes an Infrastructure Assessment prepared by Inovo Projects (as Appendix A of the request).
97. A broad range of concerns were raised in submissions regarding servicing, including the adequacy of the existing reticulated networks to service a development of this scale and impacts on current users. A general concern expressed was that existing ratepayers will have to subsidise infrastructure development required to accommodate the additional housing.

98. It is noted that upgrades will either need to be undertaken (and funded) by the developer; or where they are necessitated by growth beyond just this site, there are mechanisms available to the Council to recoup proportional costs from the developer such as through development contributions taken at the subdivision stage or through a developer agreement. In my view, the funding of any such infrastructure upgrades necessitated by the plan change are not an impediment to the rezoning.
99. Environment Canterbury (ECan) (PC69-0205), submits that PC69 is inconsistent with Policy 6.3.5(2) of the Canterbury Regional Policy Statement (CRPS) because water supply and wastewater upgrades would be required to serve the development, but such upgrades are not included in the Council's Long Term Plan, nor would they be investigated by the applicant until the subdivision stage. The submission goes on to state that CRPS Policy 6.3.5 seeks to ensure that new development does not occur until provision for appropriate infrastructure is in place, meaning that any proposed or potential future upgrades to the Selwyn District Council's reticulated services network should not be relied upon, particularly in regard to any servicing requirements that will occur out of sequence.
100. If it was the case that plan changes should not rely on any future infrastructure upgrades, then in my view very little growth would be provided for. All development invariably requires some form of upgrades to the existing networks. In short, I do not consider the absence of upgrades being identified in the Long Term Plan as a barrier to rezoning of the site, because this does not preclude them being undertaken.
101. ECan suggests a strategic planning exercise is required to consider the most appropriate scale, direction and timing of any growth for the townships in the Selwyn District, linked to a coordinated assessment of the available options to overcome identified infrastructure constraints (paragraph 11).
102. The Selwyn District Council is considered to be best placed to consider the adequacy of its existing three waters network to accommodate the scale of the development proposed. To that end Murray England, the Council's Asset Manager – Water Services has provided an assessment of PC69 (attached as **Appendix F**).

## Water

103. The PC69 Infrastructure Report included a Memorandum prepared by WSP dated 21 October 2020 referring to Water Supply Capacity. This highlighted that there are no water supply issues which would impede the re-zoning of the land for residential purposes.
104. In considering the Council's existing water supply's ability to service PC69, Mr England notes that the area is outside the Lincoln growth boundary. In that context, approval of the request is only considered appropriate on the basis that existing consented water supplies on the application site are vested in Council. Mr England refers to the regional consents CRC001158 and CRC152245 having an estimated total annual volume of 701,444 cubic meters, which would assist to satisfy the demand from the proposed development.
105. Provision of land within PC69 will also likely be required for water treatment, storage and pumping to ensure adequate provision of water. Mr England notes that this land can be identified and vested at time of subdivision consent should the plan change be approved.



## Wastewater

106. The request included a Memorandum prepared by WSP also dated 21 October 2020 referring to Wastewater Capacity. This considered that the Council's wastewater network has capacity to receive the capacity associated with the residential re-zoning of this land as per the plan change application.
107. Wastewater is treated and disposed of at the Pines Wastewater Treatment Plant (the Pines WWTP) in Rolleston. The Pines WWTP is currently at or near capacity, with upgrades currently underway and additional upgrades planned and budgeted for to accommodate up to 60,000 person equivalents (PE) of incoming flow, with plans to increase the treatment capacity up to 120,000 PE being prepared. The current connected catchment (2021) has a population equivalent of approximately 42,000 - 45,000. These connections along with projected growth are estimated to require additional treatment processes (beyond 60,000 PE) developed on site to meet incoming flows. Mr England notes that the extension of the Pines WWTP to 120,000 PE capacity has been identified and funded in the LTP, with design and consenting works programmed for the forthcoming years, to allow for future development within the district, which could include this plan change request. Therefore, capacity upgrades planned and budgeted for would be sufficient to accommodate the wastewater generated by development facilitated by PC69.
108. In terms of wastewater conveyance, Mr England notes that there is limited capacity within the existing Lincoln wastewater network to accommodate the proposed flows from the PC69 catchment. As such, direct connection to the Allendale Pump Station would be required for the ultimate development. Storage will also be required at the Allendale Lane Pump Station to buffer peak wet weather flows. The construction of the new Rolleston South East Pump Station will also be required before the full flow from PC69 could be received at the Selwyn Road Pump Station. Overall, the options identified to convey wastewater to the Pines WWTP are feasible and the PC69 area can be adequately served by the Council's wastewater network subject to the required upgrades.

## Stormwater

109. Given the underlying ground conditions and that the lower lying eastern portions of the site are subject to inundation presents certain challenges for stormwater attenuation, treatment and disposal.
110. The overall ODP and Blue Network ODP (**Figures 1 and 6** above) indicate that the eastern portion of the site is to be used for stormwater management. However, it is noted that this area is below the RL 4m land elevation and therefore within the 0.2% AEP flooding of the Arariri/LII River floodplain. It is understood that stormwater attenuation and treatment in such areas is inappropriate. Mr Morris' assessment (**Appendix C**) notes that *"it is important that an appropriate stormwater model taking proper account of the critical event and proposed finished ground levels is developed to confirm areas of the site to be developed. We suggest that this work informs an application for subdivision consent if it is not required to inform the PC69 application"*. Mr England notes that inundation along with high groundwater in the area will make maintaining live flood storage difficult. Therefore he considers that the proposed stormwater management area (SMA) will either need to be oversized to cater for periodic inundation of this volume and/or by providing increased off-set storage volume further up in the plan change catchment.

111. In my view this work needs to be done at this plan change stage and the ODP amended to show how the stormwater from the entire PC69 area can be appropriately retained and treated on site without relying on that land within the 0.2% AEP flooding scenario.
112. Mr England also notes in his report that:
- a) Clean spring water and untreated stormwater should be segregated; and
  - b) The diversion of the Lincoln Main Drain to the northern boundary of the site to form a naturalised and enhance the amenity is encouraged. This feature should be shown on the ODP.

## Conclusion – Servicing

113. Overall, the servicing of the PC69 area by extensions to the existing reticulated water and wastewater systems is feasible. Furthermore, based on the advice from Mr England, it appears that there is a viable means to dispose of stormwater within the plan change area subject to initial modelling being undertaken to establish the appropriate size and location of SMA and the ODP being updated to reflect this, which might include removal of the land below 4m RL from SMA.

## Reverse Sensitivity

114. The primary matter relating to reverse sensitivity is the request that the plan change area is not otherwise subject to the 150m setback from the Lincoln WWTP as included in **Rule 4.9.32** of the operative District Plan. The wording of this rule is as follows:

***Setback from Lincoln Sewerage Treatment Plant***

**4.9.32** Any dwelling in the Living 1A and Living Z Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewerage Treatment Plant, as identified on Planning Maps 122 and 123.

115. In response to the request for additional information, the applicant submitted an Odour Assessment prepared by Golder Associates (as Appendix H to the updated plan change documentation).
116. The position set out in this assessment is that since 2013 all wastewater is now pumped to the Pines WWTP at Rolleston, and the current Sequential Batch Reactor (SBR) tanks and oxidation pond are only available for emergency wastewater storage events. In such events the dilution would be some 2 to 3.5 times greater than normal municipal wastewater and the storage would only be a matter of hours. On that basis the Golder Assessment sets out that there are expected to be less than minor odour effects from the use of the tanks as short-term wastewater storage in high rainfall events.
117. Five submissions lodged on PC69 specifically opposed the exemption sought to **Rule 4.9.32** for the plan change area<sup>13</sup>.
118. Mr England does not wish to see the PC69 area developed so as to allow sensitive residential activity within the 150m setback. It is acknowledged that the consent held by Council in relation to the plant, CRC210644, only permitted the discharge of treated wastewater up until 31 March

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<sup>13</sup> PC69-0072.006 Olivia and Ben Thompson; PC69-0102.004 Jeanette Tucker; PC69-0121.004 Tania and Charles Hefer; PC69-0131.011 Canterbury District Health Board; and PC69-0187.001 Nancy Borrie.

2013. However, that does not affect the designated status of the Lincoln Sewerage Treatment Plant and the potential that Council may need to re-activate treatment function sometime in the future.

119. One such scenario relates to pump station failure. This is a real concern given the Selwyn wastewater reticulated network connects Prebbleton, Lincoln, Springston and West Melton with Rolleston. Furthermore, it is understood that Leeston and Darfield are expected to join the system in the next 3-4 years.
120. In such a scenario wastewater in a non-diluted state would be stored at Lincoln. The Council engaged Chris Bender of Pattle Delamore Partners Ltd to assess the odour effects of such a scenario. Mr Bender's assessment is attached as **Appendix G**. In summary Mr Bender agrees with the conclusion reached by Golder regarding adverse odour effects beyond the site boundary being unlikely in the event that the designated site is used only for the temporary storage of diluted wastewater. However, other scenarios whereby untreated wastewater could be retained on the site have not been considered, including the failure of wastewater infrastructure elsewhere on the network. Whilst infrequent, these would have the potential to result in adverse odour effects being experienced within the PC69 area.
121. As referred to above, retention of the 150m setback also provides the Council with future options to re-instate the wastewater treatment plant should it be required to accommodate future growth, such as for example the recently announced (at the time of writing) Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill<sup>14</sup>. This bill would introduce future development not otherwise anticipated. Given the traditional provision of student accommodation within Lincoln, it is considered likely that such a development opportunity would be taken up. Mr England considers that it is important that the sensitive activities are located away from this infrastructure and therefore the 150m setback must be maintained as provided for in the operative District Plan for residential areas adjoining the Lincoln Sewage Treatment Plant.
122. It is noted that no equivalent provision to **Rule 4.9.32** has been included in the pSDP. This is on the basis that all residential zoned land (Living 1A and Living Z Zone) within the 150m setback has been developed, and that **Rule 4.9.32** does not apply to any dwelling established on rural land.

### Conclusion – Reverse Sensitivity

123. Overall, it is considered that the retention of the 150m setback protects the designated Council asset and future proofs its ability to be used in the most efficient and effective way to cater for future growth. On that basis it is recommended that the PC69 area should not be exempt from compliance with the provision contained in the District Plan. As a result I consider that the ODP should be amended to reference the presence of the LSTP and the setback required over the PC69 land area.

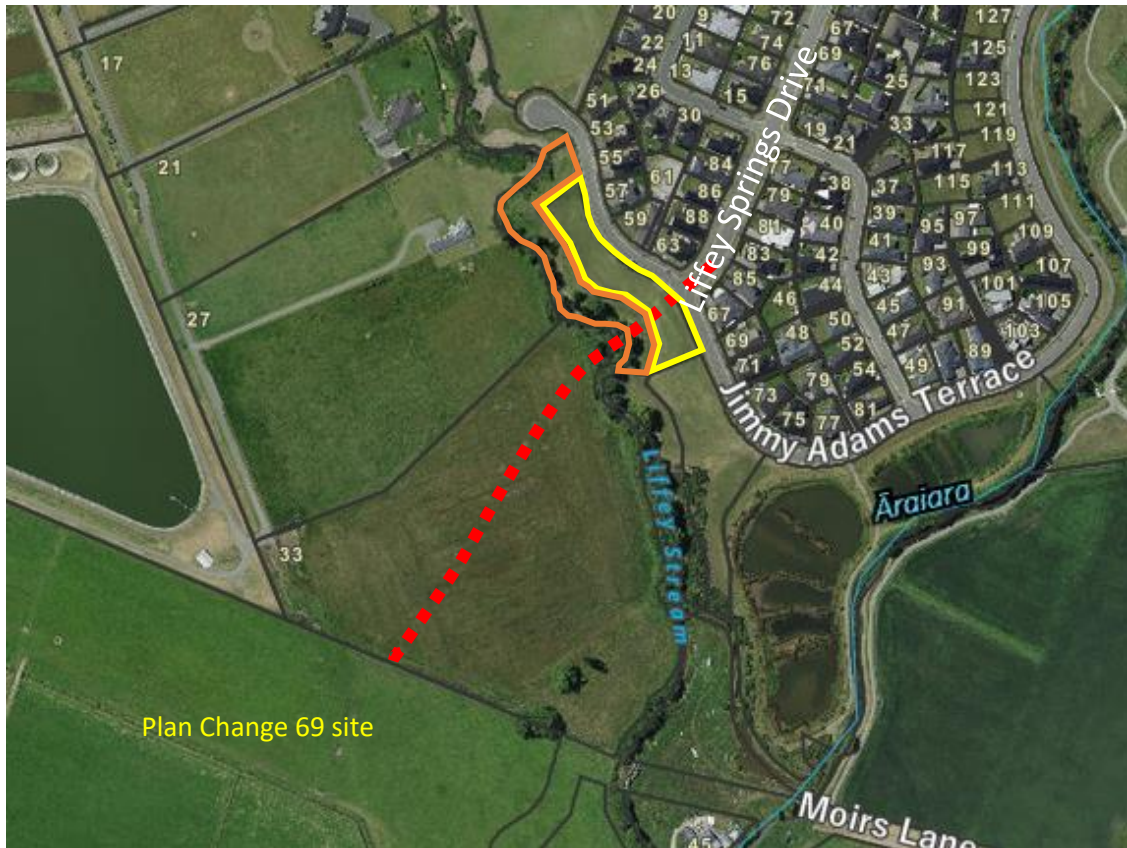
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<sup>14</sup> <https://environment.govt.nz/news/more-affordable-housing-choice-proposed/>

## Open Space Reserves Assessment

124. The ODP includes a Green/Open Space Network, which includes an extensive network of greenspace including four reserve areas. These are located across the development area to enable easy walking access for most residents (within a 500m radius). Mark Rykers, Council's Manager Open Space and Strategy has assessed the PC69 proposal (attached as **Appendix H**). Mr Rykers considers the applicant's proposal is consistent with Council's adopted distribution standard for neighbourhood reserves. The reserves sizes, indicated as being between 3,000m<sup>2</sup> and 6,000m<sup>2</sup>, will be sufficiently large enough to accommodate the necessary recreation space to meet residents' needs.
125. Submissions have raised the shortage of recreational open space, and in particular sports playing fields, within Lincoln.
126. The applicant's Landscape and Urban Design Assessment (Appendix E to the request), notes that a larger recreation reserve for active sports is not required because of the close proximity of Lincoln University Fields and Lincoln Domain and Events Centre.
127. Mr Rykers agrees with the applicant and notes that the Council has already planned to provide sufficient land in this locality to meet projected demand for sports park activities over the next 30 years. Paragraph 6 of Mr Rykers assessment lists the various open space developments currently being undertaken or planned by Council in the locality. Council has adopted a provision standard for sports parks of 3.0 ha per 1,000 population. Selwyn District has targeted the upper level of the range because of a generally lower age demographic and a consequential high level of participation in active sports.
128. Mr Rykers has also undertaken modelling over a 30 year period to determine the impact of the population generated from PC69 on sports park provision levels. This assumes the release of 250 lots per year over an 8 year period and takes account of projected population growth in the Lincoln/Prebbleton/Broadfield catchment from the Council's adopted growth model, as well as planned timing for development and commissioning of additional sports park land (as provided for in the LTP and 30 Year Infrastructure Strategy).
129. Mr Rykers is also supportive of the proposed reserve areas shown on the ODP, in that they are:
- a) Located alongside waterways or to protect natural springs on the site including Springs Creek, Ararira/LII River, Lincoln Main Drain and the ephemeral waterbody on the western boundary of the development area;
  - b) Provide a connection to the reserves in the adjacent Te Whāriki subdivision, which provides a walking/cycling connection and access to those reserve including the destination level playground;
  - c) Include a green strip along the drain at the western boundary of the development that will link to the existing esplanade strip in the adjacent Verdeco Park subdivision; and
  - d) Create potential to continue the green link along the Ararira/LII River and connect with existing or future esplanade reserves
130. A specific matter raised in a significant number of submissions was the potential road link across the Liffey Stream to join the southern end of Liffey Springs Drive, which would then provide a connection to Edwards Street. It is noted that such a link was shown on the initial ODP lodged, but that the updated ODP notified excludes this link across land not otherwise part of the PC69

area. **Figure 7** below shows the approximate alignment of the connection originally shown and the presence of two Council reserve areas adjoining Liffey Stream.



**Figure 7: Council reserves located adjacent to Liffey Stream at the southern end of Liffey Springs Drive/Jimmy Adams Terrace.**

131. The traffic related aspects of these connections (and others) are discussed further below. In terms of the reserves, Mr Rykers was asked for comment on the process required to potentially facilitate road access across the existing esplanade reserve shown in orange in **Figure 7** (being legally described as Lot 405 DP 504685 Local Purpose Reserve (Esplanade)); and the reserve held for recreation purposes shown in yellow (being Lot 406 DP 504685 Recreation Reserve).
132. In summary, Mr Rykers considers that it is technically possible to provide for the link, but this is complex and with potential pitfalls and significant risk especially if there is strong public opposition. Furthermore the proposal would have significant undesirable outcomes for the existing reserves network, particularly on amenity, landscape and recreation values as well as creating an additional physical barrier to walking and cycling connectivity and to the reserve's function as a green corridor. On that basis it is not considered that any such link can be relied upon in the future as part of the consideration of PC69.

## Conclusion – Open Space

133. Overall, it is considered that the green/open space network shown on the PC69 ODP are appropriate and in accordance with the Council's overall district strategy. The ODP also provides sufficient connections to adjoining reserves by way of either pedestrian or cycleway access to the existing Lincoln community.



## Urban Design

134. The PC69 request included an Updated Urban Design Assessment prepared by Inovo Projects and DCM Urban Design Ltd (as Appendix Ea to the request); and a Landscape Assessment prepared by DCM Urban Design Ltd (as Appendix Eb). These and the relevant submissions relating to urban design matters have been assessed by Hugh Nicholson (UrbanShift) and his report is attached as **Appendix I**.
135. Numerous submissions raised concerns with PC69 in regard to the scale of growth and the resultant change in the “village atmosphere” of the existing Lincoln township. The ability for the township to provide the necessary infrastructure in terms of community and educational facilities, shopping opportunities, medical facilities and recreational experiences at the rate required to cater for a development of this scale were a significant concern.
136. Submitters expressed a range of views in terms of the appropriate density. Some were of the view that development to the minimum 12 households per hectare was too much, and would change the character of Lincoln and lead to poor urban design outcomes given the distance of the PC69 site from the existing town centre. Others were of the view that the development should include greater higher density areas so as to reduce the land requirement and retain greater areas of open space for agricultural production.
137. Matters relating to urban form and density are raised in higher order strategic planning documents, which are assessed specifically in the following section. In that context, this section of deals more specifically with issues related to the development of this particular site and its physical characteristics.

## Lincoln Context

138. To put the scale of this development in context, Mr Nicholson notes that in 2020 the Lincoln township included approximately 2,900 houses with a population of 8,100 residents. PC69 proposes an additional 2,000 houses which would increase the size of Lincoln by 169% to a total of 4,900 houses.
139. Mr Nicholson is concerned that the context of this growth is not incremental, and will potentially affect the character of Lincoln making it more important that it contributes to an agreed and coherent overall result. In his opinion any decision which potentially affects both the character of the township and the capacity of the existing community facilities would be more appropriately addressed through a comprehensive spatial planning exercise, which includes a thorough consultation process with the community. Mr Nicholson notes that a private plan change, which is primarily concerned with the plan change area, does not allow for alternative growth options to be assessed and discussed with the community in order to promote agreed and coherent outcomes.
140. The most recent spatial planning exercise undertaken is the Lincoln Structure Plan (LSP) undertaken in 2008 in response to the Greater Christchurch Urban Development Strategy 2008, which identified Lincoln as one of the south-western growth centres of Greater Christchurch. The LSP was intended to facilitate the integrated growth of Lincoln Township and to accommodate an additional 3,900 households out to 2041 (from some 940 households in 2006). Whilst the PC69 site was within the study area, it was not within the residential growth areas identified in the final LSP. Notwithstanding, it is clear that the growth identified in the LSP is proceeding at a much faster rate than anticipated therein. **Figure 8** below illustrates the

Greenfield Priority Areas identified in the Land Use Recovery Plan (LURP) (being slightly larger than those identified in the LSP) overlain on a recent aerial photograph.



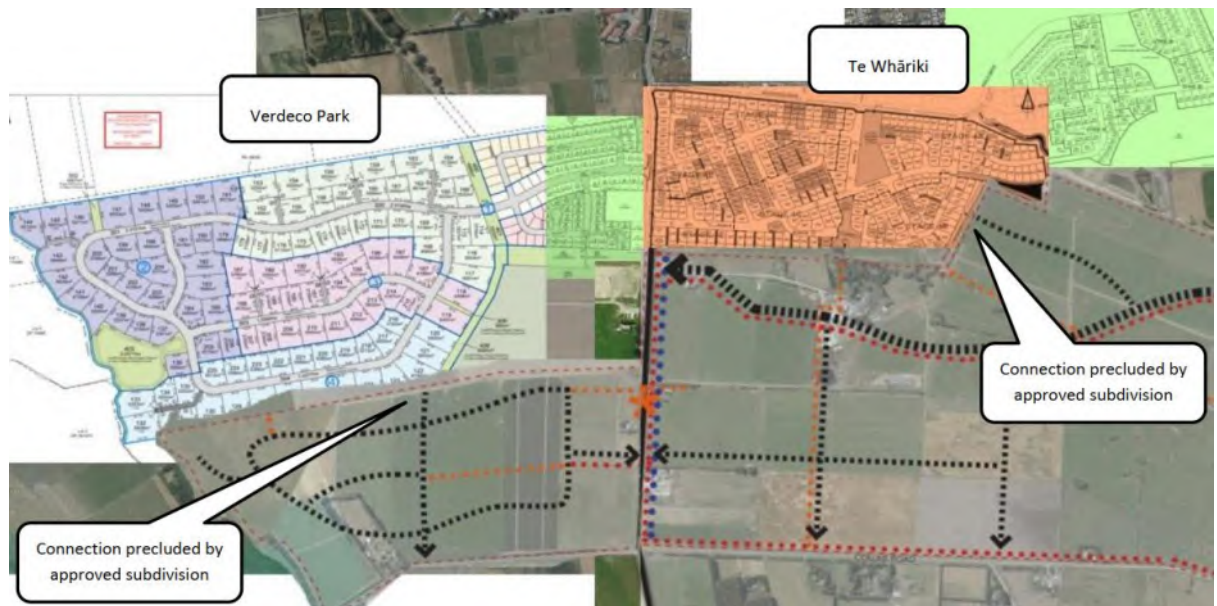
**Figure 8: Greenfield Priority Areas (as identified in the LURP) shaded green (Source: Canterbury Maps)**

141. **Figure 8** illustrates that little of the land identified for growth in the LSP/LURP is still available for development. At such growth rates it is clear that insufficient land remains available to meet demand out to 2041. In that context I consider the fact that the land is not identified in the LSP/LURP is of less relevance when considering the context of future Lincoln growth *per se*, noting that it is still appropriate to give consideration to the physical growth constraints identified therein (see **Figure 5** above). The bigger question as to whether any additional growth in Lincoln is appropriate is not informed by the LSP itself.

## Connectivity

142. The connectivity with the existing green/open space network has already been considered above. Mr Nicholson raises concerns regarding the urban design outcomes relating to the lack of connectivity to the existing road network in order to gain access to the Lincoln town centre.
143. A number of connections are shown on the ODP, however, the connections through to each of the residentially developed areas north of the PC69 area are precluded due to the approved allotment layout of those developments (see **Figure 9** below). At the time of writing it is

understood that the applicant for PC69 has not secured the necessary allotments to enable such vehicular connections to be provided.



**Figure 9: Ability to physically provide connections shown on the ODP (Source: Flow Transportation Specialist Ltd, PC69 Assessment)**

144. Mr Nicholson notes that the northern boundary of PC69 with the existing township extends just over three kilometres (as the crow flies), but includes a single road connection (Springs Road) and three green/open space connections with the existing Lincoln township. The only other road connections are provided via Moirs Lane (to the east), or Collins Road to the south, part of which is currently unformed.
145. The proposed Moirs Lane connection also presents some difficulties in terms of the ability to locate both the proposed collector road and the existing Rail Trail within the existing legal width, (being as this is only some 13.5m). The connections to Collins Road are likely to place the bulk of the traffic back onto Springs Road to access the town centre in any case.
146. Mr Nicholson points out that there is one direct street connection to the township, being along Springs Road which bisects the plan change area. The proposed neighbourhood centre is located at the northern end of the connection which would be positive, however, there would be no direct property access onto the remainder of the Springs Road connection further south which would result in properties turning their backs on the road and limited passive surveillance or activities along the road.
147. Overall, it is considered that the connectivity provided by PC69 as put forward does not achieve good urban design outcomes and requires improvement in order to proceed.

## **Landscape and Visual Amenity Impact Assessment**

148. Mr Nicholson agrees with Mr Compton-Moen's description of the landscape character and values in paragraph 3.1 of his report.
149. Where Mr Nicholson differs from the assessment of Mr Compton-Moen is in regard to the effects of PC69 on the landscape character from an open rural character to a residential subdivision. Whilst Mr Compton-Moen assesses such effects as minor, Mr Nicholson considers them to have a moderate-high impact reflecting the change from an open rural landscape with



long views and a small number of built elements, to a suburban landscape with shorter views, enclosed spaces and a greater number of built elements<sup>15</sup>.

150. Furthermore, Mr Nicholson is of the opinion that the visual impact from Collins Road, and properties on Springs Roads adjacent to the plan change area, and on properties along the southern boundary of the Te Whāriki and the Verdeco Park subdivisions would be moderate-high.

### Conclusion – Urban Design

151. Mr Nicholson is of the view that the landscape character and visual impacts of the proposed plan change, despite the mitigation proposed, would remain *moderate-high*. It is noted that such concerns are raised in regard to any form of urban growth and in my view residents located on the outskirts of existing townships cannot expect to enjoy a rural outlook for all time as townships do not remain static. As has been evident by the growth of the Selwyn District over recent years (including Lincoln), urban environments will develop and change over time. The RMA and the District Plan do not require protection of the amenity derived from the current open character of the site for the enjoyment of surrounding landowners.
152. The lack of adequate connectivity is considered to be a particular and significant concern, which impacts both urban design considerations and also the ability for PC69 to be adequately served by the local roading network (as discussed further below).
153. Overall, Mr Nicholson is also concerned that the ‘first-come-first-served’ approach facilitated by the private plan change process does not allow alternative options for growth to be assessed and compared in a comprehensive manner. This is perhaps even more pertinent in this case where the LSP, developed some 13 years ago, is now out of date given the rapid uptake of greenfield areas in that time and the inability to provide for further growth over the 20 year period out to 2041 for which it was prepared.

### Transportation/Traffic Effects on the Roding Network

154. PC69 included an Integrated Transport Assessment (ITA) prepared by Nick Fuller of Novo Group Ltd (as Appendix D to the request).
155. Mr Fuller’s assessment predicts PC69 to generate in the order of 1,400 vehicle movements per hour in the peak hours and 14,000 vehicle movements per day.
156. Mr Fuller notes that the Ellesmere Junction Road / Springs Road / Gerald Street roundabout has been identified as being at capacity given the completion of recent subdivisions in Lincoln. The inclusion of traffic associated with PC69 would lead that intersection to being over-capacity and further upgrades beyond those currently planned would be required in order to operate satisfactorily. The traffic capacity of the Edward Street / Ellesmere Road / Lincoln Tai Tapu Road intersection has also been assessed, and Mr Fuller considers this intersection can operate satisfactorily should PC69 proceed given the Council has a proposal to upgrade this intersection to a roundabout.

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<sup>15</sup> Both experts using the seven point scale drawn from the NZILA’s *Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*, (Final Draft), New Zealand Institute of Landscape Architects, May 2021, pp. 63-65.

157. Overall, Mr Fuller considers that the transport effects of the PC69 will be acceptable on the surrounding transport network subject to undertaking the off-site improvements outlined in his report.
158. It is noted that the applicant's ITA makes reference to and places some weight on the potential for a Southern Bypass (with it being shown on the 'Movement and Connectivity' ODP). Andrew Mazey (Councils Roading Asset Manager) has advised that the Council undertook a feasibility assessment of this link in 2014, following which it determined that it did not warrant further investigation. This was due to a range of factors including ground conditions, the presence of high water tables and springs and land tenure/acquisition issues. Mr Mazey has concluded that it is not a viable option and any suggestion within PC69 that it might proceed is misinformed.
159. A large number of submitters raise concerns about the potential traffic effects resulting from PC69. Concerns raised include:
- a) The existing safety issues at various intersections, (namely Springs Road/Gerald Street, Edward Street/Ellesmere Road, Springs Road/Boundary Road and the existing crossings of Springs Road from the Verdeco and Te Whāriki Developments) and the impact of additional traffic on existing safety levels.
  - b) The general increase in traffic in and around Lincoln, and the resulting impacts on safety and congestion around the town centre and the existing primary and high schools.
  - c) That the existing roads are too narrow, or already congested, and not appropriate for increased traffic.
  - d) The impact of the increase commuter traffic on Springs Road through Lincoln and Ellesmere Road heading to Halswell and the lack of assessment in PC69 of these impacts.
  - e) The costs of upgrading roads, including potential costs to existing ratepayers.
  - f) Lack of provision for adequate walking and cycling connection to Allendale Lane, Southfield Drive and /or Liffey Springs Road to get to Ararira School.
  - g) The plan change does not include public transport and/or should provide public transport.
160. Mat Collins (Flow Transportation Specialists Ltd) has undertaken a detailed peer review of the ITA provided with the application and the submissions received on PC69. A copy of Mr Collins report is attached as **Appendix J**. It should be noted that this review has had significant input from Mr Mazey from the Council and access to third party traffic modelling files in order to test the assumptions made in the applicant's ITA.
161. Mr Collins raises concerns regarding the methodology used in the applicant's ITA and assesses that it might underpredict traffic generation by up to 600 vehicle per hour in the morning peak time. Furthermore, the traffic distribution used is not consistent with similar residential zones in Lincoln, which may affect the reported performance of critical intersections (such as those referred to above in the submissions received).
162. The location of PC69 and the nature of the existing road network means that the Springs Road/Gerald Street intersection is a key route (being the existing roundabout outside the Lincoln University). Mr Collins considers that there is insufficient rigour in the assessment of potential effects from PC69 on this intersection.
163. Concerns are also raised in relation to the capability of Springs Road south of the above intersection to handle the additional traffic. It is noted that this portion of Springs Road already



handles additional traffic from both the Te Whāriki and Verdeco Park developments, as well as being a significant access location to Lincoln University. This creates further difficulties in that whilst these access points to the University act like intersections, they are internal private roads that are not fully under Council control and cannot be changed to accommodate any roading upgrades required as a result of PC69. Mr Collins notes that Traffic modelling indicates that Springs Road will be reaching capacity for an urban road, which in turn will affect turning movements at intersections and pedestrian/cyclist crossing opportunities. This is of particular importance given the presence of the University.

164. In terms of the traffic north of the intersection with Gerald Street, heading toward Prebbleton, Mr Collins raises the concern that this does not appear to have been assessed in the applicant's ITA. Traffic modelling undertaken by Mr Collins indicates a significant increase in traffic due to PC69, which in turn may affect safe turning movements at intersections. Mr Mazey has also communicated the concerns being raised by the community of Prebbleton due to the increase in traffic on Springs Road from Lincoln. Lincoln (like Rolleston) generates significant peak commuter traffic flows north along the Springs Road and Shands Road arterials to Christchurch. A number of submissions from Prebbleton residents were received on PC69 raising the increase in traffic and the impacts on general amenity and traffic safety.
165. Similarly, PC69 will also result in greater commuter traffic on the alternative Ellesmere Road route into Christchurch. The ITA indicates that the Edward Street / Ellesmere Road / Lincoln Tai Tapu Road intersection will operate acceptably once traffic from PC69 is added. Council has programmed an upgrade of this intersection to a roundabout in 2024/2025, which will address existing sight line issues for the Ellesmere Road (south) approach. Mr Collins recommends that this upgrade be in place prior to any development within PC69, otherwise unmitigated safety effects may result due to additional vehicle movements through this intersection.
166. In considering the traffic implications on the wider commuter network (to Christchurch and Rolleston), Mr Collins notes that without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment. However, assessing the effects of such development on the long term planning and funding commitments associated with bulk transport infrastructure is complex and requires assessment of multiple land use scenarios. At present this assessment does not form part of the applicant's ITA.
167. The greatest concern raised by Mr Collins relates to the connectivity, or lack thereof, of the PC69 area with the existing roading network. As already noted above, the connections shown through to the adjoining developments to the north are precluded, both through links not being provided when these areas were developed and in the absence of the applicant securing the necessary sections within those developments.
168. Moirs Lane has a limited legal road width, which would make it challenging to accommodate both the necessary collector road standard carriageway/intersection with Ellesmere Road as well as the existing Rail Trail pedestrian/cycling route in a safe and efficient manner. Until such information is provided, Mr Collins states that he is unable to support PC69. I concur with that assessment.
169. Collins Road to the south of the site is able to be upgraded to provide a Collector Road standard between Springs Road and Ellesmere Road, noting that at present some of this is unformed. The dwelling at 1 Collins Road currently uses this unformed section for access.

170. Mr Collins has recommended some amendments to the PC69 ODP to better account for transportation matters. These include:
- a) Frontage upgrades for Springs Road and Collins Road (with the details to be at the subdivision stage).
  - b) Identifying additional walking and cycling routes within PC69.
  - c) Identify new roundabout/traffic signals on the connection points to Springs Road (with the details to be at the subdivision stage).
171. These proposed amendment are shown in **Figure 10** below.

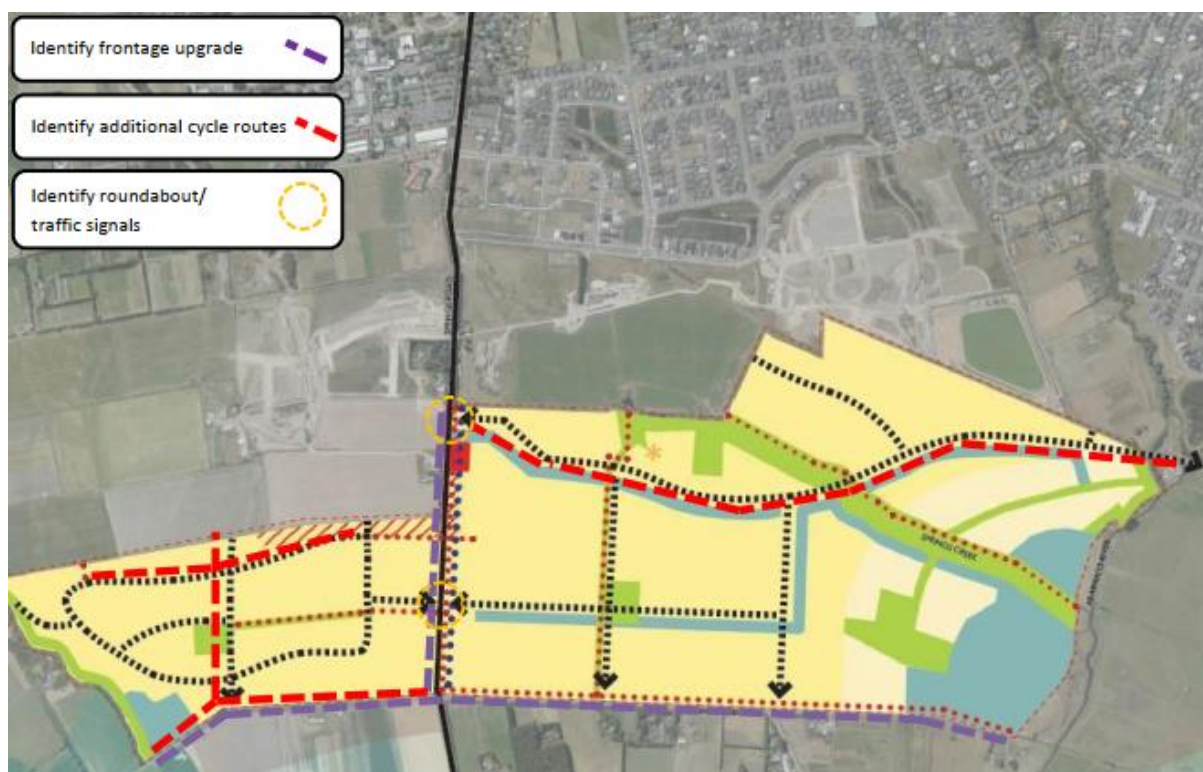


Figure 10: Recommended transportation amendments to the ODP (Source: Flow Transportation Specialist Ltd, PC69 Assessment)

## Conclusion – Transportation Effects

172. Overall, Mr Collins considers that the assessment of potential transportation effects resulting from PC69 have not been adequately considered and therefore he cannot support approval of PC69 at this time. I agree with this assessment and note that whilst it might be that the potential adverse effects arising from the rezoning can be appropriately managed, the sufficient level of assessment has not been undertaken to date to provide any degree of certainty that this will be so. In my view this is not something that can be left on the table for further consideration at the subdivision consent stage. The applicant has not demonstrated that the necessary roading upgrades are feasible, or that an appropriate safe and efficient roading network can be provided at the subdivision consent stage should PC69 be approved.

## Other Matters

173. There were two other common themes raised in the submission, being the impact of PC69 of the existing community facilities and their ability to grow at the rate required to appropriately serve the new and existing population should PC69 proceed; and matters relating to environmental quality generally, including effects from construction of a development of this scale.

### Effects on Community Facilities

#### Educational Facilities

174. Several submitters, including the Ministry of Education (PC69-0243) are concerned about the additional pressure that PC69 will place on existing schools, and the lack of provision for a new school site within the development area. The Ministry's submission states that school network planning and investment in Lincoln in recent years has been guided by Council advice on future development and the current school network has generally not been designed to accommodate any development outside of these areas. Consultation with the Ministry has not occurred and accordingly the Ministry requests that PC69 is only approved if the applicant consults with the Ministry and sufficient provisions are made to accommodate additional school age children, which could include amending the ODP to provide for a new school site.
175. I have not been made aware of any further discussions between the applicant and the Ministry regarding this matter. Notwithstanding, I anticipate that this is a matter that can be resolved through amendments to the request following further consultation.
176. Notwithstanding this matter, the Ministry also express concerns that if PC69 is approved, it may set a precedent for development occurring outside existing planned areas, which would make planning for school capacity and networks increasingly difficult. They consider that the direction in Policy 8 of the NPS-UD should be balanced against other parts of the NPS-UD that require councils to ensure sufficient additional infrastructure, including schools are provided. These matters are discussed further below as part of the statutory assessment.

#### Medical/Shopping/Emergency Services

177. A concern raised in submissions was that the Lincoln Medical Centre is already oversubscribed and cannot adequately serve the existing population. Furthermore, the need for an additional supermarket, adequate shopping areas, and that the plan change will stretch emergency services were also raised as concerns.
178. It is clear that the scale of increase in population as a result of PC69 will result in the need for additional capacity for these types of services within Lincoln. However, unlike provision of sites for schools, I do not consider that these other community facilities and amenities are matters that can be directly addressed through this plan change. Any development resulting from PC69 will occur in stages and that will provide an opportunity for such services to be provided in a more timely manner. If there is a demand for medical and local shopping needs, the market will typically seek opportunities to meet this demand.
179. In the case of the commercial area proposed by PC69, it does appear to be small. Whilst this is put forward on the basis that it will not result in retail distribution effects on the existing town centre<sup>16</sup>, I am concerned that it does not provide sufficient opportunity for development of a

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<sup>16</sup> PC69 Economics Assessment making up Appendix G of the plan change request documents.

local centre to meet the convenience needs of the new community. The area that is proposed is located opposite an existing Business 2B zone, which provides for industrial type uses (see **Figures 3 and 8** above). However, I understand that a submission has been lodged on the pSDP seeking this land be rezoned for residential purposes.

180. It is noted that the applicant's submission on the pSDP includes specific provision for a supermarket. Such a centre would appear to be more in keeping with the scale of development proposed. Depending on the final scale of any residential development approved by PC69, it is considered that assessment of the likely required commercial needs should be undertaken and local convenience needs of future residents provided for within the development without giving rise to adverse effects on the existing town centre.

## **Environmental Quality**

181. A number of submitters raise concerns about the impact that the plan change will have on the amenity or environmental quality of the surrounding areas, including concerns about:
- a) Increase in noise, dust and heavy traffic dust during construction and the adverse health impacts arising.
  - b) The impact that the plan change will have on the rural character of the area generally, or more specifically on the rural outlook of houses which were purchased for their semi-rural views, including the potential impact this may have on property prices and enjoyment of these homes.
  - c) Pollution, contamination of waterways, quality of potable water, rubbish and health and safety.
  - d) The increased density resulting in increased crime.
182. I consider that effects resulting from construction can be appropriately managed and consider that this can be addressed by specific assessment at the time of subdivision through existing mechanisms, including the control of noise through the NZ Standard for construction noise; management of dust through requirements under the Regional Land and Water Plan; and through subdivision consent conditions relating to the construction phase. Similarly I consider that matters relating to crime, pollution, contamination of waterways, quality of potable water, rubbish and health and safety are already managed through existing mechanisms that would apply to development of the site.

## **Statutory Analysis**

### **Functions of Territorial Authorities**

183. The functions of Council as set out in s31 of the RMA include the establishment, implementation and review of objectives, policies and methods to:
- a) achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
  - b) control any actual or potential effects of the use, development or protection of land.
184. The application states that the plan change accords with these stated functions, providing for the use and development of land for residential activities as an extension of an existing residential area, and with only such amendments as are necessary to recognise the site through

the proposed ODP and two specific changes acknowledging the circumstances of this site. It states that the proposed ODP provides the methods for Council to manage potential effects of this activity and demonstrates an integrated management approach.

185. Whilst I agree with the general framework related assessment, the matters discussed above have raise some significant concerns around the ability of PC69 as put forward to adequately consider and control the actual or potential adverse effects of the proposed development. It remains to be seen at this point in the process whether changes to the ODP and additional measures would be able to better address the identified issues and provide the opportunity for the plan change be granted.

## Part 2 Matters

186. Under s74(1)(b), any changes to the District Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
187. Notwithstanding that the Council has notified a proposed District Plan, I consider that the purpose of the Act is currently reflected in the objectives and policies of the operative District Plan, which PC69 does not seek to change. The appropriateness of the plan change in achieving the purpose of the RMA is also a requirement under s32, which is considered specifically below.
188. The nature of the PC69 area is such that matters of national importance are relevant, namely:
- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
  - (c) *the protection of areas of significant indigenous vegetation and significant habitats:*
  - (d) *the maintenance and enhancement of public access to and along the coastal marine are, lakes, and rivers:*
  - (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
  - (h) *the management of significant risks from natural hazards.*
189. The only matter not otherwise already considered above is that PC69 includes the Springs' O'Callaghan farmhouse ('Chudleigh') which was constructed in circa. 1877, but is not presently listed as a heritage item in the District Plan or by Heritage New Zealand, but is within the pSDP. PC69 includes a larger site size being identified around Chudleigh that accounts for the heritage values and its setting (which also includes various springs). In my view the retention of this building on a larger site accords with section 6(f) and the protection of historic heritage from inappropriate subdivision, use, and development.
190. In terms of other matters set out in s7 of the RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), the efficiency of the end use of energy (s7(ba)), the maintenance and enhancement of amenity values (s7(c)), the maintenance and enhancement of the quality of the environment (s7(f)); and the effects of climate change (s7(i)) are relevant to the plan change.
191. As various submitters have noted, the creation of such a large residential development without a corresponding increase in local employment and access to services, will result in a further increase in the existing pattern of commuter travel from Lincoln to other centres of



employment (primarily being either Rolleston or Christchurch). This has impacts in terms of climate change, the efficiency and end use of energy in addition to the traditionally considered impacts on the road network in terms of both amenity values and traffic safety and efficiency related effects. This matter gives weight to the recommendations made by a number of submitters that the growth represented by PC69 would be better placed in an existing urban growth areas, such as Christchurch City or Rolleston.

192. Otherwise I consider the matters set out in section 7 have been addressed in the effects assessment and consideration of submissions set out above and in the various reports from technical experts attached.

## Statutory Documents

193. As noted earlier, the District Plan (including as amended by any plan change) must give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c)); have regard to any management plan or strategy prepared under other Acts (s74 (2)(b)(i)); take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and must not be inconsistent with any regional plan (s75(4)(b)). The content of these documents as they relate to PC69 is discussed in the application and set out further below.

### National Policy Statement on Urban Development 2020 (NPS-UD)

194. National Policy Statement for Urban Development 2020 (NPS-UD), which took effect on 20 August 2020 is of principal relevance to this plan change. The applicant has identified the provisions within the NPS-UD that they consider are relevant to this proposal, and included an assessment against them<sup>17</sup>.
195. The section 32 refers to discussions held with Council Officers regarding whether Lincoln is an 'urban environment' under the NPS-UD. The NPS-UD defines an 'urban environment' as being an area of land that is or is intended to be predominantly urban in character; and is or is intended to be part of a housing and labour market of at least 10,000 people (regardless of size, and irrespective of local authority or statistical boundaries). The applicant estimates the Lincoln population is less than 10,000 people currently, with the 2019 census indicating a population of approximately 7,500. The Greater Christchurch Partnership took the view that the Greater Christchurch area would be the 'urban environment' as a whole to ensure the work and the responses the NPS-UD were co-ordinated. The applicant's assessment agrees that the continuing definition of urban environment as encompassing all of Greater Christchurch is considered to be appropriate.
196. I agree with this position, noting that the greater Christchurch area functions as an interconnected housing and employment market.
197. In summary, the applicant's assessment is that PC69:
- a) will contribute to a well-functioning urban environment;
  - b) will provide enhanced housing supply and choice which in turn will help address housing affordability;

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<sup>17</sup> Table 8 of the Novo Group Ltd section 32 report.

- c) can be effectively integrated with infrastructure planning;
  - d) responds to the diverse and changing needs of people, communities, and future generations, in terms of proposed form/density of housing in this location; and
  - e) provides for alternative transport modes, connectivity and accessibility, and the potential for servicing by public transport supports reductions in greenhouse gas emissions.
198. **Policy 1** of the NPS-UD sets out what constitutes a well-functioning urban environment, and requires that planning decisions contribute to such environments. A well-functioning urban environment must meet all of the criteria in the policy, which includes that they: have or enable a variety of homes that meet the needs of different households; support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support reductions in greenhouse gas emissions.
199. I consider that the proposal will enable a variety of homes to meet the needs of different households and will support the competitive operation of land and development markets.
200. As discussed above, PC69 will provide limited accessibility to employment by way of active transport. This is because the provincial location of the site does not provide sufficient local employment to meet the needs for either existing or future residents and relies on residents travelling for employment. The distance to employment opportunities means that active transport opportunities are not practicable for the majority of residents. This has flow on implications in terms of the proposal not supporting reductions in greenhouse gas emissions, because it will introduce additional households into an area that is largely dependent on private vehicle movements.
201. The submission by the Christchurch City Council (CCC) (PC69-0197) notes that the description of a well-functioning urban environment within the NPS-UD includes reference to built urban environments that are resilient to the likely current and future effects of climate change. It considers that “[t]ransport planning and infrastructure is a significant component of moving to a carbon neutral city and it is important that new urban growth areas occur in locations which align with this wider climate change objective”. An increase in commuter traffic will result in more people making trips, resulting in increased emissions, congestion and longer journey times. In order to reduce private motor vehicle dependency and reduce emissions, the submitter considers new urban growth areas and development should be of a form which enables viable public transport services. As such, the CCC seeks that a funded and implemented public transport system is provided to service the site, including connections to Christchurch City, prior to any residential development.
202. Clearly this is not an issue that is specific to just PC69 when compared to other growth areas within the Selwyn District, including for instance Rolleston, West Melton and Prebbleton where other private plan changes have been received. Furthermore, it is noted that Lincoln is identified as a Key Activity Centre (KAC), with the CRPS policy direction to focus growth in and around KACs, as these are locations where residents will have access to a range of services.
203. In my view if climate change were to be used as a reason to refuse further growth in Lincoln then no growth anywhere in the Selwyn District would be appropriate for the same reason. The alternative being that growth should be accommodated as infill within Christchurch. This alternative assumes the markets for quite different locations and housing typologies are

interchangeable, which based on the present market and demand for sections in the Selwyn District, does not appear to be the case.

204. A more relevant concern in my view is the connectivity of the PC69 area to the balance of Lincoln has already been discussed above. In summary the lack of adequate connections is such that PC69, as proposed, does not have good accessibility for people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. Furthermore, part of the site (Living X) is likely to be subject of inundation. In my view that does not represent a well-functioning urban environment. On that basis I have concerns in terms of the ability of PC69 to meet **Policy 1** of the NPS-UD.

### Development Capacity

205. **Objective 6** of the NPS-UD seeks that local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and are responsive, particularly in relation to proposals that would supply significant development capacity.
206. This Objective is implemented by:
- **Policy 2**, which requires that “at least” sufficient development capacity is provided within the district to meet the expected demand for housing, in the short, medium and long terms.
  - **Policy 6**, which guides decision-makers to have particular regard to (amongst others) “any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity”.
  - **Policy 8**, which states that “local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:
    - a) unanticipated by RMA planning documents; or
    - b) out-of-sequence with planned land release”.
207. Guidance in terms of the application of **Policy 8** is found within the NPS-UD itself. Subpart 2 – Responsive Planning, 3.8 ‘Unanticipated or out of sequence developments’ sets out that:
- (2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
    - a) would contribute to a well-functioning urban environment; and
    - b) is well-connected along transport corridors; and
    - c) meets the criteria set under subclause (3); and
  - (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.
208. In terms of (3) above, no such criteria have yet been included in the CRPS. I disagree with the opinion set out in the CCC (PC69-0197) submission that a valid interpretation of the NPS-UD is that this clause cannot be achieved. The submitter suggests that in the absence of criteria, no plan change can achieve the direction provided for in **Policy 8**. In my view, if there are no criteria it is only the first two matters listed therein that are relevant.
209. Clearly PC69 is unanticipated by the operative District Plan and the CRPS. This places some weight on the findings of the assessment of PC69 against **Policy 8**. The applicant’s assessment

of PC69 is that it does represent significant additional urban growth capacity. The reasoning for this is set out in Table 5 of the section 32 and discussed in paragraphs 158 to 164 therein.

210. The NPS-UD defines development capacity as follows:

*means the capacity of land to be developed for housing or for business use, based on:*

- a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and*
- b) the provision of adequate development infrastructure to support the development of land for housing or business use*

211. The definition of development infrastructure includes water, wastewater and stormwater as well as land transport infrastructure. Therefore, if a proposal cannot be adequately serviced by the necessary infrastructure it cannot be said to contribute to development capacity.

212. As the submission from CCC (PC69-0197) points out, **Policy 8** of the NPS UD sets out two tests for unanticipated or out-of-sequence development and both tests must be achieved before the NPS-UD allows for a private plan change to be considered, i.e., it must both:

- a) add significantly to development capacity; and
- b) contribute to well-functioning urban environments.

213. Furthermore, the CCC considers equal weighting should be given to other provisions within the NPS-UD, such as infrastructure readiness, strategic planning and responsiveness to enable development capacity, as anticipated in **Objective 6**.

214. I agree, and notwithstanding the concerns raised above in regard to the matters addressed by **Policy 1**, I have continued to assess the matter of significant development capacity given the opportunity for the applicant to address such concerns through the remainder of this plan change process.

215. In summary, the application states that the proposal provides significant development capacity because the plan change provides for some 2,000 households, which represents:

- a) approximately 8% of the existing dwellings in the District currently; around 6% of the projected dwellings in the District in 2030; and 5% of that projected in 2050.
- b) approximately 69% of the existing dwellings in Lincoln currently; around 54% of the projected dwellings in Lincoln in 2030; and 42% of that projected in 2050.

216. The submissions from both CCC (PC69-0197) and ECan (PC69-0205) raise the matter of whether the 2000 households meets the threshold for being significant. Both submitters consider the growth represented by PC69 is less significant when set against the medium term housing target of 32,300 households for Greater Christchurch as a whole, or long term target of 86,600 in the case of the CCC submission. The CCC notes that some 2,000 houses is only a small fraction (less than 1/40th) of that housing target.

217. As referred to above, urban environment is defined in the NPS-UD as meaning any area of land (regardless of size, and irrespective of local authority or statistical boundaries); and the applicant agrees with the continuing use of this definition as encompassing all of Greater Christchurch. On that basis it is considered appropriate that the matter of significance is also considered at that level. Notwithstanding, I am of the view that a development of this size is significant. A development of some 2,000 households would place this plan change alongside recent large new growth areas such as Wigram, Prestons, or Pegasus. In the context of growth areas, the size of the plan change is therefore significant. To set a 'significant' threshold as a

large percentage of total Greater Christchurch growth would mean a new plan change would need to be providing for many thousands of houses, which is far in excess of any individual growth area developed in Greater Christchurch over the last thirty years. In short, setting a significance threshold as a large percentage of Greater Christchurch capacity would create a bar that is set implausibly high, such that the pathway provided by Policy 8 could never be used, which is clearly not the intent of the national direction. Finally, I note that PC69 creates more allotments than were created at Rolleston through the Housing Accord and Special Housing Areas Act (HASHA Act)<sup>18</sup> introduced in order to:

*to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.*

218. That process was anticipated to provide for significant residential development to meet housing (and affordability) needs. In that context I find it difficult to understand how a development of this scale could be considered as anything but significant, even when considered at the wider 'greater Christchurch scale'.
219. In considering growth capacity under the NPS-UD, it is noted that the Council has previously undertaken and been part of the various growth and strategic planning projects. This is outlined in more detail in the technical memorandum prepared by Ben Baird, 'Growth Planning in Selwyn District', dated 19 August 2021 (**Appendix K**). This outlines that various strategic documents prepared over the last 15 years have influenced growth in the District, and the identification of areas intended for growth, and contains wider objectives intended for such growth which are considered to be consistent across strategic growth documents and planning.
220. Mr Baird also outlines how capacity within the District has been assessed, and how further capacity will be provided to meet projected demand, as well as why most of the proposed distribution of growth capacity is focussed on Rolleston. This is intended to improve self-sufficiency of the local economy; providing greater certainty to inform investment decisions; improving the amenity of the Rolleston Town Centre and efficient use of its social infrastructure; and promotion of the efficient use of infrastructure, including transport.
221. It is noted that the numbers used in Mr Baird's Memorandum are drawn from the Greater Christchurch Housing Capacity Assessment<sup>19</sup>. This expanded on the previous capacity work and included demand and supply for key townships (based on SA2 data) within the entire area covered by the three Territorial Authorities<sup>20</sup>. For Selwyn, this means that townships such as Darfield and Leeston, which are allocated a reasonable portion of future growth, are considered within the total Selwyn demand and supply although they are not otherwise within the area traditionally recognised as 'Greater Christchurch'. In my view this overstates the 'urban' growth capacity for Selwyn set out in the Greater Christchurch Housing Development Capacity Assessment.
222. Having reviewed the growth capacity figures included in the Greater Christchurch Housing Development Capacity Assessment, there is at least one other consideration that leads me to

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<sup>18</sup> I was engaged by the Selwyn District Council to be the processing and reporting officer for both the Faringdon South and Geddes SHA blocks of land identified at Rolleston.

<sup>19</sup> <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf>

<sup>20</sup> Being Christchurch City, Waimakariri District and Selwyn District Councils.



the view that the growth capacity provided for therein may be overstated. The figures use a 'high' growth scenario, which I understand is the highest that can be allowed for within the Selwyn Capacity for Growth Model (SCGM). However, Table 1 of Mr Baird's Memo sets out that the number of net new dwellings has significantly exceeded Council's predictions. Recent history would suggest that even using the highest growth projection is significantly underestimating current growth patterns (see **Figure 8** above in terms of Lincoln). Given recent growth clearly exceeds modelled growth, there is the possibility that Council could be in a position of not providing sufficient zoned land, thereby not meeting the obligations under **Policy 2** of the NPS-UD as well as adversely affecting housing affordability. In summary, I consider that the capacity is potentially overstated given that a reasonable portion of this capacity is located in the 'outer plains' townships, and demand is potentially understated given that the modelled growth is lower than the 'real world' growth that has occurred over the last decade.

223. Furthermore, in my view such considerations have to be made in the context of the risk of over-supplying zoned land. The NPS-UD only requires that sufficient capacity is provided, it does not preclude greater capacity being provided, i.e., it is a tool for ensuring minimum capacity requirements are met, not as a tool for limiting further capacity (provided such additional capacity meets the other NPS-UD policy tests). In my view the impacts of under-supply far outweigh any consequence arising from an over-supply, especially if that additional supply can be efficiently serviced, and particularly in the current climate of rapidly rising housing costs and a general consensus that there is a 'housing emergency'.
224. The CCC submission states that the additional capacity represented by PC69 is in excess of what is needed to meet the District's housing capacity needs in the medium and long term and is concerned that this could delay other growth and urban regeneration areas that are identified in Our Space. Overall, it considers that the rationale for why development was directed to particular areas in the CRPS is relevant for determining the appropriateness of the proposal. The submission also makes reference to the direction for the Council to consider development infrastructure and the downstream effects on the Greater Christchurch transport network. It considers that in absence of a funded and established public transport network to service the site, the development will likely impact on the ability of the Council to manage the downstream transport network. This matter is already addressed above in the context of the roading upgrades required. At present the scale of PC69 means that the planned roading upgrades will not potentially keep up with the rate of growth.
225. In summary, I consider that the proposed development would add significantly to development capacity of greater Christchurch, that there is a potential risk of undersupply, and the effects resulting from such undersupply on the efficient functioning of the housing market outweigh the risks associated with over supply where that additional supply can be serviced. However, making a significant contribution towards housing capacity is of course only part of the NPS-UD direction. I have set out above concerns regarding whether the applicant can sufficiently address other matters in order for this proposal to "contribute to well-functioning urban environment" as required by **Policies 1 and 8**. In my view that must occur before the threshold is met for "particular regard" being given to the development capacity provided by PC69. In any case, it is my understanding that any finding of 'significant' development capacity does not in itself require approval of the plan change; rather the significance of the capacity provided needs to be weighed up against other matters. As noted in the submission from the CCC, *"while it is important to assess the plan change as unanticipated, the rationale for why development was*

*directed to particular areas in the CRPS is relevant for determining the appropriateness of the proposal”.*

226. These matters, including the relative weighting between the NPS-UD and the CRPS are addressed further below.

### **National Policy Statement for Freshwater Management 2020 (NPS-FM) & National Environmental Standard for Freshwater (NES-F)**

227. These documents have been referred to in the aquatic ecology assessment of Mr Burrell. Each provide more direction as to how freshwater ecosystems should be protected and seek to avoid further reductions to the extent and ecosystem health of rivers and wetlands.
228. The NPS-FM introduces the fundamental concept of Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
229. There is a hierarchy of obligations set out in **Objective 2.1**, which prioritises:
- a) first, the health and well-being of water bodies and freshwater ecosystems
  - b) second, the health needs of people (such as drinking water)
  - c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
230. **Policy 6** refers to there being no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. **Policy 9** is that the habitats of indigenous freshwater species are protected. **Policy 15** refers to communities being enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.
231. In terms of the NES-F, it is noted that certain vegetation clearance, earthworks and land disturbance activities required to be undertaken during the construction phase of any subsequent land development may require additional consents depending on the setback and impact on any wetland. This can be further assessed at that time.
232. The assessment undertaken by Mr Burrell concludes that it is likely that the land use change associated with PC69 will reduce the value and extent of wetlands and springs in the area. I consider this outcome to be inconsistent with the environmental policy and guidelines set out in the NPS-FM, which are aimed at protecting and enhancing wetlands and springs.

### **National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health (NESCS)**

233. As this is a request for a zone change, and not to determine the actual use of the site, the NESCS does not strictly apply. The requirements of the NESCS will have to be appropriately addressed at any subsequent subdivision or building consent stage and, depending on the nature of any future activity, may either satisfy the permitted activity requirements or require resource consent under the NESCS.

234. As identified above in terms of the discussion on land suitability, I consider that any risk of developing the land for residential purposes to people's health can be effectively managed under the NESCS at the subdivision consent stage of the process.

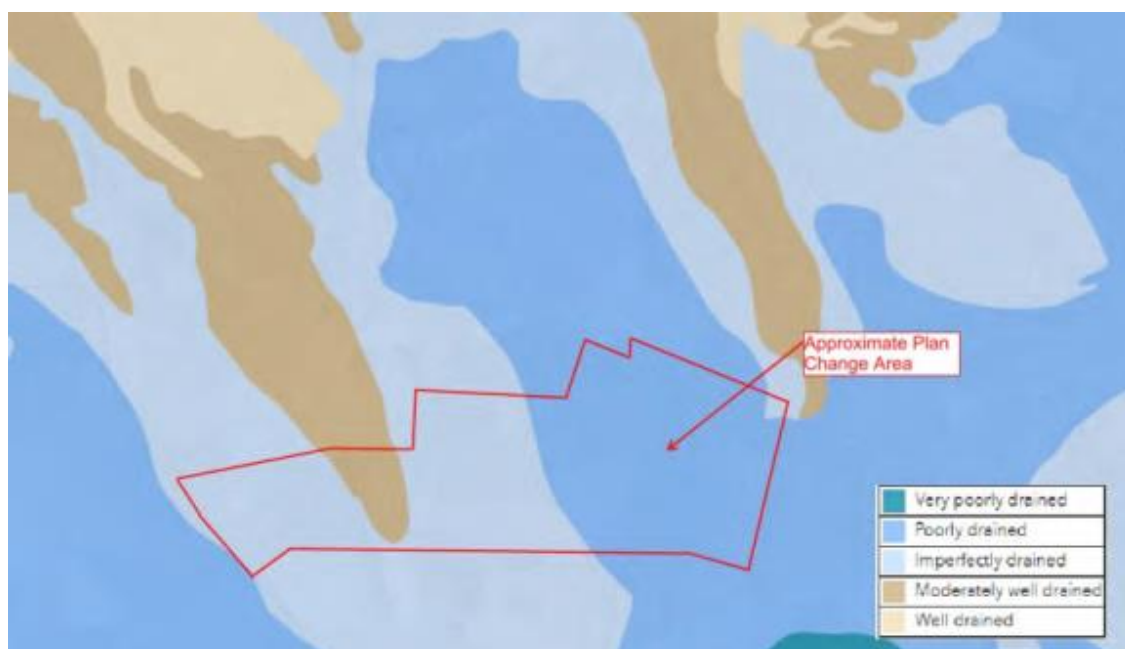
### Canterbury Regional Policy Statement (CRPS)

235. The request sets out that the most relevant objectives and policies of the CRPS are those contained in Chapters 5 (to the extent relevant to the entire region), 6, 7, 11, 15 and 16. Table 1 (page 55) included in the section 32 sets out the applicant's assessment of the relevant objectives and policies.
236. In my view, the applicant has identified those provisions within the CRPS that are relevant to the proposal. I also agree with the assessment undertaken by the applicant, except where otherwise stated below. For completeness I also note that the submission from Environment Canterbury provides more specific identification of, and assessment of the proposal against the provisions within the CRPS.
237. The Environment Canterbury submission (PC69-0205) notes that the site is not identified as a Greenfield Priority Area (GPA) for residential development, nor is it within the projected infrastructure boundary shown on Map A within Chapter 6 of the CRPS meaning that it is inconsistent with **Objective 6.2.1(3)** and **Policy 6.3.1(4)** of the CRPS. It further notes that a proposed change to Chapter 6 of the CRPS has been notified to amend Map A to identify Future Development Areas (FUDAs), to support the outcomes expressed in Our Space. The Proposed Change was approved by the Minister for the Environment on 28 May 2021 and the changes became operative on 28 July 2021. ECan notes that neither Our Space nor the CRPS change identified land at Lincoln as necessary to meet future growth demands in Greater Christchurch over the 30 year period to 2048.
238. The Christchurch City Council submission (PC69-0197), while supportive of the growth in the towns in Selwyn District to support the local needs, notes that PC69 is outside the areas identified for development in the CRPS and within Our Space. In its view, this results in PC69 not giving effect to the CRPS, and as such it considers the plan change must be declined.
239. In terms of **Objectives 6.2.1** and **6.2.2**, the application section 32 acknowledges that the request proposal is not consistent with the prescriptive provisions in Chapter 6 directing urban growth to specific areas, but that this tension is resolved by the NPS-UD. Otherwise the applicant's assessment includes that PC69 is consistent with the outcomes sought.
240. Whether **Policy 8** of the NPS-UD "resolves" the tension between the proposal and these CRPS provisions is debatable. I agree that **Policy 8** provides an opportunity to allow consideration of an 'out of sequence' proposal that meets the significant capacity threshold. I would also consider that as a higher order document, the NPS-UD should be considered as providing an "opportunity" that would otherwise be precluded by the CRPS and other planning documents. This reflects the central government objectives to facilitate greater opportunities for urban growth and housing opportunities. However, in order to be given this opportunity the NPS-UD requires such out of sequence development to still "*contribute to well-functioning urban environment*"; I consider this must also be weighed against other applicable provisions to determine whether PC69 is the most appropriate way to achieve the purpose of the RMA.
241. **Objective 6.2.1** is also broader than simply specifying the locations for future urban growth. It also seeks that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

5. *protects and enhances indigenous biodiversity and public space;*
6. *maintains or improves the quantity and quality of water in groundwater aquifers and surface waterbodies, and quality of ambient air;*
9. *integrates strategic and other infrastructure and services with land use development*
11. *optimises use of existing infrastructure; and...*

242. I specifically refer to those provisions on the basis of the issues and matters raised in the assessment above. At present the assessment has raised concerns regarding the ability of PC69 to meet those aspects of **Objective 6.2.1**. However, it may be the case that further assessment and/or amendment to the ODP will alleviate such concerns.
243. **Policy 6.3.3** provides direction in relation to outline development plans. Whilst this strictly applies only to GPA, I consider the direction therein is still relevant. It states that ODP include (as relevant) land required for community facilities or schools ((3)(b); demonstrate how effective provision is made for a range of transport options including public transport options and integration between transport modes, including pedestrian, cycling, public transport, freight, and private motor vehicles (8); and show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated (9). I note that these are all matters that have been considered earlier in this report.
244. **Objective 6.2.4** seeks to prioritise the planning of transport infrastructure so that it maximises integration with identified priority areas and “new settlement patterns” and facilitates the movement of people and goods and provisions of services in Greater Christchurch, while achieving a number of outcomes. These include reducing dependence on private motor vehicles, reducing emissions and promoting the use of active and public transport nodes. My understanding of this objective, and the related policy direction is that it is aimed towards planning of transport infrastructure. Such matters are discussed in the Transportation Assessment Report prepared by Mr Collins (**Appendix J**). Concerns have been raised regarding the implementation and timing of certain roading upgrades on the wider network that would be required to be brought forward in order to provide sufficient roading capacity to safely and efficiently cater for the additional traffic introduced as a result of PC69 (including upgrades for Gerald Street and Ellesmere Road). It is my understanding that there are financial and physical impediments to this occurring. This creates some tension with **Objective 6.2.4**.
245. Related to this matter, **Policy 6.3.5** directs that the recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure. This policy framework supports the outcome that PC69 not proceed until such time as the necessary roading infrastructure is in place (2.d. & 3). Similarly, **Policy 6.3.5.2.c.** refers to protecting investment in existing infrastructure. This would apply to the Lincoln Sewage Treatment Plant and the retention of the 150m setback provision currently included within the operative District Plan. Therefore, for the proposal to satisfy the direction of this policy, in my view there would need to be some amendments made to the request as put forward.
246. The CCC submission (PC69-0197) seeks that a minimum density requirement of 15 households/hectare is applied to the plan change site in order to better achieve efficiencies in coordination of land use and infrastructure, support mixed land use activities and multi-modal transport systems and protect the productive rural land resource. They also note that the Greater Christchurch Partnership is currently reviewing densities and further seek that the recommendations of the report anticipated from the Partnership on this (Action 3) be included in PC69.

247. The PC69 request proposes a minimum net density of 12 households per hectare, and is therefore consistent with the CRPS, which only requires a minimum net density of 10 households units per hectare in greenfield areas in the Selwyn District. This density is also considered to be more in keeping with the density in other recent developments in Lincoln.
248. The ECan submission also refers to CRPS **Policy 5.3.12**, which seeks to maintain versatile soils that contribute to Canterbury's overall rural productive economy. The submitter acknowledges this policy relates to development within the wider region (i.e. outside of Greater Christchurch), but wishes to draw attention to the emerging national direction on this matter and the strengthening of measures to protect highly productive land from development.
249. Whilst not referred to in the ECan submission, Chapter 15 of the CRPS also considers soils, with **Objective 15.2.1** seeking *"Maintenance of soil quality - Maintenance and improvement of the quality of Canterbury's soil to safeguard their mauri, their life supporting capacity, their health and their productive capacity"*.
250. The request's section 32 refers to the Council's Versatile Soils Baseline assessment, which concluded that the loss of versatile soils is not currently an issue within the District, nor is it likely to be within the next 10 years. On that basis, it concludes that the land use intensification proposed by this plan change (and any associated impacts on soil productive capacity) will not detract from the availability of versatile soils in any significant way. Accordingly, the applicant concluded that the proposal is consistent with the CRPS objective and its associated policies.
251. In considering the versatility of the soils and the loss of agricultural production, I agree with the applicant's assessment that any such loss is acceptable in the context of urban growth priorities and the fact that the soils within the subject land are subject to other limitations that reduce their productive capacity, i.e., the heavy nature and lack of adequate drainage (refer **Figure 11** below).



**Figure 11: S-Maps Soil Drainage Classification (Source: Canterbury Maps taken from PC69 RFI response)**

252. The CPRS also recognises the loss of riparian and wetland habitats as a significant freshwater management issue. **Policy 9.3.2** states that priorities for protection within the region include areas of significant indigenous vegetation and habitats of threatened and at risk indigenous species. **Policy 9.3.1** states that significance, with respect to ecosystems and indigenous biodiversity, shall be determined by assessing representatives, rarity or distinctive features,



diversity and pattern, and ecological context. **Policy 9.3.4** includes the requirement to promote ecological enhancement and restoration, whilst **Policy 9.3.5** relates specifically to wetland protection and enhancement.

253. Mr Burrell has considered this policy framework and reaches the view that the complex of springs and wetlands within PC69 meet the criteria for ecological significance laid out in Appendix 3 of the CRPS. This is primarily because of representativeness (the site includes the greatest density of mapped springs within the region) and rarity/distinctiveness (less than 20% of the former extent of wetlands remains within the region). Based on that advice, it is my view that the overall treatment of the springs/wetlands needs to be given greater consideration and protection in the formulation of the ODP in order to not compromise the outcomes sought by the CRPS.

### Summary – CRPS

254. Clearly PC69 conflicts and is contrary to the policy outcomes sought in regard to **Objective 6.2.1(3)** and **Policy 6.3.1(4)** of the CRPS. However, I agree with the applicant that this is of little consequence should the proposal be considered to meet **Policy 8** of the NPS-UD. Where my assessment differs to that of the applicant is in relation to whether or not PC69 in its present form contributes to a well-functioning urban environment (as defined by **Policy 1** of the NPS-UD).
255. Other matters raised in terms of the CRPS relate to infrastructure (roading upgrade timing and potential reverse sensitivity on the LSTP), and the treatment of springs and wetlands. It may be that such matters can be adequately addressed through the balance of the PC69 hearing process.

### Our Space

256. Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga (Our Space) was prepared to satisfy the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) for high growth councils to produce a 'future development strategy' that shows there will be sufficient, feasible development capacity to support housing and business growth needs over the medium (next 10 years) and long term (10 to 30 years)<sup>21</sup>.
257. Our Space is focused on how to best accommodate housing and business land needs in a way that integrates with transport and other infrastructure provision, builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of communities. It provides targets for housing for 30 years and outlines how any identified shortfall in capacity to meet these targets will be met, including through the identification of areas for housing growth. This planning was intended to promote "*a compact urban form, which provides for efficient transport and locates development in a manner that takes into account climate change and sea level rise*"<sup>22</sup>. This is reflected in additional capacity being directed to Rolleston, Rangiora and Kaiapoi in support of the public transport enhancement opportunities identified<sup>23</sup>. Given the significant crossover between Our Space and

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<sup>21</sup> A partnership of Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Canterbury District Health Board and the Greater Christchurch Group of the Department of Prime Minister and Cabinet.

<sup>22</sup> Executive Summary.

<sup>23</sup> Page 28.

the CRPS, subsequent changes to the CRPS were signalled as being required to facilitate the outcomes set out therein. Our Space also highlights the value that versatile soil resource provides the sub-region and the need to consider this resource as part of the settlement pattern to promote a sustainable urban form<sup>24</sup>.

- 258. Submissions received from the CCC, ECan and Waka Kotahi raise the matter of consistency with the settlement patterns and capacity established in Our Space.
- 259. Waka Kotahi (PC69-0225) considers that the proposed rezoning should be considered against the Urban Development Strategy, including the settlement pattern update: *Our Space 2018-2048* and the CRPS. It considers that if the proposed plan change does not align with the intentions of the UDS and CRPS, then further consideration of the proposal may be required.
- 260. In summary, the matters raised by Our Space are effectively the same as those discussed above in relation to the CRPS and those relating to growth pattern and capacity are potentially removed by the finding of PC69 in terms of **Policies 1 and 8** of the NPS-UD. Matters relating to roading upgrades can potentially be addressed through further negotiations to address the competing timing aspirations of the plan change proponent (bringing upgrades forward) versus the Council (upgrades being done in a financially sustainable and prudent manner). Otherwise the proposal is in conflict with the integrated approach to provision of infrastructure included within the CRPS and Our Space in particular.

### Canterbury Land and Water Regional Plan (LWRP) and Canterbury Air Regional Plan (CARP)

- 261. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to this application include the LWRP and CARP. The establishment of activities within the plan change site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent.
- 262. Mr Burrell notes that within the Canterbury Land and Water Regional Plan (LWRP), there are numerous policies, objectives, and rules relating to freshwater protection. Of particular relevance to PC69 are policies specific to the Selwyn-Te Waihora zone, which includes the Ararira/LII River catchment. For example, **Policy 11.4.21** is to, *“Enable catchment restoration activities that protect springheads, protect, establish or enhance plant riparian margins, create restore or enhance wetlands and target removal of macrophytes or fine sediment from waterways.”*
- 263. In broad terms I consider that the effects associated with requirements under these regional plans can be considered at the time of detailed development and the necessary consents obtained. While this plan change process is more aimed at the strategic level, it is my view that there are matters relating to springs and waterway protection that require further assessment and protection in order for PC69 to proceed.

### Mahaanui Iwi Management Plan (IMP)

- 264. The Mahaanui Iwi Management Plan (IMP) is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district's resource management issues. Under s74(2A) of the RMA, the Council, in considering this plan

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<sup>24</sup> [Our-Space-2018-2048](#). Section 4. Our Challenges (Page 18), Figure 10: Example constraints on development across Greater Christchurch (Page 21).

change, must take into account the IMP. The application includes an assessment of the relevant provisions within the IMP and also included a Statement from Mahaanui Kurataiao Ltd (Appendix I to the request).

265. The applicant's RFI response states that the ODP text has been updated to support this cultural statement. Furthermore, it refers to and relies upon the existing Operative Plan framework to enable an assessment under **Rule 12.1.6.7** as a discretionary activity of any proposal that is not in accordance with the ODP, giving Council scope to ensure that ODP requirements can be met at subdivision stage.
266. This might be so, but at this stage my concern is that the ODP and accompanying explanatory text do not go far enough to incorporate the matters raised and specific recommendations set out in the statement from Mahaanui Kurataiao Ltd. Of particular note is the reference to indigenous planting and naturalisation of the currently channelised waterways within the PC69 site. As noted above, the retention and protection of springs is also a particular concern.
267. Otherwise, it is agreed that the matters contained in the other recommendations made by Mahaanui Kurataiao Ltd can be adequately considered, addressed and imposed at the subdivision consent stage.

## Consistency with the plans of adjacent territorial authorities

268. Matters of cross-boundary interest are outlined in the District Plan (in Section A1.5 of the Township Volume). I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC69. The most applicable matters to PC69 include:
- a) Effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch.
  - b) Development on or near the boundary of Selwyn District and Christchurch City Council that may influence housing sufficiency and the coordination of infrastructure services.
269. These cross-boundary interests have primarily been addressed and managed through the sub-regional approach of managing growth across Greater Christchurch through the Greater Christchurch partnership forum and resultant Our Space document. Notwithstanding, matters relating to urban form, transport infrastructure, and housing capacity have been discussed above, noting the NPS-UD framework provides an opportunity for unanticipated and out of sequence development to be considered.

## Consideration of alternatives, benefits and costs

270. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

## Extent to which the Objectives of the Plan Change are the Most Appropriate Way to Achieve the Purpose of the Act

271. The plan change proposal does not involve any new objectives or changes to the existing objectives and policies within the District Plan. Therefore, the assessment required under s32(1)(a) is the extent to which the plan change is the most appropriate way to achieve the purpose of the RMA. The stated general purpose of the PC69 proposal is *“to provide for an extension of the adjoining existing urban residential area of Lincoln (with provision for some associated local business services) in a manner that adds significantly to development capacity and provides for increased competition and choice in residential land markets”* (paragraph 115).
272. In terms of the matters set out in section 6, I consider that PC69 still has some work to do in terms of s6(a) in terms of the preservation of springs and wetlands and associated waterbodies from inappropriate subdivision, use, and development; and (h) the management of significant risks from natural hazards, namely the inundation of the eastern part of the site where lower density housing is proposed.
273. In considering the appropriateness of the proposal in achieving the purpose of the RMA, I consider that the location of the site outside areas identified for urban development in the CRPS and Our Space is relevant to the consideration of whether the proposal results in an efficient use of natural and physical resources (s7(b)). Physical resources include various infrastructure, such as transport networks and the Lincoln Sewage Treatment Plant. I consider that PC69 can only meet the efficient use and development of natural and physical resources (s7(b)) on the basis that the 150m dwelling setback to the LSTP is maintained. In terms of the assessment undertaken by Mr Collins, I consider that the proposal only results in an efficient use of the transport network on the basis that certain upgrade works are brought forward, which the at present creates a funding issue for Council.
274. Otherwise I am satisfied that the provision of servicing for this site can be achieved without compromising the ability for other sites, where the Council has anticipated development, to also be appropriately serviced (namely by water and wastewater).
275. In order to achieve the maintenance and enhancement of amenity values (s7(c)) and the maintenance and enhancement of the quality of the environment (s7(f)), I consider that the connectivity issues raised by Mr Nicholson and Mr Collins would need to be addressed.

### Operative Selwyn District Plan

276. Section 32(1)(b) requires examination of whether the proposed plan change provisions are the most appropriate way of achieving the District Plan objectives. There are several objectives and policies specific to the form and development of the Lincoln township itself. There are also objectives and policies addressing urban form and residential amenity generally.
277. I also consider that the existing direction in the Selwyn District Plan should be considered in assessing the appropriateness of the proposal at achieving the purpose of the RMA, given that the Plan has been prepared to give effect to the purpose of the RMA.
278. The applicant’s statutory assessment that the proposal will not be consistent with **Objective B4.3.3** and **Policy B4.3.1** in so far as the development will not be within a priority area, however an ODP is proposed. These seek that within the Greater Christchurch area, new residential development is contained within existing zoned areas or priority areas identified within the CRPS.

279. I generally agree that the assessment has identified the relevant objectives, as well as a range of supporting policies. I agree with the assessment set out, except as set out below.
280. **Objective B4.3.4** also seeks that new areas for residential development support the *“timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach”*. The assessment within the section 32 evaluation report simply states that while the proposal will place additional demand on services, upgrades can be undertaken to service the proposal site. However, in my view this only addresses part of the outcome sought by the objective. **Objective 4.3.4** expressly seeks that the provision of infrastructure is undertaken in an integrated way that is coordinated and phased. This impacts on the traffic effects of the proposal given the requirement for planned upgrades to be brought forward, and the challenges that Council may face in doing so having regard to the established work and funding programme set out in Council’s Long Term Plan 2021-2031.
281. **Policy B1.1.8** encourages residential development to occur in and around existing townships to maintain the versatile soils resource.
282. **Objective B3.4.3** also seeks that reverse sensitivity effects between activities are avoided; and **Policy B2.2.5** seeks to avoid potential reverse sensitivity effects of activities on the efficient development, use and maintenance of utilities. In my view, these aspects of the policy framework support the retention of the setback from the LTSP to protect this infrastructure moving forward and enable it to be used in the most efficient and effective manner taking account of future growth capacity changes.
283. Mr Nicholson also raises concerns that the proposal will not achieve **Objective B3.4.4**, which seeks that the growth of townships achieves a compact urban form; or **Objective B.3.4.5** which seeks that urban growth provide a high level of connectivity within the development and with adjoining land areas and will provide suitable access to a variety of forms of transport.
284. If the concerns raised in this report on the matters can be overcome, such that the Hearings Commissioner considers the purpose of PC69 to be the most appropriate way to achieve the purpose of the RMA, then assessment is required of the appropriateness of the provisions in the proposal, which is set out further below.

### **Proposed Selwyn District Plan**

285. As noted earlier, my understanding is that there is no specific requirement to consider a plan change against the pSDP. The provisions are currently being heard and are subject to change. Notwithstanding, the request includes an assessment against the provisions and I note that various submitters have also referred to the ‘Urban Growth’ chapter therein.
286. The Urban Growth chapter is intended to assist in meeting demands for housing and business opportunities to support growing community needs. New urban areas have an underlying General Rural zoning, but are identified within an ‘Urban Growth Overlay’ (UGO). **UG-P2** directs that the rezoning of land to establish new urban areas within the UGO is provided for; while **UG-P3** directs the avoidance of zoning of land to establish new urban areas/township extensions outside this UGO. My understanding is that the UGO is intended to generally identify areas for future growth, while still requiring these areas go through more specific rezoning process before they can be developed for urban purposes. No UGO are identified in Lincoln, consistent with the CRPS and Our Space already discussed above.



287. **Policy UG-P9** is to “Recognise and provide for the finite nature of the versatile soil resource when zoning land to extend township boundaries to establish new urban areas”. The submission of ECan raises the matter of whether PC69 raises conflict with this policy.

### **Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives**

288. A Ministry for the Environment (MfE) guide to section 32 notes that case law has interpreted ‘most appropriate’ to mean “*suitable, but not necessarily superior*”.
289. Overall, the applicant’s assessment is that the resultant character, amenity and environmental effects of the proposal are consistent with those sought in the District Plan for Lincoln. Given this, it is considered that the proposal is an appropriate means of achieving the outcomes sought by the objectives and policies of the District Plan.
290. At present I do not agree with this assessment, noting that the matters highlighted above are required to be addressed before making any definitive conclusion as to whether PC69 is a more appropriate way to meet the objectives than the status quo.

### **Efficiency and Effectiveness of the provisions and having considered other reasonably practicable options**

291. “Effectiveness” is noted in the MfE guide as assessing the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.
292. The plan change request contains identification of other reasonably practicable options for achieving the purpose of the proposal, and provides an assessment of the benefits and costs and efficiency and effectiveness of the proposed plan change. I agree that other reasonably practicable options have been identified, and generally concur with the benefits and costs identified. In terms of the appropriateness of the provisions at achieving the objectives of the proposal and the existing Plan objectives, like above I consider that certain matters require further assessment and/or changes to the ODP and accompanying provisions are required.

## **Conclusions and Recommendation**

293. The statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
294. In terms of the proposal’s inconsistency with **Objective B4.3.3/Policy 4.3.1** of the District Plan and various provisions within the CRPS/Our Space that direct the location of growth, I am satisfied that this is outweighed by the significance of the development capacity provided by the proposal. While this capacity is less significant when considered in the context of Greater Christchurch as a whole, 2000 households is still considered to *add significantly to development capacity*.
295. However, before being able to rely on **Policy 8** of the NPS-UD, PC69 must also demonstrate that it *contributes to well-functioning urban environments* (as defined by **Policy 1** of the NPS-UD).
296. Based on the information included in the plan change request and the assessment provided in the various reviews by technical experts contained in the Appendices, I am not currently

satisfied that the PC69 will contribute to a well-functioning urban environment. These concerns relate to the following matters:

- a) The adequacy of the flood mapping currently available and relied on by the applicant given the significant ground level changes upstream of the site as a result of the adjoining residential development.
- b) The appropriateness/suitability of Living X development (minimum 2,000m<sup>2</sup> allotments) within areas below RL 4m that are known to be subject to inundation from the Ararira/LII River at the eastern end of the site.
- c) The need for initial modelling being undertaken to establish the appropriate size and location of stormwater management areas given that significant parts of the site, which are included as stormwater management areas, are subject to inundation from the Ararira/LII River.
- d) Whether all springs have been adequately identified and mapped on the ODP. All springs should be included within reserve areas (either recreation or stormwater).
- e) The reduction in ecological value and extent of wetlands and springs within the plan change area as a result of residential development.
- f) The potential impacts on existing Council infrastructure through reverse sensitivity effects arising from the removal of the 150m setback provided by **Rule 4.9.32**, and the ability for it to be used in the most efficient and effective way to cater for future growth in the reticulated wastewater network.
- g) The proposed roading network in the ODP having limited connectivity with the existing Lincoln network with a single direct road connection and three direct pedestrian/cycleway connections along the three kilometre northern boundary. Best practice would suggest that connections should be provided within walkable distances along the boundary without requiring pedestrians to double-back, or spaced at approximately 400 metre intervals.
- h) The ODP being amended to include: the requirement for frontage upgrades for Springs Road and Collins Road; identifying additional walking and cycling routes; and identifying new roundabout/traffic signals on the connection points to Springs Road.
- i) Insufficient consideration of the effects of PC69 on Springs Road, between Lincoln and Prebbleton. Traffic modelling indicates a significant increase in traffic due, which in turn may affect safe turning movements at intersections and the amenity of Prebbleton residents.
- j) Insufficient consideration of the effects on Springs Road, between the site and Gerald Street. Traffic modelling indicates that Springs Road will be reaching capacity for an urban road, which in turn will affect turning movements at intersections and pedestrian/cyclist crossing opportunities adjacent to Lincoln University.
- k) The feasibility of the upgrade of Moirs Lane to Collector Road standard, which must also include providing for existing Rail Trail link and crossing point on Ellesmere Road.
- l) The timing of the required upgrade of Ellesmere Road between Moirs Lane and Edward Street to a Collector Road standard in conjunction with any road connection from PC69 to Moirs Lane.

- m) The ability for Council to consider the proportional effect that PC69 will have on network hotspots (such as Gerald Street) and assumed intersection improvements contained in the 2031 Lincoln Paramics model, the subsequent impact on programmed funding within the Long Term Plan, and whether these new projects now required as a result of PC69 should be added to the Long Term Plan; or alternatively whether the re-zoning should be deferred until such time as these upgrades are in place.
  - n) Whether sufficient provision has made to accommodate a new school site.
297. Until such matters are able to be addressed, I recommend that PC69 in its present form not proceed as it does not meet **Policy 8** of the NPS-UD and therefore is contrary to the urban growth framework set out in the CRPS, Our Space and the operative District Plan. Without addressing such matters the retention of the existing Rural (Outer Plains) zoning of the land is a more appropriate way to achieve the purpose of the RMA.



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