

**SELWYN DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Private Plan Change 28

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## **Report on submissions relating to Plan Change 28**

**Denwood Trustees Limited request to amend the rezoning  
Rural (Outer Plains) zone land to Living 3 zone at  
Springs Road, Lincoln**

**To:**

**From:**

**Hearing Date:**

Hearing Commissioner – D Mountfort

Consultant Planner – J Clease

18<sup>th</sup> December 2014

This report analyses the submissions received on Plan Change 28 (PC28) to the Selwyn District Plan ('the Plan') and has been prepared under s42A of the RMA. The purpose of the report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC28 and to assist submitters in understanding how their submission affects the planning process. The report includes recommendations to accept or reject points made in submissions and to make amendments to the Plan. These recommendations are the opinions of the Reporting Officer(s) only. The Hearing Commissioner will decide on each submission after hearing and considering all relevant submissions, the Officer's Report(s) and the Council's functions and duties under the RMA.

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## ATTACHMENTS

<b>Attachment A</b>	Officer's recommendations on submissions
<b>Attachment B</b>	Proposed text amendments
<b>Attachment C</b>	Landscape and visual assessment – Andrew Craig, Andrew Craig Landscape Architect Ltd
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<b>Attachment F</b>	LURP Action 18 text and Appendix 43
<b>Attachment G</b>	Proposed Outline Development Plan

## 1. INTRODUCTION

### Qualifications and experience

- 1.1 My full name is Jonathan Guy Cleese. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a senior planner and urban designer. I have seventeen years experience working as a planner, with this work including policy development, providing s.42a evidence on plan changes, the development of plan changes and the preparation of s.32 assessments, and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
- 1.2 I have a B.Sc. in geography, a Master of Regional and Resource Planning, a Master of Urban Design and am a full member of the New Zealand Planning Institute.

### Evidence Scope

- 1.3 I have been asked by Selwyn District Council to assess Plan Change 28, the relief sought by submitters, and to prepare a report making recommendations to the Hearing Commissioner. In this regard it is important to emphasise that the Commissioner is in no way bound by my recommendations and will be forming their own view on the merit of the plan change and any amendments or relief sought by submitters having considered all the evidence before them.
- 1.4 In preparing this report I have:
- (a) Visited the site and surrounding neighbourhood during August 2014;
  - (b) Reviewed the plan change request as notified, along with subsequent material prepared by the applicant as part of their submission on the separate Council Rural Residential Strategy process;
  - (c) Read and assessed all the submissions received on the plan change request;
  - (d) Considered the statutory framework and other relevant planning documents, including the recently developed Rural Residential Strategy 2014; and

- (e) Relied where necessary on the evidence and peer reviews provided by other experts on this plan change.

## **2. BACKGROUND**

### **Application**

- 2.1 Denwood Trustees Limited ('the applicant') have lodged PC28 to enable the rezoning of 57.7ha to a Living 3 Zone to accommodate approximately 110<sup>1</sup> rural residential households at an overall minimum average density of two households per hectare. The request provides for three development densities, the first having a minimum lot size of 0.3ha, the second a minimum lot size of 0.4ha and the third a minimum lot size of 0.6ha. The application site is comprised of several parcels of land that are legally described as Lots 1 and 4 DP 12928, Lot 2 DP 54824, and RS 39065.
- 2.2 The application site is zoned Rural (Outer Plains), which provides for rural activities and the District Plan prescribes a minimum density of one household per 20ha. The schedule of amendments contained within the request seek the following:
- Amend the District Planning maps to apply the Living 3 zone to the site - Maps 008 & 121 (sheets 1 & 2);
  - Incorporate an Outline Development Plan ('ODP') and waterway cross-section and planting concept plan to co-ordinate and guide the future development of the site;
  - Incorporates site specific development controls to manage the effects of any future development of the site in conjunction with the existing Living 3 zone rules. No amendments are proposed to the objectives or policies of the District Plan.
- 2.3 It is important to note that the extent of text changes sought through the notified plan change are now proposed to be substantially reduced as a result of a generic Living 3 Zone policy and rule package being made operative through the Land Use Recovery Plan process subsequent to the Plan Change being lodged. The applicant is likewise now proposing a modified Outline Development Plan as a result of ongoing consultation with Council Officers and the changing strategic approach to rural residential development promulgated through the Rural Residential Strategy 2014. The changing strategic framework for considering rural residential development is discussed in more detail below.

### **Site context**

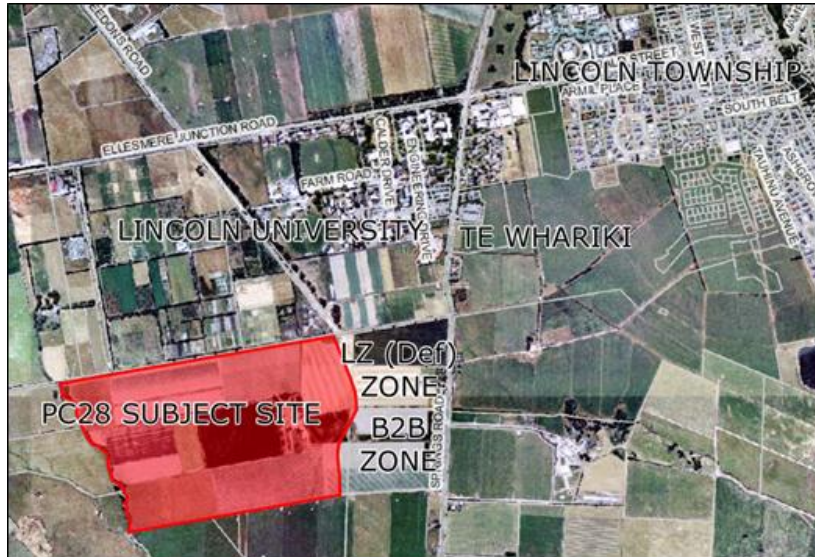
- 2.4 Lincoln is one of the district's primary residential growth areas, with the town being based primarily around the farming sector, the University, and Crown Research Institutes (CRI's). Lincoln has a number of community facilities and services, including the Lincoln Events Centre, medical and dental facilities, hospital, churches, Police and Fire services, primary and secondary schools, community hall and town library. There are a number of historic sites and buildings within the existing township, which provide links to the town's history and character.
- 2.5 The township's close proximity of 12km to Hornby and the availability of relatively large tracts of residential zoned land through the Plan Change 7 (PC7) process has facilitated

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<sup>1</sup> The as notified plan change proposed up to 115 households, however this number has been reduced to 110 as a consequence of proposed amendments to the Outline Development Plan.

significant residential growth in Lincoln post-earthquakes. Development is now well underway in the Te Whariki, Rosemerryn, and Liffey Springs residential subdivisions (refer to Figure 1).

**Figure 1: Site location**



- 2.6 The eastern portion of the site that fronts Springs Road was zoned Living Z and Business 2B respectively through the PC7 process. The LZ and B2B blocks are currently undeveloped and are in the ownership of the applicant. The applicant is now seeking to rezone the balance of their farming block through PC28.
- 2.7 A full site description, along with a landscape and visual assessment, are included in the application and the expert landscape evidence provided by Mr Craig on behalf of the Council (refer to Appendix E).
- 2.8 In summary, the site is comprised of flat farmland with few shelterbelts or other landscape features apart from a cell phone tower located in the northeastern corner within the Living Z block. The site is located immediately south of Lincoln University, with a portion of the University land zoned Business 3 and the balance zoned Rural (Outer Plains) and used for field research. The old Lincoln railway line route runs along the northern boundary of the site and is now owned by the University.
- 2.9 The site is bounded by rural farmland to the west and south, with this land having a Rural (Outer Plains) zoning and an extensive rural character consistent with the outcomes anticipated in this zone. A small unnamed waterway runs along the western boundary of the site, with this waterway ultimately draining into the LII stream. To the east the site borders the LZ and B2B blocks that have yet to be developed. Further to the east on the far side of Springs Road is the Te Whariki subdivision<sup>2</sup> being undertaken by Ngai Tahu and comprising a large residential development that includes a small commercial centre adjacent to Gerald Street.
- 2.10 The site is approximately 2km from the centre of Lincoln (as accessed via Springs Road/ Gerald Street), and 1.2km from the New World supermarket located on Gerald Street and developed as part of Te Whariki. Connection between the site and the town centre will

<sup>2</sup> The Te Whariki subdivision is sometimes locally referred to as 'the Dairy Block', reflecting its past use by Lincoln University for trialing dairy farming research.

improve with the ongoing development of the Te Whariki subdivision to the east and the alternative access options that this subdivision will provide.

### **3. SUBMISSIONS & TIMEFRAMES**

#### **Submissions received**

- 3.1 The application was publicly notified on 27<sup>th</sup> October 2012, with the submission period closing on 28<sup>th</sup> November 2012. The further submission period closed on the 18<sup>th</sup> January 2013. A total of 7 submissions were received, of which one was in support (from the applicant), one was neutral, three opposed in part, and two opposed<sup>3</sup>. Two further submissions were received, one from Lincoln University in support of the Denwood submission regarding boundary treatment, and one from the Canterbury Regional Council. All submissions were received within the prescribed statutory timeframes.
- 3.2 None of the submitters raised concerns about the appropriateness of rezoning the site in principle, with submitter concerns instead focussing on resolving site-specific details, reverse sensitivity and cultural concerns, and design aspects of the proposal. As such, the higher level assessment of the proposal against the strategic planning framework is undertaken in Section 5 below, with site-specific issues raised by submitters considered in Section 6.
- 3.3 It is important to note that following the close of the further submission period, the applicant, at Council's request, agreed to place PC 28 on hold pending the outcome of the Land Use Recovery Plan ('LURP') Action 18 (viii) process and the development of a Rural Residential Strategy ('RRS14'). The need to wait until after the RRS14 had been developed became necessary following the Gazetting of the LURP in December 2013 and the associated Chapter 6 of the Canterbury Regional Policy Statement ('CRPS') being made operative. The strategic planning framework established through the LURP and RRS14 processes is discussed in more detail below.
- 3.4 A consequence of placing the application on hold is that the timeframes for making a decision within two years of notification pursuant to Clause 10(4)(a) of the First Schedule has passed. The Act enables the decision timeframe to be extended by no more than double the stated two year period pursuant to Clause 1(2) and s.37. At the time of writing, the applicant and Council Officers were still discussing the extent of such an extension of time. Selwyn Council Officers have prepared a draft report under s.37 and have the delegated authority to extend timeframes. It is anticipated that an extension of time will have been confirmed prior to the hearing commencing and that a copy of the s.37 report will be available at the hearing.

### **4. STATUTORY FRAMEWORK**

#### **Statutory principles**

- 4.1 The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay<sup>4</sup>, the relevant components of which are set out in the following paragraphs.

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<sup>3</sup> The Canterbury Regional Council was one of the two submitters in opposition, however they have since formally withdrawn their submission and associated further submission via an e-mail dated 18<sup>th</sup> September 2014 from Michael Rachlin, ECan Principle Planner.

<sup>4</sup> Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

- 4.2 The matters that must be considered in preparing a change to the Plan are set out in s74 of the RMA. Amongst other things, s74 requires the local authority to:
- comply with its functions under s31;
  - consider alternatives, benefits and costs under s32;
  - ensure the necessary matters are stated in the contents of the district plan under s75;
  - have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8).
- 4.3 It is noted that in a general sense, the purpose of the 'Act' is already reflected in the operative District Plan's objectives and policies as they have already been through the above statutory tests and are now unchallenged. PC 28 does not seek to amend these objectives and policies.
- 4.4 When preparing a plan or considering a plan change the Council:
- must give effect to the operative Canterbury Regional Policy Statement (s75 (3)(c));
  - shall have regard to any proposed changes to the Canterbury Regional Policy Statement (s74 (2)(a)(i)) and any management plans and strategies prepared under other Acts (s74 (2)(b)(i));
  - must not take into account trade competition (s74(3));
  - must take account of Mahaanui: Iwi Management Plan 2013 (s74 (2A));
  - shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)).
- 4.5 Consideration of the appropriateness of rezoning the subject land and the associated Plan amendments must therefore give effect to the operative Canterbury Regional Policy Statement and be not inconsistent with the Land Use Recovery Plan and the Recovery Strategy for Greater Christchurch<sup>5</sup>. Regard must also be had to the adopted Rural Residential Strategy 2014 which was recently prepared under the Local Government Act and the Mahaanui: Iwi Management Plan 2013.
- 4.6 There are not considered to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC 28. Matters of cross-boundary interest are limited to managing the co-ordinated urban growth of Greater Christchurch through the CRPS and the statutory directions contained in the LURP.
- 4.7 PC28 does not seek to make any changes to the settled objectives and policies of the District Plan. The Council is therefore required to simply consider whether the proposed changes to the Plan's rules and zoning better achieve the objectives, and thereby Part II, than the operative provisions.
- 4.8 In undertaking an assessment of PC 28 against the provisions of s32, it is important to note that the further submission period closed on 18<sup>th</sup> January 2013. The amendments to s32 introduced in the 2013 amendments to the RMA only apply to proposals where the further submission period closed after 4<sup>th</sup> December 2013. The assessment of PC 28 under s32 is therefore against s32 as it stood prior to the 2013 amendments to the RMA.
- 4.9 The process for making a plan change request and how this is to be processed is set out in the 1<sup>st</sup> Schedule of the RMA. PC 28 has reached the point where the request has

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<sup>5</sup> s15 (2) - Canterbury Earthquake Recovery Act 2011

been accepted for notification, and submissions and further submissions have closed. A hearing is now required (Clause 8B) and a decision be made on the plan change and the associated submissions (Clause 10).

## 5. STATUTORY ANALYSIS

### **Land Use Recovery Plan/Te Mahere Whakahouman Tāone and Chapter 6 to the Canterbury Regional Policy Statement**

- 5.1 The PC 28 site is within the geographic area that is subject to the LURP and any development of land is therefore subject to the statutory directions contained within it.
- 5.2 The LURP was prepared to provide for the recovery process in the Greater Christchurch sub-region following the earthquakes. The LURP provides the framework to rebuild existing communities, develop new communities, meet the land use needs of commercial and industrial businesses, and to take account of natural hazards and environmental constraints that may affect the rebuild and recovery.
- 5.3 Guidance on the role of rural residential development in the rebuild is provided within Appendix 2 of the LURP, where the statutory direction to insert Chapter 6 of the CRPS is contained. Chapter 6 is based on (and superseded) the work undertaken pre-earthquake to implement the Greater Christchurch Urban Development Strategy through Change 1 to the CRPS. A key difference between Change 1, as originally proposed, and Chapter 6 is that Change 1 sought to place a numeric limit on the number of rural residential dwellings that could be built in the District, with these numbers being allocated on a 'first in-first served' basis. Chapter 6 no longer contains an allocative approach of specifying limits on household numbers. When PC28 was originally lodged with Council the allocative approach was in play and therefore the notified plan change contained several provisions addressing household numbers. These provisions are no longer relevant as the allocative approach has been superseded by Chapter 6.
- 5.4 Chapter 6 sets out the role of rural residential housing in the recovery through Issues, Objectives and Policies that District Plans must implement, or 'give effect' to. Chapter 6 of the CRPS supports some rural residential development during the recovery period to allow a range of choices of housing types for those needing to relocate. Provision is however limited to avoid the inefficient use of land and infrastructure, to protect future urban expansion options, and to manage potential conflict with rural character and rural activities. The supply and uptake of rural residential activity must also be monitored.
- 5.5 **Issue 6.1.5** of Chapter 6 to the CRPS references rural residential development in the context of the recovery, establishing that the western rural areas of Greater Christchurch remained undamaged during the earthquakes and are also located out of the area identified as being prone to liquefaction. It confirms that these factors make such areas desirable locations to live. The Issue statement goes on to identify that rural residential development is a typology that, if unconstrained, can change the character of rural areas and create adverse effects, both through adverse reverse sensitivity effects that may undermine legitimate farming activities and strategic infrastructure, and through dispersed settlement patterns that will contribute to inefficient development and uneconomic infrastructure service provision.
- 5.6 **Objective 6.2.2** outlines the urban form and settlement pattern outcomes and their role in restoring and enhancing Greater Christchurch. It specifically identifies the need for territorial authorities to manage rural residential development outside existing urban boundaries and the urban greenfield priority areas identified in the LURP, and to ensure



the provision of rural residential development does not compromise the overall intent of managing growth through the consolidation of existing townships.

5.7 **Policy 6.3.3** requires rural residential areas to be developed in accordance with an operative outline development plan (“ODP”) and prescribes what matters should be contained in these plans.

5.8 The key policy prescribed to manage rural residential development in the CRPS is **Policy 6.3.9**. As such it is set out in full below:

*Policy 6.3.9 – Rural residential development*

*In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1<sup>st</sup> January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:*

- (1) In the case of Christchurch City, no further rural residential development is to be provided for within the Christchurch City Plan area;*
- (2) The location must be outside the greenfield priority areas for development and existing urban areas;*
- (3) All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;*
- (4) Legal and physical access is provided to a sealed road, but not directly to a road defined in the relevant district plan as a Strategic or Arterial Road, or as a State Highway under the Government Roading Powers Act 1989;*
- (5) The location and design of any proposed rural residential development shall:*
  - (a) Avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;*
  - (b) Avoid the groundwater protection zone for Christchurch City’s drinking water;*
  - (c) Avoid land between the primary and secondary stop banks south of the Waimakariri River;*
  - (d) Avoid land required to protect the landscape character of the Port Hills;*
  - (e) Not compromise the operational capacity of Burnham Military Camp, West Melton Military Training Area or Rangiora Airfield;*
  - (f) Support existing or upgraded community infrastructure and provide good access to emergency services;*
  - (g) Avoid significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;*
  - (h) Avoid significant natural hazard areas including steep or unstable land;*
  - (i) Avoid significant adverse ecological effects, and support the protection and enhancement of ecological values;*
  - (j) Support the protection and enhancement of ancestral land, water sites, wahi tapu and wahi taonga of Ngai Tahu;*
  - (k) Where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and*
  - (l) Avoid adverse effects on existing surface water quality.*
- (6) An outline development plan is prepared which sets out an integrated design for subdivision and landuse, and provides for the long-term maintenance of rural residential character.*

(7) *A rural residential development area shall not be regarded as in transition to full urban development.*

- 5.9 This policy required the Council to develop the Rural Residential Strategy 2014 to identify appropriate locations for rural residential development, in accordance with the extensive list of locational criteria set out in Policy 6.3.9 above. Of particular importance is the policy direction that rural residential development can only occur in areas that have been identified for such in the RRS14. At a strategic level, in order for rural residential proposals to 'give effect to' the CRPS (and specifically Policy 6.3.9), it is necessary for such areas to have first been identified in a Rural Residential Strategy.
- 5.10 'Rural residential activities' are defined in Chapter 6 of the CRPS, with this definition placing a determinative direction as to the size of individual lots as follows<sup>6</sup>:
- "Means:** residential units outside the identified Greenfield Priority Areas at an average density of between 1 and 2 households per hectare"*
- 5.11 'Rural Residential Strategies' are defined in Chapter 6 of the CRPS as follows<sup>7</sup>:
- "Means:** a strategy or plan developed for the purpose of identifying a territorial authority's approach to the management of rural residential development in its district, using the special consultative procedure under the Local Government Act 2002"*
- 5.12 Chapter 6 of the CRPS effectively devolves responsibility for establishing the number of households and locations of rural residential development to territorial authorities, who are tasked with preparing a Strategy. A strong reliance is therefore placed upon Rural Residential Strategies to ensure that this form of development does not undermine the primary outcomes of the LURP, Chapter 6 of the CRPS or the District Plan.
- 5.13 Following the gazetting of the LURP in December 2013, Selwyn Council prepared and subsequently adopted the Rural Residential Strategy 2014 (RRS14). This strategy was prepared under the Local Government Act and was the subject of a special consultative procedure under the LGA, given the significance of the strategy. The inclusion of the PC 28 site within the RRS14 was confirmed by the hearings panel following the consideration of evidence presented through the RRS14 submission process. Inclusion of the PC 28 site in the adopted RRS14 signals that the locational criteria and high level outcomes identified in Policy 6.3.9 have been satisfied in a general sense. In particular, the RRS14 identifies that the PC 28 location is adjacent to the existing urban edge of Lincoln, is not in an identified future growth path for full suburban development, and is not in any area with significant features that would prevent such development. Whilst inclusion in the RRS14 satisfies the initial policy test of the CRPS, it does not pre-empt or override consideration of the substantive merits of the proposal, consideration of detailed site-specific constraints, or matters raised by submitters through this private plan change process.
- 5.14 At a strategic level, PC 28 is therefore able to 'give effect' to Chapter 6 of the CRPS and in doing so will also be consistent with the LURP. To this end it is noted that none of the LURP partner organisations (the Christchurch and Waimakariri Councils, Canterbury Regional Council<sup>8</sup>, and the New Zealand Transport Agency) have submitted on the application or raised concerns about its consistency with the strategic post-earthquake urban growth framework.

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<sup>6</sup> LURP: Appendix 1 – Amendments to the CRPS, Definitions, pg.28

<sup>7</sup> LURP: Appendix 1 – Amendments to the CRPS, Definitions, pg.28

<sup>8</sup> As noted above, CRC have withdrawn their submission

- 5.15 In addition to the development of a rural residential strategy, the LURP identifies 50 critical Actions to be initiated in the short to medium term to coordinate and advance decision making about land use, as well as identifying which agency is responsible for delivering these Actions and associated timeframes. Action 18(viii) requires that the Council amend its District Plan to the extent necessary to implement the Rural Residential Strategy. Council has prepared such amendments following a consultation process and forwarded these amendments to the Minister for Earthquake Recovery on 27<sup>th</sup> June 2014 for his consideration. At the time of writing this report, the Minister has responded to Council confirming that the consultation process undertaken by Council in developing the Plan amendments was appropriately undertaken, and directing that the Council confirm the Plan amendments. Such confirmation requires a Council resolution, with this matter an item on the Council agenda for the 10<sup>th</sup> December meeting. Whilst the District Plan amendments are not operative at the time of writing this report, it is anticipated that they will be operative by the date of the hearing on the 18<sup>th</sup> of December. In my assessment of PC 28 against the District Plan, I have undertaken this assessment against the Plan as amended via the LURP Action 18 provisions.

#### **Recovery Strategy for Greater Christchurch/*Mahere Haumanutanga o Waitaha***

- 5.16 The Canterbury Earthquake Recovery Authority has also prepared a Recovery Strategy for Greater Christchurch ('Recovery Strategy'). This strategy sets out the overarching long-term vision and objectives for recovery, including the identification of the priorities and responses. The Recovery Strategy was approved on the 31<sup>st</sup> May 2012 and is a high level plan containing the strategic responses that CERA, assisted by a number of agencies and organisations, will undertake to guide the recovery efforts.
- 5.17 The following five areas have been identified to assist in developing the Recovery Strategy:
- community wellbeing
  - culture and heritage
  - built environment
  - economy
  - natural environment
- 5.18 Importantly, the Recovery Strategy sets out the minimum requirements for establishing the stability of land and identifying the risk of liquefaction and lateral displacement to assist in the consideration of the appropriateness of rezoning land<sup>9</sup>. The geotechnical assessment undertaken as part of the PC 28 application has confirmed that the site is not subject to an unacceptable risk of liquefaction and is not at risk of lateral displacement or flooding, provided appropriate stormwater systems are designed through the subdivision consent process. Given the high level strategic nature of the Recovery Strategy, there are no matters arising from the proposed rezoning and the associated amendments to the District Plan that would be inconsistent with the Recovery Strategy. Conversely, the provision of a number of additional dwellings in an appropriate location as proposed through PC 28 is considered to be consistent with the outcomes sought in the Recovery Strategy.

#### **Canterbury Natural Resources Regional Plan ('NRRP') and the proposed Land and Water Regional Plan ('LWRP')**

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<sup>9</sup> RSGC: Section 05 Priorities; Resource consent applications and plan change proposals must demonstrate that the minimum geotechnical investigations prescribed by the Department of Building and Housing have been undertaken, P12, May 2012

- 5.19 The NRRP was made operative on the 11th June 2011 and establishes a framework to assist in ensuring the integrated management of the region's natural and physical resources, and to control the use of land, with a particular focus on the implications of landuse on water quality and quantity. The proposed Canterbury Land and Water Regional Plan was publicly notified on the 11th August 2012. Decisions on submissions have been made, with the LWRP not yet operative due to a number of outstanding Environment Court appeals. The purpose of the LWRP is to identify the resource management outcomes for managing land and water in the Canterbury region, with the LWRP largely superseding the NRRP's role in managing water quantity and quality.
- 5.20 The ability of PC 28 to be efficiently serviced in terms of water, waste water, and stormwater has been considered by engineering firms Aurecon New Zealand Ltd and Pattle Delamore Partners Ltd as part of the application. These reports have been peer reviewed by Liam Foster of Opus International Consultants Ltd, with his findings appended as Attachment D. The PC 28 site is able to be provided with a reticulated sewer system and will not have to rely on septic tanks. Water supply is likewise able to be provided via an extension to the existing Lincoln township reticulated network, pending planned upgrades to the wider Lincoln water supply infrastructure. The site does not contain any natural water features, although a waterway runs along the western boundary of the site and there are several shallow private drains across the paddocks.
- 5.21 Stormwater is able to be disposed of into the wider Council network following treatment. A communal stormwater ponding basin is proposed within the site and is shown on the Outline Development Plan. Ecological enhancement to the western boundary waterway is proposed through the ODP and associated subdivision process. The detailed design of the stormwater system will form part of the subsequent subdivision process and will be assessed via any associated resource consents from the Canterbury Regional Council as needed under the NRRP and LWRP provisions. Overall it is considered that the proposal can be efficiently and effectively serviced in a manner that maintains water quality and quantity and is consistent with the outcomes sought by the NRRP and LWRP.

### **Mahaanui Iwi Management Plan 2013**

- 5.22 Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the Council (s74 (2A) (a)). The relevant document for the Selwyn District is the Mahaanui iwi Management Plan 2013. This document sets out the aspirations of local iwi and in particular seeks the maintenance and enhancement of water quantity and quality, the promotion of indigenous biodiversity and mahinga kai species, and the protection of sites with identified waahi tapu or waahi taonga value. The District Plan amendments proposed through LURP Action 18 were developed with reference to this management plan and in response to comments received on the draft text from MKT. The submission received from MKT on behalf of Te Taumutu Runanga also draws on the key matters set out in the Iwi Management Plan. The consistency of the plan change in relation to these key matters of concern is discussed in more detail below.

### **Selwyn District Plan**

- 5.23 The District Plan is divided into two volumes – Rural and Townships. Rural residential typologies have always fallen into something of a gap between the two volumes in that they are neither wholly rural nor wholly urban.

- 5.24 The Council has been proactively seeking to update the Plan to more fully address rural residential development, first through PC 17 which sought to introduce an amended objective, policy and rule framework and rezone specific blocks of land for rural residential development. PC 17 was then superseded by PC 32 which also sought to introduce an amended objective, policy and rule framework, however it left rezoning of specific blocks to later private plan change applications. PC 32 has recently lapsed due to two years having passed since the submission period closed without a hearing being held. The reason for the delay in progressing to a hearing was the fluid nature of the higher level policy framework contained in the CRPS, with this framework having only recently been settled through the Gazetting of the LURP, confirmation of Chapter 6 to the CRPS, and the subsequent development of the RRS14.
- 5.25 As set out above, the LURP requires the Council, through Action 18 (viii), to update the Plan to ensure that the Plan actively manages rural residential development. The Minister has directed Council to make the LURP amendments operative. These amendments provide a comprehensive framework against which to assess rural residential proposals. A copy of the LURP Action 18 amendments is appended as '**Attachment F**'. The matters that the policies cover include locational criteria and the outcomes that are sought within sites that meet the broad locational criteria. The policy framework largely reflects the matters considered through the RRS14 process, and simply enshrines these matters within the District Plan, rather than leaving them outside the Plan in a separate strategy document. As the PC 28 site was included within the RRS14, it can also be said to be consistent with the locational criteria now imbedded within the District Plan rural residential policy framework.
- 5.26 In addition to the specific rural residential policy framework introduced through the LURP, the District Plan also includes a number of other relevant provisions relating to the management of urban growth. The PC 28 application contains an assessment of the proposal against these relevant provisions and concludes that the proposed plan change is consistent with the operative Plan framework.
- 5.27 Overall, I agree with the assessment included in the application and consider that PC 28 is consistent with the relevant operative objectives and policies, albeit that the policy framework at the time the application was made focussed on providing guidance for urban growth proposals generally rather than having a specific focus on the special nature of rural residential typologies.
- 5.28 In summary, the objectives and policies of the Rural Volume of the Plan aim to maintain a very low density of dwellings, set amongst a productive rural landscape (**Objective B4.1.1-B4.1.3**). In essence the rural objectives and policies support the outcomes anticipated in the status quo zoning of Rural Inner Plains. Given that the PC 28 application is for a plan change, rather than a resource consent, the rural objectives and policies are only of limited assistance in determining whether the Rural Outer Plains or proposed Living 3 zoning better meets the Plan's objectives and policies. PC 28 (and indeed the LURP Action 18 amendments) promote a Living, rather than Rural, zone to facilitate rural residential development. Given that this typology is at its heart an urban growth issue, I consider that the Plan provisions dealing with urban growth are of most relevance, along with the specific rural residential provisions introduced through Action 18. These provisions are contained primarily within the 'growth of townships' section of the Township Volume of the District Plan.

#### **General Urban Growth provisions:**

- 5.29 **Objective B4.1.1** seeks that "*a range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones*". **Objective B3.4.1** seeks that "*the District's townships are pleasant places to live and work in*", and

**Objective B3.4.2** seeks that “a variety of activities are provided for in townships, while maintaining the character and amenity values of each zone”. These objectives are all rather high level, and are supported by similar high level **Policies B3.4.1-B3.4.3**. The proposed Plan Change sits reasonably comfortably against these provisions in that it will assist in providing a diversity and choice of living environments, with the Living 3 rule package delivering a Living environment that is spacious and of high amenity.

- 5.30 The provision of new urban growth areas is guided by **Policy B4.1.3** which aims:  
*“To allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:*
- *A compact township shape;*
  - *Consistent with preferred growth options for townships;*
  - *Maintains the distinction between rural areas and townships;*
  - *Maintains a separation between townships and Christchurch City boundary;*
  - *Avoid the coalescence of townships with each other;*
  - *Reduce the exposure to reverse sensitivity effects;*
  - *Maintain the sustainability of the land, soil and water resource;*
  - *Efficient and cost-effective operation and provision of infrastructure”*
- 5.31 Similar outcomes are sought through **Objective B4.3.2** which requires that:  
*“new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions in the Plan”.*
- Policy B4.3.2** “requires any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape”.
- Policy B4.3.3** seeks to “avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business”.
- Policy B4.3.5** seeks to “encourage townships to expand in a compact shape where practical”.
- 5.32 As set out in the discussion above, I consider that PC 28 generally achieves a compact township shape with the site adjacent to the existing urban edge on two sides. The site has strong edges to the north and east, a waterway to the west, and then a relatively weak boundary to the south. Given the generally flat and featureless nature of the rural plains environment, in my experience it is unusual for rural rezoning proposals to have strong natural or urban features on all four boundaries.
- 5.33 The inclusion of the site in the RRS14 confirms that at a strategic level the site is an appropriate location for rural residential development. Servicing of PC 28 is technically feasible, and connection to reticulated water and wastewater networks is possible pending planned upgrades to the wider township network.
- 5.34 **Policy B4.1.10** seeks to ensure that an appropriate balance between buildings and open space is achieved to maintain the spacious character of the District, and **Policy B4.1.12** seeks to discourage high fences in Living zones that have frontage but no access to

strategic or arterial roads. The proposed rule package, subject to recommended amendments, will achieve both these policies.

- 5.35 Provided that site-specific detail matters can be resolved (discussed below), it is considered that the zoning request represents an efficient and effective method for achieving the Plan's operative objective and policy framework and is also consistent with the outcomes sought through the rural residential Plan amendments actioned through the LURP Action 18 process.

## **6. ASSESSMENT**

### **Submissions received**

- 6.1 As set out above, the submission period closed on 28<sup>th</sup> November 2012 and the further submission period closed on the 18<sup>th</sup> January 2013. A total of 7 submissions and two further submissions were received, with one submission and one further submission from the Regional Council subsequently being withdrawn. All submissions were received within the prescribed statutory timeframes.

### **Submission summary**

- 6.2 Attachment A provides a summary of my recommendations to the Commissioner on each submission.
- 6.3 The submissions in opposition request the plan change to be declined, but only if certain points of relief are not granted or additional assessments are not carried out to address a range of potentially adverse effects referred to within the submissions. This section provides an assessment of the submission points received and a summary of the expert evidence commissioned to inform this Officer's report that addresses the points raised by submitters.
- 6.4 The key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled are:
- Rural residential layout and lot sizes
  - Landscape values and visual effects
  - Potential adverse reverse sensitivity effects
  - Infrastructure servicing and stormwater management
  - Transport safety and efficiency
  - Land stability and geotechnical risk
  - Soil contamination risk
  - Cultural values
- 6.5 This assessment incorporates the conclusions of several expert assessments commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.

### **Rural residential layout and lot sizes**

- 6.6 No submitters raise concerns regarding the layout, density, number of units, or lot sizes. The proposal will provide some 110 units on a 57.7 hectare site which equates to an

average density of 5,245m<sup>2</sup> per lot. As such, the proposed density falls within the CRPS requirement that rural residential developments have a density of 1-2 lots per hectare<sup>10</sup>.

- 6.7 As identified in Mr Craig's report, the size of the plan change area and the number of lots is at the larger end of rural residential plan changes that have been approved in Selwyn District. The overall size of the area has nonetheless been considered to be acceptable in principle through the Rural Residential Strategy 2014, pending an appropriate site-specific design solution.
- 6.8 The key tool for controlling the overall site layout, key infrastructure features and locations, and the distribution of different sized lots across the plan change area is via an Outline Development Plan ('ODP'). The use of such ODPs to set out the broad structuring elements of a development area is common to all recent greenfield developments in Selwyn and is also a mandatory requirement under Chapter 6 of the CRPS. In terms of where the ODP sits within the Plan's structure, it is noted that all other recent ODPs for Lincoln are located in Part E, Appendix 37, to the Township Volume. It is recommended that the PC28 ODP be added to Appendix 37 as 'ODP Area 7'. This will locate the ODP immediately after the ODP for the Living Z and B2B Zones directly to the east of the application site. It is recommended that a consequential amendment is made to the map<sup>11</sup> at the start of Appendix 37 to show the location of the new 'ODP area 7'. It is also noted that the ODPs in Appendix 37 are all accompanied by brief descriptive commentary on the key features relating to density, roading and movement networks, and green and blue networks. Given the increased PC 28 reliance post-LURP Action 18 on design elements identified on the ODP rather than site-specific rules, it would be beneficial if the applicant was able to provide such summary text at the hearing, to a similar length and format to the other Appendix 37 ODPs. I consider such text to be a consequential amendment that simply provides the background rationale to the features shown on the ODP and that will assist both applicants and Council Officers in considering future subdivision consent applications.
- 6.9 Through the RRS14 process and the preparation of evidence for that hearing, the applicant has refined their proposed ODP. These refinements have resulted in the ODP now sought by the applicant differing somewhat from the notified version. The changes to the ODP revolve primarily around a strategy of locating smaller lots (minimum of 3,000m<sup>2</sup>) around the outside of the site, with larger lots towards the centre. Greater variety in lot size and distribution has also been developed. The rationale behind these changes is to enable a sense of spaciousness and ruralness to be present within the centre of the site, especially for those lots that do not have a direct visual connection to the wider outer plains rural environment. These changes to the proposed layout have been supported as positive amendments by Mr Craig from a landscape perspective, and as an effective method for mitigating the potential adverse effects of a large rural residential block on the outcomes anticipated for the Living 3 Zone. Given that the proposed changes to the ODP will result in a small reduction in the overall number of lots across the site, and will result in improved landscape and amenity outcomes, I consider the amendments to the ODP to be within the scope of what was originally sought by the applicant.
- 6.10 In reaching this conclusion, I note that for the sites along the eastern boundary with the B2B zone, lots will need to be considerably larger than 3,000m<sup>2</sup> in order to provide a plausible building platform that complies with the various boundary setbacks. If a 50m

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<sup>10</sup> Unlike for suburban development, the CRPS definition of rural residential density does not specify whether the required density is to be net or gross.

<sup>11</sup> Located on page E37-002 of the Township Volume



setback is provided from the B2B boundary, combined with a 20m setback from the road boundary, then sites have to be some 100m deep to provide a 30m deep building platform between the two setbacks. Side boundary setbacks of 15m mean that lots again need to be some 50m wide to enable a 20m wide platform clear of the two side boundary setbacks<sup>12</sup>. A 100m deep x 50m wide lot equals 5,000m<sup>2</sup>. Taking at face value the applicant's assessment that a 50m setback is necessary from the B2B zone in order to provide an appropriate buffer, then the ODP will need amending to show larger lots along the eastern boundary. I consider it appropriate to amend the ODP to reflect the need for larger lots, rather than relying on a resource consent process to routinely breach the various boundary setbacks. It is not considered to be efficient or effective to have a set of plan provisions where compliance is impossible to achieve and where Council, having approved smaller lots in accordance with the ODP, then have no option but to grant consent for subsequent dwellings within the setbacks given the clear expectation of landowners that once a lot is created it can contain a dwelling.

- 6.11 I likewise note that the applicant is proposing a 40m building setback from the southern zone boundary which will create similar issues regarding lot size and will necessitate lots of some 4,500m<sup>2</sup>. Whilst I recognise the need for a sizable building setback from an operative B2B Zone, I do not consider such an extensive setback to be needed from the southern boundary. The ODP requires a landscape strip to be established along this boundary to provide a degree of visual separation between the site and the adjacent Rural Outer Plains Zone. The Living 3 rule package, as amended by the LURP, does not require additional setbacks from rural zone boundaries, with the standard 15m setback generally considered to be adequate for providing an appropriate degree of separation. The southern boundary does not exhibit any particular features or special circumstances that would differentiate it from rural zones in general or require specific landscape treatment beyond the planting strip proposed. On balance, I consider the ability to provide smaller lots around the southern boundary, in order to facilitate larger lots in the centre of the site, to be a more important method in terms of delivering the rural residential outcomes anticipated in the Living 3 Zone and the RRS14, than having a large building setback from this southern boundary.
- 6.12 A consequence of amending the ODP to show larger lots capable of accommodating plausible building platforms adjacent to the B2B zone is that the overall yield across the site may need to be reduced. I have not developed amendments to the ODP to reflect the necessary changes in lot size, as ODP design is a matter that is more appropriately progressed by the applicant and is a matter that the applicant may wish to respond to at the hearing.

### **Landscape values and visual effects**

- 6.13 The application was accompanied by a landscape assessment prepared by Mr Jeremy Head, with this assessment peer reviewed by Mr Craig. Both landscape architects have identified that the site does not contain any notable existing landscape features, apart from the existing waterway along the western boundary. Both recommend that this waterway be enhanced, both visually and ecologically, through the use of extensive native planting. The application includes an indicative cross-section and planting plan showing how such enhancement is to be undertaken, however this planting plan is not well-referenced within the proposed rule package. It is therefore recommended that the waterway cross-section be included with the ODP in the same appendix so that it is

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<sup>12</sup> A 30m x 20m space outside the various setbacks = 600m<sup>2</sup> building envelope. Whilst dwellings are likely to have a smaller footprint, in practice there needs to be some siting flexibility.

explicitly linked to the ODP and assessed along with the ODP as part of the subdivision consent process. The proposed ODP likewise includes planting requirements on the southern, northern, and eastern boundaries to create appropriate edges along all four boundaries of the site.

- 6.14 The plan change as originally notified included provisions limiting the height of buildings on smaller lots to 5.5m, controlling the colour and reflectivity of buildings, and restricting the extent of curtilage and impervious surfacing around dwellings. In the light of the LURP Action 18 rule package that has been designed to achieve appropriate outcomes across the Living 3 zones, these proposed rules are no longer considered by the applicant to be necessary. I agree that the generic rules are adequate for achieving the outcomes anticipated for the L3 Zone. There is nothing particularly unusual about the site that would warrant a departure from the standard zone rule package. The only significant matter is the size of the site, with the attendant need to provide an adequate sense of spaciousness towards the middle of the site. The distribution and range of lot sizes shown on the ODP achieves this outcome with larger lots in the centre. Given the size of the lots, the generally high levels of house design and amenity plantings that are typical of rural residential developments, and the setbacks and limits on site coverage imposed through the Living 3 provisions, further controls are not considered to be necessary or effective for achieving the anticipated zone outcomes.
- 6.15 Te Taumutu Runanga have sought greater use of indigenous tree and plant species to be incorporated into the development of the site. I agree with Mr Craig that controlling species choice on private land is difficult to monitor and enforce over time. It is however appropriate to express a preference for the use of native species within publicly vested areas such as local parks, stormwater basins or road reserves. Extensive native planting is proposed along the western waterway to enhance the ecological and landscape values of this water feature, with totara trees proposed to be used extensively in landscaping the southern boundary of the site. The use of native planting within the road reserve, vegetated swales, and the proposed stormwater detention basin is also possible, provided such species are appropriate to the functional requirements of these spaces. The choice of species within public areas that are to ultimately be vested with Council is a matter that is generally resolved through the subdivision consent process, with the LURP Action 18 text amendments specifically referencing the need to consider cultural values and the potential for native planting through the subdivision process.

#### **Potential reverse sensitivity effects and amenity conflicts**

- 6.16 Two submissions raise concerns regarding reverse sensitivity, namely Lincoln University and Rockbrook Trust. Lincoln University have been involved in discussions with the applicant regarding the treatment of the boundary interface between the two properties, and in particular the potential for sensitive rural residential activities to seek to limit the University's research operations in the future.
- 6.17 It is understood from the University submission that the applicant and the University have entered into a private legal agreement concerning this boundary treatment. The applicant has proposed as part of the Outline Development Plan that a 1.8m high close boarded fence be erected along the length of the shared boundary, combined with establishing a shelterbelt that is to be maintained at a height of 5m. The University has submitted in support of this boundary treatment and therefore it is assumed that the University is satisfied that the proposed treatment meets its concerns.
- 6.18 Close board fencing is not generally appropriate for rural residential developments due to its incongruous appearance in the context of a relatively open rural environment and its potential to restrict longer views or a sense of connection with rural activities. Exceptions

to this general approach are nonetheless appropriate in response to managing site-specific circumstances. A common example is acoustic fencing and bunding adjacent to the strategic road network to manage noise effects on residential amenity. Given that the proposed boundary treatment has been arrived at through negotiations between the two affected parties, and is a specific response to a specific context, then it is recommended that the northern boundary treatment be accepted, along with the Lincoln University submission.

- 6.19 Rockbrook Trust have submitted regarding the potential for reverse sensitivity effects to arise on their established farming operation. They also raise concerns regarding the relinquishing of a Regional Council effluent discharge consent in 2009 and their efforts to have this consent reinstated (with attendant concerns regarding the necessary setback distances from residential dwellings). Given the passage of time since the submission was lodged, the submitter may be able to update the Commissioner on whether or not this discharge consent has been re-established. If such re-establishment has not occurred then the consent has not been in place for some five years and any proposal to discharge will be subject to a fresh application and assessed against the receiving environment at the time. It is not considered appropriate to limit the rezoning on the basis of the possible consenting of a discharge consent in the future.
- 6.20 The viability of legitimately established rural activities can be reduced where they adjoin rural residential nodes through amenity conflicts, where new land owners moving into an established environment have differing expectations of what land use activities are appropriate. The site does adjoin a rural zone to the west and south, in addition to the University research farmland discussed above. The proposed enhancement, landscaping, and building setbacks along the western boundary waterway, combined with locating a large stormwater detention basin along this boundary, help to provide a physical and visual buffer between the application site and the submitter's property.
- 6.21 There are no established, operational intensive farming operations within 300m of the site, such that odour from established businesses could cause a problem for the proposed residential activity<sup>13</sup>. The site's location on the edge of Lincoln Township and in close proximity to the University also assists in managing reverse sensitivity issues as intensive farming activities that are likely to create nuisance effects to urban residents are unlikely to establish on the edge of one of the District's larger townships.
- 6.22 It is therefore considered that the potential for the plan change to give rise to reverse sensitivity issues in relation to normal farming activities is limited and is generally no different or greater than the interface issues that are typically encountered by urban growth proposals where they directly adjoin a rural zone.
- 6.23 In addition to the interface with the University and rural activities, the site also adjoins a light industrial Business 2B Zone to the east. The application included an acoustic assessment, and the ODP includes provision for a building setback, acoustic bund, and landscaping buffer to be provided between the PC28 site and the operative B2B Zone. The purpose of this setback is to assist in managing the interface and amenity levels between the different zones. The Selwyn District Plan requires subdivision consent applications to be in general accordance with any relevant ODPs. There is no equivalent rule controlling subsequent land use activities. This means that only those matters shown on the ODP that are able to be controlled through the subdivision process, either as conditions of consent or consent notices on subsequent titles, can be implemented with

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<sup>13</sup> There was some discussion at the Rural Residential Strategy 2014 hearing concerning a chicken farm in the area, however through the RRS14 process it was established that the intensive farming operation was located an appropriate distance from the site.

any certainty. The development of boundary bunds, fencing, and landscaping are all matters that can be readily controlled through the subdivision consent process as these matters tend to be constructed or planted in a comprehensive manner by the site developer. Control of the setbacks of subsequent buildings is conversely not something that can be readily controlled through subdivision, and as such it is considered to be a more effective method for the required 50m building setback from the B2B zone boundary to be implemented via a landuse rule.

- 6.24 To this end it is important to emphasise that the B2B zone has operative Living Z zones to the north and east (Te Whariki) and therefore in order to comply with the Plan's operative rules on noise and nuisance will need to comprise of relatively 'light' activities, regardless of the outcome of the PC28 hearing. Given the existing limitations on the B2B zone due to its proximity to zoned suburban neighbours, and the proposed buffers between the B2B and PC28 area, it is considered that an appropriate level of amenity will be able to be provided to future residents whilst concurrently providing for the establishment of light industry in the B2B Zone.

#### **Infrastructure servicing & Stormwater management**

- 6.25 The application includes an assessment of infrastructure and servicing prepared by engineering consulting Aurecon New Zealand Ltd and a stormwater management report prepared by Pattle Delamore Partners Ltd ('PDP'). These assessments have been peer reviewed by Mr Liam Foster from Opus International Consultants Ltd in discussion with Selwyn Council's infrastructure asset engineers, with his report appended as '**Attachment D**'.
- 6.26 The Canterbury District Health Board, in their submission, has raised concerns regarding the management of stormwater, water quality, and the adequacy of waste water servicing for the plan change area.
- 6.27 **Stormwater:** The PDP report concerning stormwater concluded in the executive summary that *'the runoff from the site can be treated and detained within the site to minimise the rate of runoff and adverse effects on water quality. In addition, it is considered that a conveyance system can be put in place to maintain the existing drainage flow through the site'*.
- 6.28 The PDP report also identified that there was relatively high ground water levels on the site (with ground water becoming closer to the surface to the west), with the infiltration of the soils towards the western end of the site likewise having relatively poor drainage. On-site infiltration directly to ground is not therefore considered to be appropriate, and instead a subdivision-wide solution is necessary incorporating vegetated road-side swales, first flush treatment systems, and a communal detention basin prior to being discharged into the western stream (that ultimately discharges into the LII spring-fed waterway). The proposed ODP provides for a detention basin in the southwestern edge of the site. The detention basin is to be sized to accommodate a one in fifty year event, with the intention that it be designed such that the site will not discharge post-development at higher rates than currently occurs from the site in its undeveloped state.
- 6.29 Mr Foster has considered the proposed stormwater approach and has concluded that the treatment 'train' is appropriate for managing contaminants with a view to maintaining water quality in the western stream. He has also concluded that the indicative detention basin shown on the ODP is of an appropriate site to accommodate the design-level flows.
- 6.30 Mr Foster has emphasised that *"further detail and investigations be included at subdivision stage to understand the potential impact of high groundwater levels on the proposed treatment train and to identify suitable mitigation measures for the stormwater*

*management and disposal to support the proposals*". The detailed design of the stormwater system will be assessed through the subdivision consent process and any necessary resource consents from the Canterbury Regional Council. The design of such systems and their associated consenting is well established, and is the appropriate process to fully examine whether the detailed design will be effective in managing water quality.

- 6.31 **Wastewater:** The site is able to connect to a reticulated wastewater network via additional piping along Springs Road. It is noted that such piping will be needed in any event for when the Living Z and B2B blocks immediately east of the site are developed. A standard gravity-fed reticulated network is proposed, terminating in a pump station in the southwest corner of the site that will then pump wastewater to connect with the wider Lincoln network. Lincoln wastewater is then in turn pumped to the 'Pines' waste water treatment plant located to the southwest of Rolleston.
- 6.32 Mr Foster has confirmed that there are no capacity issues with the ultimate treatment of wastewater at the Pines treatment plant. There are currently capacity constraints regarding pumping stations within Lincoln that need to be resolved. This increase in Lincoln pump station capacity is needed regardless of the development of the application site. Mr Foster has concluded that there are no constraints on wastewater infrastructure such that the plan change should be declined or deferred, however it is important that the timing of the development and infrastructure design is discussed with Council asset officers at an early stage in order to coordinate with the identified pump station upgrades as part of the wider reticulated network.
- 6.33 **Water supply:** The Aurecon report and Mr Foster have both identified that a potable water supply can be accessed by extending the current 150 mm diameter water main on Ellesmere Junction Road down Springs Road to connect into the north-eastern corner of the site, again noting that such an extension will be necessary to service the zoned Living Z and B2B blocks. In time, it is expected that the water main could connect into the Te Whariki subdivision to provide some network resilience for the wider township by forming a circular linked network rather than a single long pipe.
- 6.34 The existing water source for Lincoln township is via several Council bores, with the University also having access to its own bores. Mr Foster has identified that additional supply is needed to service ongoing urban growth in the township. Water take for urban residential use has a high priority in terms of the Regional Planning framework, and such upgrades to the network are relatively straight forward to undertake in a physical sense. Mr Foster has noted that through the subdivision consent process the Council is likely to seek a restricted flow to the development to avoid the very high water usage rates that have been experienced in other large lot subdivisions where there is a high water use per household due to extensive irrigation of garden amenity plantings.
- 6.35 In conclusion, stormwater can be managed on-site through the use of a staged treatment and detention network, prior to discharging into the wider Council-controlled stormwater network. The indicative detention basin shown on the ODP is considered to be appropriately sized for managing downstream flood risk, and the treatment system, refined via the necessary Regional and subdivision consent, will be appropriate for managing water quality. Both water and wastewater servicing and connection into the wider Council-controlled network is feasible, however the network for both services requires upgrading to meet wider urban growth demands in Lincoln township. Whilst the provision of such services to the application site is not sufficiently problematic to warrant declining or deferring the plan change, Mr Foster has identified the need for the applicant to engage with Council asset planning officers at an early stage in the subdivision consent process to ensure that on-site works are coordinated with the necessary

upgrades to the wider network. The evidence of Mr Foster, combined with the need for site development to obtain the necessary Regional and subdivision consents with an associated level of design detail, are in my view adequate to address the concerns raised in submissions by the Canterbury District Health Board.

### Transport safety and efficiency

- 6.36 The application included a transport assessment prepared by transport engineering firm Via Strada and added to via supplementary information provided by transport engineers from Novo Group. The proposal has also been assessed by Mr Carr, an experienced transport engineer, with Mr Carr's assessment appended as '**Attachment E**'. Mr Carr has concluded that:

*"The most recent information provided shows that PC28 will not result in major changes to the queues and delays on the roading network, and will not result in the available capacity at the Springs Road / Gerald Street roundabout being exhausted. However the development of the nearby Living Z and Business 2 areas, which I understand can take place without the need to consider transportation effects, means that the capacity of the roundabout is exceeded and queues and delays increase to levels that in my view will not be acceptable and an improvement scheme will be required. I consider that the PC28 traffic is extremely likely to be able to be accommodated by such an improvement scheme".*

- 6.37 In short, already consented urban growth in the area will result in delays at the Springs Road/ Gerald Street roundabout unless improvements to this intersection occur. Such improvements are needed regardless of PC28. The necessary upgrades to the intersection should provide the capacity for accommodating PC28 traffic, and the additional volumes created by PC28 make only a marginal difference to the overall traffic flows through the intersection. Accordingly, there are no wider roading network reasons to decline or defer the plan change.
- 6.38 As Mr Carr notes, the potential for a Lincoln by-pass route has long been identified<sup>14</sup>, with this route potentially passing between the PC28 site and the University. The ODP for the adjacent Living Z block makes provision for this future roading link through the ODP area. It is my understanding that the by-pass is not currently identified in the Council's Long Term Plan and that the updated LTP will not be released for consultation until April 2015. As such little certainty can be placed on the likelihood of the by-pass proceeding at the present time.
- 6.39 The site's immediate access to the road network is into the adjacent Living Z Zone, and then to Springs Road. Mr Carr considers that Springs Road in this location is straight and flat with good sight lines and is of sufficient width to enable an appropriate intersection and right-turn lanes to be created. The detailed design of this intersection is a matter that will be considered through the subdivision consent process.
- 6.40 The plan change is now relying on the road cross-section provided through the LURP for determining the road formation within the plan change area. This cross section and dimensions has been specifically designed for rural residential developments and is considered to be appropriate for the level of use and the visual and spatial outcomes anticipated in such zones.

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<sup>14</sup> The potential for a by-pass was identified some 8 years ago in the work leading up to the preparation of the Lincoln Structure Plan. It also formed part of the discussions in the 'CRETS' roading study that was undertaken at a similar time.

### **Land stability and geotechnical risk**

- 6.41 The application includes the findings of geotechnical investigations undertaken by Aurecon New Zealand Ltd, dated 17<sup>th</sup> September 2012. This geotechnical report has summarised liquefaction risk as follows:

*'The geotechnical investigation included a site reconnaissance survey, a review of geological and geotechnical information available for the site, and the excavation of 10 exploratory test pits. Although only shallow investigations have been undertaken as part of the geotechnical investigation, we have reviewed deeper soil investigations.'*

*The geotechnical investigation identified that the site is typically underlain by 1.8m of silty /sandy material and below that is gravel. Groundwater was identified at approximately 2.0m in the west and approximately 3.0m in the east of the site.*

*Despite the silty/sandy soils directly underlying the site, the materials are above the groundwater table. Below the water table is gravel. As such, the site has been screened as having a low susceptibility to seismically induced liquefaction. This is backed by the lack of observed ground damage following the 4 September 2011 magnitude 7.1 Darfield earthquake.'*

- 6.42 The report also identified that the risk of inundation from stormwater or the creek that runs along the western boundary of the site were matters that could appropriately be dealt with in a detailed civil engineering assessment of the site as part of a future subdivision consent process. The report concluded that "due to the lack of any identified liquefaction susceptibility at the site and provided that stormwater discharge is appropriately managed we infer the risk inundation at the site to be low".
- 6.43 On this basis, it is considered that the risk of liquefaction and lateral displacement associated with future earthquake events is low and that there are no geotechnical reasons that prevent the Plan Change from being granted.

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

- 6.44 As this is an application for a zone change and not the actual use of the site, the NES does not strictly apply. The Canterbury District Health Board have raised concerns regarding the need to identify and appropriately manage contamination risks. The land owner will be required to address the NES requirements at subsequent subdivision or building consent stages, depending upon the nature of any future proposed activity and whether this would either satisfy the permitted activity requirements or require resource consent under the NES.
- 6.45 The application included a report prepared by PDP. Although the report was not formatted as a Preliminary Site Investigation ('PSI') under the NES, the content of the report nonetheless covered the range of matters that are typically investigated as part of a PSI. It is further noted that PDP are an experienced and respected environmental engineering firm with considerable experience in assessing ground contamination and formulating any necessary management strategies. The report identified several potential sources of localised contamination on the site due to above ground fuel storage tanks and the potential historic storage and use of agrichemicals. The report also noted that the site is located in close proximity to the retired Lincoln University landfill site and as such there was potential for leaching of contaminants across the boundary and onto the application site.

- 6.46 Whilst the PDP report identified a number of potential sources of contamination, it did not conclude that the land is contaminated to such an extent that remediation would not be plausible or that would pose a risk to human health. Given the matters raised in the report that was similar in scope to a PSI, a consequential Detailed Site Investigation is likely to be necessary as part of the subdivision consent process to more fully identify potential risk and appropriate management strategies for the site development.

### **Cultural values**

- 6.47 The submission from MKT on behalf of Te Taumutu Rununga identifies concerns regarding stormwater quality, riparian planting of waterways, and the effects of earthworks on waterways and associated cultural values. Te Taumutu Rununga also seek increased use of native plant species in landscaped areas.
- 6.48 Concerns relating to water supply, waste water, and stormwater have been discussed above and in the associated servicing report prepared by Mr Foster. The design and consenting of these systems will necessarily need to take into account effects on water quality and quantity and ensure that the specific design delivers an acceptable outcome in this regard. Both the applicant's experts and Mr Foster have identified the need to provide first flush treatment of stormwater, along with the provision of a large detention basin to manage stormwater flows and quality. Water supply will likewise be available through planned upgrades to the wider Lincoln Township network, however this supply is likely to be restricted to ensure efficient water use. If a restricted supply system is needed, then this may encourage the use of roofwater storage tanks for garden irrigation and water-efficient appliances. Such matters cannot however be mandated through the plan change process but rather are matters that are more appropriately resolved through the subdivision process once specific infrastructure solutions have been designed. Any water take or water discharge elements will also need to be assessed in terms of the Regional Council resource consent framework.
- 6.49 The waterway along the western boundary is to be enhanced through extensive planting of indigenous species, with public access to this waterway margin also provided for through the use of a 5m wide esplanade strip.
- 6.50 Significant earthworks are not required to facilitate rural residential development given the site's flat contour and the large size of the lots proposed. The management of construction phase stormwater and erosion and sediment control is a routine part of the Canterbury Regional Council resource consents necessary as part of subdivision development, with a well-established suite of management and mitigation techniques available to control sediment runoff into waterways.
- 6.51 The LURP Action 18 amendments has added the following assessment matters to the subdivision section of the Plan, where all Living 3 subdivision is a restricted discretionary activity and where, amongst other matters, the Council is to assess:

*The extent to which site analysis using a comprehensive design process and rationale has been undertaken to recognise, and where appropriate, protect, maintain or enhance the following elements:*

- *Existing water courses, water bodies, wetlands, groundwater, and springs;*
- *Existing vegetation, such as shelter belts, hedgerows and habitats for indigenous fauna and flora;*
- *Heritage values and any sites of archaeological significance;*



- *Ancestral land, rivers, wetlands, groundwater, springs, Te Waihora/ Lake Ellesmere and mahinga kai sites and the Wāhi Tapu and Wāhi Taonga of Te Rūnunga o Ngāi Tahu and Te Taumutu Rūnunga;*
- *View shafts to the Port Hills;*
- *Provision of green linkages, ecological corridors and interface treatments on boundaries with rural or urban forms of development where appropriate;*
- *Indicate how the form and layout of the subdivision fits into the wider setting and is able to be integrated into these surrounds, including in particular the provision of measures to retain rural landscape elements, including views to rural and landscape reference points.*
- *Avoids urban elements, such as street lights (except at intersections), formed kerb and channel, sealed footpaths, or prominent entrance features;*
- *Maintains rural residential character through the retention of a low ratio of built form to open space;*
- *Reduces any potentially adverse reverse sensitivity effects with adjoining land use activities, in particular strategic infrastructure and education and research facilities.*

6.52 The LURP Action 18 assessment matters are considered to address a number of the matters raised by MKT in their submission and enable consideration of cultural values as part of the subdivision design and consenting process.

### **Proposed Living 3 rule package and District Plan text**

- 6.53 The rule package for the Living 3 Zone in the operative District Plan was the result of private Plan Changes 8 & 9 for two blocks of land on the western outskirts of Rolleston. The rule package introduced into the Plan by these earlier plan changes included rules that are specific to Rolleston, and also rules that more generically apply to the Living 3 zone in general.
- 6.54 The Council has been seeking to develop a single coherent Living 3 zone rule package that can apply to all new Living 3 areas, avoiding the need for a series of site-specific provisions in the Plan. This overarching rule package builds on that developed through PC 8 & 9 and was to be introduced into the Plan through first PC 17 and then PC 32, both of which have since been withdrawn or have lapsed. The rule package is now to be introduced into the Plan through LURP Action 18. It is noted that under the CERA legislation, subsequent plan changes cannot amend a direction made by the Minister i.e. the generic Living 3 provisions cannot be modified. It is however considered that there is legal scope to add additional provisions that are necessary for addressing site-specific matters, for example an ODP or the proposed boundary treatment with the University.
- 6.55 The applicant has been advised of the Minister's direction. In the light of this changing strategic planning context since the application was originally notified, the applicant has provided a revised set of provisions. The amendments to the text changes as originally notified are focussed on relying on the generic Living 3 provisions introduced through the LURP wherever possible. As a general observation this is considered to be helpful and appropriate approach so that the District Plan does not become excessively complex over time through successive private plan changes introducing stand-alone rule packages into the Plan. It also reflects the fact that when the plan change was originally notified, the Living 3 provisions were somewhat limited due to their having been introduced to address the specific context of the PC 8 and 9 sites on the edge of Rolleston. The LURP Action 18 amendments have now 'fleshed out' the Living 3

provisions so that they have a more comprehensive applicability to rural residential development in the part of the District covered by the RRS14.

- 6.56 There is not considered to be any particular features or characteristics of the application site that would necessitate a wholesale departure from the general Living 3 Zone provisions, with site-specific matters able to be addressed primarily through the ODP. In summary, the approach taken to this site and the Plan Change amendments being sought are summarised as follows:
- 6.57 **Objectives, Policies, and zone descriptions:** No amendments are proposed to these provisions, with the LURP Action 18 provisions relied upon for setting out as appropriate policy framework.
- 6.58 **Building Height (C-4.8.1):** Rely on the Operative Plan rule (maximum height of 8m) which applies to all Living 3 Zones.
- 6.59 **Building size and site coverage (C-4.7.1 & Table C4.1):** Rely on the Operative Plan rule which applies to all Living 3 Zones – no amendments sought or needed.
- 6.60 **Fencing (C-4.2.3 and Appendix 43):** The Plan contains an operative rule regarding fencing and the LURP did not modify this rule. Plan Change 41<sup>15</sup> sought to replace the operative wording of this rule that is considered to be complex and ambiguous as follows:
- 4.2.3 Any Fencing in the Living 3 Zone shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;*
- Except that nothing in the above controls shall preclude:*
- i) *the use of other fencing types when located within 10m of the side or rear of the principal building. Such fence types shall not project forward of the line of the front of the building.*
  - ii) *fencing required by an Outline Development Plan and/or rule in this Plan as a noise barrier*
- 6.61 The wording proposed in PC41 was accepted by the Commissioner hearing that plan change. It is understood that PC41 is now beyond challenge and therefore this amendment to the fencing rule can be relied upon. The fencing rule includes Appendix 43 that illustrates various fencing solutions, with the Appendix forming part of the package of amendments provided through the LURP Action 18.
- 6.62 The application includes a requirement that along the northern boundary with Lincoln University, a timber 1.8m high fence be erected, along with a shelterbelt that is to be maintained at 5m in height. A landscaping strip is likewise proposed along the southern boundary, featuring totara plantings at 5m centres and underplanted with indigenous species. These boundary treatments are shown on the ODP, and therefore fit with the above exception to the rule as set out in 4.2.3(ii). Given that the boundary treatment is proposed to be implemented by the applicant as the site is developed in stages, the most appropriate method of ensuring implementation is via a condition on future subdivision consents. Any subdivision is required to be in general accordance with the ODP. I am therefore comfortable relying on the ODP rule for achieving the desired boundary treatment, rather than a specific addition to the above fencing rule.
- 6.63 **Road and internal boundary setbacks (C-4.9):** The operative Plan rule controlling boundary setbacks only applies to L3 zones in Rolleston. The LURP Action inserts a generic boundary setback rule across all of the L3 zone that requires buildings to be set

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<sup>15</sup> PC 41 related to a block of land in Prebbleton that was proposed to be rezoned from Rural Inner Plains to Living 3

back a minimum of 20m from road boundaries and 15m from internal boundaries. The applicant is now seeking to rely on this generic rule.

- 6.64 The ODP shows increased building setbacks of 50m from the boundary with the B2B Zone. The original rule package likewise sought a 50m setback from the B2B boundary and a 40m building setback from the southern zone boundary. As discussed above, on balance I do not consider the 40m building setback from the southern boundary to be necessary. The 50m setback from the B2B Zone boundary is however necessary to manage potential reverse sensitivity effects. I am cautious about relying on the ODP for managing matters like internal boundary setbacks, as such issues generally only come into play after subdivision has been undertaken and individual lot owners are coming to design and build their dwelling. Specific setback requirements, whilst shown on ODPs, are also generally subject to a specific rule in the District Plan.
- 6.65 It is therefore proposed that whilst the generic L3 setbacks and associated rule 4.9.2 and Table C4.2 are generally appropriate for the PC28 area, a specific rule regarding setbacks from the B2B Zone boundary be inserted into the Plan as follows:
- 6.66 **4.9.28(b) Within the Living 3 Zone at Lincoln shown on ODP Area 7 in Appendix 37, no dwelling or principle building shall be constructed within 50m of the Business 2B Zone boundary.**
- 6.67 Add a new assessment matter as follows:
- 4.9.39.5 In the Living 3 Zone at Lincoln shown on ODP Area 7 in Appendix 37, any reverse sensitivity issues at the eastern zone boundary of the Business 2B Zone.**
- 6.68 Add a further paragraph to the reasons for rules – building position – as follows:
- In the Living 3 Zone in Lincoln shown on ODP Area 7 in Appendix 37, a building setback from the acoustic and landscape area adjoining the Business 2B zone on the site's eastern boundary will assist to manage reverse sensitivity effects with this zone and maintain open space and semi-rural character.**
- 6.69 **Outline Development Plans (C-12.1.3).** As discussed above, I believe that the ODP needs to be amended to address the following four matters:
- i) The size of the lots adjacent to the B2B Zone boundary will need to be increased so as to enable a plausible building envelope to be established clear of the required boundary setbacks;
  - ii) The proposed waterway enhancement cross-section should be attached as a diagram associated with the ODP and the reference on the ODP to the 'stream corridor to be improved as part of development' be amended to read:  
**'Stream corridor to be enhanced and landscaped in accordance with the waterway cross-section and planting guide attached to this ODP'**
  - iii) A consequential amendment to add explanatory text to the ODP in a similar format to that provided for other ODPs in Appendix 37;
  - iv) A consequential amendment to add a new 'ODP Area 7' to the map at the start of Appendix 37
- 6.70 The LURP Action amends rule 12.1.3.47 such that "*Any subdivision within a Living Z or 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan*".

- 6.71 The proposed rule, in association with a comprehensive set of assessment matters for subdivision consents, is considered to provide sufficient scope for all relevant ODP and subdivision matters to be assessed as part of the subdivision consent process. The provisions also highlight the need to have regard to Tangata Whenua values, especially regarding the treatment of waterways and the role and use of indigenous planting. The LURP assessment matters are as follows:

*Rule 12.1.4.85 Whether an appropriate net density of households has been achieved that is consistent with the densities specified in Chapter 6 to the Canterbury Regional Policy Statement and delivers the anticipated rural residential character, form and function. In particular, whether the subdivision plan covers the entire Outline Development Plan area so that net densities across the entire area encompassed within the Outline Development Plan can be calculated.*

*Rule 12.1.4.86 The extent to which any identified ground contamination and natural hazards, including flood and liquefaction hazard areas have been addressed.*

*Rule 12.1.4.87 Ensure that connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater. Where a reticulated water supply cannot provide adequate quantities and pressure for fire fighting as set out in SNZ PAS 4509:2008, an on-site fire fighting water supply shall be provided in accordance with SNZ PAS 4509:2008.*

*Rule 12.1.4.88 Principal through roads, connections and integration with the surrounding road network and adjoining Townships are provided, including the extent to which the proposal accords with the road cross sections and typologies provided within Appendix 43 and reflect the semi-rural nature and level of service appropriate for rural residential areas.*

*Rule 12.1.4.89 Whether fencing achieves a high level of transparency, with a preference for designs that express rural vernacular, accord with the typologies outlined in Appendix 43, and formulating mechanisms to ensure this fencing remains on an ongoing basis (such as consent notices).*

*Rule 12.1.4.90 The extent to which site analysis using a comprehensive design process and rationale has been undertaken to recognise, and where appropriate, protect, maintain or enhance the following elements:*

- *Existing water courses, water bodies, wetlands, groundwater, and springs;*
- *Existing vegetation, such as shelter belts, hedgerows and habitats for indigenous fauna and flora;*
- *Heritage values and any sites of archaeological significance;*
- *Ancestral land, rivers, wetlands, groundwater, springs, Te Waihora/ Lake Ellesmere and mahinga kai sites and the Wāhi Tapu and Wāhi Taonga of Te Rūnunga o Ngāi Tahu and Te Taumutu Rūnunga;*
- *View shafts to the Port Hills;*

- *Provision of green linkages, ecological corridors and interface treatments on boundaries with rural or urban forms of development where appropriate;*
- *Indicate how the form and layout of the subdivision fits into the wider setting and is able to be integrated into these surrounds, including in particular the provision of measures to retain rural landscape elements, including views to rural and landscape reference points.*
- *Avoids urban elements, such as street lights (except at intersections), formed kerb and channel, sealed footpaths, or prominent entrance features;*
- *Maintains rural residential character through the retention of a low ratio of built form to open space;*
- *Reduces any potentially adverse reverse sensitivity effects with adjoining land use activities, in particular strategic infrastructure and education and research facilities.*

*Rule 12.1.4.91 For areas located within an urban growth path identified in an adopted Township Structure Plan, whether the lot and road layout, and functional and efficient infrastructure servicing is designed to readily enable intensification of the area to urban densities to occur in the future.*

*Note: The consent authority shall consider any relevant provisions in the District Plan and Engineering Code of Practice appropriate, in using its discretion under Rule 12.1.4.*

- 6.72 **Road cross-sections (C-5.1.1.7 and Appendix 43):** LURP Action 18 includes a road cross-section as Appendix 43, with Rule 5.1.1.7 requiring Living 3 Zone road formation to be in accordance with the cross-section. The applicant now seeks to rely on this generic rule and associated cross-section for the design and dimensions of roads within the application site. Adoption of this generic cross section and reliance on the operative rules regarding access widths addresses the concerns raised by the New Zealand Fire Service regarding the width of roads within the site.
- 6.73 **Connection to reticulated water and waste water supplies (C12.002 and C-12.1.3.4):** LURP Action 18 amends rule 12.1.3.3 and PC41 amended rule 12.1.3.4 so that all L3 zones are required to connect to reticulated water and wastewater networks. This wording is consistent with the direction in the CRPS and RRS14 that rural residential development needs to be reticulated. It is noted that the PC 28 application is explicit that connection to a reticulated sewer network is proposed as part of the Plan Change.
- 6.74 **Average Lot sizes (Table C-12.1):** Table C-12.1 sets out the minimum and average lot sizes for the various Living Zones in the Plan. It is necessary to amend the table by adding specific reference to the PC28 site due to the large size of the site necessitating a

**Lincoln L3 (Appendix x)**

**The average and minimum lot sizes shall be as shown on ODP Area 7 in Appendix 37;**

**The maximum number of allotments within the area shown on ODP Area 7 in Appendix 37 shall be 110.**

## **7. CONCLUSION**

### **Matters to be considered**

- 7.1 S74 of the RMA sets out the matters that must be considered in preparing a change to the Plan. Amongst other things, s74 requires the local authority to:
- comply with its functions under s31
  - consider alternatives, benefits and costs under s32
  - ensure the necessary matters are stated in the contents of the district plan under s75
  - have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8)
- 7.2 It is noted that in a general sense, the purpose of the 'Act' is reflected in the current District Plan objectives and policies as they have already been through the statutory tests and are now unchallenged. The operative provisions can likewise be deemed to be 'giving effect to' the higher order objectives and policies sought in the CRPS, and likewise the recent rural residential-specific amendments provided through LURP Action 18 can be deemed to give effect to the CRPS and to be consistent with the post-earthquake CERA legislation and associated Recovery Plans.

### **Functions of territorial authorities and matters to be included in a district plan - s31 and s75 assessment**

- 7.3 Council's functions under s31 include the following:
- “(a) the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district...”*
- 7.4 The assessment and conclusions of this report establish that the PC 28 framework incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes.
- 7.5 The matters proposed in PC 28 are all matters that fall within the ambit of the content of a district plan under s75.

### **Consideration of alternatives, benefits and costs - s32 assessment**

- 7.6 The Council has a duty under s32 of the RMA to consider alternatives, benefits and costs of the proposed change. The s32 analysis is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of the costs and benefits of the amended provisions in its final decision making.
- 7.7 In assessing the proposed plan change under s32 it is noted that this evaluation is against s32 as it existed prior to the recent RMA amendments as these amendments only apply to applications where further submissions have closed after the 4<sup>th</sup> December 2013.
- 7.8 The proposal does not seek to amend any of the operative objectives or policies of the Plan. The s32 consideration therefore turns on the Council being satisfied that PC 28 is a more efficient and effective method of achieving the Plan's objectives, and thereby Part 2 of the RMA, than the existing Rural (Outer Plains) Zone and associated rule package as it relates to the specific site in question. On the evidence presented as part of the plan change application and from the findings of the various experts who have reviewed the

application and the matters raised by submitters, I am satisfied that proposed Plan Change 28 does better achieve the Plans' objectives than the existing provisions, it does give effect to the CRPS, and it is in accordance with the adopted Rural Residential Strategy 2014.

- 7.9 It is therefore recommended that the Plan Change be accepted, subject to the minor amendments recommended above and as set out in Attachment B. It is recommended that all the submissions be accepted, or accepted in part, as set out in Attachment A.

## ATTACHMENT A – RECOMMENDATIONS ON SUBMISSIONS

<b>Rockbrook Trust</b>	Accept in part	<p>It is recommended that this submission be accepted insofar as the concerns raised regarding reverse sensitivity for normal farming activities are mitigated through the use of setbacks and planting along the waterway boundary, including the provision of a large stormwater detention basin adjacent to the boundary. The interface issues are not considered to be any different or more sensitive than typically experienced along urban-rural boundaries.</p> <p>It is recommended that the submission be rejected insofar as it seeks that the plan change be postponed until litigation regarding a discharge consent on the submitter's land is resolved.</p>
<b>Lincoln University</b>	Accept	It is recommended that both the primary and further submission be accepted as the plan change includes the boundary interface treatment sought by the submitter, namely a 1.8m high timber fence and 5m high shelterbelt.
<b>NZ Fire Service</b>	Accept	It is recommended that this submission be accepted as the adoption of the generic Living 3 Zone roading cross-section meets the submitter's concerns regarding access widths. The plan change is able to be connected to a reticulated water supply that will provide adequate pressure for fire fighting purposes.
<b>Denwood Trustees Ltd</b>	Accept in part	It is recommended that the submission be accepted insofar as the plan change is recommended to be granted, subject to several amendments.
<b>Te Taumutu Rununga</b>	Accept in part	<p>The majority of the matters raised by the submitter are more appropriately considered through later subdivision and Regional resource consent processes once the detailed design of infrastructure has been developed.</p> <p>The Plan's subdivision assessment matters for Living 3 development have been amended through the LURP Action 18 process to provide explicit recognition of the need to assess effects on cultural values and the treatment of springs, waterways, and the management of stormwater. It is also recommended that the ODP more explicitly links to the proposed waterway enhancement cross-section to help ensure that the proposed extensive native planting and public access along the waterway is achieved.</p>
<b>Canterbury District Health Board</b>	Accept	The expert assessments, combined with subsequent Regional Council and subdivision consenting processes, are considered appropriate for addressing the submitter's concerns regarding groundwater/ flooding issues, soil contamination, and connection to reticulated water and waste water networks.



## ATTACHMENT B – RECOMMENDED PLAN AMENDMENTS

Amend 4.9.28 as follows:

**4.9.28(b) Within the Living 3 Zone at Lincoln shown on ODP Area 7 in Appendix 37, no dwelling or principle building shall be constructed within 50m of the Business 2B Zone boundary.**

Add a new assessment matter as follows:

**4.9.39.5 In the Living 3 Zone at Lincoln shown on ODP Area 7 in Appendix 37, any reverse sensitivity issues at the eastern zone boundary of the Business 2B Zone.**

Add a further paragraph to the reasons for rules – building position – as follows:

**In the Living 3 Zone in Lincoln shown on ODP Area 7 in Appendix 37, a building setback from the acoustic and landscape area adjoining the Business 2B zone on the site's eastern boundary will assist to manage reverse sensitivity effects with this zone and maintain open space and semi-rural character.**

Amend Table C-12.1 as follows:

**Table C-12.1**

<b><u>Lincoln L3 (Appendix x)</u></b>	<b><u>The average and minimum lot sizes shall be as shown on ODP Area 7 in Appendix 37;</u></b>
	<b><u>The maximum number of allotments within the area shown on ODP Area 7 in Appendix 37 shall be 110.</u></b>

Insert the ODP appended as Attachment G, subject to making the following amendments:

- i) The size of the lots adjacent to the B2B Zone boundary will need to be increased so as to enable a plausible building envelope to be established clear of the required boundary setbacks;
- ii) The proposed waterway enhancement cross-section should be attached as a diagram associated with the ODP and the reference on the ODP to the 'stream corridor to be improved as part of development' be amended to read:  
**Stream corridor to be enhanced and landscaped in accordance with the waterway cross-section and planting guide attached to this ODP**
- iii) A consequential amendment to add explanatory text to the ODP in a similar format to that provided for other ODPs in Appendix 37;
- iv) A consequential amendment to add a new 'ODP Area 7' to the map at the start of Appendix 37

Amend Planning Maps 008 & 121 (sheets 1 & 2) to reflect the change in zone to Living 3.