

Resource Management Act 1991

Selwyn District Plan

Township Volume

Report on Submissions Relating

to

Plan Change 4

Rezoning Rural (Outer Plains) Land to Living 1 (Deferred)

Edward Street Lincoln

Report Number:

PC 080004

To:

Hearing Commissioner – Sean Elvines

From:

Policy Planner – Andrew Mactier

Hearing Date:

October 19 2009

This report analyses submissions made on Plan Change 4 (PC4) to the Selwyn District Plan (SDP). The report is prepared under Section 42A of the Resource Management Act 1991. The purpose of the report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC4 and to assist submitters in understanding how their submission affects the planning process. The report may include recommendations to accept or reject points made in submissions and to make amendments to the SDP. 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 RMA.

ATTACHMENTS

Attachment A	Location Maps, Outline Development Plans and Landscape Concept Plans
Attachment B	Plan Change 1 Metropolitan Urban Limit Maps – I5 – Lincoln
Attachment C	Lincoln Structure Plan Development & Staging Maps
Attachment D	Plan Change 7 Outline Development Plan Areas
Attachment E	Landscape Assessment
Attachment F	Traffic Assessment
Attachment G	Infrastructure Assessment
Attachment H	Ecological Assessment
Attachment I	District Plan Objectives and Policies
Attachment J	Draft Outline Development Plan – ODP Area 2
Attachment K	Recommendation on Submissions – Plan Change 4
Attachment L	Amendments to the District Plan

1. INTRODUCTION

1.1 My full name is Andrew Mactier. I am a Policy Planner for the Selwyn District Council. I hold the qualifications of Bachelor of Environmental Management from Lincoln University. I have worked in the field of planning and resource management for the last four years. I am familiar with the Selwyn District and its resource management issues and the Selwyn District Plan (SDP).

1.2 I have been requested by Selwyn District Council to prepare and present evidence on submissions made on Plan Change 4 (PC4). This evidence:

- Sets out the background, development and overall planning rationale and justification for PC4;
- Discusses it's relationship with the Lincoln Structure Plan (LSP) and Integrated Stormwater Management Plan (ISMP), Plan Change 1 to the Regional Policy Statement (PC1) and Draft Plan Change 7 to the Selwyn District Plan;
- Summarises and comments on the expert evidence attached to this report; and
- Sets out a recommendation (accept or reject in whole or part) for each submission point.

2. BACKGROUND

2.1 The site subject to the Plan Change is located at 86a Edward Street Lincoln, on the Township's eastern boundary. The L II Creek forms the site's eastern boundary, while the LI River, also known as the Liffey, forms the site's south and south-west boundary (see **Attachment A**). The majority of the site subject to the plan change is owned by the applicant. The exception is two sections (comprising a total of approximately 2,000m²) adjacent to Edward Street in the north-east corner of the subject site.

2.2 The site is generally flat, with a fall of approximately 5 metres from the north and south-west, across to the east, south and south east to the two boundary streams. The LI flows through from the Liffey Reserve in Lincoln, while the LII flows from springs located approximately 250 metres from Edward Street and approximately 10 metres from the eastern boundary of the property. The two streams merge together approximately 100 metres beyond the southern corner of the site.

- 2.3 The subject site adjoins the existing Living 1 Zone boundary of Lincoln Township to the north-west; while north, across Edward Street, is open, generally flat rural land currently zoned Inner Plains. To the west is approximately 5 hectares of open, generally flat rural land zoned Outer Plains. Further west across the Liffey River are lifestyle blocks created by the Ryelands development (zoned Inner Plains), while east and south across the LI is rural land zoned Outer Plains (see **Attachment A**).
- 2.4 This proposal has been under development for some time, first coming to Council as an application for a resource consent (subdivision) in October 2006. Resource consent applications for subdivision and stormwater discharge were notified in May 2007. The notified subdivision consent was for 178 lots with stormwater treatment to be catered for at the southern area of the site. In August 2007 the subdivision consent was deferred under section 91 of the RMA. The stormwater consent is awaiting hearing
- 2.5 On the 10th of June 2008, Broadfield Estates Ltd (the applicants) lodged an application for a private plan change. Plan Change 4 (PC4) proposes to rezone approximately 28 hectares of existing rural land (Outer Plains) to a Living 1 Zone (Deferred). The deferral is to remain in place until there is adequate capacity in a local authority operated reticulated sewage treatment facility to service the land for residential development.
- 2.6 Development of the zone will be subject to existing Living 1 Zone controls as well as an Outline Development Plan, a Landscape Concept Plan, to be incorporated into the District Plan as appendices, and a range of development controls specific to this rezoning request. The Plan Change does not propose to amend any existing District Plan objectives or policies. A full copy of PC4 has been circulated previously and is **not** attached to this report.
- 2.7 Key features of the proposal include:
- A minimum density of 10.5 lots/households per hectare.
 - 3.48 hectares of landscaped esplanade reserve along the LI Creek and LII River and 1.25 hectares of recreation reserve
 - Continuation of the Lincoln-Prebbleton Rail Trail along the LII River and stormwater management area.

- Cycle and pedestrian access from Lincoln Township along the LI Creek and through the adjoining Living 1 Zone to the east (Lincolndale).
- Use of rainwater storage tanks, with a minimum capacity of 3000 litres, to assist with stormwater attenuation.
- Rooding layout with primary access off Edward Street and the potential to connect with future growth to the east and west.

2.8 The Plan Change was notified on Saturday the 28th of February 2009 with submissions closing on Friday the 27th of March. Further submissions were notified on the 16th of May and closed on Monday the 15th of June 2009. A total of three submissions were received to the proposed Plan Change. All three opposed the proposal in its entirety. One further submission was received. Submissions have been circulated previously and are **not** attached to this report

Plan Change 1 to Regional Policy Statement

2.9 Proposed Change 1 (PC1) to the RPS was notified on 28 July 2007 as a key implementation tool for the Christchurch Urban Development Strategy (UDS). One of the main techniques employed in PC1 to achieve an integrated planning approach across the Greater Christchurch area includes the identification of Urban Limits around existing settlements and to allocate where and at what rate growth should occur.

2.10 The setting of urban limits is intended to promote efficient development through a more compact urban form, including sufficient provision of housing to meet the projected population growth and to cater for business land development. The sequencing of development is also intended to encourage intensification within Christchurch City and the larger towns in the surrounding area so as to:

- reduce urban sprawl;
- create efficiencies with regard to the provision of infrastructure and operation of transport networks;
- reinforce existing commercial centres;
- provide a range of living environments and housing opportunities, including opportunity for rural residential living; and
- improve living spaces by bringing urban design into all aspects of planning.

- 2.11 The notification of Proposed Change 1 (PC1) to the RPS reduced the projected population figures for Lincoln to 3,125 households by 2041 (excluding rural-residential development) and introduced a three tier staging regime, instead of the two tiers as contained in the draft Lincoln Structure Plan (LSP). Corresponding Metropolitan Urban Limits (MUL) are also identified on Map 1-I5 of PC1, within which Greenfield Outline Development Plan Areas for both residential and business development are contained. Of particular note is the requirement for residential subdivision and development to achieve a minimum of 10 households per hectare in Greenfields Areas. The site subject to PC4 is located within Lincoln township's MUL. The PC1 maps of relevance to PC4 are contained in **Attachment B**.

Lincoln Structure Plan & Integrated Stormwater Management Plan

- 2.12 The Lincoln Structure Plan (LSP) and associated Integrated Stormwater Management Plan (ISMP) were adopted by Council in May 2008.
- 2.13 The purpose of the LSP is to outline an integrated urban design framework for the future development of Lincoln Township. The ultimate form of development will not look exactly like the structure plan but will be guided by the concepts and approach of the structure plan. The broad principles and key features of the Structure Plan that are pertinent to PC4 are as follows:
- The structure plan should provide for consolidated, sustainable coordinated development and the staged provision of services (sewer and stormwater) in a logical direction. A compact urban form incorporating urban design principles is sought.
 - Cadastral boundaries have been used to define the growth areas, but also take into account natural growth boundaries such as the Halswell River catchment to the northeast and high water tables to the south.
 - Non natural boundaries have also been included such as CRI & Lincoln University land to the west and northwest and roads such as Tancreds and Ellesmere.
 - Medium density development is located primarily outside of the existing urban area in order to maintain its character, particularly inside the four belts. The medium density areas are concentrated around the outskirts of existing residential development and as close as practical to existing and proposed services. Medium density areas are provided for in all three stages. An

average of 15 households per hectare has been adopted for the medium density areas.

- Conventional residential has been assumed at 10 households per hectare.
- An integrated transport and walking network, including walking and cycling and public transport with main roads being provided in a seamless manner through development areas.
- All major stormwater retention will generally be outside of urban areas, primarily around the existing wastewater treatment pond. The indicative areas shown have been calculated as being equivalent to the area needed for retention. Indicative flow paths are also shown.

2.14 As noted above, the LSP also established a staging strategy to enable the logical and cost-effective provision of infrastructure. In line with the Council's submission on PC1, it is proposed that Lincoln develops incrementally over an extended time period in a staged process as follows:

- Stage 1 from 2007-2017 (10 years) 1300 Households;
- Stage 2 from 2017-2026 (10 years) 1100 Households;
- Stage 3 from 2026-2041 (15 years) 1500 Households.

The LSP and ISMP maps are contained in **Attachment C**.

2.15 The purpose of the ISMP is to identify the most appropriate means of treating and disposing of stormwater in a catchment, particularly in existing and new urban areas. It is a stormwater management tool that considers and balances a range of catchment values and provides certainty to the Council, Environment Canterbury, developers, stakeholders & the community. The LSP incorporates the findings of the ISMP and considers the way in which residential and commercial activities should be developed.

2.16 The stormwater area for the site subject to PC4 shown in the LSP and ISMP (approximately 9 hectares) is significantly more than that which is indicated in the PC4 proposal (approximately 2.2 hectares). The larger area was intended to treat stormwater from a larger upslope catchment and development area to the north and west. Stormwater from these areas was intended to be diverted through the PC4 site and treated with stormwater from the PC4 site.

- 2.17 Discussions with Council's Assets Manager – Utilities has highlighted that the layout and extent of the stormwater management areas indicated in the LSP and ISMP are indicative only and that boundaries for the stormwater treatment areas would be refined through soil testing and more detailed contour and survey work. Additional surveying work has shown that there are topographical constraints on the PC4 land where much of the stormwater was to have been treated and attenuated. As a consequence, the scale and extent of those indicative wetlands has been scaled back, resulting in stormwater from areas to the north of Edward Street being conveyed to the adjacent "Wetland 2", which will now be extended in scale and extent (see **Attachment C**). It is considered that extending the "Wetland 2" site is more sustainable than carrying out substantial earthworks to place larger stormwater facilities on the PC4 site.
- 2.18 PC1 and the LSP did not allocate household numbers to the various ODP areas in Lincoln. Instead, a "Stage" allocation model was adopted. As noted above, Stage 1 (2007 – 2017) makes provision for 1300 households. The LSP indicates that the PC4 site is predominately conventional residential density (10 households/ha), with a limited area of medium density housing (15 households/ha), which are to be located in the northern quarter of the site, adjacent to Edward Street.
- 2.19 Calculations of the land area indicated in the LSP for the subject site indicate an approximate allocation of 150 households. As a consequence of the amended stormwater treatment system, an additional seven hectares of land is available for residential development, resulting in potentially, an additional 84 households on the PC4 site. This would result in a potential household yield of approximately 234, based on 10 households per hectare as required in PC1.

Draft Plan Change 7 to Selwyn District Plan

- 2.20 Draft Proposed Plan Change 7 (PC7) introduces substantial amendments to the Selwyn District Plan, particularly the Township Volume. In particular, it seeks to provide for the strategic residential growth around townships within the Greater Christchurch Area, including Rolleston, Lincoln, Prebbleton and West Melton, with particular emphasis on Lincoln. In addition, District wide and Township specific provisions are proposed within the subdivision section along with provisions relating to medium density housing to support the consolidation of townships while achieving good urban design outcomes.

- 2.21 In order to facilitate development of Greenfield areas in an integrated and orderly fashion, PC7 requires the preparation of an Outline Development Plan (ODP) prior to subdivision occurring. Each ODP area is to be identified on the Planning Maps and based on land areas that are sufficiently large so as to ensure the integration and provision of key infrastructure and facilities. Any requirements relating to the staging or sequencing of development will also be show on the Planning Maps.
- 2.22 The provisions of PC7 require each ODP to be prepared for the entire ODP area (shown on Planning Maps) and in accordance with the relevant policy criteria for that ODP area. In summary, each ODP is required to include matters such as the principal through roads, connection and integration with the surrounding road network; any land to be set aside for community facilities, reserves, business activities, low and medium residential density areas, stormwater treatment, retention and drainage paths, walkways and cycleways etc. It will also be necessary to demonstrate how any required residential density for each ODP area is to be achieved.
- 2.23 The land subject to PC4 forms part of ODP Area 2. (**Attachment D**) The criteria relating to this ODP Area are as follows:
- ODP Block 2 to align with ODP Block 1 and ODP Block 3;
 - Provision of main east-west road linking Southfield Drive to Ellesmere Road south of Edward Street;
 - Provision of main north-south road linking Edward Street to main east-west road west of Ellesmere Road;
 - Provision of Rail trail route, and main pedestrian and cycle links to the township and university;
 - Provision of main pedestrian and cycle links alongside the eastern side of the Liffey (L1) waterway and both sides of the L2 waterway;
 - Provision of a comprehensive stormwater/wetland system, including stormwater wetland areas where required to accommodate necessary flows and secondary flow paths or flood capacity measures away from residential property;
 - Provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main truck connections where necessary.
 - Provision of a reticulated wastewater system and pumping stations with capacity to accommodate necessary flows.

- Provision of 20m reserve along each side of the Liffey (L1) waterway;
- Treatment of the rural/urban interface adjacent to Ellesmere Road;
- ODP 2 Block to provide for a minimum 585 dwellings.

- 2.24 The majority of the PC4 land is identified as being rezoned for residential purposes, with the southern most portion being set aside for stormwater retention purposes. The PC4 site is also identified within the first growth phase (Stage 1).
- 2.25 The Council is currently engaged in a facilitated process with all landowners in ODP Area 2 to investigate whether an agreed ODP can be prepared for insertion into PC7 as notified. At this stage, there is a strong likelihood that this will be achieved.

3. EXPERT EVIDENCE

- 3.1 A number of expert reports have been commissioned to address the issues that have been raised in submissions. These are provided in full in attachments to this report. I have read this evidence and concur with it. The authors of this evidence will be in attendance during the hearing both to present the evidence and to answer any questions from the Commissioner.
- 3.2 **Andrew Craig** a landscape architect has provided a report (**Attachment E**) which addresses the following:
- A peer review of the landscape assessment prepared for PC4 by Robert Watson Landscape Architects;
 - Consideration of landscape matters raised by submitters 1299 (McIntosh et al) on PC4; and
 - An assessment as to whether further mitigation measures further to those proposed by the applicant are needed arising from implementation of PC4.

Mr Craig states that no further mitigation measures are recommended to address landscape or visual impacts of PC4

- 3.3 Mr Craig provides an in depth analysis of the landscape assessment provided with PC4. Mr Craig comments that the landscape report and accompanying landscape plan gives a good description of the enhancement proposals within the PC4 ODP area, but that some exploration of connections, from a landscape perspective, to the surrounding area would have greater confidence that the proposal is well integrated.

Mr Craig also comments that on the face of it, it appears that the PC4 proposal will comfortably implement and achieve relevant District Plan objectives and policies that have a bearing on landscape outcomes.

- 3.4 Mr Craig gave consideration to several landscape matters raised by submitters (Submission 1299) on PC4. These are reported on in the relevant section of this report dealing with submissions.
- 3.5 **Jeff Owen**, a traffic engineer with AECOM New Zealand Ltd has provided a report (**Attachment F**) which considered the Traffic Impact Assessment (TIA) and Infrastructure Report (on transport matters) provided with PC4.
- 3.6 Mr Owen states that the TIA and Infrastructure Report provided with PC4 are thorough and address relevant transport issues. Mr Owen states that the subdivision layout (sic) will provide roading links to existing adjacent subdivisions and allows linkages for future development, including provision for cyclists, pedestrians and future public transport services. The report also comments that PC4 embraces the subdivision and transport related provisions of the District Plan and will be developed in accordance with existing Selwyn District Plan rules
- 3.7 Mr Owen recommends some minor changes to the Outline Development Plan (ODP) to be incorporated into the District Plan should PC4 be approved. These amendments include:
- Indicative link roads through adjoining properties, running east to west from Ellesmere Road (east) to Southfield Drive (west);
 - Continuation of the proposed Esplanade Reserve Road along the LI Creek, to join up with an Esplanade Reserve Road in the adjoining “Zee Straaten Block”;
 - Continuation of the proposed pedestrian link from the Lincolndale subdivision to connect with the esplanade reserve running along the LII River
- 3.8 Mr Owen concludes by stating that the development of the site subject to PC4 is unlikely to have any significant effect on the safety or efficiency of Edward Street and that he concurs with the conclusions reached in the TIA and Infrastructure Reports.

3.9 **Bruce Apperley**, an infrastructure engineer with AECOM New Zealand Ltd has provided a report (**Attachment G**) which considered the Infrastructure Services Assessment provided with PC4. Mr Apperley's report also addressed issues raised in submissions on PC4. Those issues include:

- Certainty that adequate provision will be made for services;
- Providing an integrated planning approach;
- Taking of land for stormwater purposes; and
- Consideration of the inclusion of land to the west of PC4 site into the PC4 process

3.10 In regard to issues raised in submission, Mr Apperley states that Council has ensured adequate service provision and integrated planning has been provided for. The applicant's water, wastewater and stormwater proposals are sufficient at this time and adequate provision will be made for services. Water and wastewater connections with and through adjoining blocks can be decided at subdivision consent stage.

3.11 On the issue of inclusion of land to the west of the site subject to PC4 into the PC4 process, Mr Apperley notes that from an infrastructure point of view, that those areas be considered separately.

3.12 Mr Apperley states that the PC4 proposal generally satisfies the water related provisions of the Selwyn District Plan and that the water supply, wastewater and stormwater systems are sufficiently developed at this stage to confirm that there are no fundamental reasons related to those systems for PC4 not to proceed. Mr Apperley goes on to recommend that:

- Further information on water supply is provided ahead of any subdivision consent application to allow for the expected substantial lead time for consenting of any additional wells. Information to be provided should include:
 - Confirming the capacity of Council's current and proposed network to provide for peak summer and fire flow demands related to the proposal;
 - Defining any requirements brought about by the proposal for an additional well or wells, including where any such wells would be situated, and how and when they would be provided and consented, together with information on expected capital,

operating and monitoring costs. Updating of Council's water supply network model at the applicant's expense is expected to be required.

- That proposed private stormwater storage systems should be disregarded as part of stormwater mitigation from the proposed development;
- Further details of the proposed infiltration media within the first flush pond to trap contaminants before the main detention pond should be provided to demonstrate satisfactory long term performance and including maintenance requirements and costs;
- That the capacity of the proposed pond system be confirmed as sufficient for both the site of PC4 and the adjacent ZEE Straaten block, and that the proposed discharge rate will be constrained to avoid any increase in flooding effects downstream up to and including the following:
 - At least 50 year average return interval storm;
 - Critical duration to include downstream effects as far as the Lake Ellesmere outlet;
 - Rainfall intensity/duration data to include for climate change to at least 2090 as provided in Council's 2009 rainfall rates review.
- That a development and maintenance plan be developed by the applicant, for Council to review before subdivision consent stage, detailing how the proposed stormwater ponds are to be laid out, planted and managed in the short, medium and long terms. Issues to address include avoiding or mitigating infestation by nuisance or noxious weeds and bird species including ducks and geese. Confirmation of ease and safety of ongoing truck access for maintenance including sediment and excess plant matter removal will be required. Confirmation of design, operation and maintenance of the proposed first flush infiltration system should also be provided.
- Other properties should not be included in the PC4 proposal, due to infrastructure reasons.

3.13 **Carol Jensen**, a contract ecologist has conducted an ecological assessment of the PC4 land in accordance with District Plan policy (Policy B1.3.1). A report outlining the ecological values of the site is provided in **Attachment H**. In summary, the ecological assessment notes that the current vegetation on the PC4 site is almost entirely exotic, with cultivated paddocks and shelterbelts over most of the land. The few indigenous plants occur along the banks of the two streams (the LI and LII). Of

particular note is the presence of the nationally endangered swamp nettle, which has a threat ranking of 'at risk – declining'. The site is assessed as 'significant' according to the criteria in Appendix 12 of the Selwyn District Plan (Rural Volume).

3.14 The ecological assessment notes that through the implementation of the landscape concept plan attached with PC4, along with the use of locally sourced indigenous vegetation, natural features and indigenous vegetation (including the swamp nettle), can only be enhanced.

3.15 Ms Jensen's report suggests some amendments to the landscape concept plan, including:

- Protection of existing swamp nettle populations;
- Establishment of additional populations of swamp nettle;
- Ensure all species planted are locally sourced;
- Add pokaka as a companion plant to kahikatea;
- Add more divaricating shrub species (e.g. *Coprosma virescens*) in drier areas;
- Remove as many weedy species as possible;
- Remove most exotic trees as the native plants become established;

3.16 The Council's reserve management staff indicate that the majority of Ms Jensen's recommendations will be considered as part of the day to day management of the reserve areas once vested in Council. In my view, the remaining issue to address is the protection of existing populations of swamp nettle

3.17 As it may be several years before the reserve areas are vested in Council, it is important that interim protection is provided to exiting populations of swamp nettle. Discussions have been held with the PC4 applicants, who have agreed to fence the relevant areas of existing swamp nettle and to ensure that any person responsible for spraying or clearance of vegetation in the vicinity of these areas shall be advised to proceed with caution and ensure the plants are not sprayed or removed. Ongoing protection and enhancement of the swamp nettle will be ensured in any maintenance contracts established for the reserves once vested in Council.

4. SUBMISSIONS

4.1 Three submissions in opposition have been received and I shall discuss these submissions in turn.

4.2 **Submitter 1299** (McIntosh et al) opposes the Plan Change in its entirety for a variety of reasons. A further submission opposing Submission 1299 was received from Broadfield Estates Ltd (*F1361*). The submitter requests the following decisions:

- **1299.01** – That Plan Change 4 is declined in its entirety unless provision is made as part of PC4 for rezoning the submitters land (and potentially the rural lifestyle blocks to the north, located between the current Living 1 Zone and the submitters land) to living 1 Deferred, subject to the same standards and terms as the Plan Change 4 area (where applicable).
- **1299.02** – That in the event that it is determined that the above relief (1299.01) is beyond scope, that Plan Change 4 is declined in its entirety and a new plan change is prepared and notified which includes the submitters land (and potentially the rural lifestyle blocks to the north, located between the current Living 1 Zone and the submitters land) to Living 1 Deferred, subject to the same standards and terms as the Plan Change 4 area (where applicable).
- **1299.03** – That consideration of Plan Change 4 is deferred until such time as consent is granted, at no cost to the submitters (either by way of plan change or resource consent) for development of the submitters land for rural lifestyle purposes, with an average density per net site of 3,000m².
- **1299.04** – That the ‘Dairy’ block should mitigate the effects of its development ‘on site’ rather than use the submitters land for this purpose, or compensate the submitters for this at residential market value for the use of their land.
- **1299.05** – The submitter considers that if Plan Change 4 is adopted, then their land should be rezoned to Deferred Living 1 for conventional residential subdivision (10 dwellings per hectare), with the option for road access from the proposed ‘southern boundary road’ when formed.
- And/or such other relief as the Council considers will give effect to the intent of this submission.

Discussion

4.3 The submitters have raised a number of concerns regarding PC4 and the effects approving it will have on their properties. They have also requested specific relief as

noted above. I will first address the relief sought by the submitters before addressing what I believe to be the issues of relevance on the submitters of PC4.

- 4.4 For the most part, the relief sought is to rezone the submitters land for residential or rural residential purposes (Submissions **1299.01 1299.03 and 1299.05**). In my view these submissions fall outside the scope of PC4 as they are not “on” the Change.
- 4.5 Case law¹ deems a submission to **not** be “on” a plan change if the effect of accepting that submission would be to amend the planning instrument without giving effective opportunity for participation by those potentially affected. To be valid, a submission must stay within the ambit of the particular plan change. Case law notes that if a person is not alerted to the relevance of a plan change in the first instance i.e. after public notification, or if they are alerted to the change but consider that it is limited by its scope such that there is seemingly no effect on them and they do not take the matter further, then they can be considered to be disadvantaged and submissions seeking that particular relief should be rejected.
- 4.6 Direct notification of PC4 was limited to those persons whom Council felt was affected by the Change. This included the submitters and the rural residential properties to the submitters north, and others within the immediate vicinity of the PC4 applicant’s property, but did not include persons in Allandale Lane or Southfield Drive, other than by public notification through local media publications.
- 4.7 The relief sought by the submitters amends PC4 in a fundamental way, such that I do not consider it to be within the ambit of the plan change as notified. I believe it is reasonable to assume that given the extent of PC4 as notified, landowners to the north of the submitters who may have been aware of PC4, and even in the wider community, would not have considered it to be of significant concern to them and would not have thought to take any further interest in the planning process. As such, potentially affected persons in the area to the north of the submitters have not been provided with the opportunity to participate in the planning process and may be disadvantaged if the submission was accepted.

¹ IHG Queenstown Ltd v Queenstown Lakes DC EnvC C078/08, Halswater Holdings Ltd v Selwyn DC (1999) ELRNZ 192 (EnvC)

- 4.8 In terms of re-notifying PC4 and including the submitters land (submission 1299.02); I do not consider this to be appropriate. In *Halswater Holdings Ltd v Selwyn DC*, if a person desires a remedy that goes much beyond what is suggested in the plan change so that a submission can no longer be said to be “on” the plan change, then they may have to go about changing the plan in another way, e.g. by a request for a private plan change, encouraging Council to promote a plan change, or alternatively, for the individual to pursue a resource consent for the activity. In addition, the Halswater case considered that Council may not have turned its mind to the effectiveness and efficiency of what is sought in the submission, especially where the relief sought goes too far beyond the “four corners of the plan change”. I believe this is the case here.
- 4.9 The site subject to PC4 has been identified in various planning documents (LSP, PC1) as an area suitable for urban development whereas the submitters land has not. Furthermore, there are opportunities for the submitters to pursue resource consent for the particular development they seek, a course which they are pursuing. Alternatively they can choose to initiate a private plan change or they may wish to engage in the Council initiated PC7 ODP process. I believe the submitters have been in discussions with Lincoln Land Developments on this last matter.
- 4.10 With regard to the Dairy Block” mitigating the effects of development on it’s site and not the submitters land (in terms of stormwater attenuation) or providing the submitters with compensation at residential market rates (submission 1299.04); I consider this submission not to be “on” PC4 and is beyond the scope of this hearing.

Effects of PC4 on Submitters Land

- 4.11 I am of the view that there are 4 issues of relevance to PC4:
- Reverse sensitivity effects;
 - Landscape effects;
 - Application of Section 85 of the Act;
 - Whether the proposal is contrary to a number of the Selwyn District Plan objectives and policies, and
 - Whether PC4 does not meet the purpose and requirements of particular sections of the Resource Management Act 1991
- 4.12 ***Reverse Sensitivity Effects:*** The submitters state that given the existing access arrangements the only suitable farming options is for grazing and hay and silage and

that the creation of residential sites along their eastern boundaries will further limit the effective productive potential of their land by increasing the existing reverse sensitivity effects and create additional problems. The submitter also has concerns regarding their security if the Railtrail and esplanade are constructed alongside the L1 Creek, such as dogs straying onto their property and scaring or damaging stock.

- 4.13 **Assessment:** The submitters note that the limiting factor on achieving theoretical higher yielding primary productive uses is the current restrictive access arrangements and the rural lifestyle activity to the north. In my opinion, PC4 will neither alleviate the issue of poor access, nor substantially increase any reverse sensitivity issues. From my understanding, the submitters already limit farming activities such that night time activities and other farming practices are not carried out due to the presence of the rural residential properties to the north. Any intensification of farming will still result in reverse sensitivity effects on those existing residents, regardless of any potential improved access arrangements which may eventuate from the PC4 process or any other subsequent planning process.
- 4.14 In addition, the PC4 proposal includes substantial esplanade reserve, recreation reserve and an Esplanade Road between the submitters land and any potential residential properties which may eventuate on the PC4 site. Planting of significant amounts of trees on both the esplanade and adjacent recreation reserve will serve to buffer any visual intrusion as well as serve as a limited noise buffer. This, along with the separation of residential properties will serve to mitigate any reverse sensitivity effects.
- 4.15 On the issue of security concerns, current Council bylaws require dogs to be under control in the required manner. Under control is defined to mean that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means. It also seems a reasonable assumption that landowners be required to ensure their own properties are adequately fenced to ensure stock to not escape, which would also have the desired effect of demarcating property boundaries.
- 4.16 **Landscape Assessment and Effects:** The submitter believes that the visual assessment included with PC4 is inaccurate and incorrect in terms of its assessment of visual impacts of the proposed rezoning. The submitters consider that the assessment

that their properties as possessing 'low naturalness' reflecting a great deal of modification to the landscape is incorrect and that their blocks are more accurately described as at the very least possessing 'moderate naturalness'.

4.17 The submitters also consider that the visual assessment only considered the Lincolndale residential subdivision to the north west of the applicant's property and that no assessment of impacts on the rural land to the west was considered. The submitters argue that the riparian planting proposed will not mitigate visual effects on that part of the western boundary of the applicant's land which does not bound the LI Creek. In addition, the submitters state that the proposed plan change, if adopted, would create 294 residential lots, which would create a very major adverse effect on rural landscape character

4.18 **Assessment:** Landscape matters raised by submitters have been addressed in a Landscape Assessment Report prepared by Andrew Craig (**Attachment E**). In my view, there are three main issues to consider in assessing landscape issues germane to PC4 and submissions received:

- The accuracy and completeness of the landscape assessment included with PC4;
- A philosophical question on what effects rezoning rural land to urban land may have on rural character ;
- Whether there will be significant adverse effects on the submitters land from approving PC4; and

4.19 On the issue of the completeness and accuracy of the landscape assessment provided in PC4. From my understanding, Mr Craig is in broad agreement with the submitter's view that a more comprehensive and accurate landscape assessment could have been forthcoming from the PC4 applicants. However, this view is moderated by Mr Craig's assessment regarding whether there would be any adverse effects on the submitters property if PC4 were approved. This is discussed in more detail in paragraph 4.24.

4.20 On the philosophical argument regarding what effects rezoning rural land to urban land may have on rural character, Mr Craig again considered this issue from two perspectives:

- i. all urban areas will have an urban/rural boundary; and
- ii. the change in character from rural to urban.

4.21 On the issue of an urban/rural boundary Mr Craig had this to say:

"In principle, it cannot be said that one zone environment will adversely affect the other in terms of landscape character. This is because the character of each zone is completely different. So in the event of urban growth involving the rezoning of rural land, the only substantive change concerning the urban/rural boundary will involve a shift in the boundary. Generally the relationship of the urban to rural remains fundamentally the same".

4.22 On the issue of the change from rural character to urban character Mr Craig states that rezoning from rural to urban involves a radical change in character but notes that:

"The issue therefore is, if the character of rural is to be maintained as required by District Plan provisions then there will be a limit to building density...."

"...This cannot occur with rezoning from residential purposes hence the need for a plan change. If on the other hand an attempt is made to establish residential activity approaching urban proportions o rural land without seeking a plan change, then the effects will most definitely be adverse"

4.23 As noted by Mr Craig, this is not the case in this instance and all that can be argued is that the outlook from neighbouring rural land could be adversely affected due to loss of existing rural character and amenity. I concur with this assessment.

4.24 On the issue of the adverse visual impact of PC4 on the submitters land, Mr Craig's assessment was that the character of the land will indeed change significantly – from rural to urban – but that the submitters would not be overly affected for two main reasons:

- i. The provision of the esplanade reserve, recreation reserve and stormwater management area will be located between the submitters land and that of the PC4 proposal. This will be reinforced by the presence of a proposed "Esplanade Reserve" Road. These areas will form a "wedge" that widens as it moves away from Lincoln Township, resulting in a substantial amount of green open space cleaving the PC4 site and that of the submitters; and.

- ii. Existing and proposed landscaping along the esplanade reserve of the LI Creek will effectively screen the proposed Living zone from the submitter's site.

- 4.25 **Section 85 Considerations:** The submitters consider that the LSP, PC1 and PC4 will render their land incapable of reasonable use, with the submitters Rural Zoned land being surrounded by conventional residential activity. The submitters suggest that Section 85 of the Resource Management Act 1991 applies.
- 4.26 **Assessment:** The submitters note that the limiting factor on achieving theoretical higher yielding primary productive uses is the current restrictive access arrangements and the rural residential activity to the north. In my opinion, PC4 will not substantially increase potential reverse sensitivity effects and will not result in the submitters land being any more 'unusable' than is currently the case. Any intensification of farming will still result in reverse sensitivity effects on those existing residents to the north of the submitters, irrespective of whether PC4 is approved or not. Access will continue to be an issue whether PC4 is approved or if the rural residential properties to the north were rezoned to conventional residential densities.
- 4.27 In addition, the submitters land has been identified in the LSP and ISMP for potential stormwater attenuation and treatment purposes. If it comes to pass that this land is no longer required for these purposes, there may be scope for the submitters land to be utilised for rural residential type development, subject to compliance with Council criteria for such development.
- 4.28 **District Plan Provisions:** The submitters believe that Plan Change 4 is contrary to a number of the Selwyn District Plan objectives and policies, in particular, but not limited to: Policies B4.3.3, B4.3.5, B4.3.51, B4.3.52, B4.3.53 B4.3.54 and B4.3.55.
- 4.29 **Assessment:** The submitters concede in their submission that PC4 is in fact consistent with Policies B4.3.51, B4.3.52, B4.3.53 and B4.3.55. I concur with this assessment. An assessment of PC4 against District Plan objectives and policies is provided for in section 5, while all provisions of the District Plan of relevance to PC4 can be viewed in **Attachment I**.

- 4.30 Policy B4.3.3 deals with avoiding zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business. The submitters state that this policy is of relevance due to potential reverse sensitivity issues. As noted by the submitter, rezoning the site subject to PC4 to Living 1 (deferred) will result in their land being surrounded on two sides not three. As I have stated previously in sections 4.13, 4.14 and 4.15, I do not believe that PC4 will result in any reverse sensitivity issue.
- 4.31 Policy B4.3.5 encourages townships to expand in a compact shape where practical. The submitters state that re-zoning for urban purposes increases the length of the zoning boundary with rural properties, with potential adverse reverse sensitivity effects, loss of rural character and the distinction between rural areas and the township.
- 4.32 As discussed, the site subject to PC4 has been identified in the LSP and PC1 for urban expansion. Land adjacent to the east (The "Glasson Block") and west (the "zee Straaten Block") have also been identified for urban development in each of those documents. While a long peninsula of residential zoning surrounded by rural land will be evident in the short term (20 years), in time the site subject to PC4 will be predominately surrounded on three sides by residential zones. As such, I believe PC4 is consistent with Policy B4.3.5. I have already discussed amenity issues and the loss of rural character in sections 4.18 to 4.24 and will not repeat that discussion here.
- 4.33 Policy B4.3.54 seeks to ensure rezoning any land for new residential or business development does not create or exacerbate potential "reverse sensitivity" issues in respect of activities in the Business 3 Zone or surrounding Rural Zone. As I have already stated in 4.13, 4.14 and 4.15, I do not believe that PC4 will result in reverse sensitivity issues.
- 4.34 **Resource Management Act:** The submitter believes that Plan Change 4 does not meet the purpose and requirements of particular sections of the Resource Management Act 1991.
- 4.35 **Assessment:** In my view, PC4 does meet the purpose and requirements of the Resource Management Act 1991 for the reasons outlined in various section of this report, including:

- The site of PC4 has been identified in the LSP and PC1 as an area suitable for the expansion of Lincoln Township, while the submitters land has been identified in the LSP as being for stormwater attenuation and treatment. A final assessment of the suitability or otherwise of the submitters land for stormwater purposes will be made subsequent to other planning decisions and investigations. There may be an opportunity for rural residential type development of the submitter's land, subject to compliance with Council's criteria for such development, which is currently being prepared as a separate plan change.
- Adverse effects on the environment will be mitigated or will be no more than minor (in the case of visual amenity and reverse sensitivity effects on the submitters).

- 4.36 The section 31 issues raised by the submitter are beyond the scope of PC4 deliberations and have been discussed previously. The submitter discusses the development of the LSP and subsequent MUL for Lincoln Township, both of which involve separate processes to PC4.
- 4.37 As discussed in Mr Apperley's Infrastructure Assessment (**Attachment G**), other properties should not be included in the PC4 proposal, due to difficulties in servicing the submitters land from the PC4 site (specifically for wastewater and stormwater). Furthermore, the LSP does not anticipate transport linkages between the submitters land and the site of PC4. Any transport connections would be required through the adjacent Lincoln Land Development property or via a proposed "Southern Bypass". There are no plans to develop the "Southern Bypass" at this stage.
- 4.38 The submitters also suggest that it is more equitable and appropriate, including in terms of sustainable management under the Act, for some of the residential allocation Lincoln Land Developments (the Dairy Block) to be re-allocated to the submitters land and for the Dairy Block to mitigate adverse stormwater effects on their own site. As discussed previously, I am of the view that this is beyond the scope of PC4 deliberations.
- 4.39 As discussed in section 2.20, the PC7 process requires the preparation of an Outline Development Plan (ODP) prior to subdivision occurring. The submitters land, along with that of Lincoln Land Developments (the Dairy Block) forms part of ODP Area

1. (**Attachment D**). This process, whereby landowners in the same ODP area are encouraged to investigate whether an agreed ODP can be prepared for insertion into PC7 as notified is in my view a more suitable forum for the submitters to achieve the relief they seek (rezoning for residential or rural residential densities). I understand that the submitters have been in discussions with the Dairy Block to discuss such matters but am unaware of the outcomes of those discussions.

4.40 Section 32 assessments are a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of costs and benefits at its final decision making. Accordingly, the section 32 report attached with PC4, is further supplemented by the submissions received and will further benefit from any information to be presented at the hearing. As such, I consider that the section 32 assessment attached with PC4 is correct, adequate and complete.

4.41 **Long Term Sustainable Use:** The submitter considers that their properties (Two 4 hectare blocks) are not sustainable in the short or long term for primary productive use and the only viable alternative land uses are either residential or rural residential. The submitter considers that if Plan Change 4 is adopted, then their land should be rezoned to Deferred Living 1 for conventional residential subdivision (10 dwellings per hectare), with the option for road access from the proposed 'southern boundary road' when formed.

4.42 **Assessment:** These issues have been assessed in other parts of this report. In summary I note:

- The relief sought is beyond the scope of PC4 deliberation. In addition, there is currently no expectation of further residential intensification of the submitters land. The submitter's properties are outside of the MUL identified in both the Lincoln Structure Plan (LSP) and PC1.
- The submitters land has also been identified as being required for stormwater retention purposes in the LSP and ISMP. Ongoing investigations and other planning processes may show that these properties, either in part or in their entirety, are no longer required for stormwater purposes.
- Council is developing a Rural Residential Plan Change which may provide opportunities for the submitters land to be considered for

this type of development, subject to meeting Council criteria for such development.

RECOMMENDATION:

That for the reasons discussed above, submissions **1299.01**, **1299.02**, **1299.03**, **1299.04** and **1299.05** be **REJECTED** and further submission **F1361** be **ACCEPTED**.

- 4.43 Lincoln Estates Ltd (**Submitter 1300**) and B.R. &A.S. Moir (**Submitter 1301**) both oppose PC4 in its entirety. The submitters state that the rezoning of the land fails to give enough certainty that adequate provision will be made for the proper position to adjoining properties of connecting roads, cycleways, walkways, reserves, and all services including but not limited to water supply, stormwater, sanitary sewer. The submitters believe that PC4 fails to take account of an integrated planning approach for all land on the eastern extent of Lincoln and instead considers the Liffey Springs land in isolation. Furthermore, the submitters believe that aspects of PC4 are contrary to sound resource management planning principles and practice.
- 4.44 This would include sufficient definition, within PC4, so that the proper position to the adjoining property to the east for connecting roads, cycleways, walkways, reserves, and all services including but not limited to water supply, stormwater and sanitary sewer (submission points **1300.02** and **1301.02**). Further submissions opposing Submissions **1300** and **1301** were received from Broadfield Estates Ltd (**F1361**)
- 4.45 Submitters 1300 and 1301 request the following decisions:
- i. That Plan Change 4 be declined (submission points **1300.01** and **1301.01**;
or
 - ii. That the rezoning confer sufficient definition, to the submitters satisfaction, to take account of:
 - General urban design principles and practice;
 - The Draft Lincoln Structure Plan;
 - The development of the land lying to the east of the LII River which is also proposed to be developed for residential development;

- The Draft Integrated Catchment Management Plan for Lincoln; and
- Any and all other such matters relevant to the submitter.

4.46 **Assessment:** On the issue of PC4 taking account of the LSP and ISMP, this has been covered previously in this report and need not be repeated here other than to say there are compelling reasons for the divergence between stormwater provision in PC4 and that of the LSP and ISMP.

4.47 On the issues of providing certainty regarding provision of services and connections and for the integrated planning of the submitters and PC4 land. The submitters land, along with the land subject to PC4 makes up part of ODP 2 PC7 (see **Attachment D**), PC7 requires an ODP to be prepared for the entire ODP area (shown on Planning Maps) and in accordance with the relevant policy criteria for that ODP area. The criteria relating to ODP 2 are as follows:

- ODP Block 2 to align with ODP Block 1 and ODP Block 3;
- Provision of main east-west road linking Southfield Drive to Ellesmere Road south of Edward Street;
- Provision of main north-south road linking Edward Street to main east-west road west of Ellesmere Road;
- Provision of Rail trail route, and main pedestrian and cycle links to the township and university;
- Provision of main pedestrian and cycle links alongside the eastern side of the Liffey (L1) waterway and both sides of the L2 waterway;
- Provision of a comprehensive stormwater/wetland system, including stormwater wetland areas where required to accommodate necessary flows and secondary flow paths or flood capacity measures away from residential property;
- Provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main truck connections where necessary.
- Provision of a reticulated wastewater system and pumping stations with capacity to accommodate necessary flows.
- Provision of 20m reserve along each side of the Liffey (L1) waterway;
- Treatment of the rural/urban interface adjacent to Ellesmere Road;
- ODP 2 Block to provide for a minimum 585 dwellings.

- 4.48 As previously noted, the Council is currently engaged in a facilitated process with all landowners in ODP Area 2 to investigate whether an agreed ODP can be prepared for insertion into PC7 once it is notified. A draft ODP for Area 2 has been developed which gives effect to the criteria noted above (see **Attachment J**). All landowners in ODP 2 have assisted in the development of this draft, including the submitters.
- 4.49 It is my view that the ODP as attached in **Attachment L** and which I recommend be adopted as the ODP for PC4 to be included in the District Plan, is consistent with the draft ODP prepared for inclusion in PC7. In addition, PC7 criteria relating to ODP Area 2 (noted in paragraph 4.45) also provides for the integrated planning of eastern Lincoln (including the submitters land). As such, I suggest that the submitters concerns are addressed. However, further certainty that development of eastern Lincoln will be considered in an integrated manner is provided for with Rule 12.1.3.26 (v) which requires confirmation that capacity in any wastewater and water supply network related to PC4 shall be adequate to cater for developments related to the land subject to PC4 and subsequent development on adjoining lots to the east.

RECOMMENDATION:

That for the reasons discussed above, submissions **1300.01** and **1301.01** be **REJECTED**, submissions **1300.02** and **1301.02** be **ACCEPTED IN PART** and further submission **F1361** be **ACCEPTED**.

5. SELWYN DISTRICT PLAN – OBJECTIVES AND POLICIES

- 5.1 PC4 as notified provided an assessment of the proposal against the District Plan objectives and policies. That assessment concluded that overall, the proposal is consistent with the relevant District Plan objectives and policies. In general, I concur with that assessment. **Attachment I** contains the relevant objectives and policies from the Selwyn District Plan.
- 5.2 The only area of concern relates to Policy B4.3.52 which states:
- “Ensure stormwater disposal from any land rezoned for new residential or business development will not adversely affect water quality in the LI or LII waterbodies; or exacerbate potential flooding from the LI or LII waterbodies “downstream”*

- 5.3 The Infrastructure Review prepared by Mr Apperley noted concerns that PC4 as notified may not comply with Policy B4.3.52. Mr Apperley notes that in the absence of detailed and well calibrated modelling, current best practice is to limit peak post-development flow to no more than 80% of pre-development peak flow and provide storage as required to meet that. Mr Apperley notes that this standard is more stringent than that proposed in PC4.
- 5.4 In order to ensure sufficient storage is provided, Mr Apperley states a larger stormwater attenuation and treatment area than that shown in PC4 may be required. This may affect the layout of stormwater areas as shown on ODP's for the PC4 site. In addition, Mr Apperley has recommended that prior to subdivision being approved, the applicants provide confirmation that the capacity of the stormwater pond system will be sufficient for the applicants land and the adjacent "zee Straaten" land, along with confirmation that the proposed discharge rate will be constrained to avoid an increase in flooding effects downstream.
- 5.5 The recommended rules should PC4 be approved, indicate that development should occur in general accordance with the Outline Development Plan for the PC4 site. In addition, Mr Apperley's recommendations requiring the applicants to confirm the capacity of the stormwater ponds and constraints on downstream flooding effects have been incorporated into the suite of rule changes recommended in this report (**Attachment G**). If the recommended changes are adopted, I believe that PC4 would be consistent with the District Plan objectives and policies.

6. STATUTORY ANALYSIS

- 6.1 Section 74 of the Resource Management Act 1991 ("the Act") sets out the matters that must be considered in preparing a change to the District Plan. Amongst other things, section 74 requires the local authority to comply with its functions under section 31, its duties under section 32, contents of District Plans under section 75 and the overall purpose of the Act under Part 2. This includes the matters of national importance (section 6), other matters that require particular regard in achieving the purpose of the Act (section 7) and the Treaty of Waitangi (section 8).
- 6.2 Proposed PC4 is consistent with Council's functions under section 31, which includes:

"(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”

- 6.3 PC4 amends the mechanism (zoning) for the subject site to provide for the efficient use of resources and land. The proposal is to rezone rural land (Outer Plains) with an existing District Plan Living 1 Zone (deferred). The standards for built development and activities on the site subject to PC4 reflect that the zone will be developed in a consistent manner with the adjoining Living 1 Zone to the west (Lincolndale).
- 6.4 In addition, rezoning the PC4 site achieves the integrated management of adjoining properties to the east and the wider Lincoln Township, through the provision of an interconnected transport system and by providing access to and protection of the LI and LII waterways. Section 6(c) values are also protected and will be enhanced by the PC4 proposal.

Section 32

- 6.5 In accordance with Section 32 of the Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. I note that Section 32 is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council’s analysis of costs and benefits at its final decision making. Accordingly, the section 32 report attached to PC4, is further supplemented by the submissions received and will further benefit from any information to be presented at the hearing.
- 6.6 As proposed PC4 is adding controls to the District Plan (albeit in a minor manner), it is necessary that the final decision making carefully considers the costs of the new amended provisions.

Section 74 and 75

- 6.7 Section 74(2)(a) requires a Council to have regard to any proposed regional policy statement while section 74(2)(b)(i) requires Council to have regard to and management plan or strategy prepared under other Acts. Section 74(2A)(a) requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the Council. Section 75(3)(c) requires Council to give effect to any regional policy statement.

- 6.8 Chapter 12 of the Regional Policy Statement (RPS), Settlement and the Built Environment is concerned primarily with the outward expansion of urban areas and the protection of regionally important infrastructure such as Lyttelton Port and Christchurch Airport. As such, PC4 does not create any conflicts with the RPS.
- 6.9 The Council must also have regard to Proposed Change 1 to the RPS (PC1), which is primarily concerned with urban growth for the next 35 years. PC1 does go further than the current chapters of the RPS by introducing policy that is concerned with the implementation of how urban development and growth occurs. Specifically, Policy 7 of PC1 is concerned that the principles of the Urban Design Protocol are observed and urban design best practice given effect to when preparing for urban development. In my opinion, the rezoning of the site subject to PC4 does not present any conflicts or inconsistencies with urban growth principles.
- 6.10 The Te Taumutu Runanga Natural Resource Management Plan ("the Plan") is an iwi management plan of relevance to proposed PC4. The Plan identifies the primary issues associated with natural resources management in the area which the plan covers (predominately the Selwyn District). In respect to PC4, natural resource issues are primarily associated with the effects activities may have on the atmosphere and air, land and water and the impact those activities may have on cultural activities, taonga, mahinga kai and ecosystems in general.
- 6.11 In my opinion, the rezoning of the site subject to PC4 does not present any conflicts or inconsistencies with the Te Taumutu Runanga Natural Resource Management Plan.

Part II

- 6.12 Section 5 of the Act requires the Council to manage the use and development of physical resources in a way, or at a rate that will enable the community to provide for its social, economic and cultural wellbeing while avoiding, remedying, or mitigating any adverse effects of activities on the environment. This potentially results in consideration of competing interests, which in this case involves consideration of the effects of rezoning a specific site from rural (Outer Plains) to Living 1 (Deferred).
- 6.13 It is my opinion that proposed PC4 better achieves the purpose of the Act than the current District Plan provisions. This is because the proposed rezoning is consistent with the Lincoln Structure Plan and Plan Change 1 to the Regional Policy Statement,

both of which have identified this area of Lincoln for urban expansion. In addition, the proposed rezoning is consistent with the Town Growth Policies of the Selwyn District Plan.

- 6.14 Section 6 of the Act identifies matters of national importance which the Council must recognise and provide for. Of relevance to PC4 are:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats if indigenous fauna; and
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers

- 6.15 In my opinion, proposed PC4 addresses these issues in that the public will gain access to the LI and LII rivers through the vesting of esplanade reserve as Council reserve. In addition, the natural character of both the LI and LII rivers will be enhanced as a result of the landscaping that will occur as development proceeds. In addition, identified section 6(c) vegetation will be both protected and significantly enhanced through the implementation of the landscape concept plan proposed along the LI Creek and LII River and the vesting of the esplanade reserves in Council.

- 6.16 In achieving the purpose of the Act, the District Plan should also have particular regard to the Other Matters identified in Section 7. Of relevance to PC4 are:

- (b) the efficient use and development of natural and physical resources;
- (c) the maintenance and enhancement of amenity values;
- (f) maintenance and enhancement of the quality of the environment

- 6.17 In my view, the efficient use of the existing resources of the site subject to PC4 and the maintenance of the surrounding amenity values are the primary issues. The site subject to PC4 has been identified for urban development in the LSP and PC1. The LI and LII waterways will be subject to significant landscape enhancement with the vesting of recreation and esplanade reserve in Council and the implementation of the Landscape Concept Plan.

- 6.18 In conclusion, it is my opinion, that proposed PC4 better achieves the purpose of the Act than the current District Plan provisions. This is because the proposed rezoning is consistent with the Lincoln Structure Plan and Plan Change 1 to the Regional Policy statement, both of which have identified this area of Lincoln for urban expansion. In addition, the proposed rezoning is consistent with the Town Growth Policies of the Selwyn District Plan.

7. RECOMMENDATION

- 7.1 My recommendations on submissions are set out in **Attachment K**. On the basis of the discussion in this report, it is my recommendation that proposed Plan Change 4 is accepted, subject to the following modifications.

DESCRIPTION OF CHANGES MADE TO THE PROPOSED PLAN CHANGE 4 FROM THOSE ORIGINALLY NOTIFIED
<p>Amendment 1 Amend the Outline Development Plan, as detailed in Attachment L, to the following extent:</p> <ul style="list-style-type: none">• Show indicative link roads through adjoining properties, running east to west from Ellesmere Road (east) to Southfield Drive (west);• Include a continuation of the proposed Esplanade Reserve Road along the LI Creek, to join up with an Esplanade Reserve Road in the adjoining “Zee Straaten Block”;• Continuation of the proposed pedestrian link from the Lincolnale subdivision to connect with the esplanade reserve running along the LII River
<p>Amendment 2: Include an additional Rule (12.1.3.26) requiring information relating to water supply and stormwater attenuation system prior to subdivision consent being granted and certainty that wastewater and water supply infrastructure is provided to ensure future ODP Area 2 development is catered for.</p>
<p>Amendment 3 Removal of Rules 4.42 and 4.43 requiring the installation of 3000 litre rainwater tanks for each dwelling.</p>