

15 February 2021

Commissioner Dean Chrystal

Sent by email to: dean@planzconsultants.co.nz
CC:

Dear Commissioner,

PC190062: Reply to Applicants response to Interim Recommendation

Council has considered the response from the Applicant, dated 3 February 2021, in relation to your interim recommendation seeking further input on the following:

- i. *The provision of a revised ODP covering the deferred land only.*
- ii. *The inclusion of provisions or mechanisms for the Living 1 zone at the rural/urban interface to address potential reverse sensitivity. These might include larger lot sizes, dwelling setbacks and/or covenants.*
- iii. *The inclusion of acoustic fencing or mounding to a height of 1.8m in proposed Rule 4.2.5 and an additional associated matter of discretion in Rule 4.2.8.*
- iv. *The updating of all other rules and the planning map to reflect the Living 1 zoning of the deferred land only.*

The urban/rural interface

To address the potential reverse sensitivity between the Rural (Outer Plains) Zone and the Living 1 Zone, the applicant has proposed a 10m wide buffer strip between the zones, along with a 20m 'no build' setback from the zone boundary. To support these mechanisms, the applicant has proposed new rules within both the Subdivision and Buildings chapters of the Operative District Plan.

Council does not support either the buffer strip or Rule 12.1.7.10 as proposed. Council's Open Space and Property Planner has confirmed that there is no need for a public walkway associated with the landscape buffer as a walking connection is also proposed associated with the esplanade/waterway within the site, including connections through to the Leeston North Stormwater Bypass and high school site. In terms of a need for a wider walking route that circumvented the township, as identified by the applicant, this is existing and extends out to Harmans Road, which is why Council has created a walking track that bypasses the intersection corner of Harmans Road/High Street.

Further, the proposed buffer would not meet CPTED principles (such as lighting etc) and would likely create safety issues for both walkway users and private property owners in terms of property security, and Council in terms of maintenance. It would also be difficult to manage long term, as property ownership changes hands and Council will have little control over ensuring public access is maintained.

Should you be a view to require a buffer, then Council considered that this should be formalised by way of land to be vested as reserve and any reserve should conform to Council's reserves policy.

Council does support the 20m 'no build' setback rule, minor amendments are suggested to the numbering proposed. It is also recommended that this rule be applied to the full extent of the zone boundary interface, including the land on the northern side of Leeston Dunsandel Road

As such, rather than rules 4.2.4A and 4.2.5A as suggested by the applicant, it is recommended that existing rule 4.9.22 be amended as follows:

Leeston

4.9.22 Any dwelling in Leeston in the:

- (i) Living 1 zone shown within Appendix 51 (Leeston Outline Development Plan) shall have a setback from any rural zone boundary of not less than 20 metres.
- (ii) Living 2A Zone at Leeston shall have a setback from any Business Zone boundary of not less than 20 metres.

Non-compliance with this rule would see the activity being a restricted discretionary activity by virtue of existing Rule 4.9.48, which is acceptable to Council.

Acoustic Fencing

With regard to your request for the *inclusion of acoustic fencing or mounding to a height of 1.8m in proposed Rule 4.2.5 and an additional associated matter of discretion in Rule 4.2.8*, the approach taken by Council to date is to include provisions of this nature in the subdivision chapter (refer Rules 12.1.3.14, 12.1.3.15, 12.1.3.28, 12.1.3.45 and 12.1.3.46).

Therefore, rather than rules 4.2.4B and 4.2.5B as suggested by the applicant, it is recommended that a new rule be included as follows:

- 12.1.3.63 Prior to the development of land for Living 1 purposes, within Appendix 51 (Leeston Outline Development Plan) along the boundary with the Business 1 zone, an acoustic fence shall be constructed to a height no less than 1.8 m above ground level at a mass of 8 – 10kg/m².

Given the age of the Operative District Plan, it is no longer considered necessary that provisions within the subdivision chapter appear in township order, hence it is proposed that the provision identified above, as well as the relevant provisions proposed at the time of the hearing, be included at the end of 12.1.3 *Standards and Terms*, to avoid the need to renumber existing provisions.

I concur with the applicant's comment that Amendment 6, which provides a 2m wide landscaping strip, should be retained.

A full set of proposed amendments to the Operative District Plan is set out in Appendix 1.

Inclusion of 149 High Street

The inclusion of 149 High Street within the Living 1 zone is supported by Council, for the reasons expressed by applicant

Outline Development Plan

Should you be a view to accept the inclusion of 149 High Street within the Living 1 zone, a revised ODP will be required reflecting this.

In respect of the land to the north of Leeston Dunsandel Road, it is also requested that the walking connection shown on the ODP presented to the hearing be reinstated.

Consequential amendments are required to the text accompanying the outline development plan. A consolidate version has been included in Appendix 2.

Please contact me on (03) 347 1809 or jocelyn.lewes@selwyn.govt.nz if you have any questions.

Yours faithfully
SELWYN DISTRICT COUNCIL

A handwritten signature in black ink, appearing to read 'J Lewes', with a large, looping initial 'J'.

Jocelyn Lewes
Strategy and Policy Planner

cc: Mike Vincent via email mike@blg.nz
Sarah Eveleigh via email sarah.eveleigh@al.nz

APPENDIX 1: Consolidated Changes proposed to the Operative District Plan as of 15 February 2021

For ease, a full suite of changes proposed are provided below. Where amendments have been proposed to those presented at the hearing, these have been highlighted.

Planning Maps

Amendment 1

Amend Planning Maps (Township Volume) to reflect the Living 1 ~~and Living 2~~ zone status of the site.

Amendment 2

Amend Planning Maps (Rural Volume) to reflect the Living 1 ~~and Living 2~~ zone status of the site.

Appendices

Amendment 3

Add the Leeston Outline Development Plan to the Township Volume of the Plan as ~~Appendix 51 (E51)~~.

Issues, Objectives and Policies

Amendment 4

Delete Policy B4.3.55 and the associated Explanation and Reasons as follows:

~~Policy B4.3.55~~

~~Ensure that land that is zoned for residential development but is presently subject to surface flooding is not developed for its zoned purpose until provision is made for the amelioration of that constraint.~~

~~Explanation and Reasons~~

~~Some land to the west of Leeston is presently subject to surface flooding at times of heavy rain. The principal reason for this is the presently limited capacity of the Market Street Culvert. From an engineering point of view there are several ways in which this problem can be ameliorated and some of these depend upon development decisions yet to be made. In order to ensure that residential development of the land affected does not proceed before this problem has been remedied the areas affected have been given a 'deferred' zoning that brings into play a restriction on subdivision. It is intended that, once a remedy has been decided upon and implemented, the 'deferred' notation and subdivision restriction will be removed by Plan Change.~~

Chapter 4 Living Zone Buildings

Amendment 5

Add a new rule:

4.1.3 The establishment of any dwelling or other principal building on land located in the Living 1 ~~or Living 2~~ Zone at Leeston shown in the ODP at Appendix 51 where the floor level does not provide a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability flood event shall be a restricted discretionary activity

Amend the matters of discretion as follows:

4.1.5 Under Rules 4.1.1, 4.1.2 and 4.1.3 the Council shall restrict the exercise of its discretion to:

- 4.1.5.1 The nature of any flooding or land instability and whether this makes the site unsuitable to erect the proposed building or undertake the proposed earthworks.
- 4.1.5.2 Any effects of buildings or earthworks in displacing or diverting floodwater and increasing the potential risk of flooding elsewhere.
- 4.1.5.3 Any mitigation measures proposed.

Amendment 6

Add an additional rule after Rule 4.2.4 as follows:

- 4.2.5 Where the Living 1 zone adjoins the Business 1 zone as identified on the Leeston Outline Development Plan in Appendix 51, any dwelling or other principal building shall be permitted where a 2 m landscape strip is provided along any boundaries which adjoin the Business 1 zone. The landscape strip shall be a minimum of 2 m wide and contain a minimum of one tree per 3 m. The trees shall be a minimum height of 1.5 m at the time of planting and shall be capable of reaching a minimum height of 3 m at maturity.

Insert new matters of discretion after Rule 4.2.7 as follows:

- 4.2.8 Any activity which does not comply with Rule 4.2.5 shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the consideration of:
- 4.2.7.1 The extent to which the proposed landscaping provides visual screening from the Business 1 zone.
 - 4.2.7.2 Whether other methods of visual screening are proposed and are effective to visually screen the Business 1 zone.

Amendment 7

Amend Rule 4.2.3 as follows:

- ~~Rule 4.2.3 Any Fencing in the Living 3 Zone, and the Living 2A Zone in Darfield, as identified in Appendix 47, and the Living 2 Zone in Leeston, as identified on the Leeston Outline Development Plan in Appendix XX, except on any property boundary adjoining a Living 1 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.~~

Amend Rule 4.9.22 as follows:

- 4.9.22 Any dwelling in Leeston in the:
- (i) Living 1 zone shown within Appendix 51 (Leeston Outline Development Plan) shall have a setback from any rural zone boundary of not less than 20 metres.
 - (ii) Living 2A Zone at Leeston shall have a setback from any Business Zone boundary of not less than 20 metres.

Amendment 8

Amend Rule 4.17.1 – Fences Adjoining Reserves as follows:

- Rule 4.17.1 All development located within the Living Z zone or the High Street, Southbridge Outline Development Plan area (Appendix 45), and the Living 1 zone shown within Appendix 51 (Leeston Outline Development Plan) that shares a boundary with a

reserve or walkway shall be limited to a single fence erected within 5 m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2 m in height (which shall be applied to the whole fence in its entirety).

Chapter 12 Living Zone Subdivision

Amendment 9

Delete references to Living 1 (Deferred) and Living 2 (Deferred) in Table C12.1 as follows:

Township	Zone	Average Allotment Size Not Less Than
Leeston	Living 1	650m ²
	Living 1 (Deferred)	4ha until deferral lifted, then 650m²
	Living 2	5,000m ²
	Living 2 (Deferred)	4 ha until deferment lifted, then 5,000m²

Amendment 10

Insert new rules ~~42.1.3.24~~ 12.1.3.62 and 12.1.3.63 following Rule 12.1.3.2061 as follows:

Leeston

~~12.1.3.62~~ In relation to the Living 1 and Living 2 zones in the Leeston Outline Development Plan in Appendix XX zone shown within Appendix 51 (Leeston Outline Development Plan), any subdivision is to be in general accordance with the Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

~~12.1.3.63~~ Prior to the development of land for Living 1 purposes, within Appendix 51 (Leeston Outline Development Plan) along the boundary with the Business 1 zone, an acoustic fence shall be constructed to a height no less than 1.8 m above ground level at a mass of 8 – 10kg / m².

Amendment 11

Insert new rules ~~12.1.3.22~~ and ~~12.1.3.23~~ 12.1.3.64 following Rule ~~12.1.3.24~~ 12.1.3.63 (proposed above) as follows:

~~12.1.3.64~~ In relation to the Living 1 and Living 2 zones in the Leeston Outline Development Plan in Appendix XX zone shown within Appendix 51 (Leeston Outline Development Plan), no residential subdivision shall occur after the 80th residential allotment until such time as the Ellesmere Wastewater Treatment Plant has been upgraded and is capable of servicing additional allotments within the ODP.

~~12.1.3.23~~ In relation to the Living 1 and Living 2 zones in the Leeston Outline Development Plan in Appendix XX, no residential subdivision shall occur after the 80th residential allotment until such time as sufficient capacity has been provided within the reticulated water supply system, capable of servicing additional allotments within the ODP.

Amendment 12

Insert new rule 12.1.4.106 following Rule 12.1.4.105 as follows:

Leeston

~~12.1.4.106~~ In relation to the flooding effects in Living 1 and Living 2 zones in the Leeston Outline Development Plan in Appendix XX the Living 1 and Living 2 zones in the

~~Leeston Outline Development Plan in Appendix XX zone shown within Appendix 51 (Leeston Outline Development Plan):~~

- ~~(a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and~~
- ~~(b) Any measures proposed to mitigate the effects of a potential natural hazard, including:
 - ~~i. Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and~~
 - ~~ii. The filling (with inert hardfill) of any low lying area: and~~
 - ~~iii. proposed methods and locations for flood offset areas; and~~~~
- ~~(c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.~~

Amendment 13

Amend Rule 12.1.6.2 Discretionary Activities – Subdivision General as follows:

- 12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13 or ~~Rule 12.1.3.24~~ Rule 12.1.3.62.

Amendment 14

Insert new rule under 12.1.7 Non-Complying Activities – Subdivision – General:

- ~~12.1.7.9 Any subdivision that does not comply with Rule 12.1.3.22 or Rule 12.1.3.23~~ Rule 12.1.3.64

Appendix 2 – Proposed Outline Development Plan

APPENDIX 2: Proposed changes to the text accompanying the Outline Development Plan (Appendix 51)

Introduction

This Outline Development Plan (ODP) is for the development of approximately ~~60~~ 29 ha of land west of Leeston township. The development area is bound by Leeston Dunsandel Road to the north, with one section north of Leeston Dunsandel Road; Spring Place and Ellesmere College / Te Kāreti o Waihora to the east; High Street to the south and ~~Harmans Road~~ rural zoned land to the west.

The ODP has been broken down into four components – Land Use, Transport Network, Green Network and Blue Network.

Land Use

The ODP area provides for residential development in accordance with the Living 1 zone standards.

Movement Network

The movement network will provide connections to the existing roading network, residential areas and Leeston township. The ODP includes primary and secondary roads, as well as walkway and cycleway linkages throughout the ODP area. For the purposes of the ODP, the built standard for the 'Primary Road' will be the equivalent to the Plan standards for a Collector Road or Local-Major Road standards, and a 'Secondary Road' will be the equivalent to the Plan standards for a Local-Major or Local-Intermediate Road.

The ODP provides for an integrated transport network incorporating:

- A primary road following a north to south alignment from Leeston Dunsandel Road to High Street. This primary road will align with Chapman Street;
- Three secondary roads to facilitate circulation around the ODP; and
- Pedestrian, cycle and non-vehicular linkages to encourage alternative modes of transport and to provide connections throughout the ODP site and to Ellesmere College / Te Kāreti o Waihora.

The remaining roading network must be able to accommodate progressive development over time and roading connections must be arranged and aligned in a way that long term connectivity is achieved to provide a safe and efficient roading network and non-vehicular linkages.

Green Network

A minimum of three reserves are required to be established throughout the development area. The reserves could be located as follows:

- Stormwater management areas should be provided with surrounding reserve areas;
- Leeston Creek and its margins are to be vested to Council as reserve. The reserve should run for the entire length of Leeston Creek within the development site and should be provided with walkways along the Creek and a central play area. Any bridge infrastructure over Leeston Creek shall be designed to avoid adverse effects on the flow of the Leeston Creek; and
- A reserve connecting the development block north of Leeston Dunsandel Road with Leeston Dunsandel Road and Leeston Creek reserve.

The reserves can be accessed by road, pedestrian and cycle linkages ~~and private land parcels~~.

Council's open space requirements cited in the Long Term Plan and Activity Management Plans should be referred to during subdivision design.

Blue Network

Stormwater:

The ODP area is subject to high ground water level and localised flooding in high rainfall events. Detailed stormwater solutions are to be determined by the developer in collaboration with Council at the time of subdivision. Stormwater management areas have been identified at the northern most part of the site to be vested to Council for the purposes of the Leeston North Stormwater Bypass; Leeston Creek; and the naturally low point of the site for stormwater attenuation. Stormwater management and flow rates will need to be detailed at the time of subdivision to ensure Leeston Creek and the Market Street Culvert can accommodate the stormwater without resulting in flooding or ponding. Most of the stormwater from the site will need to be managed using the north strip and the low point management areas, rather than Leeston Creek, however Leeston Creek could be utilised for stormwater management provided the flows remain at pre-development rates.

Stormwater management and attenuation areas must be designed by a suitably qualified engineer, so the impact of flooding is not increased. The stormwater management area has been located in the natural low point of the site. The stormwater management area should be connected to the surrounding roads through pedestrian and cycle links and should have sufficient street frontage to allow for passive surveillance, create a sense of openness, and provide a high level of amenity.

Sewer:

Upgrades to the existing wastewater infrastructure in Leeston will be required to service the site and discharge into the Ellesmere Treatment Plant after the 80th residential allotment to enable future development.

Water:

The water reticulation will be an extension of the existing reticulated network. Council owns a utility allotment west of the site which will provide potable water for the future development.

The provision of infrastructure to service the ODP shall align with the Council's indicative infrastructure staging plan, unless an alternative arrangement is made by the landowner/developer and approved by Council.

Cultural Values

Development of the site has the potential to effect Te Waihora / Lake Ellesmere, due to increased density and stormwater discharge. Te Waihora / Lake Ellesmere is an area of significance to local Rūnanga, Taumutu. Consultation with Taumutu should be undertaken when developing the site.