

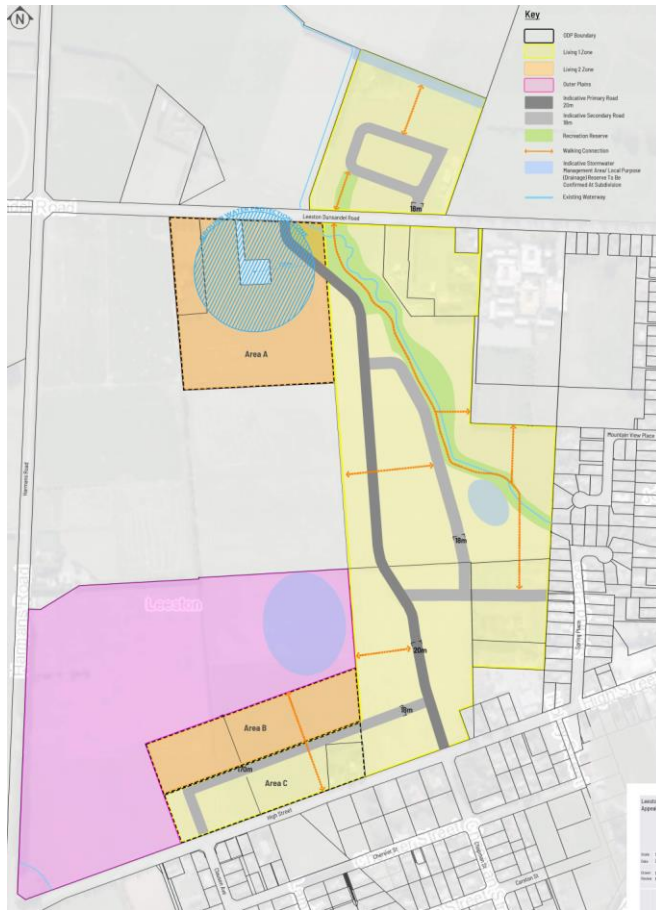
APPENDIX A

Statement of facts

Plan change 62 (PC62)

- 1 The PC62 application site is located to the west of the existing Leeston township, generally bounded by High Street, Harmans Road and Leeston Dunsandel Road, together with a portion of land to the north of Leeston Dunsandel Road. The site has an area of 60.672 ha, and is legally described as Lot 1 DP 9138, Sec 1 SO 534245, Sec 2 SO 534245, Lot 2 DP 365379, Lot 4 DP 82846, Lot 2 DP 451172, Lot 1 DP 451172, Lot 1 DP 533466, Lot 2 DP533466, Lot 1 DP 82846, and Pt RSs 5482 & 5483.
- 2 PC62 sought to rezone the application site from Living 1 (deferred), Living 2 (deferred) and Rural (Outer Plains), to Living 1 (approximately 40 hectares, yellow on the plan below) and Living 2 (approximately 19 hectares, peach on the plan below), as shown on the outline development plan (ODP) below.





- 6 The rezoning of land within the application site to Living 1 is not appealed.
- 7 The Additional land to the south of Leeston Dunsandel Road (Area A) is comprised of:
 - (a) The water utility allotment owned by Selwyn District Council (Sec 1 SO 534245).
 - (b) A portion of Sec 2 SO 534245, which surrounds the water utility allotment. Approximately half of this area is subject to a community drinking water protection zone.
 - (c) Lot 1 DP 9138, approximately 8094m².
- 8 The proposed new location of the stormwater management area is within the original application site and on land owned by one of the Applicants/Appellants. It is proposed to be located on land

which is zoned Rural (Outer Plains) rather than on Living 1 Zoned land (as decided by the Council).

- 9 The Additional land to the north of High Street comprises part of Lot 1 DP82846 (Areas B and C). Land on the opposite side of High Street is zoned Living 1 and Living XA.
- 10 Subsequent to filing of the appeal it has been identified that a notation on the ODP for a 'future roading connection' into Lot 2 DP 365379 (north of Leeston Dunsandel Road) has been omitted from the ODP included with the appeal. This omission was unintended and the notation should be reinstated.

Effects

- 11 In relation to the Additional areas of land to be rezoned, the following assessments are agreed:

- (a) **Flooding** - Works have commenced on SDC's Leeston North Stormwater Bypass project, to address historic flooding issues by diverting floodwaters around Leeston township. The minimum floor height rule introduced by PC62 ensures appropriate mitigation of flood risk to buildings. The additional matters of discretion for subdivision and land use within the PC62 ODP area require that particular consideration is given to risks associated with flooding, including whether development will cause or exacerbate any risk, and whether adequate and appropriate measures are in place to mitigate the effects of potential flooding.

There is a dispute, and separate proceedings in the District Court, between the Council and the Howsons relating to part of the Bypass in respect of the Howsons' land.

- (b) **Transport** - Traffic generated by the development of the Additional land can be accommodated within the existing road network, having regard to both capacity/efficiency and safety of the network.
- (c) **Water supply** - A new water supply bore has been consented within a utility allotment located within the application site. This will provide sufficient supply for both the PC62 site and wider areas within Leeston. Upgrades to the water supply network are likely to be required to satisfy peak flow rate. A rule provides that subdivision beyond the 80th lot is non-complying until the water supply system is capable of servicing the additional allotments within the PC62 site.
- (d) **Wastewater** - Council has identified funding for wastewater supply upgrades which will provide sufficient capacity for the additional development sought. A rule provides that subdivision beyond the 80th lot is non-complying until upgrades are complete, to align with existing capacity.
- (e) **Stormwater** - Appropriate solutions existing for the management of stormwater generated by the site following development, and detailed design will be addressed at the time stormwater discharge consents are sought from Canterbury Regional Council. The location of the stormwater management area (as sought in the appeal) is a topic for mediation.
- (f) **Geotechnical risk** - there are no geotechnical issues that would prevent development of the Additional land.

Commented [LH1]: It is agreed by the Howsons that certain Stormwater Bypass works has been commenced by the Council in Leeston. It is not agreed that the works identified as Stage 4, which passes across the land contained in, and is subject to, PC62 has been either commenced or agreed. The Stage 4 works is stayed under Clause 3 of Schedule 12 of the Local Government Act 2002 and which is currently subject to a separate appeal in the Christchurch District Court at present.

Statutory planning framework

- 12 Relevant statutory planning documents are:

- (a) Canterbury Regional Policy Statement

- (b) Canterbury Land and Water Regional Plan
- (c) Selwyn District Plan
- (d) Mahaanui Iwi Management Plan
- (e) Selwyn 2031: District Development Strategy
- (f) Ellesmere 2031: Ellesmere Area Plan Mahere-ā-Rohe

APPENDIX B

Topics and issues for mediation

Residential land capacity

- 1 What is the existing capacity for residential development in Leeston?
- 2 What is the projected demand for residential land in Leeston?

Reasonable and efficient use of land

- 3 Are there constraints to the reasonable and efficient use of the Additional land under its existing Rural (Outer Plains) zoning?

Reverse sensitivity

- 4 What (if any) reverse sensitivity effects would arise as a result of rezoning the Additional land?
- 5 Should these reverse sensitivity effects be managed, and if so, how?

Stormwater Management Area

- 6 Is the proposed location of the Stormwater Management Area appropriate? If so, what would the effects of this change to the ODP be?
- 7 What would the impact(s) of the proposed location of the Stormwater Management Area be on residential land capacity?

There is some overlap and interrelationship between the above topics and issues.

Statutory assessment

- 8 Whether the relief sought will:
 - (a) accord with and assist the Council in carrying out its functions under s31 of the Act (s74(1));
 - (b) accord with Part 2 of the Act (s74(1)(b));
 - (c) give effect to the Canterbury Regional Policy Statement (s75(3)(a) and (c));
 - (d) have regard to the Mahaanui Iwi Management Plan, Selwyn 2031: District Development Strategy, and Ellesmere 2031: Ellesmere Area Plan Mahere-ā-Rohe (s74(2));
 - (e) establish the most appropriate method for achieving the objectives and policies of the District Plan, undertaking the assessment detailed in s32.