

Section 42A Report

Report on submissions relating to Plan Change 62

LEESTON

To:
From:
Hearing Date:

Hearing Commissioner – D Chrystal
Strategy and Policy Planner – J Lewes
15-16 September 2020

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1. Introduction

Qualifications and Experience

- 1.1. My name is Jocelyn Lewes. I am employed by Selwyn District Council as a Strategy and Policy Planner. I hold a Bachelor of Planning from the University of Auckland and a Bachelor of Commerce (Tourism) from Lincoln University. I have over 20 years' experience as a planner for local authorities and consultancies in New Zealand and Australia.
- 1.2. Whilst this is a Council Hearing, I have read the Environment Court's Code of Conduct for expert witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this report are within my area of expertise and I have relied on the expert advice of others where stated. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Evidence Scope

- 1.3. This report analyses the submissions received on Plan Change 62 (PC62) to the Selwyn District Plan (the Plan) and has been prepared under s42A of the Resource Management Act 1991 (the Act).
- 1.4. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC62 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations to accept or reject points made in submissions, and to make amendments to the Plan. These recommendations are my opinions, as Reporting Officer, only.
- 1.5. In this regard it is important to emphasise that the Commissioner is in no way bound by my recommendations and will form their own view on the merit of the plan change and the outcomes sought by submitters, having considered all the evidence before them.
- 1.6. In preparing this report I have:
 - a) visited the site and wider Leeston township;
 - b) reviewed the plan change request as notified;
 - c) read and assessed all the submissions received on the plan change request;
 - d) considered the statutory framework and other relevant planning documents; and
 - e) relied, where necessary, on the evidence and peer reviews provided by other experts on this plan change.
- 1.7. This report effectively acts as an audit of the detailed information lodged with the plan change request prepared by Baseline Group on behalf of D Marshall, L Martin and A Formosa, M and T Saunders, B Hammett, and J and S Howson. A full copy of the plan change request, submissions, summary of submissions, further submissions and other relevant documentation can be found on the Selwyn District Council website.

- 1.8. As such, this report seeks to provide as little repetition as possible and will adopt those parts of the application where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the plan change application.

2. Background

- 2.1. This plan change application includes two deferred living zones in Leeston. Both zones are located on the western edge of the township, within the current township boundary. The Living 1 (Deferred) zone is immediately to the west of the existing residential development, with the Living 2 (Deferred) zone further west again.
- 2.2. The Living 2 (Deferred) came to be included in the operative District Plan by way of submissions and consideration by the Hearings Panel on the 2000-01 District Plan Review. Originally proposed to be retained as Rural zoned land, the Hearings Panel found that there was little reason for the subject land to be zoned Rural and it provided a logical and effective approach to the expansion of Leeston to the west, creating a graduated progression from the more intensive Living 1 to the east. However, the Panel noted the propensity of this land to flood in times of heavy rain and that there was many ways in which an engineered solution could ameliorated this problem. Therefore a deferred zoning was indicated. The Panel concluded that, when the flooding issues had been resolved, it was appropriate that the deferral be removed through the mechanism of plan change¹.
- 2.3. The Living 1 (Deferred) land also came to be included in the operative District Plan by way of submissions, seeking either a Living 1, 2 or XA zoning. This land was also noted as being subject to surface flooding in times of heavy rain. Having previously considered this matter in relation to the land to the west (Living 2 (Deferred)), the Panel considered it appropriate that a deferred zoning be given to this land also².
- 2.4. I note that Council is seeking to remove the deferred status through the District Plan Review process, but no change to the underlying zoning is proposed.

3. Site Description and Proposal

- 3.1. Section 1 of the application provides a detailed description of the plan change site and the surrounding area, and the purpose of, and reason for, the plan change request.

Site Description

- 3.2. The land subject to the plan change, shown below in Figure 1 and referred to as 'the site', is located on the western side of the Leeston township. The site comprises approximately 60ha. Of this, approximately 55ha is bound by High Street to the south, Harmans Road to the west, Leeston Dunsandel Road to the north and existing residential development and Ellesmere College to the east. The balance of the site is located north of Leeston Dunsandel Road.

¹ Recommendation 50.4 of Hearing Panel: Urban Growth Options – Leeston; 24 March 2004

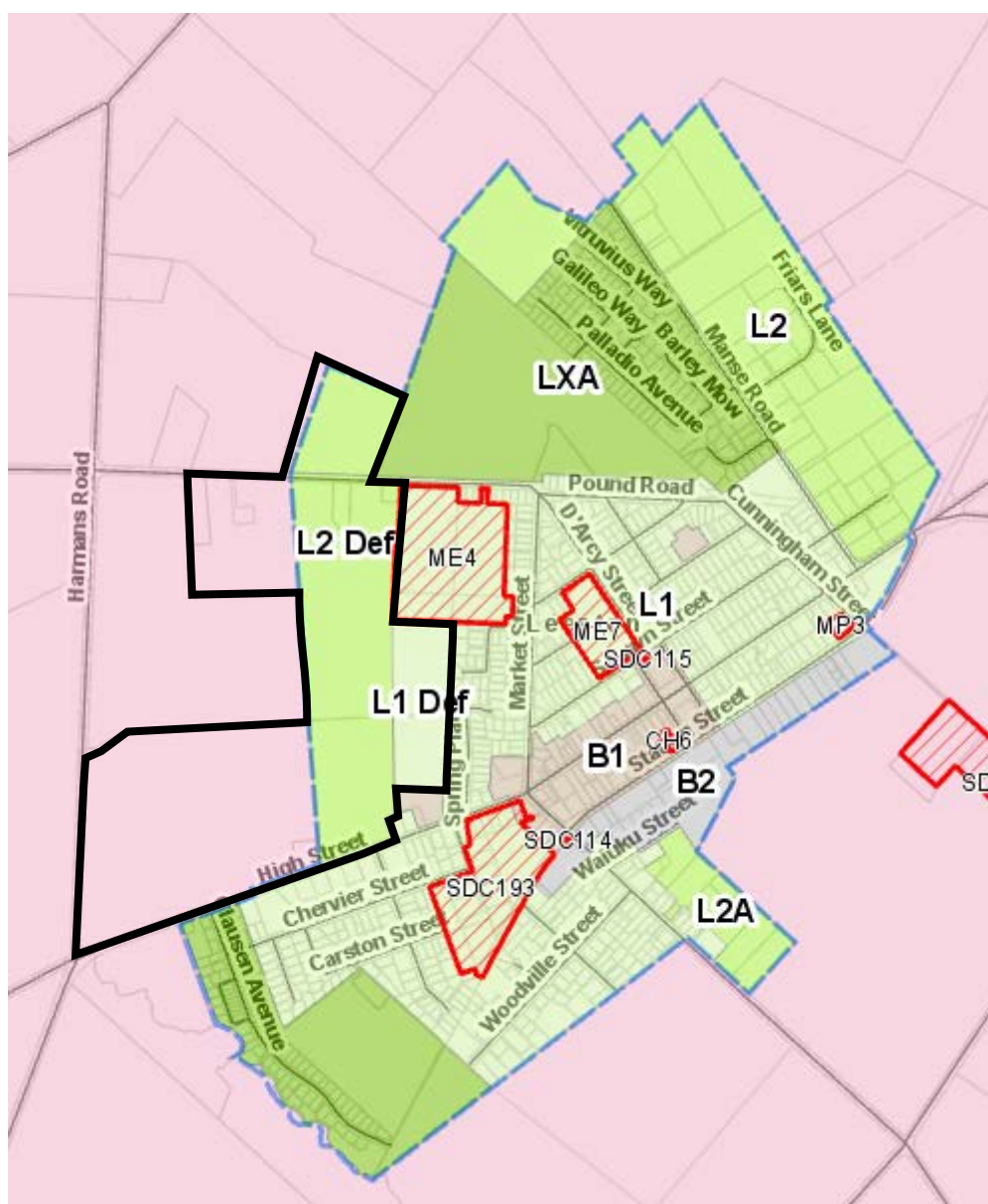
² Recommendation 50.7 of Hearing Panel: Urban Growth Options – Leeston; 24 March 2004

Figure 1 – Aerial photograph of site, outlined in white (Source: Selwyn District Council Maps)



- 3.3. The zoning of land is shown in Figure 2 below. The site currently has three zonings – Living 1 (Deferred), Living 2 (Deferred) and Rural (Outer Plains). The land zoned Living is located within the township boundary, whereas the Rural land is located outside the boundary of the Leeston township.
- 3.4. The site has a relatively flat topography, and has historically been used for agricultural and rural-residential purposes. Across the site there are seven residential units and multiple accessory buildings.
- 3.5. Leeston Creek runs northwest to south east through the northern portion of the site, before running through private properties between the Spring Place and Mountain View Place cul-de-sac heads then on through the Market Street culvert. Birdlings Brook is a stream that runs from Killinchy to Waitatari/Harts Creek and then into Te Waihora/Lake Ellesmere. It runs through the southwest corner of the site, and a public walkway and planted area is present in this location.
- 3.6. The site adjoins the Living 1 zone west of Market Street, and dwellings accessed via Spring Place and Mountain View Place. An existing vacant allotment on Spring Place is part of the plan change area.

Figure 2 – Township Zoning. Plan change area outlined in black.



- 3.7. The site includes nine land parcels, in the ownership of eight parties. A summary of the titles that comprise that plan change area is shown in Table 1 below, and Appendix 1 to the application provides the respective certificates of title. Of the eight parties, only five are the proponents of the plan change application; the three parties highlighted in the table below are affected by the proposed plan change, but are not party to the plan change. This is discussed further below.

Table 1 – Legal Titles that form the plan change area

Legal Description	Owner(s)	Address	Area (ha)
Lot 1 DP 9138	L Martin and A Formosa	85 Leeston Dunsandel Road	0.8093
Lot 3 DP 82846	D Marshall	Leeston Dunsandel Road	20.00
Lot 2 DP 365379	J and S Howson	60 Leeston Dunsandel Road	5.4440

Lot 4 82846	B Hammett	45 Leeston Dunsandel Road	0.6011
Lot 2 DP 451172	S Farrant	33-35 Leeston Dunsandel Road	1.4757
Lot 1 DP 451172	T Anderson	31 Leeston Dunsandel Road	0.1572
Lot 2 DP 319397	Cochranes of Canterbury	125a High Street	2.23
Lot 1 DP 82849	D Marshall	High Street	29.5500
Pt RSs 5482 & 5483	M and T Saunders	149 High Street	0.4047
Total Area			60.672

Surrounding environment

- 3.8. The township of Leeston is located approximately 26 kilometres south west of Rolleston and a further 18 kilometres from Central Christchurch. Within the township boundary, development consists of a range of low or very low density residential uses as well as business and industrial uses. Leeston has a traditional main street, and a broad range of services are available that serve the needs of both community and the surrounding townships and rural areas. There is a primary school and Ellesmere College, located on the eastern boundary of the site, provides secondary schooling for Year 7 to 13 students. A range of community facilities are provided, including a large reserve to the south of the site and the Ellesmere A&P Showground to the northeast of the township.
- 3.9. Outside of the township boundary, land is zoned Rural (Outer Plains) and is used for agricultural purposes such as grazing, cropping and pastoral activities.

Proposal

- 3.10. PC62 proposes to lift the existing deferral attached to the Living 1 and Living 2 zoned land within the plan change area, and rezone approximately 31 ha of Rural (Outer Plains) to a living zone.
- 3.11. As described in Section 1.2 of the application the specific changes are as follows:
- Lift the deferral on 5.3 ha of Living 1 (Deferred) and rezone to Living 1;
 - Lift the deferral on 1.6 ha of Living 2 (Deferred) and rezone to Living 2;
 - Rezone 22.8 ha of Living 2 (Deferred) to Living 1;
 - Rezone 13.9 ha of Rural (Outer Plains) to Living 1; and
 - Rezone 17.3 ha of Rural (Outer Plains) to Living 2.
- 3.12. The plan change seeks to use the existing Living 1 and Living 2 density requirements, being a minimum average of 650m² for Living 1 and 5,000m² for Living 2 in Leeston and, if approved, could yield approximately 410 sites, made up of 380 Living 1 and 30 Living 2 zoned sites.
- 3.13. As noted above, the plan change area included three parcels that are affected by, but not party to, the plan change request. The plan change seeks to lift the deferral on Lot 1 DP 451172 (31 Leeston Dunsandel Road), Lot 2 DP 451172 (33 – 35 Leeston Dunsandel Road) and Lot 2 DP 319397 (125a High Street) but does not seek to rezone the land. The applicant considers that that it would appropriate to lift the deferral over these parcels as, should the plan change be

approved, it can be considered that the reason for the deferral has been satisfactorily addressed.

- 3.14. In Section 1.1 of the application, the applicant advises that no consultation has been undertaken with the owner of 31 Leeston Dunsandel Road, but offers no explanation for this. I note that the owner of this land has not submitted on the plan change. In the same section, the applicant advised that the owners of 33-35 Leeston Dunsandel Road and 125a High Street were consulted and invited to participate in the plan change request, however both owners declined. I note that both owners made submissions on the plan change and these submissions are discussed in Section 7 below.
- 3.15. I also note that the plan change initially included 56 Harmans Road however, due to a change of ownership, it is no longer part of the application. The applicant has advised that the new owner has been consulted and I note that the owner of this land did not submitted on the plan change.
- 3.16. Changes to the Plan's policies and rules are required to facilitate the proposed plan change, including the inclusion of an outline development plan (ODP) (see **Appendices 1 and 2**). These are discussed further in Section 9 below.

4. Procedural Matters

- 4.1. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.
- 4.2. The plan change request was formally received by Council on 23rd August 2019. Following lodgement, the application was reviewed in terms of the adequacy of the information provided, with peer review advice received on traffic, urban design, infrastructure servicing, geotechnical investigations and planning matters. A request for further information was issued on 19th September 2019, with the applicant's response received in full on the 20th November 2019.
- 4.3. A decision was made by Council on 11th December 2019 to accept the request for notification pursuant to Clause 25(2)(b).
- 4.4. The application was publically notified on 21st January 2020, with the submission period closing on the 19th February 2020. A summary of submissions was then produced, with the further submission period closing on 24th March 2020.
- 4.5. PC62 has reached the point where a hearing is now required (Clause 8B), and a decision made on the plan change and the associated submissions (Clause 10).

5. Submissions

- 5.1. A total of 18 submissions were received, including one late submission. Four further submissions were received. The submissions are set out in the tables below and the matters raised by submitters are considered in Sections 7 and 8 of this report as appropriate.

Table 2 – Summary of submissions

Submitter	Support or Oppose
1 John and Juliet Angland	Support
2 Alan and Janet Manning	Oppose
3 Rachael Prestidge	Not Stated
4 Cochranes of Canterbury	Support
5 Robert and Jean Milne	Oppose
6 Christchurch City Council	Support in part
7 Rachael Marriott	Oppose
8 Graham MacKenzie	Oppose
9 Katherine McQuillan	Oppose
10 Sharon Farrant	Support
11 Nicki Warren	Oppose
12 Toby and Lisa Pullen	Oppose
13 Peter Martin	Oppose
14 Fire and Emergency New Zealand (FENZ)	Neutral
15 Canterbury Regional Council (CRC)	Neutral
16 Ministry of Education (MOE)	Neutral
17 Stuart and June McLachlan	Oppose
18 Harts Creek Streamcare Group (late submission)	Oppose

Table 3 – Further Submissions

Submitter	In support of original submission number
FS01 Cochranes of Canterbury	4
FS02 Canterbury Regional Council (CRC)	2, 7, 11, 12, 17, 18
FS03 Harts Creek Streamcare Group	11, 17, 18
FS04 Ellesmere Sustainable Agriculture Incorporated	11, 18

- 5.2. A late submission was received from Harts Creek Streamcare Group, one day after the close of the notification period.
- 5.3. In accordance with Council policy, any submission relating to a plan change request which is received by the Council after the closing date for submissions but before the hearing of any such submissions, shall be recorded as late and included in any summary of submissions and presented at the hearing. The Hearing Commissioner shall then determine whether the late submission can and shall be accepted for consideration, having regard to:
- a) the Council's duties under s37A of the Act;
 - b) the principles of natural justice; and
 - c) any submissions made on the matter by the applicant, the late submitter, and any other affected party and the Council's Reporting Officer.
- 5.4. I do not consider that the late submission of Harts Creek Streamcare Group to have unduly delayed the hearing, nor do I consider any party to have been adversely affected by the late service of this submission. Accepting the late submission is consistent with the public participatory approach of the Act and ensures the Commissioner can consider the views of the submitter in assessing the application.

- 5.5. I therefore recommend that the late submission by Harts Creek Streamcare Group be accepted by the Commissioner³ and subject to the applicant confirming that they agree to the extension⁴.
- 5.6. The submission from Peter Martin appears to relate to the matter of trade competition⁵. Mr Martin is the owner of existing zoned, but undeveloped, residential land and, in his submission, seeks that this plan change application be deferred until the existing zoned land is developed. I consider that there are no matters raised in Mr Martin's submission that speak to how he may be affected by an effect of the plan change that adversely affects the environment, other than the effects of trade competition⁶, so I have given no further consideration to this submission.

6. Statutory Framework

- 6.1. The general approach for the consideration of changes to district plans are as set out in the Environment Court's decision in *Colonial Vineyard Ltd v Marlborough District Council*⁷, applied and summarised in subsequent decisions. In this case, I summarise the tests as requiring that PC62:
- a) accord with and assist the Council in carrying out its functions (s74(1));
 - b) accord with Part 2 of the Act (s74(1)(b));
 - c) have regard to actual and potential effects on the environment, including, in particular, any adverse effect (s76(3));
 - d) give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - e) have regard to any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - f) have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
 - g) establish the most appropriate method for achieving the objectives and policies of the District Plan, undertaking the assessment detailed in s32.
- 6.2. The functions of Council as set out in s31 of the Act include the establishment, implementation and review of objectives, policies and methods to:
- a) achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b) to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.
- 6.3. Section 5 of the application considered the actual and potential effects of the plan change on the environment, and where necessary, I have discussed these in Section 7 of this report.

³ Pursuant to s37A(2) of the Act

⁴ Pursuant to s37A(4)(b)(ii) of the Act

⁵ Pursuant to s308A of the Act

⁶ Pursuant to Clause 29 (1A) and (1B) of the 1st Schedule of the Act.

⁷ *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55

- 6.4. The statutory documents that the proposed plan change is required to have regard to, and the manner in which the plan change request does so, is set out in Section 8 of this report
- 6.5. I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC62.
- 6.6. Matters of cross-boundary interest are outlined in the Plan. The most applicable to PC62 include:
- a) effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch; and
 - b) development on or near the boundary of Selwyn District and Christchurch City Council.
- 6.7. These have primarily been addressed and managed in an agreed partnership with the adjoining Councils through the co-ordinated urban growth of the Greater Christchurch area and through the Canterbury Regional Policy Statement (particularly Chapter 6), the Land Use Recovery Plan, the Urban Development Strategy, and more recently Our Space.
- 6.8. I note that Leeston is not within included in the Greater Christchurch area.

7. Assessment of Issues Raised by Submitters

- 7.1. As set out in Section 5 above, 18 submissions were received. This section provides an assessment of the submission points received and a summary of the material included with the application and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.
- 7.2. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
- a) Township form and character;
 - b) Infrastructure servicing;
 - c) Transport safety and efficiency;
 - d) Versatile soils;
 - e) Land stability and geotechnical risk;
 - f) Cultural values; and
 - g) Greater Christchurch Partnership.

Township form and character

Need for Growth

- 7.3. The submissions of CCC and CRC raised concerns regarding the need for additional residential development within Leeston.
- 7.4. The Ellesmere Area Plan, adopted in 2016, anticipates reasonable growth for Leeston to 2031, with a 49% increase in the population and an increase of 402 households. The Area Plan identifies that there is existing zoned capacity to accommodate up to 953 households within

the boundary of the township. This includes the existing land with a deferred zoning. The Area Plan concluded that there was sufficient available land to accommodate the projected growth without Council proactively zoning additional residential 'greenfield' land.

- 7.5. This application reflects the process anticipated in the Area Plan whereby, while there is no need for Council to progress plan changes to meet demand, private plan changes are contemplated by landowners of areas where more intensive development may be able to occur.
- 7.6. While the Plan does not identify a preferred growth option for Leeston, the Living 1 (Deferred) and Living 2 (Deferred) zones are identified as LEE 1 in the Area Plan in Figure 9 – Leeston Preferred Future Development Area Map. The current Rural (Outer Plains) zone is identified on the same map as an area for possible future low-density development. It is noted that an advantage of LEE 1 is that it is located in relatively close proximity to the Leeston town centre and existing services. The Area Plan also states that *"intensification in this area optimises land development in an area that avoids future low-density residential development precluding a future growth path as far west as Harmans Road⁸".*
- 7.7. I consider that the above wording considers that Leeston, in the future, will grow west towards Harmans Road. I also consider that this wording also recognises that future infill development of larger sites is often problematic and it can be quite difficult to intensify as this necessitates careful consideration of infrastructure sizing and funding, along with the location of local parks, stormwater basins and road connections that would be necessary for suburban densities and lot configurations. Thus, low-density development could preclude achievement of a future growth path west towards Harmans Road.
- 7.8. I consider that the plan change supports the intent of the Area Plan, and that, as proposed, provides a logical area of expansion to the Leeston township, as it is immediately adjoining an established residential area and is close proximity to the town centre. Part of the application site has been identified as being suitable residential purposes through its zoning and the Area Plan identifies that balance of the site is a possible future area for low density residential development. I consider that the zonings proposed through this plan change is an efficient use of land and will enable provision of a range of housing typologies to meet differing housing needs and preferences. I also concur with the conclusion reached in that application that the plan change provides land for development for future generations beyond 2031.

Loss of Amenity

- 7.9. The submissions of Nicki Warren, and Toby and Lisa Pullen have raised concerns about the loss of amenity and rural views and outlook to the Southern Alps from their properties to the west, through both the proposed change of use from rural to residential activities, and through the inevitable erection of buildings, fencing, and noise associated with development and traffic movements.
- 7.10. While I acknowledge that the proposed plan change will result in an inherent change in character from the existing overtly rural landscape to a suburban one, I consider that this change in activity (and character) has been established for some time through the nature of the underlying Living zoning of this area of the site. As such, it is not reasonable to expect that the current environment can remain unchanged.

⁸ Ellesmere Area Plan p. 28

Reverse Sensitivity

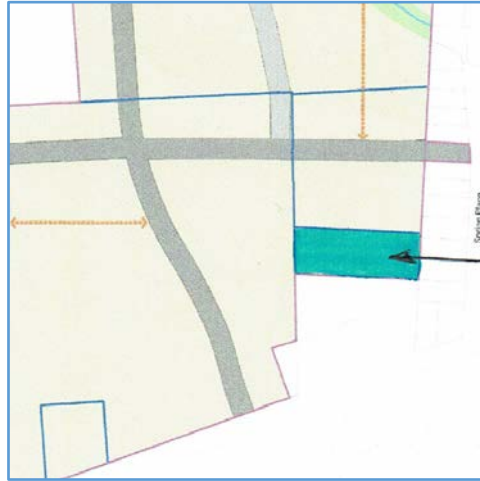
- 7.11. A reverse sensitivity effect can arise whereby an existing, lawfully established, activity experiences new development occurring on adjacent sites and those new occupants have differing amenity expectations that lead to complaints and subsequent restrictions on the existing activity.
- 7.12. The further submission of Cochranes of Canterbury has raised this issue and has requested that a buffer area be created along that portion of the plan change area borders their existing operations, and that this is *'mounded, fenced and planted appropriately to minimise the potential for reverse sensitivity effects'*. I consider that a similar issue exists at the rural-urban edge.
- 7.13. Turning first to the rural-urban edge, as a general observation, I note that this sort of interface always occurs at the edge of townships. Urban growth plan changes simply shift the boundary of this interface. There is nothing about the plan change site that would appear to make it more sensitive than typical rural-urban interfaces found in Leeston specifically, or throughout the District more generally.
- 7.14. Considering the interface between the proposed Living 1 zone and the existing Business 1 zone, I concur with the view of the applicant expressed in Section 5.2 of the application that the Plan does not currently require mitigation or interface measures for Living zoned sites which adjoin a Business 1 zone. The Plan notes in **B3.4 Quality of the Environment** that *"Business 1 zones are noisier and busier than Living zones. They are still pleasant areas for people to gather, live or work in, with good aesthetic values and few nuisance effects"*. There are numerous examples in Leeston, as there are within other townships within the District, where Business 1 zones and Living 1 zones are compatible without the need for interface mitigation measures.
- 7.15. However, to address any potential reverse sensitivity effects associated with residential development adjoining the existing activity at 125 and 125a High Street, the applicant has proposed that a rule be inserted into the plan requiring a 2m wide landscape buffer where allotments adjoin the Business 1 zone, to provide visual screening between residential development and the existing activity. I consider that this is sufficient to address the matters raised in the further submission of Cochranes of Canterbury.
- 7.16. I also consider that, consistent with the current approach of the Plan, no specific provisions are required to address reverse sensitivity effects at the rural-urban interface.

Requests for Rezoning

- 7.17. Two of the submissions received have requested that parts of the plan change area be zoned differently from that proposed in the plan change request.
- 7.18. The submission from Cochranes of Canterbury has requested that a portion of the land at 125a High Street be zoned Business 1, in keeping with the historical use of that area as part of the existing business operating from the site.
- 7.19. Cochranes of Canterbury has recently been granted approval for a boundary adjustment (RC185563) to adjust the existing boundaries of the site at 125a High Street, Leeston, retaining two allotments. Lot 1, being the northern portion of the site has an area of 1.7689 ha, and Lot 2, being the balance, has an area of 5,344 m². As part of the consent, Lot 2 is to be amalgamated

with Lot 1 DP317397, being 125 High Street. Section 224 was granted in June 2020. This boundary adjustment aligns with the rezoning requested by Cochranes. Below is an extract from the submission from Cochranes of Canterbury, highlighting the area in question in blue.

Figure 3 – Area of rezoning requested by Cochranes of Canterbury



- 7.20. The second request for rezoning is from Sharon Farrant. As noted in Section 3 of this report, while not a party to the plan change, the application seeks to lift the deferred status over her property at 33-35 Leeston Dunsandel Road, but retain the underlying Living 2 zoning.
- 7.21. Ms Farrant is supportive of the proposal to lift the deferral over her property, but has requested that the zoning be changed from Living 2 to Living 1. As noted in Section 2.4 of the application, and discussed further in this section, the issue of stormwater can be adequately addressed, both through the existing activities of Council, as well as through specific requirements of the ODP and any future subdivision requiring stormwater to be appropriately managed and discharged. As such, I consider that there is no need to retain the deferral over this site and concur with the view of the applicant that it is appropriate to lift the deferral.
- 7.22. The effect of the plan change as proposed would be to leave Ms Farrant's property at 33-35 Leeston Dunsandel Road, along with the property at 31 Leeston Dunsandel Road owned by a third party, surrounded by more intensive Living 1 development.
- 7.23. I consider that there are possible scope issues with the relief sought by both Cochranes of Canterbury and Ms Farrant, and consider it unfortunate that neither party elected to participate in the plan change when invited to do so.
- 7.24. It is a fundamental principle of public law that an application for a plan change (as with a resource consent) cannot provide for more than the application seeks. While I consider that it would be poor planning practice to leave such a small pocket (1.6ha in total) of Living 2 zoned land surrounded by more intensive Living 1 zoned land, and that changing that portion of Cochranes of Canterbury site to a Business 1 zoning better reflects the existing use of the land, I consider that there is no jurisdiction for me to do so.
- 7.25. It is also accepted that there are limits as to how far a submission on a plan change can go beyond the scope of what was contemplated by the plan change. The submission has to be "on" the plan change and whether or not it is, is a question of fact and degree.

- 7.26. The submissions of Cochranes of Canterbury and Ms Farrant seek amended zoning from that which was notified. While there may be a strong argument for both changes in zone based on good planning practice, I cannot support either submission on the basis that the neighbouring properties which may be affected by a change of zoning could not reasonably expect such an outcome from a reading of the plan change and they would have been denied the opportunity to participate. Although there is the opportunity with a plan change for further submissions, this relies on a person formerly not affected or not interested to be sufficiently alerted. I also note that the s32 analysis, as well as all the other evidence provided in support of the application, have not considered a change of zoning to these two areas.
- 7.27. As such, I consider the rezoning requests to be beyond the scope of the application and I cannot support them.

Conclusion

- 7.28. I do not consider that there are any remaining specific issues relating to the township form and character identified by submitters that have not been dealt with by my assessment in the preceding paragraphs. In my opinion, intensification of the plan change area is appropriate and the potential effects of the future development of this area will not adversely affect the character and amenity of the surrounding environment.

Infrastructure Servicing

- 7.29. The application includes an assessment of infrastructure and servicing prepared by Baseline Group Ltd, dated November 2019, in Appendix 4. This assessment has been peer reviewed by Mr Murray England, Selwyn District Council's Asset Manager Water Services, with his report appended as **Appendix 3**.

Flooding and Stormwater

- 7.30. The submissions of Alan and Janet Manning, Rachael Prestidge, Rachael Marriott, Nicki Warren, Toby and Lisa Pullen, Ministry of Education, Stuart and June McLachlan, Harts Creek Streamcare Group and the further submissions of Canterbury Regional Council, Harts Creek Streamcare Group and Ellesmere Sustainable Agriculture Inc have all expressed concerns regarding the existing issue of flooding in the area of the plan change. Several of the submissions seek assurances that the development within the plan change site will not result in an increase or exacerbation of flooding issues. A number of the above submissions have also raised concerns about the effect of future development on the downstream water quality and quantity, particularly in relation to Birdlings Brook and Harts Creek.
- 7.31. As acknowledged by Mr England, Council has actively been implementing improvements to the existing stormwater network through the construction of the Leeston North Stormwater bypass. This multi-year project is described in Mr England's evidence and has been designed to divert flood flows away and protect the Leeston township. Stages 1 and 2 have been completed and work is currently underway on Stage 3. A final stage which will divert flood flows from Leeston Creek above the township through to the other parts of the bypass has been budgeted for and Council is currently negotiating land access agreements with landowners and completing detail design to allow construction. This includes the proposed Stormwater Management Area shown on the ODP along the northern boundary of the property above Leeston Dunsandel Road. Mr England has advised that this is critical to allow for the provision

of the final stage of the Leeston North Stormwater bypass and this has been acknowledged by the applicant.

- 7.32. Section 3 of Appendix 4 to the application provides preliminary discussion on pre and post development flows from the plan change area and the proposed stormwater system, which includes an attenuation basin in the southwestern portion of the site and treatment of first flush runoffs to minimise contaminants such as hydrocarbons, heavy metals and total solids such that stormwater flows from the site do not result in a reduction of downstream water quality.
- 7.33. The detailed design of the stormwater system, any necessary storage volumes, discharge rates, and first flush treatment of contaminants are all matters that are required to be assessed through the subdivision consent process and any necessary resource consents from the CRC. The design of such systems and their associated consenting is well established, with proven techniques and technologies readily available. Mr England has indicated that further work is likely to be required to refine the existing catchment boundaries and discharge locations, including secondary overland flow path locations to support the necessary consents.
- 7.34. I also consider that specific rules should be included in the Plan to ensure that any development within the plan change area will not be adversely affected by flooding and these are discussed in Section 9 below.

Wastewater

- 7.35. The submission of Robert and Jean Milne has raised concerns regarding the capacity of the existing wastewater treatment plant, and both the applicant and Mr England have addressed this.
- 7.36. Leeston is serviced by a reticulated wastewater network. Influent is treated at the Ellesmere Wastewater Treatment Plant by means of multi stage maturation ponds with effluent disposed to ground via centre pivots. During periods of high ground water, effluent is diverted to infiltration basins. However it is acknowledged that the existing disposal system is limited in capacity and that the proposed plan change, in its entirety, would exceed the capacity remaining in the current disposal system.
- 7.37. While funding has been identified within Council's 2018 Activity Management Plan for an upgrade of the Ellesmere Wastewater treatment plant in the year 2023/24, the applicant has proposed, and Mr England has accepted, that a trigger rule be included in Part C12 Subdivision of the Plan, should the plan change be approved. This rule would make subdivision beyond the 80th lot non-complying until such time as the Ellesmere Wastewater Treatment Plant has been upgraded and is capable of servicing additional allotments within the plan change area.
- 7.38. Should the site be rezoned through this plan change, Mr England has also advised that the quality of effluent or the area the effluent is applied will need to increase further however, as with Mr England, I consider this is a matter for Council's master planning of the 2021 Activity Management Plan.
- 7.39. I concur with the conclusion of Mr England that there is a viable means to dispose of wastewater for this plan change area up to 80 allotments as this is already accounted for in Council's wastewater master plan for Leeston and that it is appropriate that a rule, as originally proposed by the applicant, be included that will restrict subdivision beyond 80 lots until such time as the required upgrade(s) to the treatment and/or disposal system has been undertaken.

Water supply

- 7.40. The submission Rachael Marriott has raised concerns regarding the capacity of the water supply network to accommodate additional demand.
- 7.41. Mr England has advised that the Leeston water supply is provided from a number of existing bores, as 'on-demand' connections via water meters. Mr England has advised that there is limited capacity within the water supply network for growth within Leeston, and this is acknowledged by the applicant in Section 4 of Appendix 4 to the application.
- 7.42. In response to the anticipated growth within Leeston over the next 30 years, a new bore has been planned for 2020/21. A utility allotment has been acquired for the purpose of providing a new water supply bore and headworks. A bore has been drilled and tested, and a resource consent application to Environment Canterbury to abstract water from this bore is currently being prepared. Should this be granted, Mr England has indicated that water could be supplied to the plan change area either as 'on demand' connections for all sections under 3,000m², or as a restricted connection for section above 3,000m², in line with Council's existing approach to larger sites.
- 7.43. However, without the addition of the new bore, while the additional yearly volume can be provided, the existing system cannot meet the likely requirements of the proposed development in terms of peak flow rate. As such, Mr England has proposed that a similar rule be included in Part C12 Subdivision that would also make subdivision beyond the 80th lot non-complying until such time as the Leeston water supply system is capable of servicing the additional allotments within the plan change area.
- 7.44. The submission from FENZ has also raised concerns regarding the adequate supply of water for firefighting activities, and seeks the inclusion of a specific provision in Part C4 Building that would require any dwelling or principal building within the plan change area be provided with a water supply connection that would comply with the New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 (Code of Practice). This Code of Practice is a non-mandatory New Zealand Standard that sets out requirements for firefighting water supplies and access.
- 7.45. I consider that the additional rule that FENZ seek within Part C4 Building is not justified, and that this matter is currently adequately provided for within Part C12 Subdivision. Council has specifically reserved its discretion to consider the provision of water for firefighting and consent for subdivision can be declined should the provision of sufficient water for firefighting not be provided. Further, Mr England has confirmed that all new subdivisions need to be designed and constructed in accordance with Councils Engineering Code of Practice (ECOP), in which there is a specific section which applies to Fire Service requirements (and requires compliance with the Fire Service Code of Practice). In particular, the reticulation must meet the requirements for firefighting flows, residual fire pressure and the spacing of hydrants. The applicant has also indicated that any new pipe sizes and positioning of fire hydrants would satisfy the criteria of the Code of Practice.
- 7.46. On this basis, I consider that the proposed rule sought by FENZ to be unnecessary, as sufficient measures are already provided to ensure that adequate water volumes and pressure are provided.

Conclusion

- 7.47. I consider that there are no water based infrastructure network reasons why the plan change should not be granted. While there are concerns around the capacity of the existing water and wastewater systems, planning is well advanced for the necessary improvements and the inclusion of specific rules within Part C12 subdivision will require that these are in place before any subdivision beyond the 80th lot.

Transport safety and efficiency

- 7.48. The application includes an assessment of the transportation issues associated with the plan change prepared by Carriageway Consulting, dated August 2019 in Appendix 3. This assessment has been peer reviewed by Mr Andrew Mazey, Selwyn District Council's Asset Manager Transportation, with his report appended as **Appendix 4**.

Connectivity

- 7.49. The submissions of Alan and Janet Manning, Robert and Jean Milne, Rachael Marriott, Graham MacKenzie, Katherine McQuillan, Nicki Warren, and Stuart and June McLachlan have, to varying extents, raised concerns regarding the proposed roading connection to the plan change area from Spring Place.
- 7.50. Mr Mazey generally supports the roading and transport layout shown on the ODP, and while he acknowledges the concerns of the submitters regarding the proposed connection through Spring Place to the plan change area, he sees that the connection will improve connectivity and access resilience for all modes of transport. Mr Mazey observes that the nature and built form of the existing urban area means there are limited opportunities to integrate the site with the township. The exception to this is the proposed connection through 18 Spring Place. This parcel of land, which is the equivalent width of a standard lot, appears to have been retained for a long time as a future roading link to the plan change area to the west.
- 7.51. However, in recognition of the concerns of the submitters, Mr Mazey considers that, as shown on the ODP, the section of road west of Spring Place should be downgraded, and shown as a secondary road. This would be the equivalent of a Local Intermediate Road⁹ classification under the Plan, which allows for roads up to 8m wide and is more in keeping with the width of Spring Place. Together with providing an engineered threshold treatments to reduce the secondary road carriageway width further, this would remove the attractiveness of this route being used by traffic accessing the wider site from High Street. I concur with this recommendation, and have proposed amendments to the ODP, as set in Section 9 and Appendix 2 below. The requirements and design of this connection/intersection should be addressed as part of any future subdivision and engineering approval processes.

Transport safety

- 7.52. A number of the above submissions, as well as that of MOE have also, to varying extents, raised concerns regarding the impact that any subsequent development of the plan change area may have on the wider roading network within Leeston.

⁹ As per Appendix 13, Table E13.8 Road Standards in the Township Volume

- 7.53. In relation to the concerns raised regarding the High Street/Spring Place intersection, Mr Mazey has stated that, based on traffic volumes, right turning into Spring Place should not present any issues relating to queues or congestion. However, he has identified that this intersection is not very well defined, delineated or aligned and he considers that, at time of any future subdivision, Council's expectation will be that High Street is upgraded by the developer to ensure existing and new roading connections, and infrastructure, are joined up.
- 7.54. Mr Mazey similarly has no concerns regarding the capacity of the Southbridge Leeston/Feredays/Harmans Road and High Street intersection to cater for traffic increases, either generally or that may result from the traffic generated from the plan change area. However he recommends that a further safety assessment by the Applicant is needed to check the level and adequacy of vehicles turning at the intersection into Harmans Road to access the plan change area.
- 7.55. Mr Mazey also has no concerns regarding the ability of Leeston Dunsandel Road to safely cater for any increase in traffic. He considers that the Ellesmere College road frontage provides a higher than usual standard to accommodate the needs of the school and access. However, like with the High Street/Spring Place intersection above, Mr Mazey has highlighted that Council would expect that the necessary connecting footpaths and related upgrades along Leeston Dunsandel Road to the school will be provided at the time of any future subdivision.
- 7.56. Acknowledging the matters raised by Mr Mazey above, I consider that extent and detailed design of any road upgrades is a matter that is best resolved through the subdivision consent process.

Transport Effects

- 7.57. The submission of CCC suggests that the intensification of the plan change area would result in a higher commuter traffic volume into Christchurch City, which in turn could contribute to more congestion along with other effects such as increased emissions. Mr Mazey has identified that issues such as these are governed by the Greater Christchurch Partnership and, as discussed further below, I concur with this view.
- 7.58. In their submission, CCC have included commuter flow data from the 2013 Census. I consider that this data is now seven years old and, as recently noted in similar proceedings, was at a time when the housing stock of Christchurch had not fully recovered from the earthquakes which may have contributed to increases in people travelling from Leeston into Christchurch to work. While the data provided by CCC shows that over 400 people commuted out of Leeston, the data also shows that nearly half of these people commuted elsewhere within the Selwyn District.
- 7.59. I concur with Mr Mazey's view that no evidence has been provided in relation to what proportion of commuting traffic from the site would end up on the Christchurch network, or indeed other local destinations which provide an increasing range of employment, social and commercial developments within the District. I also agree with his view that the net effect of commuter traffic flows from the site into Christchurch City would be very small in relative terms due to the number of main roading routes available from Leeston to the City which dilutes the effects of this.

- 7.60. Mr Mazey has also advised that Metro Service 87 has recently been made a permanent service, funded by CRC, providing a public transport option to the plan change area, thereby assisting in reducing commuter single occupant type car trips.

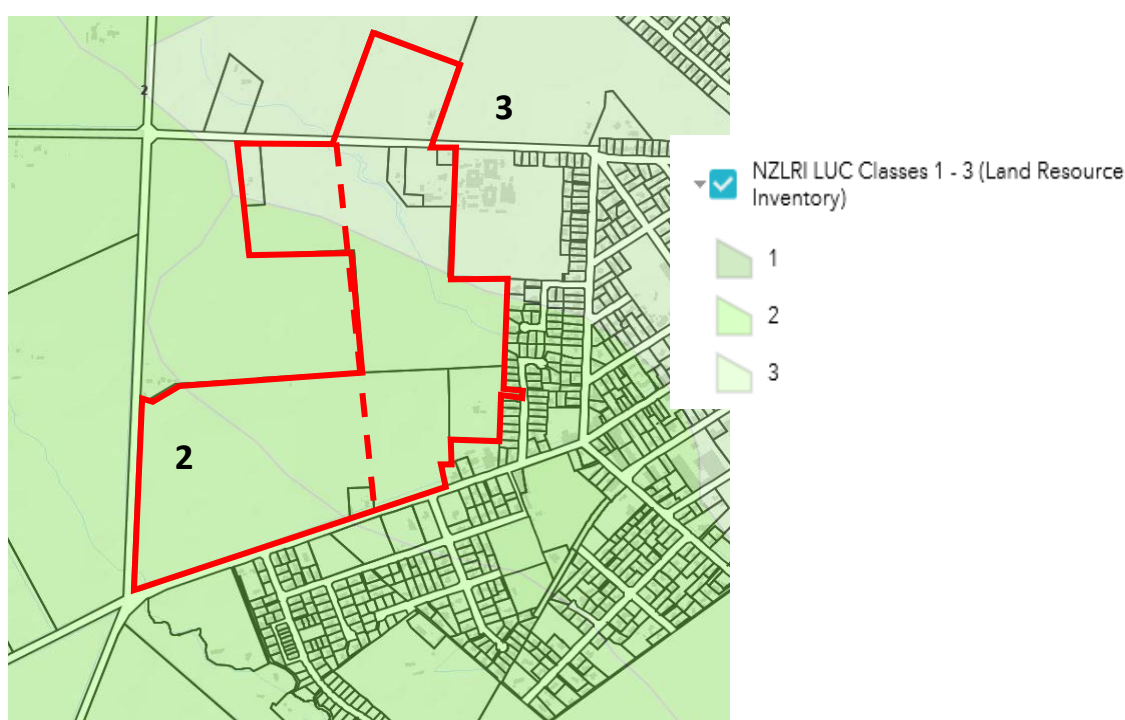
Conclusion

- 7.61. I accept Mr Mazey's advice and consider that there are no transport related reasons why the plan change should not be granted, subject to the minor amendments to the ODP discussed above.

Versatile Soils

- 7.62. The submission of CCC, and the further submission of CRC, have, by way of reference to the proposed National Policy Statement on Highly Productive Land, discussed in Section 8 below, raised concerns that the proposed plan change could have the effect of foreclosing the productive use of the land currently zoned Rural (Outer Plains).
- 7.63. Section 5.3 of the application describes the effect of the proposed plan change on the site's soils resources. The plan changes proposes that approximately 30ha of Rural zoned land be rezoned to Living 1 or Living 2 and this area is identified as having Class 2 or 3 soils, as shown below.

Figure 4 - New Zealand Land Use Capability Classes. Source Canterbury Maps



- 7.64. I consider that the proposed rezoning of this area represents a very small loss to the over 46,000ha of Class 2 land within the District and concur with the similar conclusion in the application that it will not have a significant adverse effect on the overall quality and area of rural farmland in the Selwyn District. Instead, it will provide for future development and housing, without compromising larger, more viable farming enterprises, now and into the future.

Land Stability and Geotechnical Risk

7.65. Section 2.9 and Appendix 5 of the application includes the findings of geotechnical investigations undertaken by Soil & Rock Consultants, dated October 2017. This geotechnical report was peer reviewed on behalf of Council by Mr Ian McCahon of Geotech Consulting Ltd, with his report appended as **Appendix 5**.

7.66. The report of Soil & Rock Consultants concluded that:

“We consider the site is geotechnically suitable to subdivide for a residential development. Based on our investigation we consider that the ground performance can be considered equivalent to residential Technical Category 1 (TC1) for most of the site and TC2 in the south-west corner, while the site is considered to have minor to moderate global lateral movement and lateral stretch potential for ULS events. Future dwelling foundations should comprise TC1 and TC2 foundation options provided within Part A of the MBIE December 2012 guidelines¹⁰.

7.67. Mr McCahon concluded that the “site is geotechnically relatively ‘benign’ and [there is] little issue with the conclusions reached in the report [from Soil & Rock Consultants]”. He also concluded that the extent of work reported complied with the intent of the MBIE Guidance requirements and “there remains only a small risk of unknown geotechnical aspects being present¹¹”. Mr McCahon did recommend, as did Soil & Rock Consultants, that further investigations would be required at later stages.

7.68. In light of the peer review undertaken, I consider that there are no geotechnical reasons that prevent the plan change request from being supported. Further, the Plan provisions related to subdivision provide appropriate scope to enable Council to assess matters such as liquefaction and lateral spread at the time a subdivision consent application is received.

Cultural Values

7.69. The applicant commissioned Mahaanui Kurataiao Limited, who provide mana whenua environmental services that are endorsed by local Rūnanga, to review the request against the Mahaanui Iwi Management Plan. This review is contained in Appendix 9 of the notified application. The review did not identify any wahi tapu or wahi taonga sites of cultural significance within the plan change area and, for completeness, none are identified in the Plan.

7.70. The review provided by Mahaanui Kurataiao Ltd acknowledged the potential for residential development of the site and provided a number of recommendations related to any future subdivision of the land, such as the opportunity to reflect cultural identify and values, water efficient measures, and indigenous vegetation within future development.

7.71. The review identified that any future subdivision presented a high risk to water quality in Te Waihora/Lake Ellesmere as well as any unknown waipuna (springs) within the plan change area. This issue has been considered in the assessment above related to stormwater, and will be required to be considered in finer detail at the time of any future subdivision so as to ensure that there is no reduction in downstream water quality.

¹⁰ Soil & Rock Consultants, October 2017 para. 11

¹¹ Geotech Consulting Ltd October 2019 p.4

- 7.72. The applicant has included the recommendation to consult with Te Taumutu Rūnanga at the time of development in the ODP text.
- 7.73. Overall, I consider that cultural values have been appropriately considered and addressed in the application.

Greater Christchurch Urban Development Strategy (UDS)

- 7.74. The submission of CCC raised concerns regarding the impact that the proposed plan change may have on the UDS. The UDS aims to manage growth within the Greater Christchurch Region, as shown on Map A within Chapter 6 of the CRPS.
- 7.75. The submitter has suggested that there is a risk to the successful implementation of the UDS from urban development beyond the UDS boundary, undermining the objective to consolidate urban growth. The submission suggest that that the plan change should be considered against any updates to the UDS and the CRPS.
- 7.76. While I appreciate the concerns raised in this submission, I consider it raises matters that are beyond the scope of the plan change and are better addressed, as suggested in the submission, in the Greater Christchurch Partnership forum. I also note that the plan change area currently falls outside of the area of concern of the UDS and was not recognised in the settlement pattern update or considered in the recommendations in Our Space for changes to the CRPS.
- 7.77. I reject the proposition in the submission that it is not appropriate to consider the proposed plan change until future work, such as the development of the next Future Development Strategy, has been completed. As discussed further below, I consider that the proposed plan change is consistent with the current, operative, higher order documents and to decline it on the basis that it may not align with future work, the outcomes of which are not currently known, is inconsistent with the principles of natural justice.

8. Statutory Analysis

- 8.1. In considering the contents of District Plans, Council must give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c)), and have regard to any proposed regional policy statement (s74 (2)(a)) and any management plan or strategy prepared under other Acts, including the Local Government Act (s74 (2)(b)(i)).

National Policy Statement on Urban Development (NPS-UD)

- 8.2. At the time that the plan change was lodged with Council, the National Policy Statement on Urban Development Capacity (NPS-UDC) was in place. As of 20th August 2020, this has been replaced with the NPS-UD. As such, the assessment provided in Section 4.10 of the application is no longer current.
- 8.3. The NPS-UD applies to all local authorities that have all or part of an urban environment within their district. An urban environment is defined as:

“any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) *is, or is intended to be, predominantly urban in character; and*
- (b) *is, or is intended to be, part of a housing and labour market of at least 10,000 people”.*

- 8.4. While Selwyn District Council is identified as a Tier 1 local authority, the Tier 1 urban environment referred to in Table 1 of the NPS-UD is Christchurch. For the application of the NPS-UD, the urban environment is considered to be the Greater Christchurch Region, as shown on Map A within Chapter 6 of the CRPS. This area is managed in an agreed partnership with the adjoining Councils.
- 8.5. Leeston currently has a population of approximately 2,500 and while the Ellesmere Area Plan projects the population of Leeston to grow 49% by 2031, this growth will still be less than 10,000, which is the current trigger for urban environments in the NPS-UD.
- 8.6. Therefore, I consider that Leeston is not an urban environment as defined and, as the NPS-UD is silent on development outside urban environments, I consider that the plan change request does not need to be assessed against the objectives and policies of the NPS-UD.

Proposed National Policy Statement on Highly Productive Land (pNPS-HPL)

- 8.7. The submission of CCC, and the further submission of CRC, have both raised concerns that the proposed plan change may be contrary to the pNPS-HPL. For the pNPS-HPL, highly productive land is defaulted to mean land that has Land-Use Capability (LUC) Class 1, 2 or 3.
- 8.8. The pNPS-HPL would require Council to identify highly productive land within its region and protect this resource for land-based primary production, with a particular focus on protecting this land from lifestyle development, undesirable urban expansion and ‘other’ inappropriate subdivision, use and development. The pNPS-HPL does not seek to provide absolute protection for highly productive land and recognises that non-productive uses are appropriate on highly productive land in certain circumstances. However, it would require councils to better manage and protect this resource to ensure its long-term availability for land-based primary production.
- 8.9. The pNPS-HPL was consulted on in the latter half of 2019 and a summary of submissions was released on 30 July 2020. While timings are yet to be confirmed, it is not expected that the NPS will take effect until the first half of 2021, at which time the final form of the NPS-HPL will be known.
- 8.10. While s74(1)(ea) of the Act requires that a territorial authority must accord with any national policy statement, and s75(3)(a) requires that district plans give effect to any national policy statement, there is no requirement for regard to be had to any proposed national policy statement, like is required by s74(2)(a), where regard shall also be had to any proposed regional policy statement. As such, I consider that the pNPS-HPL does not have any statutory weight at this time.
- 8.11. Regardless, the application gives consideration to the issue of versatile soils and this has been discussed in Section 7 above.

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

- 8.12. As this is an application for a zone change, and not the actual use of the site, the NESCS does not strictly apply. The requirements of the NESCS will have to be appropriately addressed at any subsequent subdivision or building consent stage and, depending on the nature of any future activity, may either satisfy the permitted activity requirements or require resource consent under the NESCS.
- 8.13. Section 2.11 and Appendix 7 of the application contains a Preliminary Site Investigation (PSI) prepared by Malloch Environmental Ltd, dated July 2017, in support of the plan change. This PSI included land that is no longer part of the plan change area (56 Harmans Road), but did not include that area of the site that is not in the ownership of the proponents of the plan change application.
- 8.14. Within the area investigated, the PSI has recorded that *“the vast majority of the site has been used for pastoral uses all of its known history and it is highly unlikely that there would be a risk to human health if these area were to be developed for an eventual residential use¹²”*. However the report also concluded that *“a variety of current and historic HAIL uses have been confirmed on a number of small areas within the proposed plan change area ... all of which have the potential to have caused contamination of soil that may pose a risk to human health¹³”*. The report concluded that, in terms of the area investigated, *“the site does not have any significant risks that could not be worked through during the subsequent subdivision and development stages¹⁴”*.
- 8.15. The submission from Nicki Warren, as well as the CRC’s Listed Land Use Register (LLUR), also indicates an historical landfill site in the north eastern corner of 125a High Street. This parcel is within the plan change area, but outside of the area covered by the PSI.
- 8.16. As both the PSI and the LLUR have identified evidence of HAIL activities having occurred within the plan change area in totality, I consider that additional investigations, in accordance with Ministry for the Environment guidelines, will be required at the time of any future subdivision or development. The PSI has concluded that *“the logistical and financial costs to remediate any contamination would not be so onerous to preclude eventual residential development and use¹⁵”*.
- 8.17. I consider that the appropriateness of residential use for the area has been established to an appropriate level of detail for the purposes of this process. As a variety of current and historic HAIL uses are known within the plan change area, a Detailed Site Investigation (DSI) will be required through any subsequent consent processes. The Plan provisions related to subdivision provide appropriate scope to enable Council to assess such matters at the time a subdivision consent application is received. Council’s subdivision consent approval processes also consider the suitability of any proposed Remedial Action Plans to ensure that any soil contamination risk

¹² Soil Contamination Risk Stage 1 – Preliminary Site Investigation Report, Malloch Environmental Ltd p. 3

¹³ Soil Contamination Risk Stage 1 – Preliminary Site Investigation Report, Malloch Environmental Ltd p. 3

¹⁴ Soil Contamination Risk Stage 1 – Preliminary Site Investigation Report, Malloch Environmental Ltd p. 16

¹⁵ Soil Contamination Risk Stage 1 – Preliminary Site Investigation Report, Malloch Environmental Ltd p. 16

is appropriately managed for both construction workers, adjacent property owners, and future residents.

Canterbury Regional Policy Statement (CRPS)

- 8.18. Section 4.5 and Appendix 11 of the application contain a comprehensive assessment of the plan change against the relevant objectives and policies of the CRPS and conclude that the proposed plan change is generally consistent with the existing provisions.
- 8.19. The application site is located outside of the Greater Christchurch part of the Region and therefore Chapter 6 of the CRPS does not apply. Urban growth is instead managed primarily through Chapter 5, and the submission of CRC confirms this.
- 8.20. Chapter 5 recognises the need to provide for the Region's urban growth, however this is not an open ended provision, rather growth should only occur in a manner that achieves the following outcomes:
- a) a consolidated and connected urban form i.e. is adjacent to, and connected with, existing townships and has logical boundaries;
 - b) provides sufficient housing choice to meet the Region's housing needs;
 - c) is able to be efficiently serviced;
 - d) is able to be integrated into the transport network;
 - e) does not constrain the use or development of regionally significant infrastructure;
 - f) maintains and where possible enhances the overall quality of the natural environment, including outstanding natural features and landscapes;
 - g) avoids conflicts between incompatible activities;
 - h) avoids locating new development in areas exposed to a high risk of natural hazard.
- 8.21. The proposed plan change achieves these outcomes in that it partially relates to land already included within the boundary of the Leeston township zoned for residential purposes, will provide for housing choice within the township, is able to be appropriately serviced (subject to the necessary consents), is not an area with identified outstanding landscape or other natural values or exposed to an unacceptable risk of natural hazards which cannot be adequately addressed at the appropriate time, and will not adversely affect the functioning of the strategic road network.
- 8.22. Policies within Chapter 5 require that development is appropriate and efficiently served for the management of stormwater. Chapter 7 seeks to protect and maintain water quality and Chapter 11 provides a framework for managing natural hazard risk in Canterbury, including flooding.
- 8.23. I acknowledge the concern raised by CRC, in their further submission, that the detail within the plan change application is not sufficient to determine the appropriateness of the proposed stormwater servicing at this stage. I consider that the application openly, and fully, acknowledges that measures are required to address stormwater flows within, and off, the site, as well as the potential for flooding of the site. However, as also acknowledged by CRC, the level of detail is more appropriately addressed at resource consent stage for subdivision.

- 8.24. I consider that the measures as part of any future subdivision process, along with those being undertaken in the wider environment by the Council, will significantly lessen the potential flooding hazard. Therefore I consider that PC62 is able to give effect to the CRPS at a strategic level.
- 8.25. For completeness, there is a proposed change to the CRPS, relating to Chapter 6. I do not consider that it is necessary to have regard to this proposed change when considering PC62, however I do note that the proposed change does not propose extending the application of Chapter 6 to include Leeston.

Canterbury Land and Water Regional Plan (LWRP)

- 8.26. Section 4.6 and Appendix 13 of the application assess the plan change against the relevant provisions of the LWRP, which provide direction in terms of the processing of resource consent applications related to the management of land and water resources in Canterbury. It is considered that the objectives of the LWRP are applicable when considering the proposed plan change.
- 8.27. The ability of the plan change area to be efficiently serviced in terms of water, wastewater, and stormwater has been discussed in Section 7 above. In summary, the plan change area is able to be provided with a reticulated water supply and connection to the reticulated sewer system, albeit at this current time not to the plan change area in totality. Stormwater is able to be managed on site, with the ODP indicating the general size and location of stormwater management areas. The detailed design of the stormwater system will form part of any subsequent subdivision consent process and will be assessed via any associated resource consents under the LWRP from the CRC concerning water treatment and discharges. It is anticipated that any future consent process will require that there is no increase in flooding, or reduction in water quality, to Leeston Creek or Bridlings Brook, both of which currently flow through the site.
- 8.28. Overall I consider that the plan change can be efficiently and effectively serviced in a manner that maintains water quality and quantity and is consistent with the outcomes sought by the LWRP.

Mahaanui Iwi Management Plan 2013

- 8.29. Section 4.7 and Appendix 12 of the application assess the plan change request against the relevant provisions of the Mahaanui Iwi Management Plan. An assessment of the plan change has also been undertaken by Mahaanui Kurataiao Ltd and is included in Appendix 9 of the application.
- 8.30. While there are no specific areas of cultural value identified on the application site, as discussed in Section 7 above, the rūnanga have encouraged the applicant to reflect the relevant Ngāi Tahu Development guidelines in future plans. Mahaanui Kurataiao Ltd have also made a number of recommendations that I consider are more appropriately addressed at the time of any consent for subdivision.
- 8.31. I consider that the proposed plan change will not compromise the values set out in the Mahaanui Iwi Management Plan 2013.

Selwyn District Plan

- 8.32. The District Plan is divided into two volumes – Rural and Township. Appendix 8 of the application contains a comprehensive assessment of the plan change against the relevant objectives and policies of the Township volume only and concludes that the proposed plan change is consistent with the existing provisions.
- 8.33. As part of the site is currently zoned Rural (Outer Plains), I consider that it is appropriate that the Rural Volume also be considered. The objectives and policies of the Rural Volume aim to maintain a very low density of dwellings, set amongst a productive rural landscape (**Objectives B4.1.1-B4.1.3**). In essence the rural objectives and policies support the outcomes anticipated in the status quo zoning of that part of the plan change area that has a Rural (Outer Plains) zoning. Given that this application is for a plan change, rather than a resource consent, the rural objectives and policies are only of limited assistance in determining whether the Rural (Outer Plains) or proposed Living zonings better meets the Plan’s overall objective and policy framework. PC62 promotes a range of low density Living, rather than Rural, zones to facilitate residential development. Given that this plan change is related to the issue of urban growth, I consider that the Plan provisions dealing with urban growth are of most relevance, and these provisions are contained primarily within section **B3.4 Quality of the Environment** and **B4 Growth of Townships** of the Township volume of the Plan. As such, I have given no further regard to the Rural Volume of the Plan.
- 8.34. **Objective B4.1.1** seeks that *“a range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones”*. **Objective B3.4.1** seeks that *“the District’s townships are pleasant places to live and work in”*, and **Objective B3.4.2** seeks that *“a variety of activities are provided for in townships, while maintaining the character and amenity values of each zone”*. These objectives are all rather high level, and are supported by similar high level **Policies B3.4.1-B3.4.3**. The proposed plan change sits reasonably comfortably against these provisions in that it will assist in providing a diversity and choice of living environments, with the associated Living 1 and 2 rule packages delivering a range of living environment that are spacious and of high amenity.
- 8.35. The provision of new urban growth areas is guided by **Policy B4.1.3** which aims *“to allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:*
- *A compact township shape;*
 - *Consistent with preferred growth options for townships;*
 - *Maintains the distinction between rural areas and townships;*
 - *Maintains a separation between townships and Christchurch City boundary;*
 - *Avoid the coalescence of townships with each other;*
 - *Reduce the exposure to reverse sensitivity effects;*
 - *Maintain the sustainability of the land, soil and water resource;*

- *Efficient and cost-effective operation and provision of infrastructure*

- 8.36. Although not considered by the plan change request, similar outcomes are sought through **Objective B4.3.2** which requires that *“for townships outside of the Greater Christchurch area, new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions in the Plan”*.
- 8.37. In areas outside the Greater Christchurch area, **Policy B4.3.2** *“requires any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or Business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape”*.
- 8.38. **Policy B4.3.3** seeks to *“avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business”*. **Policy B4.3.5** seeks to *“encourage townships to expand in a compact shape where practical”*.
- 8.39. **Policies B4.3.54 and B4.3.55** are policies specific to Leeston that seek to ensure that *“any land rezoned for new residential or business development does not cause, or exacerbate, a natural hazard by increasing the rate of stormwater runoff into the Leeston main drain”* and 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”*.
- 8.40. **Objective B1.1.2** seeks to ensure that *“new residential or business activities do not create shortages of land or soil resources for other activities in the future”* and **Policy B1.1.8** seeks to *“avoid rezoning land which contains versatile soils if the land is appropriate for other activities and there are other areas adjoining townships which are appropriate for residential or business development which do not contain versatile soils”*. I consider that the Plan acknowledges that land, and the soils which comprise it, are resources for a variety of uses and that the permanent use for one activity may preclude it from use as another activity and that by using the words ‘land or soil’, **Objective B1.1.2** recognises that the use of one may have an impact on the other. In other words, if land is used for residential activities it may prevent the use of soil for productive purposes or, conversely, soil used for productive purposes may prevent the expansion of residential activities over the land.
- 8.41. I consider that the assessment contained within the application largely identifies the relevant objectives and policies of the Plan that apply to this request, and evaluates them to a level of detail that is appropriate to the degree of change that is being sought.
- 8.42. As set out in this report, I consider that, at a strategic level, PC62 is consistent with the policy direction concerning the management of urban growth. The plan change is able to be integrated with the existing township, at compatible urban densities, and will result in a compact township shape that is consistent with the preferred growth direction of Leeston, as evidenced by the inclusion of the site in the Ellesmere Area Plan. Servicing of the plan change area is technically feasible through on-site management of stormwater and connection to the Council’s reticulated sewage and water networks.
- 8.43. I accept the conclusion reached in the application that the proposed plan change is consistent with the existing objectives and policies of the Township Volume of the Plan.

Selwyn 2031: District Development Strategy and Ellesmere 2031: Ellesmere Area Plan Mahere-ā-Rohe

- 8.44. Sections 4.8 and 4.9 of the application contain an assessment of the plan change against the provisions of Selwyn 2031 and the Ellesmere Area Plan, and concludes that the proposed plan change is consistent with the direction of both documents.
- 8.45. I concur with the conclusion in the application that the proposed plan change is consistent with the key actions identified in the Selwyn 2031: District Development Strategy.
- 8.46. As discussed in Section 7 above, I also consider that the proposed plan change is consistent with the Ellesmere Area Plan, in that it provides for growth, in an integrated and consolidated manner.

9. Proposed Amendments to the District Plan

- 9.1. The plan change request proposes changes to the Plan and these are set out in **Appendix 1**. In discussing these changes below I have made reference to the proposed rule number included in **Appendix 1**. I note that this differs from that proposed in the notified version of the application. I also note that, in some instances, the insertions of new rules, with associated rule numbers, would require consequential re-numbering within the District Plan.

[Township Volume – Policy B4.3.55](#)

- 9.2. The applicant has proposed, and I agree that, if the plan change is adopted, Policy B4.3.55, and the associated Explanation and Reasons, would be required to be deleted. It is proposed that the plan change would then rely on the objectives and policies of the Living 1 and 2 zones, which are operative and well settled.

[Township Volume – Land Use Rules](#)

- 9.3. Proposed Rule 4.1.3 is a site specific rule that seeks to ensure that any dwelling or principal building is appropriately managed in terms of the susceptibility of the plan change area to flood. The applicant proposed a similar rule, but I consider that the wording needs to be altered to better reflect the intent and the outcome that this rule seeks to achieve.
- 9.4. Presently, with the exception of development within Tai Tapu, there is no requirement within Part C4 Buildings that would otherwise ensure that buildings are not threatened by a flood hazard. Proposed Rule 4.1.3 mirrors the second part of existing Rule 4.1.1 and would provide that the establishment of any dwelling or principal building be a restricted discretionary activity where the floor level does not provide a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability flood event. I note that it appears that part of existing Rule 4.1.1 has not been provided with appropriate numbering. Should it be numbered, consequential renumbering will be required for the remaining parts of this part of the Plan, and I have reflected this in the proposed numbering. I also note that Proposed Rule 4.1.3 is a duplication of the rule above. However, the existing rule in relation to Tai Tapu goes on to address matters that I consider are more appropriately addressed at the time of subdivision, as discussed below.

- 9.5. I consider that the existing matters of discretion are sufficient to determine the effect of flooding on any proposed building within this area, and only minor amendments are required to extend these to include the proposed rule.
- 9.6. Proposed Rule 4.2.5 is a site specific rule that seeks to address the matter of reverse sensitivity between the proposed Living 1 zone and the existing Business 1 zone at 125 and 125a High Street. This rule would require that, for a dwelling or other principal building (again amending for consistency) to be a permitted activity, a landscaping strip be provided and planted with trees capable of reaching a minimum height of 3m at maturity. Any activity which did not comply would be a restricted discretionary activity and matters of discretion have been proposed. As discussed above, the Plan does not currently require any interface measures between Living zoned and Business 1 zoned sites. However, this rule was proposed by the applicant as part of the notified application, and responds to the submission of Cochranes of Canterbury. Therefore I consider that it should be incorporated into the Plan, as modified. Associated Rule 4.2.8 would make non-compliance with Rule 4.2.5 a restricted discretionary activity and provides matters provides for Council's consideration.
- 9.7. It is also proposed that amendments are made to existing Rule 4.2.3 that would require fencing within the Living 2 zone, except on any property boundary adjoining a Living 1 Zone, be consistent with the open, rural nature of fencing desired in zones with larger site sizes. A similar amendment is proposed to existing Rule 4.17.1 that currently manages the number, height and nature of fences adjoining reserves. I agree with the inclusion of reference to the plan change area in these rules, as this would effectively reinforce the current approach of the Plan, as well as deliver good amenity outcomes in terms of fencing.

[Township Volume – Subdivision Rules](#)

- 9.8. Should the plan change be approved, I concur with the applicant that reference to the Living 1 (Deferred) and Living 2 (Deferred) in Table C12.1 should be deleted and replaced with the Living 1 zone at an average allotment size not less than 650m², and the Living 2 zone at an average allotment size not less than 5,000m².
- 9.9. To ensure consistency with the existing plan format, I concur with the applicant's proposal that following existing Rule 12.1.3.20, a new sub-heading of Leeston be created. While this would require considerable renumbering of the balance of Rule 12.1.3, I consider that this is the most appropriate location for the following proposed rules. One alternative could be to include these rules at the end of Rule 12.1.3, which would then mean that they did not follow the current alphabetical referencing of townships within the rule. Another alternative could be to insert the Leeston sub-heading but provide the rules with an alpha reference such that they would be Rule 12.1.3.20A etc however I consider that this is potentially confusing as Rule 12.1.3.20 relates to Kirwee. A third possibility is to following the protocols of the National Planning Standards and insert them in the right place, but provide them with the next number after the last existing rule in 12.1.3. Regrettably, I do not favour any of these alternative approaches.
- 9.10. Proposed Rule 12.1.3.21 would require that subdivision be in general accordance with the ODP, and shall comply with any standards referred to in that ODP. As discussed below, minor changes are proposed to the ODP to address matters raised through submissions and the expert evidence commissioned to inform the overall recommendations of this report.

- 9.11. To address the concerns raised above regarding the timing of improvements to the capacity of the Ellesmere Wastewater Treatment Plant, the applicant has proposed, and Mr England has accepted, that proposed Rule 12.1.3.22 be included that would limit residential subdivision 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.
- 9.12. Proposed Rule 12.1.3.23 is a similar rule and addresses the concerns raised by Mr England in relation to the capacity of the water supply system to provide for development within the plan change area beyond the 80th lot.
- 9.13. I note that existing Rules 12.1.3.3 and 12.1.3.4 require any allotment created in Leeston to be supplied with reticulated water and reticulated effluent disposal and any subdivision that does not comply with these rules would be considered a non-complying activity. While I do not see the need to keep expanding the length of the Plan by repeating the same, or similar provision in a number of locations, I acknowledge the concerns of by Mr England regarding the manging the expectations of the timing of subsequent development against planned improvements to Council infrastructure. I also note that there are many examples of similar rules within Rule 12.1.3 in relation to limiting subdivision until such time as services are available. These rule exist in relation to Darfield, Dunsandel, Rolleston and West Melton. As such, I consider that proposed Rules 12.1.3.22 and 12.1.3.23 are necessary to provide clear indication to anyone undertaking a future subdivision that the extent of development that can occur is limited until such time as the necessary infrastructure has been provided.
- 9.14. While a rule is proposed within Part C4 Buildings addressing the potential flood hazard, I consider that it is more efficient for ground levels to be determined as part of the subdivision process and conditioned as such so that subsequent home owners buying sites have certainty regarding the floor heights necessary to manage flood risk. As such, Proposed Rule 12.1.4.106 provides matters of discretion to allow for consideration of the extent to which any future subdivision addresses this potential hazard.
- 9.15. Two consequential rules were proposed in the application that would make subdivision that did not accord with the ODP a discretionary activity. Both of these rules appeared to seek the same outcome and, rather than adding both, or even one of these rules, I consider that the same outcome can be achieved by amending the existing Rule 12.1.6.2 to include reference to Rule 12.1.3.21.
- 9.16. Proposed Rule 12.1.7.9 is another consequential rule that flows from an application for subdivision not meeting the standards and terms set out in Rules 12.1.3.22 or 12.1.3.23. I consider that this rule is necessary to ensure that any subdivision beyond the 80th lot is non-complying until such time as the necessary infrastructure is in place. Again, I note that existing Rule 12.1.7.1 could be relied upon rather than adding new rules, however again I acknowledge the concerns of Mr England in this regard.

[Planning Maps](#)

- 9.17. The adoption of PC62 would require amendments to planning maps contained in both the Rural Volume and the Township Volume to reflect the Living Zone status of the site.

Appendices

- 9.18. If the plan change is adopted, a new ODP would need to be included in the appendices of the Township Volume of the Plan. This would include both a plan and accompanying text, however I consider that only the overall plan needs to be included in the Plan. This is consistent with the approach taken in the proposed district plan, of consolidating information from multiple layers into the one ODP.
- 9.19. I have proposed amendments to the ODP text in **Appendix 2** to reflect the matters raised by both Mr England and Mr Mazey. Further, I consider that the ODP should be amended to show any roading connection from Spring Place as a secondary road.

10. Conclusions and Recommendation

- 10.1. As set out in Section 6, the statutory matters that must be considered in relation to a plan change require the assessment of s31, s32, s74, and s75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.

Functions of territorial authorities

- 10.2. Council's functions under s31 include the following:

“(a) the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district:

(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:”

- 10.3. The assessment and conclusions of this report establish that PC62 incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes and ensure that there is sufficient development capacity in respect of housing land to meet the expected demands of the district.
- 10.4. The matters proposed in PC62 are all matters that fall within the ambit of the content of a district plan under s75, and I consider that the application, and this report, have had appropriate regard to all the relevant matters set out in s74 and 75.

Consideration of alternatives, benefits and costs

- 10.5. The Council has a duty under s32 of the Act to consider alternatives, benefits and costs of the proposed change. The s32 analysis is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of the costs and benefits of the amended provisions in its final decision making.
- 10.6. In summary, s32 requires the consideration and evaluation of the extent to which the proposal is the most appropriate way to achieve the purpose of the Act, having regard to the efficiency and effectiveness of all practicable options.
- 10.7. Appendix 10 of the application contains an assessment of the alternatives, benefits and costs of the proposed plan change. I concur with the applicant that the other practical options for achieving the purpose of the proposal include the following:

- a) retain the status quo
 - b) undertake a plan change to uplift the deferral and rezone the site
 - c) subdivide the site through a non-complying subdivision consent.
- 10.8. Having assessed the evaluation contained in the plan change request and the findings of the various peer reviews and evidence, I am satisfied that the proposed plan change is the best approach when considered against s32 of the Act.

Part 2 Matters

- 10.9. The Act requires the Council to manage the use and development of physical resources in a way, or at a rate, that will enable to the community to provide for its social, economic and cultural wellbeing while avoiding, remedying or mitigating any adverse effects of activities on the environment (s5).
- 10.10. There are no matters of national importance listed in s6 that are considered to be of specific relevance to PC62. The other matters in s7 to which Council must have regard to include the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.
- 10.11. I consider that the purpose of the Act is reflected in the current objectives and policies of the Plan and that these have already been through the statutory tests and are unchallenged. PC62 does not seek to make any changes to the settled objectives and policies of the Plan, rather it seeks to change the Plan's zoning pattern. I consider that this better achieve the Plan's objectives, and thereby Part 2, than the operative zoning, resulting in the efficient use and development of natural and physical resources, whilst maintaining the amenity value of the area.
- 10.12. There are no known sites of significance or specific cultural values affecting the development of the area and Iwi have been consulted as part of the plan change process. The Treaty of Waitangi has been considered in preparing and assessing PC62.
- 10.13. It is my opinion that PC62 will achieve the purposes of the Act.

Conclusion and Recommendation

- 10.14. The assessment and conclusions of this report establish that PC62, at a strategic level, better achieves the Plans' objectives than the existing provisions, is consistent with the provisions regarding urban growth management, gives effect to the objectives and policies of higher order documents in place at the time that this report was written, and is in accordance with the Ellesmere Area Plan. The plan change proposes to intensify an area that is zoned for residential use, albeit deferred at this time, and to rezone rural land for residential purposes. I consider that this is an efficient use of land, part of which is already identified for residential use and will form a logical expansion to the Leeston township. Servicing of PC62 is technically feasible through on-site management of stormwater, and connection to the Council's reticulated water and wastewater network, albeit not to the plan change area in totality at this current time. The plan change will not result in any unacceptable effects on the safe and efficient functioning of the road network.

10.15. It is therefore my recommendation that Plan Change 62 be accepted, with modifications as discussed within the body of this report. It is recommended that all the submissions in opposition be rejected and those in support be accepted.

Appendix 1 – Proposed District Plan Text Changes

All changes requested to the Plan by the applicant are shown as **bold and underlined**. Where amendments have been proposed as part of this report, these are shown in ***bold italics***. Deletions are shown as ~~**bold with strikethrough**~~. It is anticipated consequential renumbering will take place as required.

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 50 (E50) (or the next available number).

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 X 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:

Rule 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:

Rule 4.2.5 Where the Living 1 zone adjoins the Business 1 zone as identified on the Leeston Outline Development Plan in Appendix XX, 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.

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 and 2 zones, as identified on the Leeston Outline Development Plan (Appendix XX) 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 650m ²
Living 2	5,000m ²
Living 2 (Deferred)	4 ha until deferment lifted, then 5,000m ²

Amendment 10

Insert new rule 12.1.3.21 following Rule 12.1.3.20 as follows:

Leeston

12.1.3.21 **In relation to the Living 1 and Living 2 zones in the Leeston Outline Development Plan in Appendix XX, 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.**

Amendment 11

Insert new rules 12.1.3.22 and 12.1.3.23 following Rule 12.1.3.21 (proposed above) as follows:

12.1.3.22 **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 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 Living 1 and Living 2 zones in the Leeston Outline Development Plan in Appendix XX:**

- (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 12.1.3.21.**

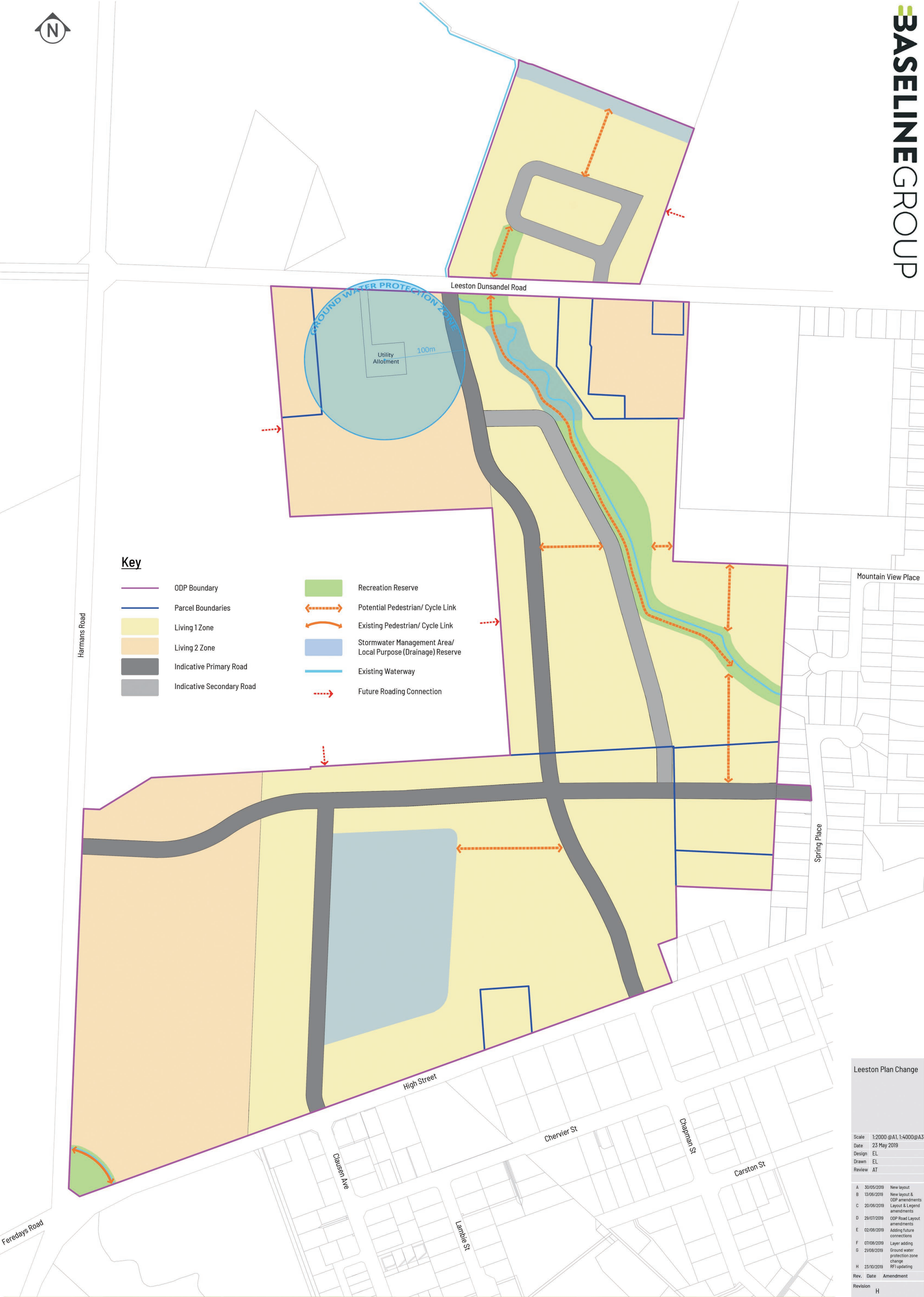
Amendment 14

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.

Appendix 2 – Proposed Outline Development Plan

(As discussed in the body of this report, it is considered that only the overall plan layer should be included in the Plan, should the plan change be approved. This is consistent with the approach taken in the proposed district plan, of consolidating information from multiple layers into the one ODP.)



Key

- | | | | |
|--|---------------------------|--|--|
| | ODP Boundary | | Recreation Reserve |
| | Parcel Boundaries | | Potential Pedestrian/ Cycle Link |
| | Living 1 Zone | | Existing Pedestrian/ Cycle Link |
| | Living 2 Zone | | Stormwater Management Area/ Local Purpose (Drainage) Reserve |
| | Indicative Primary Road | | Existing Waterway |
| | Indicative Secondary Road | | Future Roading Connection |

Leeston Plan Change

Scale	1:2000 @A1, 1:4000 @A3
Date	23 May 2019
Design	EL
Drawn	EL
Review	AT

A	30/05/2019	New layout
B	13/06/2019	New layout & ODP amendments
C	20/06/2019	Layout & Legend amendments
D	29/07/2019	ODP Road Layout amendments
E	02/08/2019	Adding future connections
F	07/08/2019	Layer adding
G	21/08/2019	Ground water protection zone change
H	23/10/2019	RFI updating

Rev.	Date	Amendment
Revision		H

Sheet	1
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Introduction

This Outline Development Plan (ODP) is for the development of approximately 60 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 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 2 zone and 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;
- A second primary road following a north to south alignment from the intersection of High Street and Clausen Avenue and meeting with the east to west primary road;
- A ***secondary road*** ~~third primary road~~ following an east to west alignment from Spring Place to Harmans Road. This road will connect with the north to south primary roads and will connect the rural and urban environments. ***An threshold treatment at the Spring Place end is to be provided to reduce the attractiveness of this route being used as a main "through route" to the west;***
- Two ***further*** secondary roads; one connection the north to south and east to west primary roads. The other secondary road will provide access to the northern block of the site north of Leeston Dunsandel Road.; 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 ***between the development area and the surrounding area.***

Green Network

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

- Birdlings Brook in the south west corner of the site at the corner of Harmans Road and High Street;
- 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

The wastewater infrastructure will be an extension of the existing reticulated network. Upgrades to the existing Ellesmere Wastewater Treatment Plant will be required to service the site beyond the 80th residential allotment.

Water

The water reticulation will be an extension of the existing reticulated network. Council owns a utility allotment within the site which will provide potable water for the future development. **Upgrades to the existing water supply system in Leeston will be required to service the site beyond the 80th residential allotment.**

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.

Appendix 3 – Evidence of Murray England, Asset Manager Water Services

In The Matter of the Resource Management Act 1991 (“the Act”) And

In The Matter Leeston Plan Change 62 -

OFFICER COMMENTS OF MURRAY ENGLAND

Introduction

1. My name is **MURRAY RUSSELL ENGLAND**. My qualifications are BE (Environmental) and NZCE (Civil).
2. I am the Asset Manager – Water Services for the Selwyn District Council (“the Council”) and I am authorised to present this statement on its behalf. I have been employed by the Council since March 2009 initially holding the position of Stormwater Engineer and since May 2012 the position of Asset Manager Water Services.
3. I have the responsibility of managing Councils 5 waters which include Potable Water, Wastewater, Stormwater, Land Drainage and Water Races.
4. I have been involved in pre application meetings and providing advice on behalf of Council to the applicant. This has included assessment of the application and the Request for Further Information (RFI) processes.
5. I have read in particular the November 2019 Servicing Assessment by Baseline Group Ltd included in the PC Application and further information supplied through RFI processes.
6. I have had considered the plan change application in relation to the water supply, wastewater system and stormwater / drainage network operated by Council which will be impacted by this plan change. Where appropriate, I have also addressed the

relevant submission point directed to me by the Processing Planner to consider.

Water Supply

7. The submission of Rachael Marriott has raised concerns regarding the capacity of the existing network to accommodate additional demand.
8. The Leeston Water Supply provides secure groundwater to the Leeston and Doyleston communities from bores M36/4700, M36/2746 and BX23/0917 (not yet commissioned). The bores supply water directly to the network (Refer Appendix 1 and 2). The water supply within the township is provided as 'on-demand' connections via water meters.
9. Water take consents (CRC950937.1 and CRC160101) limit the maximum rate of take to 76.7 litres per second and 623,400 cubic metres per year. The maximum flow rate that can be supplied to the community is 62 litres per second at target pressure.
10. Over the last 3 years, the maximum supply demand was 66 litres per second (Dec 2017) which resulted in lowered pressure, and the annual volume 439,740 cubic metres.
11. Water demand has reduced since the introduction of volumetric charging (Water meters) with last summer's peak flow rate being 55.7 litres per second (Feb 2020) and annual volume of 331,000 cubic metres per year.

Future Growth Demand

12. Based on recent demand trends, there is capacity, be it limited, for some growth in Leeston.
13. In response to the accelerated growth within the Selwyn District, hydraulic models have been used to plan future water infrastructure for a number of water supplies including Leeston.
14. The master planning provides an assessment of the sizing and timing of new infrastructure for new water sources (bores) and pipelines to service growth. Part of the master planning requires a water balance to be developed to forecast growth, using historical peak demand per household. The water balance forecasts the peak instantaneous flow per year versus the water resources available to determine the

staging of new bores.

15. Leeston is expected to see growth over the next 30-years and to meet this growth, a new bore has been planned for 2020/21 to increase supply capacity.
16. As identified by the applicant, in the Servicing Report section 4.1, a utility allotment has been acquired for the purpose of providing a new water supply bore and headworks.
17. At the date of this statement, a new bore has been drilled and tested. A summary is provided below:
 - Screen depth: 62 - 68m
 - Static water level: -0.6m (artesian)
 - Drawdown: 10.7m at 51L/s (73hr test)
15.1m at 62L/s (17hr test)

This is a good result and it is expected that this will be a high yield bore.

18. A resource consent application to Environment Canterbury to abstract water from this bore is currently being prepared. Consent is required before water can be abstracted.
19. The application doesn't provide an estimate for the demand of water from the proposed subdivision. Based on existing water use of existing scheme users the additional demand proposed by this development could be in the order of 26 litres per second and 150,000 cubic metres per year based on all connections being metered and unrestricted.
20. Typically across the district, sections above 3000 m² would be provided a restricted water connection limited to 3 units (3000 l/day). This will likely be a condition placed on the development at resource consent stage should the plan change be approved. Providing restricted connections to sections <3000m² would reduce peak water demand dramatically.
21. As an example, one large (<3000 m²) allotment on a metered supply could add 0.4 l/s of demand compared to a restricted property adding 0.035 l/s demand (based on 3 units of water). 10 sections would then add up to either 4 or 0.35 l/s for metered or on demand connections respectively.

22. The additional yearly volume can be provided, however without the addition of the new bore, the existing system cannot meet the requirements of the proposed development in terms of peak flow rate.
23. At this time, the existing water supply infrastructure has insufficient capacity to meet the likely demand generated from the full plan change area.
24. As described in the applicants RFI Response, it is proposed that before allowing the development to exceed 80 lots, the Wastewater treatment plant must be upgraded. A similar rule requiring the new bore being consented prior to the 81 lot being developed is recommended.
25. If a resource consent is granted from Environment Canterbury to take water from the newly constructed bore, on demand metered connections could be provided for all sections under 3000 m² with section above 3000 m² remaining as restricted connections, in line with Council's existing approach to larger sites.

Fire Fighting Capacity

26. The submission of FENZ has raised concerns about securing adequate water supply for firefighting purposes and have requested that a rule be included in Part C4 Buildings of the District Plan.
27. The Leeston scheme was designed as a domestic supply and complies with the NZ Fire Fighting Code of Practice.
28. The Infrastructure Report accompanying the plan change states that *"For firefighting purposes, the classification for the subdivision will be FW2 (from SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice), based on all properties being residential, non-sprinklered structures."*
29. Council confirms that all new subdivisions are required to be designed and constructed in accordance with Selwyn District Councils 'Engineering Code of Practice'. Section 7.5.4 – Fire service requirements, provides the following requirement:

"The water supply reticulation should comply with the Fire Service Code of Practice. In particular, the reticulation must meet the requirements for firefighting flows,

residual fire pressure and the spacing of hydrants.

Location of hydrants shall comply with SNZ PAS 4509: 2008 with minimum hydrants spacing of 135 metres. Blue RRPM's (cat eyes) shall be installed to offset from the road centreline adjacent to all hydrants. Hydrant Marker posts are to be installed to comply with Section G3.4 of the NZ Fire Service Code of Practice. Hydrant posts are not required in urban areas. The type of hydrant marker required is shown on drawing WS10.0 (see Appendix V).'

30. In summary, the reticulated water supply for this proposed plan change shall be designed to meet firefighting standards

Conclusion

31. I consider that the existing water supply network can adequately service up to 80 additional lots with potable water. I recommend that a rule be included in the relevant section of the District Plan that restricts subdivision beyond 80 lots until such time as additional capacity has been secured. As the proposed bore is within the plan change area, it should be provided with the required groundwater protection zone as shown on the proposed ODP.
32. Firefighting requirements can be met as part of current, accepted practices. As such, I do not considered that there is the need to include a rule within the District Plan, as proposed by FENZ.
33. It is noted that development contributions are payable for any additional lot developed.

Wastewater

34. The submission of Robert and Jean Milne has raised concerns about the capacity of the existing wastewater network. Leeston is serviced by a reticulated wastewater network. Influent is treated at the Ellesmere Wastewater Treatment Plant (WWTP) by means of multi stage maturation ponds with effluent disposed to ground via centre pivots. During periods of high ground water, effluent is diverted to infiltration basins.

35. The 2018 Activity Management Plan (AMP) Volume 3 Chapter 6 predicts that the Leeston WWTP population will increase to nearly double from 3,722 (2018) to 6,631 (2048), which will result in exceedance of current resource consent conditions and require additional capital expenditure. These predictions include 80 allotments within the existing deferred areas of the proposed plan change area but do not account for the entirety of the plan change area. The applicant in the RFI Response letter dated 7 November 2019 recognises this constraint and proposes that 'no subdivision for the purpose of residential use shall occur after the 80th residential allotment unit such time that the Ellesmere Wastewater Treatment Plant has been upgraded and capable of servicing the lots within the ODP'.
36. Based on the predictions of growth, further capital expenditure will be required in 2023/24. The AMP provides funding (\$6,625,000) for the upgrade of the Ellesmere Wastewater treatment plant in the year 2023/24
37. The average Total Nitrogen concentration from the WWTP will need to be reduced from the current 47 mg/l to 20 mg/l to meet compliance in 2048. With the additional predicted allotments, the quality of effluent or the area the effluent is applied will need to increase further. Should the plan change be approved, Master Planning for the 2021 Activity Management Plan (updated 3 yearly) will need to take into account this re-zoning.
38. The gravity wastewater pipeline along Leeston and Lake Road is currently being upgraded. The connection from the new development to this pipeline is the responsibility of the developer.

Conclusion

39. There is a viable means to dispose of wastewater for this plan change area up to 80 allotments as already allowed for in Councils Wastewater master plan for Leeston.
40. I support the rule proposed by the applicant, to be included in the subdivision section of the District Plan, that would restrict subdivision beyond 80 lots the required upgrade(s) to the treatment and/or disposal system has been undertaken.

Stormwater

41. The submissions of Alan and Janet Manning, Rachael Prestidge, Rachael Marriott, Nicki Warren, Toby and Lisa Pullen, Ministry of Education, Stuart and June McLachlan, Harts Creek Streamcare Group and the further submissions of Canterbury Regional Council, Harts Creek Streamcare Group and Ellesmere Sustainable Agriculture Inc have expressed concerns about the existing issue of flooding in the area and the potential that the plan change may exacerbate the existing issues. A number of the above submissions also raised concerns about the effect of future development on the downstream water quality and quantity, particularly in relation to Birdlings Brook and Harts Creek.
42. Issues with flooding in Leeston are well known, and it was for this reason that part of the plan change area has an existing deferred zoning.
43. Council has actively been implementing improvements to the existing stormwater network. The Leeston North Stormwater bypass (Refer appendix 3) is a multi year project designed to divert flood flows away and protect the Leeston township. To date, Council has constructed the bypass from the intersection of Pound Road and Cunningham Street, through to Manse Road (Stage 1), down Manse Road and along High Street (Stage 2). Stage 3 which is the upgrade of the High Street Culvert and downstream works is currently underway with the contract awarded.
44. The final stage (Stage 4) is the last part of Leeston Creek Bypass channel which diverts flood flows from Leeston Creek above the township through to the pre-constructed stages of the bypass. This work is budgeted and Council is currently negotiating land access agreements with landowners and completing detail design to allow construction. An additional stage 5 will be future planned to increase the capacity of the bypass system.
45. The application proposes a Stormwater Management Area along the northern boundary of the property above Leeston Dunsandel Road. This is critical to allow for the provision of the final stage of the Leeston North Stormwater bypass which will divert flood flows to protect the Leeston township and this plan change area.
46. In relation to the plan change area, it is anticipated by the applicant that stormwater

will be managed within attenuation pond / basin (s) as shown in the proposed ODP plan as 'Stormwater Management Areas'.

47. The stormwater management system will be designed to manage both water quality and quantity. The stormwater management system is subject to review as part of the Subdivision Consent stage, at Engineering approval stage and as part of obtaining Resource Consent for the discharge of Stormwater from Environment Canterbury.
48. The applicant has identified primary discharge and secondary flow locations on the ODP. These should be taken as preliminary and should be further defined. It is possible that primary discharges will also be required to Birdlings Brook, Leeston Drain and towards the stormwater system on Leeston Lake Road.
49. Likewise, the stormwater management areas may need to be duplicated and located at additional specific locations to ensure all stormwater is managed appropriately.
50. Resource consent for stormwater discharge from Environment Canterbury will be required before any subdivision consent can be approved.
51. Details on stormwater management (quality and quantity) will be addressed at resource consent and engineering approval time.

Conclusion

52. The management of stormwater quality and quantity is particularly important to ensure the proposed development does not have an adverse impact on downstream properties and environment. The existing and ongoing improvements that Council is making to the stormwater network in Leeston will improve the existing flooding issues within the township. I consider that the stormwater area labelled 'Leeston North Stormwater Bypass' should be vested in Council early ahead of development.
53. I consider that the stormwater management area shown on the ODP appears to be adequately sized, however additional stormwater management areas may be required to ensure all discharges are adequately managed. As such, additional stormwater areas could be shown on the ODPs.
54. While there are viable means to dispose of stormwater for this plan change area,

I consider that further work will be required ahead of any resource consent for subdivision to further refine the existing catchment boundaries and discharge locations including secondary overland flow path locations. I would recommend that a stormwater consent is obtained from Environment Canterbury prior to resource consent being applied for from Selwyn District Council for subdivision, to demonstrate that this aspect of development has been appropriately addressed.

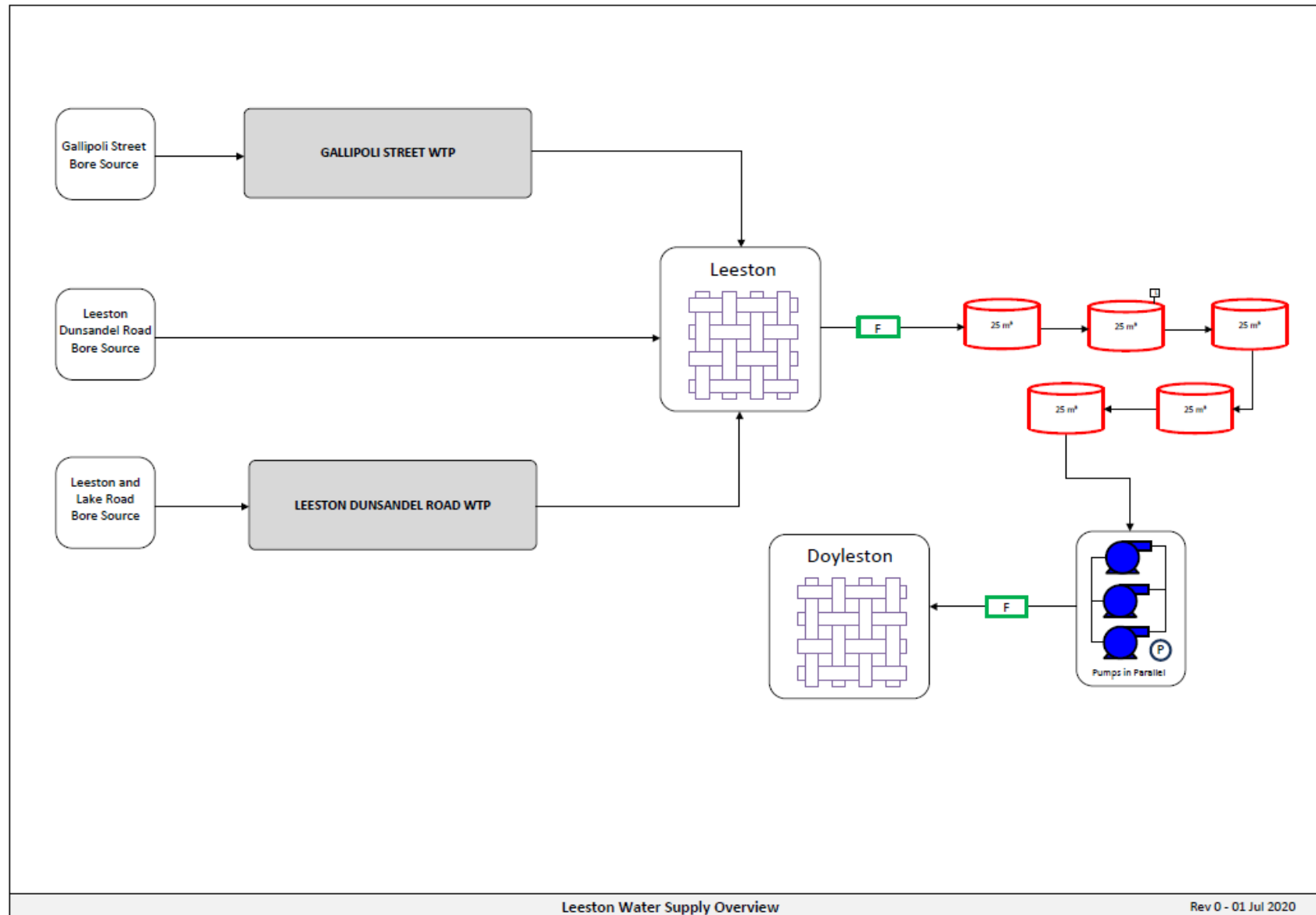
55. I support proposed Plan Change 62 subject to the above recommendations.

Murray England

19 August 2020

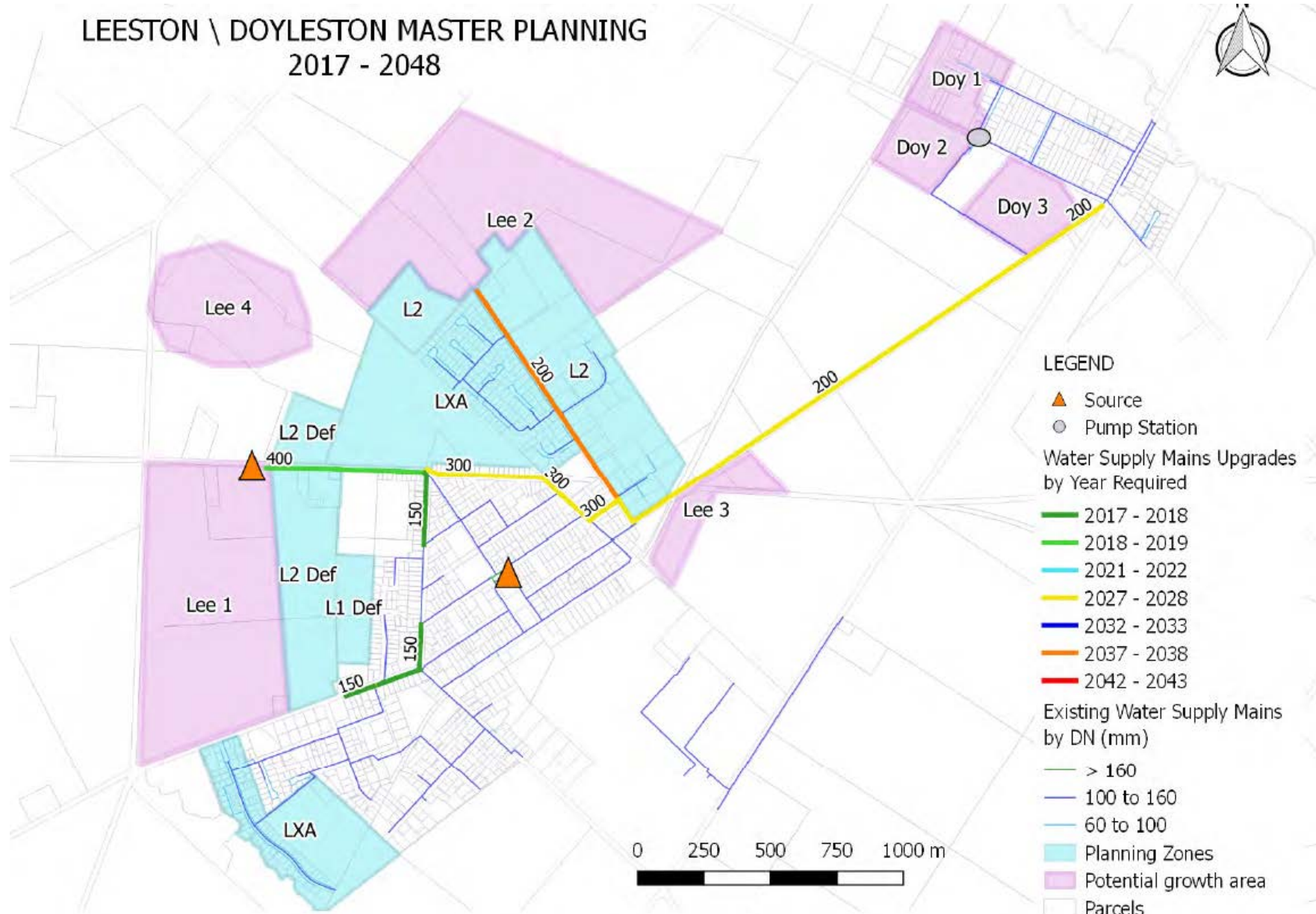
Appendix 1

Scheme Schematic – Water

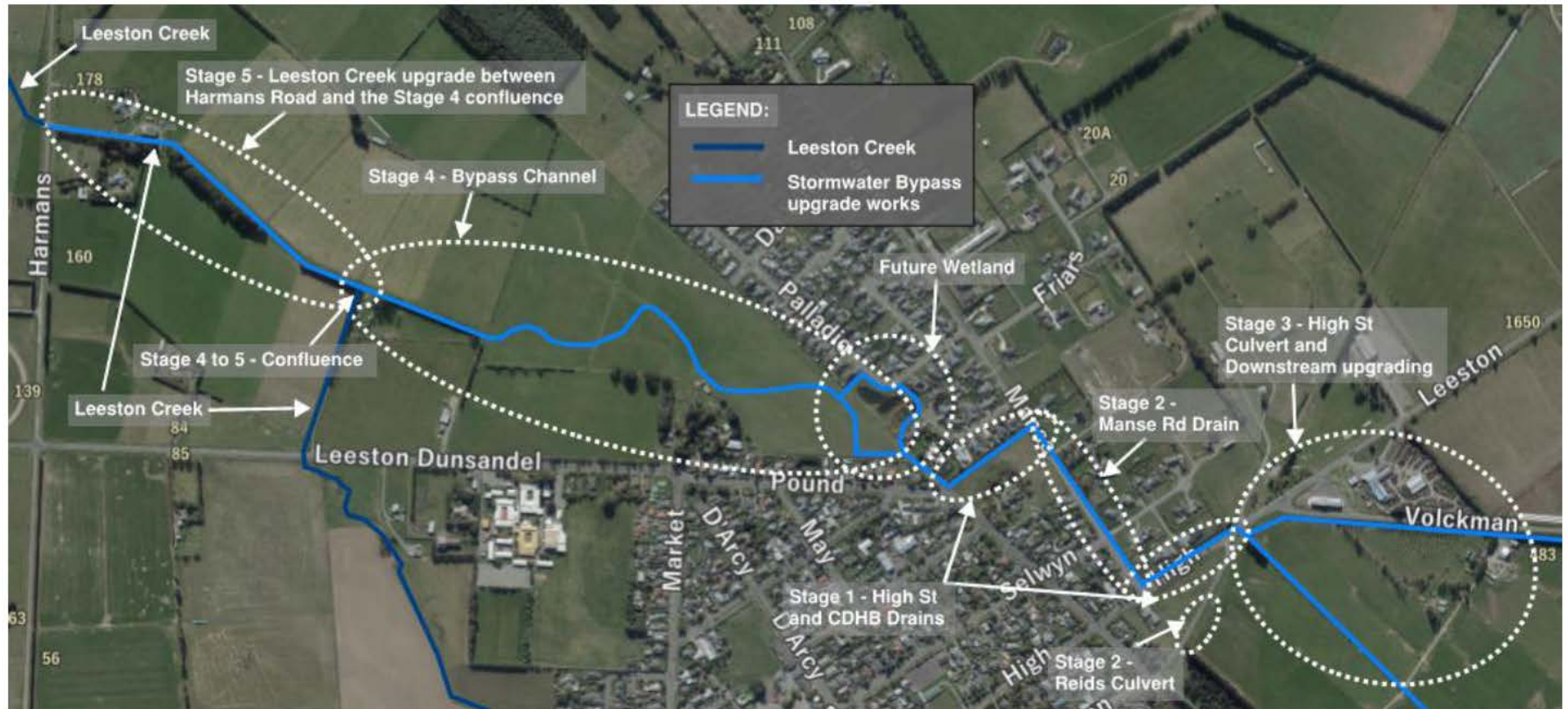


Appendix 2

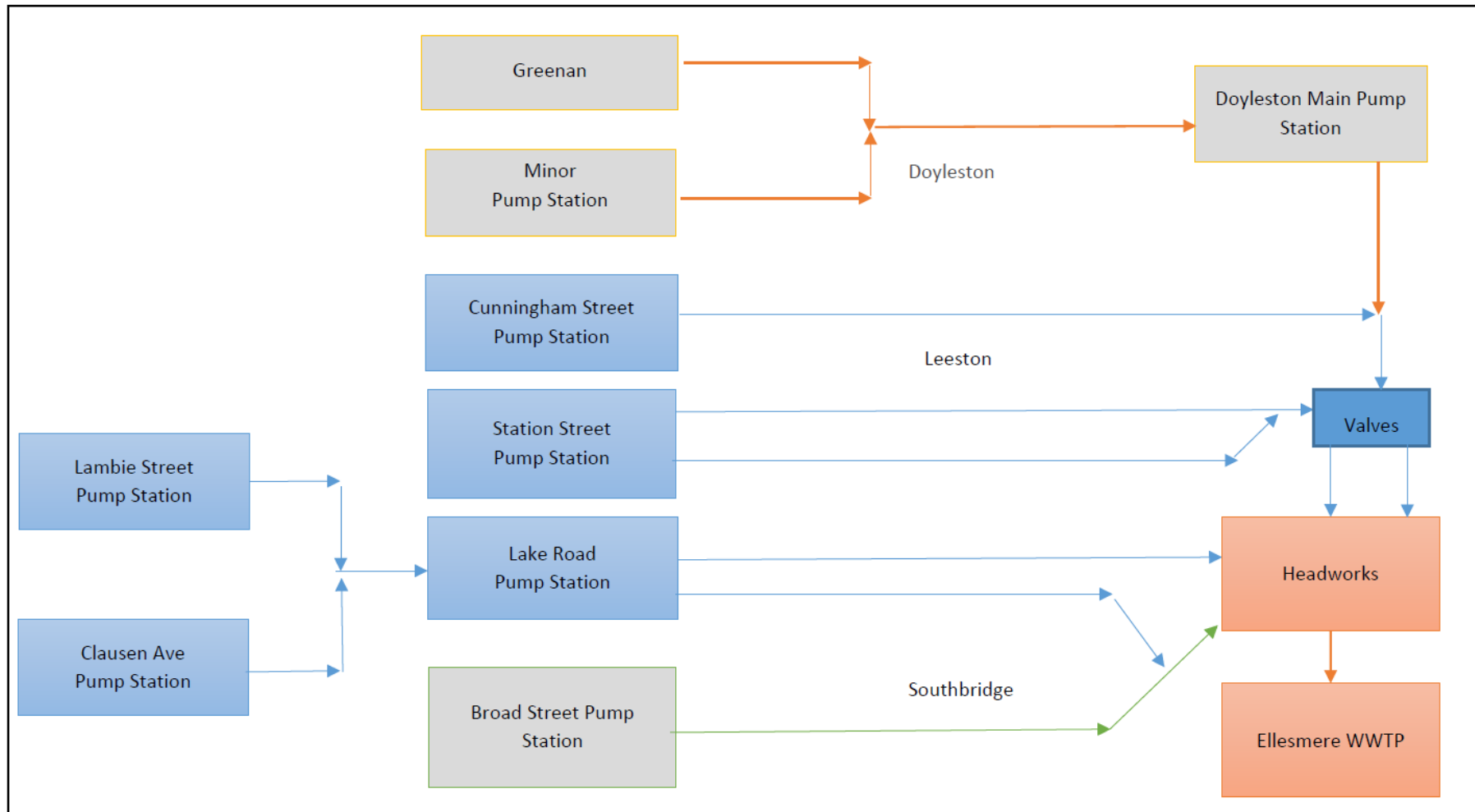
LEESTON \ DOYLESTON MASTER PLANNING 2017 - 2048



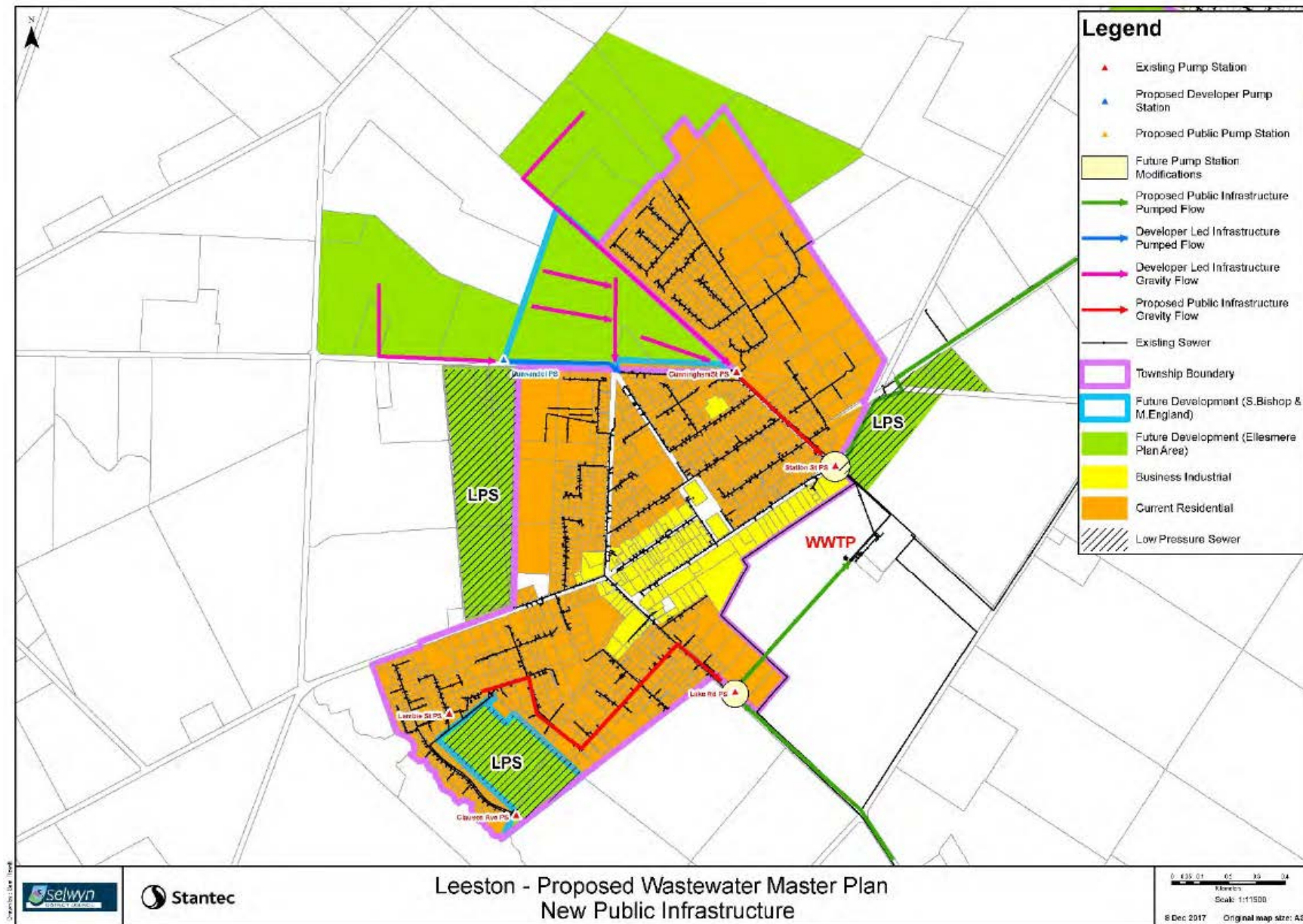
Appendix 3 – Leeston Stormwater Bypass



Appendix 4 - Leeston Wastewater Network



Appendix 5



Appendix 4 – Evidence of Andrew Mazey, Asset Manager Transportation



Ext:

M E M O R A N D U M

To: Jocelyn Lewes, Processing Planner
From: Andrew Mazey, Asset Manager Transportation
Date: 30 July 2020
Subject: Transport Comments on Plan Change 62, B Hammett Application

Introduction

1. My name is Andrew McDonald Mazey. I have worked for Selwyn District Council since 1991 in a number of roading related roles over this time. I currently hold the position of Asset Manager Transportation and have been in this and an equivalent earlier position for 19 years. Part of my role is to provide strategic asset management and planning advice to Council across its roading and transport systems. A key component of this is to ensure the appropriate integration of both transport and land use planning for activities that depend on both.
2. Because of the relatively non-contentious nature of this Plan Change 62 Application (PC) from a transport perspective, my comments are provided in memo form. I have been involved in pre application meetings and providing transport advice on behalf of Council to the Applicant. This has included input into the development of the proposed Outline Development Plan, assessment of the Application and the Request for Further Information (RFI) processes.
3. I have read in particular the August 2019 Transportation Assessment by Carriageway Consulting Ltd included in the PC Application and further information supplied through RFI processes. From the outset I am generally supportive of the proposed Application from a transport perspective.

4. Apart from any general discussion or comments, others are on an “exception” basis to discuss any specific aspects of interest or note. This includes roading and transport submission points directed to me by the Processing Planner to consider.

PC62 Outline Development Plan (ODP)

5. I am in general agreement with the roading and transport layout shown on the most recent PC62 Outline Development Plan (ODP) provided in response to the RFI. Pre application discussions worked through the layout of the ODP which needed to take account of a number of features and practicalities relating to the site. There is an aspect related to Spring Place and a recommended change that I have discussed in paragraph 13.
6. I consider that the area proposed for rezoning is logical as it borders the existing urban area of the Leeston township. However in relation to Spring Place and Mountain View Place, which were developed some time ago, there are limitations to achieving integrated multimodal transport connectivity due to the existing built form.
7. Both High Street and Leeston Dunsandel Road are classified as arterial roads in the Council’s District Plan. At a wider network level, High Street provides for passing traffic to and from the Southbridge Township, while Leeston Dunsandel Road is used by traffic to and from the Dunsandel Township and State Highway 1. At a more local level, High Street provides a local connection east to the Leeston Town Centre, while Leeston Dunsandel Road accommodates Ellesmere College which attracts significant traffic itself to the north of the township.
8. The proposed ODP layout of the main north - south roading network provides for the local and wider connectivity required. In paragraph 26 I discuss Council’s requirements from a roading upgrade perspective at the time of subdivision, should this PC be approved, to make these main roading connections link and work on a multimodal basis.

9. As referred to above, the nature and built form of the much older urban area to the east means there are limited opportunities to integrate the two urban areas together to enhance roading connectivity on a multimodal basis.
10. The exception to this is the proposed connection to Spring Place. 18 Spring Place, which is the equivalent width of a standard lot, located between 16 and 20 Spring Place, was, for as long as I have been aware, retained to provide a future roading link west when this area was developed, as this PC is now proposing. Ideally a similar provision for a connection from Mountain View Place, even only for pedestrians should have also been provided at the time it was developed.
11. ODPs now would routinely require for connectivity to be considered and provided for by developers to future proof wider connectivity outcomes. To this end, and as requested by Council, the ODP shows possible future roading connections to the west, should the remaining area outside this PC between Leeston Dunsandel Road and Harmans Road ever be rezoned and developed for urban purposes. This allows Council to ensure at the time of subdivision consent the respective developers provide the necessary aligned roading connections as may be required at the time.

Submission Responses

12. Comments are provided on the following submissions relating to roading and transport aspects. These are grouped into topics to assist in providing a comprehensive response and cover the specific submissions such as from *Manning, Milne, MacKenzie, Marriott, McQuillan, Pullen, McLachlan, Warren, and the Ministry of Education.*

Spring Place Use and Access:

13. Generally the submitters above are concerned about the increased use of the existing Spring Place cul de sac through a roading connection to the PC area as shown on the ODP. As discussed above, Council is supportive of this roading connection to provide co-joined development and local transport connectivity and access resilience. I believe it has been obvious to most and/or

relatively common knowledge locally why 18 Spring Place was never developed so it could create this future connection.

14. Spring Place is around 300m long and has a carriageway width of 6 - 8m. It has a traffic count of up to 200 vehicles per day. By today's standards it is double the length that would be normally allowed under current DP requirements for a cul de sac. Even at the time of approval this may have been also identified as inappropriate. Mitigation of this could have been offered that 18 Spring Place to be used as a future roading connection. I am however surmising on this.
15. The submitters concerns are acknowledged about the increase in traffic having the connection to the PC area via Spring Place. However an additional vehicular connection will improve the resilience of access to Spring Place, which currently only connects to High Street. While the focus of the submitters is on increased vehicle use, a roading connection to the PC area will also provide for pedestrian and cyclist access. This has advantages as it improves access for pedestrians and cyclists in Spring Place (and those further afield via High Street) to the northern areas of Leeston, the College, and related amenities being provided within the PC area such as new walkways, reserves etc. Typically a roading connection between existing and new development areas then allows water services and utilities to be co-installed and joined up which improves performance and resilience of supply.
16. The ODP currently shows a proposed Primary Road connecting to Spring Place. In the context of this PC area and proposed roading network I would consider this to be equivalent to a Local Major Road Classification in the District Plan. This allows for a road carriageway up to 9m wide. In relation to a roading connection to Spring Place that would be out of context to its own narrower configuration. My recommendation is that the section of ODP road west of Spring Place be downgraded to a Secondary Road status, which would be equivalent to a Local Intermediate Road classification which allows for roads up to 8m wide and is more in keeping with Spring Place. This, together with providing engineered threshold treatments to reduce the Secondary Road carriageway width further as part of a new intersection with Spring Place, would remove the attractiveness of this route being used by traffic accessing the wider

PC area from High Street. Instead it would allow this link to function more as a localised neighbourhood roading connection. The requirements and design of this connection/intersection would be provided as part of the subdivision and engineering approval processes at that time.

17. I believe this amendment to the ODP, together with the appropriate design treatments at the time of construction of the new intersecting ODP road, will address the submitters main concerns to the extent that the connection to Spring Place would not function as a main “through route” to the PC area, thereby reducing traffic volumes and related effects. I believe it is very beneficial that there is a roading connection for the reasons above, but this is carefully controlled.
18. Through this control it would also reduce the amount of traffic turning to and from Spring Place from High Street. Some submitters have referenced the right turn from High Street to Spring Place as an issue. As described above, reducing the amount of newly generated traffic from the PC area using Spring Place will significantly assist with this possible concern as well. This section of High Street carries around 4000 vehicle per day. At this level of traffic, right turning into Spring Place should not present any issues relating to queues or congestion. Providing a specific right hand turn bay on High Street is also seen as unnecessary based on traffic volumes. However, it is identified that the intersection of Spring Place to High Street is not very well defined, delineated and aligned with High Street with no kerbing etc. Council’s expectations at the time of subdivision is that High Street is upgraded by the developer to ensure existing and new roading connections and infrastructure are joined up. This is discussed further in paragraph 28. This would include the High Street and Spring Place intersection.
19. In terms of wider localised traffic effects, submitters have raised concerns with the adequacy of the Southbridge Leeston/Feredays/Harmans Road and High Street intersection. As a key arterial road intersection in the immediate vicinity of the PC area, I have no immediate concerns regarding its capacity to cater for traffic increases, either generally or that may result from the traffic generated from the PC area. Most access to the PC area will be via the new roading

connections to High Street and Leeston Dunsandel Road. With access from Spring Place recommended to be more tightly controlled as described above, access from Harmans Road is seen as also somewhat subsidiary, providing only for more direct local roading access to the western portion of the PC area and Harmans Road. However it is recommended that a further safety assessment by the Applicant is needed to check the level and adequacy of vehicles turning at the intersection into Harmans Road to access the PC area. For example there is no current turning facility such as a right turn bay to cater for this type of movement, particularly for the higher volume Evening Peak Hour as highlighted by the Applicants Traffic Distribution Assessment.

20. Other submitters made reference to the adequacy of Leeston Dunsandel Road to safely cater for the increase in traffic. There are ever present challenges relating to managing road safety outside schools such as the Ellesmere College in close vicinity to the PC area. Leeston Dunsandel Road is classified as an Arterial Road, but has relatively low traffic volumes ranging from around 500 vehicles per day at the Harmans Road end to over 800 across the frontage of the school. Unlike a lot of situations involving schools, the Ellesmere Colleges road frontage provides a higher than usual standard to accommodate the needs of the school and access. On this basis I have no real concerns relating to the increase in traffic expected from the PC area and any impacts on the school. In its own submission the Ministry of Education did not see any issues either, and saw the advantage of the walking and cycling networks being provided in the PC area to provide access to the school by these modes. However like High Street, Council expects that the necessary connecting footpaths and related upgrades along Leeston Dunsandel Road to the school will be provided at the time of subdivision.
21. While submitters focus has been on the above intersections and road connections, Council's original concern centred on the High Street/Market Street/Leeston and Lake Road intersection, as simplistically most of the traffic generated by the PC area will pass through this intersection in some manner. The further analysis from the Applicant requested through the RFI showed there was no level of service issues, including at peak times, which I accept.

Wider Network Transport Effects:

22. The Christchurch City Council through its submission holds the view that further urban development within Selwyn increases the number of commuter trips with Christchurch City. This then impacts on their own roading network contributing to more congestion along with other effects such as increased emissions etc. The collaboration on these types of transport and land use issues are governed by the Greater Christchurch Partnership (GCP) in the high growth areas close to metropolitan Christchurch that include Rolleston and Lincoln etc. This does not include Leeston which is rural township well beyond the GCP geographical area of purview.
23. The PC area will generate an extra 2952 Daily traffic movements (1476 in and 1476 out). The submitter provides no evidence on what proportion of this would end up on the Christchurch network relating to this PC area, or indeed other local destinations such as Rolleston that are becoming an increasing attractive destination for Leeston residents to access for the increasing range of employment, social and commercial developments that are occurring. In line with Council's intention to become more self-sufficient, this reduces the need to travel to the City with any traffic effects being more contained in the District. Even assuming all 1476 trips in the am peak did indeed all end up on the Christchurch network, the net effect would be very small in relative terms due to the number of main roading routes available from Leeston to the City which dilutes the effects of this.
24. The Metro Service 87 provides a direct express bus service in the morning and evenings between Southbridge and Leeston to the City. It also stops at the smaller villages and townships along the way such as Springston. Originally funded by the Council in conjunction with the Environment Canterbury (ECan) as a trial service, it has been confirmed through ECan's recent Annual Plan that this route will continue as a funded Metro Service.
25. This Metro Service is ideally placed to cater for this PC area and provide an alternative transport mode to cater for commuters to reduce commuter single occupant type car trips. In addition the main north – south primary roading network is well positioned to accommodate a bus service that would connect

together and service the northern and southern areas of the western side of the Leeston township. Council is actively providing for other transport modes even in these more rural townships, which includes a new off road cycleway connecting between Leeston and Doyleston which will reduce local car dependency and emissions in the area.

Roading Upgrades

26. As referenced above, the Council has expectations that the Applicant will provide roading upgrades at the time of subdivision to make sure this development is fully integrated on a multimodal basis to existing adjoining transport infrastructure and networks. It is important this is made clear at this point, and whilst I acknowledge it is not directly applicable to plan change outcomes, this is to avoid any ambiguity at the time of subdivision should this PC be successful.
27. It has already been identified above that the proposed roading connection to Spring Place needs to be formed in a manner to ensure roading access is limited and controlled in a suitable manner, the Spring Place and High Street intersection needs to be upgraded, and pedestrian pathway connections along Leeston Dunsandel Road to Ellesmere College are also required.
28. It will be expected through subdivision consent that the new development will provide and connect to existing urban infrastructure in addition to that required along its own PC area frontages. This would include, widening, kerbing, lighting and footpaths. For example there is no connecting footpath from the PC area east to the town centre on the north side of High Street for approx. 275m to cater for the pedestrians generated by the PC area wishing to link to the Leeston Town Centre. Council wants to avoid previous situations, for example in southern Rolleston, where new developments did not provide these connections that lead to public complaints and requests for it to be provided by Council. Similar upgrades and connections to existing footpaths will also be required on Leeston Dunsandel Road to the Ellesmere College. A perimeter footpath along Harmans Road and the remainder of High Street adjoining the rural residential area is the only likely main upgrade needed along here.


29. It has also been identified by Council that a roundabout should be installed at the intersection of the southern primary road, High Street and Clausen Avenue to cater for the traffic generated by this PC area. Corner splays on the Clausen Avenue end already exist to enable this. It is considered that a roundabout is safer and more efficient than a cross roads intersection and this would establish it as the main entrance to the PC area, further reducing any expectation or reliance on Spring Place for this. It also provides a southern urban threshold to the township and the expanded urban area fronting on High Street with its further lots and intersections created. This would replace the current speed threshold that is across the PC area frontage and would better manage vehicles speeds along the development frontage. The provision of a roundabout could be staged with the development of the PC area.

Conclusions

From a roading and transport perspective I support the proposed Plan Change 62 subject to the following recommendations;

30. The OPD is amended so that the section of ODP road west of Spring Place be downgraded from a Primary to Secondary road status to assist in the mitigation of the concerns regarding increased traffic to and from the ODP area through the intended use of Spring Place;
31. Through the use of appropriate engineering treatments at the time of subdivision, the connection of Spring Place to the ODP Secondary Road, as proposed above, is undertaken to ensure roading access is controlled so it functions as a more localised neighbourhood roading connection, than a through route from High Street to the wider PC area.
32. Further checks are carried out by the Applicant on the Southbridge Leeston/Feredays/Harmans Road and High Street intersection to accommodate traffic turning to and from Harmans Road and the PC area.
33. It is referenced that Council expects at the time of subdivision the existing road frontages along High Street and Leeston Dunsandel Road will be upgraded to urban standards, including the extension of these to connect to existing roading

infrastructure to cater for all modes. This includes providing the appropriate intersection treatments on all existing roads.

A handwritten signature in black ink, appearing to read 'Andrew Mazey', enclosed within a large, loopy oval shape.

Andrew Mazey

Asset Manager Transportation

Appendix 5 – Peer review of geotechnical investigations by Mr Ian McCahon of Geotech Consulting Ltd

4415
03 October 2019

Selwyn District Council
PO Box 90
Rolleston

Attention: Jocelyn Lewes



Dear Ms Lewes,

**RE: Plan Change – PC 190062
High Street, Leeston
Geotechnical Report Peer Review**

A private plan change for about 60ha on the west side of Leeston would provide for subdivision of about 380 Living 1 houses and 30 Living 2 houses. Selwyn District Council has requested a peer review of the geotechnical report submitted with the application with respect to whether the investigations and conclusions are appropriate.

The report provided is titled *Geotechnical Investigation Report, Proposed Land Use Change, Leeston*, 6 October 2017, by Soils & Rock Consultants (S&R) for L & B Harkers. A second report has also been viewed – *Soil Contamination Risk Stage 1 – Preliminary Site Investigation report, proposed plan Change Leeston Dunsandel Road, Harmans Road and High Street, Leeston*, July 2017, by Malloch Environmental Ltd. No subsurface testing was done for this report and it adds little to the geotechnical information.

We have also referenced information from several geotechnical reports submitted for earlier subdivisions in the area and previously peer reviewed:

- RC 125345, (2012), south side of High St, opposite site
- RC 1225263, (2012), 178 High St, opposite site
- RC 135022, (2013) north side of Dunsandel Rd, adjacent to smaller block in this plan change
- RC 135086 (2013), south side Dunsandel Road, within the north end of plan change area

1 Site

The S&R report shows the site as a total area of 77.9 ha, with most of the land between Leeston-Dunsandel Road on the north, Harmans Road to the west, High St to the south, and the Leeston High school and housing to the east. A small area is included on the north side of Dunsandel – Leeston Road. We note that this is larger than the 60 ha area shown in the outline development plan.

Comment This report notes a watercourse across the northeast part of the site area, as being about 5m wide and 0.5m deep. RC 135086 describes this as about 5m wide and 1.5m deep, adjacent to the site then being inspected close to Dunsandel Road. Inspection of the contours from LiDAR survey as included in the August 2017 Ecan letter re flooding (Appendix 6 of the application), indicates that the creek is about 1.5m deep at the top end at Dunsandel Road and 0.5m deep at the downstream end where it enters the existing residential area.

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GEOLOGICAL & ENGINEERING SERVICES

2 Testing and subsoil conditions

The report describes an investigation of 16 hand auger boreholes with associated scala penetrometer tests and one test pit to 1.6m depth. The hand auger bores replaced the intended test pits because of the wet and soft ground conditions restricting access. Six deep wells from the Ecan GIS database within 40m and 150m of the site (one on the site) have also been referred to.

Comment The MBIE Guidelines suggest 0.2 to 0.5 test locations per hectare for plan change purposes. If the report area of about 80 ha is taken this gives 16 to 40 test locations. The 17 tests area therefore at the minimum end of the range. The tests are also all shallow. However, the uniformity of the soil profile and the general geology make the testing acceptable, in our opinion.

The site is typically covered with 0.2 – 0.7m topsoil over soft to firm silt. All the hand augers stopped at between 0.5m and 1.7m on what was inferred to be gravel. The Ecan boreholes also show 0.6m – 1.2m depth to gravel, which then extends to beyond the end of the boreholes at between 10m and 52m depth. Peat was found in one hole (AH15) at 1.2 – 1.7m; the entry in table 3 (1.5m to top and 1.5m thickness) is in error. The water table was measured at 0.6, 0.7 & 1.1m depths in three of the auger holes.

Comment This soil profile is consistent with the other records referred to. Some boreholes south of High Street, approximately south east of AH15 from this report, were logged as containing some organic silt and two holes had peat lenses immediately above the gravel. It does appear that there are some intermittent peat lenses in this area close to the south west corner. Other investigations also report water table levels at similar depths, with it being somewhat deeper in the north and shallower to the south east.

3 Geotechnical Hazards

The report comments of various geotechnical hazards:

- The shallow creek in the northeast part of the land “may potentially cause lateral spread adjacent to its banks”.
- The site “may have a potential for liquefaction on the deeper natural silts within the southwest corner.”
- Liquefaction induced land damage is expected to be within TC1 limits for most of the site, with possibly TC2 in the southwest corner
- There is potential settlement from peat in the southwest corner
- Other hazards are either non-existent or can be mitigated

The report conclusion (section 11) states that “the site is geotechnically suitable to subdivide for a residential development.”

Comment:

The liquefaction assessment is very limited and is really confined to the TC1/ TC2 categorisation without a lot reasoning presented. We note that Leeston is on the western side of the line given in the 2012 Ecan report on liquefaction hazard in the Christchurch region, which means that that it is the zone where damaging liquefaction is unlikely, normal geotechnical assessment practices apply and standard foundations will normally be adequate.

The liquefaction hazard on this site is likely to be confined to the fine grained soils below the water table but above the denser gravel, and thus about two thirds of the site area in the north and east will have minimal if any liquefaction potential given that the water table is likely to be at or below the top of the gravel. As the report identifies, there is more potential in the southwest third where the gravel is deeper at 1.5 to 1.7m depth. However, if 1m of soil is assumed to be saturated and liquefiable, maximum ground settlement is unlikely to exceed 70 – 80mm, and thus an equivalent TC2 classification is appropriate. We agree with the report that further testing is needed in this area prior to subdivision consent.

The report concludes that a potential for minor to moderate lateral movement is present along the watercourse in the northeast part. We are uncertain how this has been arrived at, as no mechanism is presented. The gravel is shallow in this area (closest bores show it at 0.4 – 0.9m depth) and it appears unlikely that there would be sufficient liquefaction to cause such movement. At the upstream end the gravel is likely to extend at least half way up the bank and the water level is lower; at the downstream end the banks are so low that it is hard to see how significant movement could be generated, especially given the limited liquefaction that might be present. In our opinion, the report conclusion is likely to be conservative in this respect.

We note that flooding has been explicitly excluded from the hazard assessment.

4 Engineering design

The report gives some general direction in terms of suitable house foundation systems and infrastructure. Further testing, including CPT tests, is required for subdivision, and lot specific assessment for TC classification and foundation design is recommended.

Comment: Many of the scale tests indicate that “good ground” as defined in NZS3604:2011 is present at relatively shallow depths over much of the site, but some tests show softer soils to up to about 0.9m depth. It is likely that specific testing and foundation design will be needed for buildings at a later stage, but this does not make the ground unsuitable to support foundations. We concur with the need for further testing at later stages of development.

5 Flood Hazard

Flood hazard is explicitly excluded from the geotechnical report. A letter from Ecan is included in Appendix 6 of the application documentation forwarded. It is noted that the land drains to the southeast in the direction of the established residential areas. The photographs appended to the Ecan letter show surface ponding after heavy rain, with flow paths in this southeast direction. Development will increase runoff from the development area, but as noted in the Outline Development Plan, suitable design of retention ponds and the like can compensate for this. If it is assumed that the existing residential areas do not experience significant flooding issues, despite being down gradient of the site, then it appears reasonable to accept that with suitable mitigation, the site area can be similarly developed without exposure to significant flooding hazard. This observation is not to be construed as a guarantee and is not based on any in depth study of the flooding hazard.

6 Conclusion

This site is geotechnically relatively “benign” and we have little issue with the conclusions reached in the report. The extent of the site testing is adequate but not generous given the size of the area. However, given the geological setting of older gravels under the site and the consistency of the soils as exposed in the tests, we accept that the testing is adequate and there remains only a small risk of unknown geotechnical aspects being present. We consider that the testing does meet the intent of the MBIE Guidance on geotechnical investigations for plan change.

The provisional equivalent TC1 / TC2 classification for liquefaction hazard is appropriate based on the currently available information. Further testing, including CPTs in the southwest portion, is needed at subdivision consent stage, and we recommend (as does the report) that further site specific testing is done at building consent stage.

Yours faithfully

Geotech Consulting Limited



Ian McCahon