

Before an Independent Commissioner  
appointed by Selwyn District Council

---

Under the Resource Management Act 1991

In the matter of Proposed Plan Change 62 to the Selwyn District Plan

---

**Statement of evidence of Michael Benjamin Carvalho Vincent**

31 August 2020

---

**Applicant's solicitor:**

Sarah Eveleigh  
Anderson Lloyd  
Level 3, 70 Gloucester Street, Christchurch 8013  
PO Box 13831, Armagh, Christchurch 8141  
DX Mail: WP20309  
P + 64 3 379 0037 | f + 64 3 379 0039

**anderson  
lloyd.**

## **Qualifications and experience**

- 1 My name is Michael Benjamin Carvalho Vincent and I am a resource management consultant for Baseline Group, an independent, specialist land development consultancy with three offices throughout New Zealand. I hold the Degree of Bachelor of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute.
- 2 Experience of particular relevance to this application includes preparation of resource consent applications including assessments of environmental effects for large and small subdivisions, and residential, rural and commercial land uses.
- 3 I have been engaged to present planning evidence on Private Plan Change 62 by D. Marshall, L. Martin & A. Formosa, M. & T. Saunders, B. Hammett and J. & S. Howson, referred to as 'the Applicants'.
- 4 Along with my colleague Ms. Adrienne Tisch, I prepared / co-authored the original Private Plan Change Application and Section 32 Evaluation for the application site. I have visited the site as part of this Plan Change request and understand the subject property and its immediate surroundings.
- 5 In preparing this statement of evidence I have particularly considered the following:
  - (a) Submissions received from the public notification of the Plan Change Application
  - (b) Selwyn District Council's Section 42A Planning Report prepared by Ms. Jocelyn Lewes, and the attached reports of Mr. M. England and Mr. A. Mazey
  - (c) The evidence prepared by Mr. A. Carr and Mr. J. Hopkins
  - (d) The Ellesmere Area Plan
  - (e) The Operative Selwyn District Plan
  - (f) Canterbury Regional Policy Statement
- 6 My evidence addresses planning related elements of the Application.
- 7 My evidence does not seek to repeat the information already submitted as part of this private Plan Change Request.

## **Code of Conduct for Expert Witnesses**

- 8 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **Scope of evidence**

- 9 I have prepared planning evidence in support of the proposed private plan change. My evidence covers:
- (a) Site and Surrounding Environment
  - (b) Overview of request
  - (c) Section 42A Report
  - (d) Changes to the plan change proposal
  - (e) Matters raised by submitters
  - (f) Statutory framework for plan change
  - (g) Section 32 assessment
  - (h) Concluding comments
- 10 In preparing this evidence I have read the opinions expressed through the submissions and further submissions that have been received during the public submission process.
- 11 I have read the s42A report prepared by Council's planner Ms. Jocelyn Lewes. I note the report recommends the private plan change is adopted subject to the modifications listed. I agree with Ms Lewes conclusion that the Plan Change better achieves the District Plans objectives than the existing provisions, is consistent with the provisions regarding urban growth management, and gives effect to the presently operative higher order documents as well as the Ellesmere Area Plan.

## **Site and surrounding environment**

- 12 The Application Site has been fully described in the notified application and the Council's Section 42A report and for the purpose of this evidence I adopt those descriptions.

- 13 The surrounding environment consists of Outer Plains zoning to the west, north-west and south-west of the application site. These zones consist of typical rural activities such as growing or rearing of crops or livestock. A harness racing track is located on the north-western corner of Harmans Road and Leeston Dunsandel Road known as Chmiel Racing Stables.
- 14 South, East and North-East of the site, the land is zoned Living 1 or Living XA. Each of those zones require an average allotment size of not less than 650 m<sup>2</sup>.
- 15 The District Plan identifies *Designation ME 4*, for the purpose of a *Secondary School*, (Ellesmere College). It is legally described as Section 1 SO 13993, Section 2 SO 13993, Section 1 SO 16950 and Section 1 SO 16410 Leeston Settlement, Block XIV, Leeston Survey District Area and has an area of 8.2143 hectares. The underlying zone is Living 1. The College adjoins the Application Site on the north eastern extent.

#### Overview of request

- 16 Plan Change 62 (**PC62**) is a privately initiated Plan Change seeking to uplift deferment and rezone approximately 60 ha of land west of Leeston township. The existing zoning consists of 5.3 ha of Living 1 (deferred), 22.8 ha of Living 2 (deferred) and 31.2 ha of Outer Plains.
- 17 As described in the notified application, PC62 seeks to:
  - Lift the deferral on 5.3 ha of Living 1 (Deferred) and rezone to Living 1;
  - Lift the deferral in 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.
- 18 The current zoning of the deferred Living 1 and Living 2 zones require an average allotment size of not less than 4 ha until the deferred status has been lifted. Following removal of the deferral, the Living 1 and Living 2 zones require average allotment sizes of not less than 650 m<sup>2</sup> and 5,000 m<sup>2</sup>, respectively. The approximate yield is 410 allotments, made up of 380 Living 1 and 30 Living 2 allotments.
- 19 PC62 seeks to insert a new Outline Development Plan (**ODP**) into the District Plan to ensure a long term strategic management framework for the expansion of the township at a rate that the community can accommodate. The investment in infrastructure to create the Leeston North Stormwater Bypass (**LNSB**) has been

signalled through various Council master planning documents. The Ellesmere Area Plan signals expansion of the urban form of the township to the west, to mirror similar development along High Street and Leeston Dunsandel Road.

- 20 Provisions within the District Plan require the amelioration of surface flooding constraints be implemented before the deferment is lifted. PC62 provides land to be vested to Council for the LNSB. The implementation of LNSB, as well as the specific guidance of the ODP, alongside other treatment methods and ground improves at the time of subdivision provide the mechanism to ensure residential land can be developed.
- 21 Flood hazards on site arise from Leeston Creek, and the completion of the LNSB will eliminate this hazard. Through the ODP, the plan change proposes methods for the management of hard stand surface run-off to reduce the risk of flooding and ensure the flow of the Creek is no more than 'pre-development' flows in large scale events. Combined with this, a minimum floor level is proposed to ensure any dwellings are protected from the 0.5% Annual Exceedance Probability (1 in 200 year) flood event. This is only anticipated to result in a requirement for raised floor levels if residential development proceeds prior to the LNSB being in place.
- 22 Viable options for servicing the Application Site for water supply, stormwater, wastewater, electricity and telecommunications are available, as identified in the Servicing Report in Appendix 4 of the notified application.
- 23 In summary, water supply for any future subdivision of the Application Site can be provided via a mains-pressure-on-demand reticulated system, drawing from the existing reticulated supply. Additional augmentation is provided through the new water bore which will be established by Council in the Utility allotment in the north west corner of the Application Site. It is anticipated the augmented supply will be sufficient to meet the requirement for standard fire hydrant spacing.
- 24 There is no wastewater reticulation servicing the plan change area itself. For wastewater treatment and disposal, four options were proposed within the Engineering Servicing Report, two of the options were identified as being viable and suitable for the conditions of the Application Site:
  - (a) Gravity network discharging to central pump station.
  - (b) Low pressure on-site system pumping to communal pressure mains.
- 25 The 2018 Selwyn District Council Activity Management Plan<sup>1</sup> for the 30-year period from 2018 till 2048, accounts for the anticipated demand of wastewater services in

---

<sup>1</sup> 2018 Activity Management Plan Volume 3 Chapter 6

Leeston. The forward planning includes the potential residential yield of 80 allotments from the existing deferred residential area but does not account for the entire plan change area. Therefore as the existing disposal system for the Ellesmere Wastewater Treatment Plant is limited in capacity, a trigger rule is proposed to restrict residential subdivision following the 80<sup>th</sup> allotment until the Ellesmere Water Treatment Plant has been upgraded and is capable of serving additional allotments within the ODP.

- 26 Given the options identified for treatment and disposal, as well as the proposed new rule restricting development, I consider there are viable options and appropriate management of wastewater for the future development of the Application Site.
- 27 Both Orion and Chorus New Zealand have confirmed the application site can be serviced with reticulated power and telecommunications from respective networks. The specific detail of connections would be confirmed at the time of future subdivision.
- 28 The Application Site is partially located within the urban bounds of Leeston, which is anticipated for urban development. The balance of the land is identified as a possible residential area (Figure 9 of the Ellesmere Area Plan) with logical progression to the west. The plan change seeks to provide long term options for the supply of residential allotments whilst guiding the integrated provision of infrastructure (roads and three waters) for the full Application Site thereby increasing efficiency of resources and providing a long term management framework for the site. Tangible public benefits include the actualisation of LNSB, increased rating base, greater choice of living environments, and economic development opportunities for the Township and District.
- 29 Any future subdivision of the Application Site under the Living 1 and Living 2 zone rules would be assessed as a restricted discretionary activity, at a minimum. The operative Selwyn District Plan directs matters of discretion towards the provision and effects of access, water, solid waste disposal, utility services, stormwater disposal, onsite effluent disposal, roads, reserves and walkways/cycleways, fencing, size and shape and context of allotments.

#### **Section 42A report**

- 30 I have read the Section 42A report prepared by Ms Jocelyn Lewes from Selwyn District Council and consider it has addressed relevant matters arising in relation to this Application. I generally agree with the response to the submissions made in her report and due to the high level of agreement I have focused my evidence on matters where I wish to make additional comment or response. I note Ms Lewes report recommends that the application be accepted, subject to recommended amendments.

- 31 The recommended amendments relate to the roading connection through to Spring Place being amended to a secondary road. This amendment has been included in the revised ODP attached as Appendix 1.
- 32 The applicant accepts the recommendation by the Planning Officer for the inclusion of the overall Outline Development Plan, subject to minor amendment, into the Selwyn District Plan with reference to the ODP referred to in the text of the plan.

### **Changes to the plan change proposal in response to the section 42A report**

#### *Changes to the ODP*

- 33 A revised Outline Development Plan and associated sheets have been prepared to address several matters of detail raised in the section 42A report. These are attached to this Evidence and will form the key documents for PC62, should it be adopted into the District Plan.
- 34 Mr England commented that "the stormwater areas may need to be duplicated and located at additional specific locations to ensure all stormwater is managed appropriately" and that "Details on stormwater management (quality and quantity) will be addressed and resource consent and engineering approval time" (paragraphs 49 and 51). Mr Hopkins agrees that the location and extent of stormwater management areas shown on the ODP are indicative and will be confirmed at resource consent stage. To clarify this intent, the stormwater management area notations in the ODP have been modified to show an indicative location. The stormwater management area which was in the northern half of Leeston Creek has been shifted south east, to represent a more likely location for its establishment.
- 35 There are consequential changes to the potential pedestrian/cycle links to reflect the changes to the stormwater management areas. These changes will still provide effective linkages within the ODP area and connections through to Ellesmere College.
- 36 The ODP has also been updated to show the road connection from Spring Place to the Primary Spine road (north – south) to be a secondary road, consistent with the recommendations of Mr Mazey and Mr Carr.

#### *Suggested changes to the PC62 provisions*

- 37 A minor revision to proposed Rule 4.1.3 (Amendment 5) has been suggest in section 9.3 of the s42A report and detailed in Appendix 1. In my assessment the amended wording provides that the activity (establishment of a dwelling) is permitted if it achieves the standard. If you do not meet the standard, the activity is restricted discretionary and the matters of discretion are able to be considered. I

support this change. The subsequent renumbering of the District Plan appears to be an administrative issue which would sufficiently accommodate these matters.

- 38 Proposed Amendment 11 sought inclusion of a rule relating to the capacity of the wastewater network. The s42A report supports the inclusion of this rule and recommends a companion rule relating to potable water whereby there is constraint on development beyond the 80<sup>th</sup> residential allotment until the potable water supply is augmented. The potential for cumulative adverse effect on the township water supply and firefighting capacity is sufficiently relevant to justify a non-complying activity status. Having reviewed proposed rule 12.1.3.23, I support its inclusion in the District Plan.
- 39 It is noted that both rules (waste and potable water) would become redundant once the appropriate infrastructure has been put in place.
- 40 Proposed Amendment 12 sought discretionary activity status for subdivision not in accordance with the ODP. Through the s42A report, this provision is now incorporated into existing Rule 12.1.6.2, which is supported.
- 41 Through the s42A report, Ms Lewes has proposed rule 12.1.4.106 which is similar to existing Rule 12.1.4.81 for Tai Tapu (Ms Lewes Amendment 12). The intention of the rule is to provide a systematic approach to ensuring risks / natural hazards are prevented at the time of subdivision and presents a broad approach to hazards and risk. In my opinion this broad explanation could capture a range of hazards or risks such as soil contamination. In my view a more nuanced approach should be applied where the matters of discretion target the flood hazard within the Leeston ODP area.
- 42 To this extent I propose a minor amendment to Proposed Rule 12.1.4.106 as follows:

12.1.4.106

*In relation to **floodings effects** in 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 **floodings** risk to people or damage to property; and*

*(b) Any measures proposed to mitigate the effects of a potential **natural floodings** 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.*

- 43 These changes still provide a systematic approach to ensure flooding risks are prevented at the time of subdivision, as introduced by Rule 12.1.4.106. They also reflect the intent as detailed in the s42A report at Paragraph 9.14 as they establish matters of discretion related to the ODP area to ensure risk and ground levels and thus flood hazards are mitigated at an early stage. This rule would work in conjunction, albeit separately, with Proposed Amendment 5 (in the revised form), which requires mitigation of flood hazard on the establishment of dwellings or principal buildings.

#### **Submissions and further submissions.**

- 44 Selwyn District Council publicly notified the private Plan Change pursuant to the First Schedule of the RMA on 21 January 2020 with the submission period closing on 19 February 2020. As outlined in section 5 of the s42A report a total of 17 submissions were received by Council. An additional one late submission (no.18) was received from Harts Creek Streamcare Group. Of the 18 submissions, four supported or conditionally supported the plan change. Four were neutral and 10 submissions were in opposition to the application.
- 45 The opportunity for further submission opened on 24 March 2020 during which four further submissions were made.
- 46 The s42A report discusses the submissions under seven broad topics, namely:
- (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 partnerships

- 47 Sections 5.2 through 5.6 of the s42A Report address two procedural matters regarding a late submission and a trade competition submission. The following comments are provided on each of these matters:

*Late submission*

- 48 The submission lodged by Harts Creek Streamcare Group was received one day following the close of submissions and is therefore a late submission. The s42A report at section 5.2 considers whether the late submission can or should be accepted by Council. I agree that there is no prejudice arising from the late filing of the submission and that it should be accepted

*Trade competition*

- 49 Section 74 of the RMA lists those matters that Council must consider or disregard when changing a district plan. Section 74(3) specifically states that Council '*must not have regard to trade competition or the effects of trade competition*'. In this respect, the s42A report at section 5.6 considers whether the submission from Peter Martin #13 is a 'Trade Competition' submission and therefore invalid. I agree with the findings of the s42A report that the submission from Peter Martin, is a trade competition submission and is therefore not a valid submission. I do not consider the matters raised in this submission in my evidence.

**Matters raised by submitters**

*Township form and character*

Need for growth

- 50 Christchurch City Council #6 (CCC) and Canterbury Regional Council #15 (CRC) respectively have concerns regarding the expansion of Leeston.
- 51 In my opinion the PC62 represents a logical expansion of the form of the Township, as it adjoins an existing residential environment. It is important to recognise that PC62 seeks to provide residential zoning for the long-term. The Ellesmere Area Plan provided for planning up to 2030. This date is only 10 years into the future, therefore this plan change is providing a framework and systems to accommodate and account for development beyond that which is currently envisaged by any Council non-regulatory document and this view is supported by the s42A report.
- 52 I understand that although there may currently be sufficient zoned land in Leeston, there have been delays in the development of that land and as a result there is a limited supply of residential properties (and particularly sections) on the market. This has been confirmed with local real estate agent Mr Stephan Knowler, as set out in the letter attached at Appendix 2.

#### Loss of amenity

- 53 Nicky Warren #11, Toby and Lisa Pullen #12 raise issues regarding loss of amenity for existing residential properties in Leeston.
- 54 Land west of existing residential development on Spring Place is currently zoned Living 1 (Deferred). Therefore, residential development should be anticipated in this area in the future. The Living 1 zone currently includes setback and recession plane (sunlight) restrictions. The existing rules of the Living 1 zone are considered appropriate for the Living 1 zone.
- 55 I agree with the submitter #11, that development of the plan change site may cause rise to the number of pets in Leeston, although I see no reason why the type of pets in this location would be different to those throughout the established area of Leeston.. The submitter requested land covenants to be listed on the property and future allotments to ensure quiet enjoyment of existing properties continues. This is considered to be outside the scope of the plan change. As the site adjoining Ms. Warren's property, is zoned Living 1 (Deferred), it can be expected the land will be used for residential development in the future. District Plan rules for the Living 1 zone are considered appropriate to ensure any residential development of the site retains the anticipated amenity for the Living 1 zone.

#### Reverse sensitivity

##### F.S. Cochranes #4

- 56 There is potential for reserve sensitivity where the proposed Living 1 zone will adjoin a business zone in the south east corner of the ODP, 125 and 125 A High Street (currently occupied by Cochranes of Canterbury (farm machinery)). In this regard the sensitivity lies in the potential for business operations to be a nuisance and source of complaint for any potential residential activity. This could cause economic or operational limits on the business activity, which could impact their viability. It is noted the site is presently surrounded by areas zoned for residential activity, albeit at a higher density on the western side. Through a further submission, it was sought that landscaping, fencing and a bund is shown on the ODP on the boundary northern and western boundary of the Cochrane property.
- 57 The plan change application proposes a rule which provides for a 2-metre landscape buffer within the Living Zone where it adjoins a Business zone. Planting of a minimum of one tree per 3 metres is required, with trees being capable of reaching a minimum height of 3 metres at maturity. This interface buffer would be in excess of any measure required by the operative district plan for similar zone interfaces. In my opinion the proposed rule will provide an acceptable degree of visual screening between the two zones. This view is shared in the report from Ms Lewes.

- 58 In regard to the Ground Water Protection Zone in the north west quadrant of the application site, through negotiation with Council, a utility allotment will provide a water bore to augment the potable water supply for the Application Site. An area of ground water protection has been identified on the ODP for the purpose of ensuring no sewerage discharge in proximity to the water bore. The 100 m protection zone around the utility allotment will ensure there are no discharges to ground within this area thereby avoiding any potential for potential for adverse effects of contamination of ground water in that immediate environment.

#### Request for rezoning

##### Cochranes #4 and Sharon Farrant #10

- 59 The submitter (#10) seeks that the deferral is lifted from their property and is rezoned to Living 1. The plan change application seeks to lift the deferral over the submitter's property; however, when initially approached if the owner sought to be part of the plan change, this offer was declined. Rezoning the submitter's property is considered to be beyond the scope of the plan change in its current form.
- 60 The submitter (#4) seeks that a portion of their land is rezoned to Business 1. I concur with the conclusion of Ms Lewes, that as the submitter did not choose to participate in the plan change process their submission is beyond the scope of the application. I note the applicants do not oppose the submitter's land being rezoned to Business 1.
- 61 It is noted the owner of Lot 1 DP 451172, 31 Leeston Dunsandel Road did not participate in PC62. Their allotment is approximately 1,600 m<sup>2</sup> and any uplifting of the deferred Living 2 zone would have no impact on their ability to undertake subdivision.

#### *Infrastructure Servicing*

#### Flooding and stormwater

Alan and Janet Manning #2, Rachael Prestidge (Flooding) Submission #3, Rachel Marriott #7, Nicki Warren #1, Toby and Lisa Pullen #12, MoE #16, Stuart and June McLachlan #17, Harts Creek Streamcare Group #18, Ellesmere Sustainable Agriculture F.S.

- 62 These collective submissions have concern with the potential impacts of flooding and the management of stormwater and its quality across the site and beyond the application site into private property and Leeston township. Options have been identified for the provision of onsite flooding and stormwater treatment for the plan change area. The vesting of land for the LNSB is a key feature of the ODP and will divert flood flows away from the Application Site.

- 63 Acceptable solutions have been identified by the Servicing Report for stormwater management and attenuation to ensure post development discharge rates will be no greater than pre-development flows. This matter is considered further in the evidence of Mr Hopkins and I rely on his conclusions.
- 64 The proposed amendments to the District Plan provide regulatory contingency to the ODP area to ensure that any development which occurs prior to service upgrades (LNSB) would not create or exacerbate flood hazard. I agree with the suggested amendments to the District Plan to require particular consideration of this matter at the time of subdivision, as detailed in the S42A report.
- 65 The submission from the Ministry of Education (#16) raised concern regarding the potential effects of any flood water displaced through development resulting from the plan change.
- 66 Further to their submission a meeting was held with Ministry representatives on 24 August 2020. In respect to the adverse effects of flooding on the College Site, it was confirmed the LNSB will provide a significant degree of amelioration to the site. The evidence of Mr Hopkins discusses these matters further and I rely on his conclusions.
- 67 The Outline Development Plan will provide guidance for any future subdivision of the site. It will ensure any future subdivision of the site includes the appropriate stormwater treatment measures and mitigation of onsite flooding risk.

#### Wastewater

Robert and Jean Milne #5

- 68 The wastewater system will require upgrading after the 80<sup>th</sup> lot is created. This cost is subject to non-RMA processes. I understand that development contributions at the time of subdivision can be collected to contribute to the cost of upgrading the wastewater system in Leeston.

#### Water Supply

Rachel Marriott #7, FENZ #14

- 69 Ms Marriott (#7) is concerned about the capacity of the existing reticulated water services. An additional water bore has been installed to service the plan change area to provide the additional capacity required for the plan change area. Through the s42A report a new rule is proposed to ensure subdivision does not proceed beyond the 80<sup>th</sup> allotment until such time as the potable water infrastructure permits. In my opinion this rule is appropriate.

- 70 Fire and Emergency New Zealand (#14) made a neutral submission which sought an addition to an existing rule to ensure all dwellings be provided a water supply connection that complies with current industry standards and where reticulated services are unavailable that on-site firefighting water supply be supplying in accordance with SNZ PAS 4509:2008.
- 71 I agree with the planning officer's report which confirms there are options to provide water supply to meet fire-fighting requirements and any future subdivision of the site would need to comply with Selwyn District Council's code of engineering practice. In my opinion, water supply for the purpose of fire-fighting can be provided to the Plan Change site through the new bore located in the northern half of the site and through the proposed reticulated supply and use of on-site storage for the larger allotments. Any resultant subdivision process would be required to detail the particular method of conveying adequate fire-fighting water supply and ensure that the proposal will comply with Council code of engineering practice.

#### *Transport and Safety*

##### Connectivity

Allan and Janet Mannering #2, Robert and Jean Milne #5, Rachel Marriott #7, Graham MacKenzie #8, Katherine McQuillan #9, Nicki Warren #11, Stuart and June McLachlan #17

- 72 A range of submissions sought resolution of connectivity issues from Spring Place. I note there is no Transport Zone under the current District Plan and all roads are zoned the relevant Living, Business or Rural zones. Therefore, while the allotment proposed for the roading connection to Spring Place is zoned Living 1, utilising this allotment for a future road is not prohibited through any rules in the District Plan.
- 73 The ODP has been amended to downgrade the connecting road west of Spring Place to a secondary road. This amendment is supported by the s42A report and the evidence of Mr Carr.
- 74 The Integrated Transport Assessment (ITA) prepared by Mr. Andy Carr models the anticipated traffic generated as a result of the plan change site being fully developed. The ITA concludes that the traffic generated can be accommodated without significant efficiency or safety issues. I accept Mr Carr's assessment.
- 75 A submission (#5) was concerned with the effect of lights shining into the submitter's property from vehicles exiting from Spring Place. In my opinion this is a minor effect and consistent with effects that occur in other residential zones.

## Transport safety

### Ministry of Education #16

- 76 The Ministry of Education (#16) is concerned with increase traffic movements (including pedestrian cycle link) in proximity to Ellesmere College as a result of the plan change. Further to their submission a meeting was held with Ministry representatives on 24 August 2020 to clarify any further concerns.
- 77 With respect to the traffic matters raised in the MoE submission, I accept Mr Carr's conclusion that the request to change the zoning of the application site and the resultant subdivision will not give rise to adverse effects on drop-off activities.

## Transport effects

- 78 The submission from Christchurch City Council (CCC) is concerned about additional growth in the smaller settlements of Selwyn District and how this will impact the carbon emissions of Christchurch City through commuter traffic.
- 79 Through their submission CCC have presented data from the 2013 Census, which shows commuter traffic flows from Leeston to Christchurch. However, this data is now seven years out of date and was collected at a time when the housing stock of Christchurch had not fully recovered from the sequence of Canterbury earthquakes<sup>2</sup>. In 2013, 13.4 percent of the Christchurch city workforce (23,166 people) commuted to work from surrounding districts – up from 17,526 (10.7 percent) in 2006<sup>3</sup>. This would have a significant impact on commuter patterns in greater Christchurch, particularly due to the closure of the CBD<sup>4</sup> which remained inaccessible for a number of years.
- 80 The proportion of commuters to Christchurch from Leeston in the 2013 census as noted by the CCC submission reflects this and provides only a single data point during an abnormal time as to commuting behaviour.

---

<sup>2</sup> In greater Christchurch there were 164,229 occupied private dwellings in 2013 – an increase of 1.2 percent since the 2006 Census. There were large increases in Waimakariri (up 17.2 percent) and Selwyn (up 31.0 percent), whereas Christchurch city had a 3.2 percent decrease. The number of total unoccupied dwellings in greater Christchurch in 2013 was 20,949 – an increase of 9,381 (81.1 percent) since the 2006 Census. <http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-greater-chch/dwellings.aspx#gsc.tab=0>, accessed 10/07/2020

<sup>3</sup> Large increase in people travelling into Christchurch city to work, <http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-greater-chch/work.aspx#large&gsc.tab=0>, accessed 10/07/2020

<sup>4</sup> Commuting by car in Christchurch continues to increase - Press Release: Statistics New Zealand, <https://www.scoop.co.nz/stories/AK1503/S00238/commuting-by-car-in-christchurch-continues-to-increase.htm>, accessed 11/07/2020.

- 81 It was estimated some 8,000 houses had been demolished following the sequence of Canterbury earthquakes<sup>5</sup>. This created a diaspora of residents to nearby settlements and townships, including Leeston. This diaspora essentially allowed Christchurch City to adapt and continue to provide services directed at the recovery of Canterbury as a whole. In this regard the regional contribution of smaller settlement (including Leeston) contributed to the recovery of Christchurch, and in my opinion, is a critical component to ensuring the ongoing regeneration of Canterbury.
- 82 The New Zealand Government is working towards reducing greenhouse gas emissions in line with a target of carbon neutrality by 2050.
- 83 In regard to the regional approach to transport management, it is conceivable new systems will emerge, which will allow successful adaption to potential effects or any effects currently being experienced. For example, electric or hybrid vehicles have the potential to reduce greenhouse gas emissions. Similarly, commuter bus services to and from the District have the potential to provide options for residents in Leeston. Any increase in critical numbers in the township would increase the economic viability of such a method and would provide an alternative mode of transport directly to Christchurch.
- 84 Metrobus Christchurch currently have a bus service running from Southbridge to Christchurch City. Correspondence with Metrobus confirms the patronage in February 2020 was 18 passengers using the bus to the city everyday. The busiest stop was located within Leeston township on Leeston Road with approximately 9 passengers boarding from this location each day.
- 85 200 submissions were received for the Leeston survey, with 96% of respondents claiming that they, or someone in their household, would use the service. Some 189 submissions were received for the Darfield survey, with over 93% stating they, or someone in their household, would use the service. Over 50% of respondents to both surveys said they would use the services at least twice a week.<sup>6</sup>

---

<sup>5</sup> Based on an estimate from published figures from CERA and discussion with CERA staff. In October 2012, CERA reported that 1,200 dwellings had been demolished (<http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/7920727/Red-zone-clearance-to-accelerate-next-year>). The September 2013 release reported that 3,012 dwellings had been demolished (<http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/9322794/Red-zone-demolition-behind-schedule>). In total, roughly 8,000 homes in the residential red zone are expected to require demolition (<http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/9322794/Red-zone-demolition-behind-schedule>). Most of these homes were in Christchurch city, with a smaller number of red-zoned properties in Waimakariri district.

<sup>6</sup> <https://ecan.govt.nz/get-involved/news-and-events/2019/bus-services-for-darfield-and-leeston-to-start-soon/> accessed 3/6/2020



- 86 It is important to recognise this plan change seeks to provide residential zoning for the long-term. The Ellesmere Area Plan provided for planning up to 2030. This date is only 10 years into the future, therefore this plan change is providing a framework and system to accommodate and account for development beyond that which is currently envisaged by any Council non-regulatory document.
- 87 In my assessment Christchurch City have sought to restrict the future development of Leeston to meet their own carbon emission reduction goals. The pathway to achieving carbon neutral targets, requires a myriad of system changes at every level of society. Whilst the intention of the submission could be interpreted as seeking a higher good for the region, the relief sought ignores the viability of Leeston as a place to live and work, the existing infrastructure, services and combined history of Leeston as a community.

#### Versatile soils

- 88 Submissions made by CCC (#6) and CRC (#15) sought to identify the plan change would result in productive farmland being rezoned for residential purposes. The plan change would result in the area west of the deferred zones (approximately 30 ha) to be used for residential development, rather than activities which are undertaken on rural land. Figure 9 of the Ellesmere Area Plan - Leeston Preferred Future Development Areas identifies the land west of the deferred zones as 'possible future area for low density residential development'. While the proposal does constitute a minor loss of versatile soil, it is considered appropriate as it represents a consolidated township form which is able to be serviced. Therefore, when combined with the existing deferred zones which are classified as Group 2 and 3, Selwyn District Council, sees this area as appropriate for residential activity, rather than limiting this land to be only used for rural land. This s42A report recognises that the loss of approximately 30 ha is relatively small when considering the 46,000 ha of Class 2 land within the District. I agree with this conclusion.

#### Greater Christchurch Urban Development Strategy

- 89 I consider the matters raised by CCC (#6) in respect to the direction of the higher order documents and the impact on Greater Christchurch Urban Development Strategy to be beyond the scope of this application and the control of the applicant and this view is supported by the s42A report.

#### National Environmental Standards for Assessing and Managing Contamination in Soil to Protect Human Health (NESCS)

Christchurch City Council #6, Canterbury Regional Council #15 and FS

- 90 Four allotments are included in the plan change for planning continuity; however, these allotment owners are not party to the plan change. These allotments are

outlined in the plan change application. The owners of 125 and 125a High Street are not party to the plan change and therefore, these sites were not part of the site investigations such as the Preliminary Site Investigation (PSI) and Geotechnical report. As a result, the listed and un-investigated activity on the Hazardous Activities and Industries List (HAIL) was not addressed in the PSI.

- 91 I note, the PSI identified other areas of contamination on the plan change site. These areas are not required to be remediated through the plan change process, rather, as per the recommendations in the PSI, a Detailed Site Investigation (DSI) will be required at the time of subdivision. As a HAIL activity is identified on 125a High Street, Council will require a PSI and DSI to accompany a subdivision application of this site. If remediation is required, this can be dealt with through the subdivision process.
- 92 With regards to the HAIL area being used as a recreation reserve, the Selwyn District Plan does not contain a separate zone for recreation reserves. While the location of recreation reserve areas is shown on the Outline Development Plan, other areas of the plan change site can be used for recreation reserves. The plan change does not preclude the HAIL area at 125a High Street to be used and vested as a recreation reserve, although this would be at the discretion of Council as to whether the land would be accepted.

### **Statutory framework for plan change**

- 93 The s42A report at section 6 provides commentary of the statutory considerations associated with a private Plan Change request. The s42A report outlines in detail the procedural issues, decision process and statutory considerations for a private plan change. I agree with Ms Lewes that the correct RMA processes have been followed.
- 94 The s42A report at section 8 identifies and provides an assessment of the relevant planning documents that must be considered under the RMA. I agree with this assessment.
- 95 An assessment of the Canterbury Regional Policy Statement (CRPS) was provided in the notified application (Appendix 9). Further assessment of CRPS Policy 11.3.2 was provided in the Request for Further Information. I consider the proposed zoning change is consistent with the provisions of the CRPS.
- 96 An assessment of the operative Selwyn District Plan was provided in the notified application (Appendix 10). The proposed changes to the provisions as detailed in this evidence anticipate the required actions to ensure the integrated management of the environment. They provide development controls which will ensure residential amenity, stormwater management, roading and pedestrian and cycle linkages. Overall, I consider the proposed change of zoning to uplift the deferral of

existing zoning and extend the Living 1 and 2 zones is consistent with the provisions of the plan and will not undermine their integrity.

#### *Section 32 assessment*

- 97 An evaluation of the proposed plan change as required under Section 32 of the RMA was provided within the notified application in Appendix 8. The assessment identified the proposed rezoning as the preferred option to achieve the purpose of the Act when compared to the alternatives, which were, status quo or seeking a non-complying subdivision consent.
- 98 My elevation under Section 32 has not changed as a result of the submissions received or Council's Section 42A report. I consider a plan change to uplift the deferral and rezone the existing Living 1 (deferred), Living 2 (deferred) and Outer Plains zones to Living 1 and Living 2, as provided for through the existing and supplementary zone provisions together with the ODP, the most appropriate way to achieve the purpose of the Act.

#### **Conclusion**

- 99 Overall, I consider Plan Change 62, as modified in terms of the recommended changes to the text and plans attached to this evidence, will deliver the planning outcomes set out in the established objectives and policies of the Selwyn District Plan and the Ellesmere Area Plan. It will allow for the sustainable development of residential use of the Application Site, which cannot be achieved under the current zoning. It will ensure the overriding purpose of the RMA to promote the sustainable management of natural and physical resources continues to be achieved.
- 100 On this basis, I conclude the purpose of the Act under section 5 is best achieved through the plan change being approved.



**Michael Benjamin Carvalho Vincent**

Dated 31 August 2020

## **Appendix 1: Revised Outline Development Plan**





**Key**

- ODP Boundary
- Parcel Boundaries
- Living 1 Zone
- Living 2 Zone
- Indicative Primary Road
- Indicative Secondary Road

- Recreation Reserve
- Potential Pedestrian/ Cycle Link
- Existing Pedestrian/ Cycle Link
- Indicative Stormwater Management Area/ Local Purpose (Drainage) Reserve To Be Confirmed At Subdivision
- Existing Waterway
- Future Roding Connection

Mountain View Place

Spring Place

High Street

Chervier St

Chapman St

Carston St

Clausen Ave

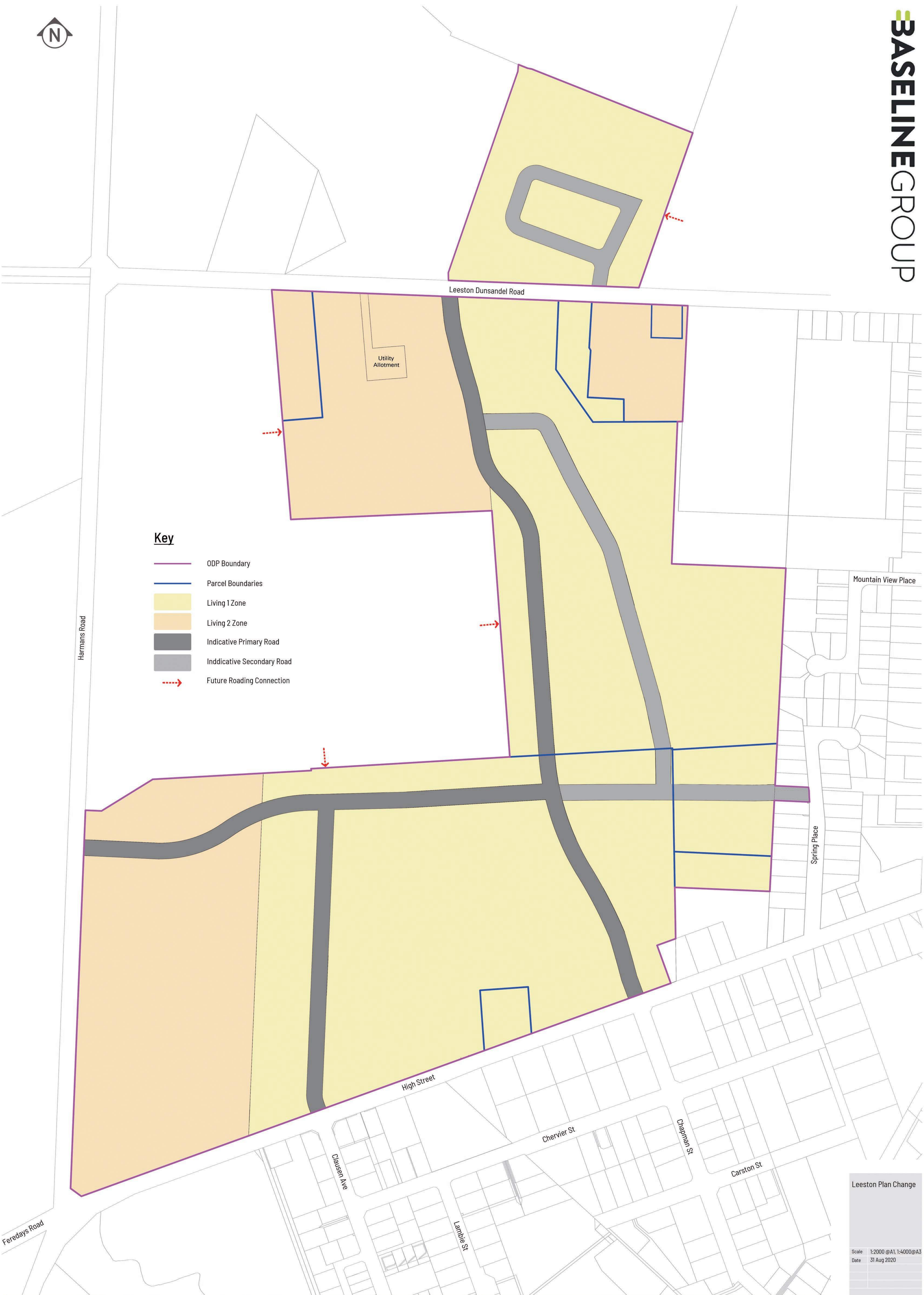
Lambe St

Feredays Road

Leeston Plan Change

Scale 1:2000 @A1, 1:4000 @A3  
Date 31 Aug 2020





**Key**

- ODP Boundary
- Parcel Boundaries
- Living 1 Zone
- Living 2 Zone
- Indicative Primary Road
- Indicative Secondary Road
- Future Roading Connection

Leeston Plan Change

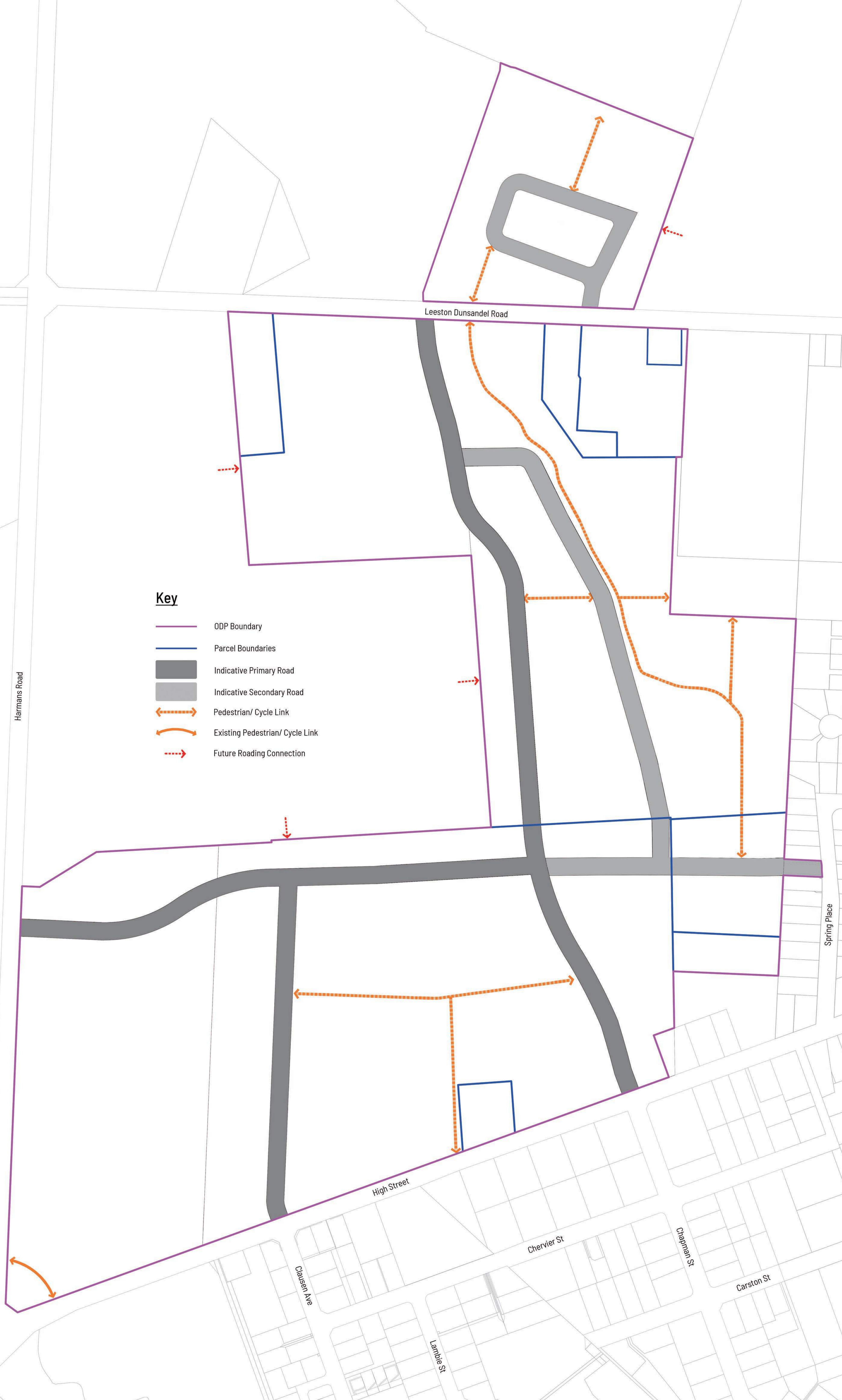
Scale	1:2000 @A1, 1:4000 @A3
Date	31 Aug 2020





**Key**

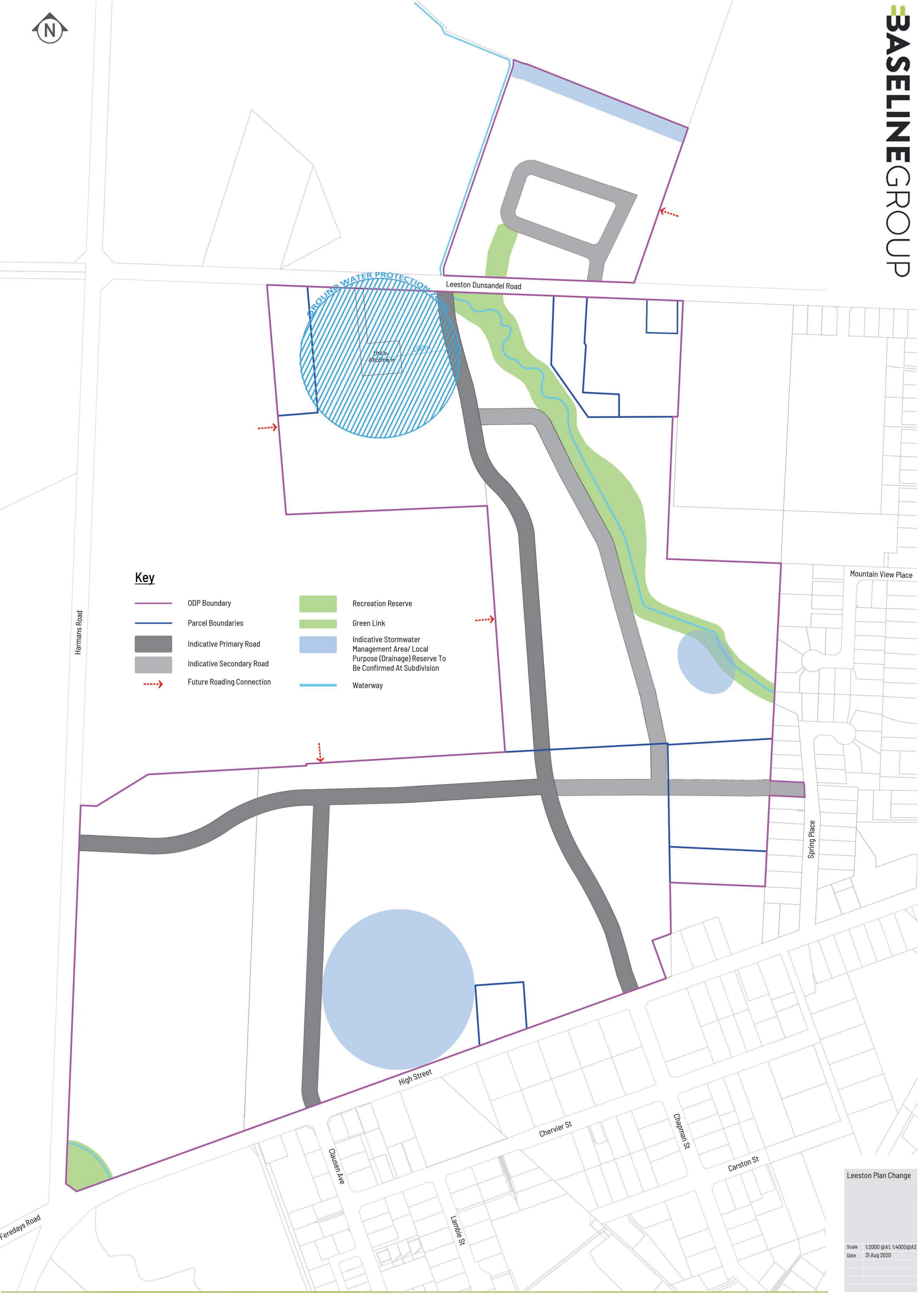
- ODP Boundary
- Parcel Boundaries
- Indicative Primary Road
- Indicative Secondary Road
- Pedestrian/ Cycle Link
- Existing Pedestrian/ Cycle Link
- Future Roading Connection



Leeston Plan Change

Scale	1:2000 @A1, 1:4000 @A3
Date	31 Aug 2020





Leeston Plan Change

Scale 1:2000 @A1, 1:4000 @A3  
Date 31 Aug 2020



## **Appendix 2: Letter from Stephan Knowler Real Estate Agent**

7/8/2020

To whom it may concern,

It has been requested of me to comment on the availability and supply of residential sections in the Leeston township as it stands currently.

Post-earthquake the Leeston township has grown significantly as developers saw opportunities to develop tracts of suitably zoned land. I was involved in the sale of the majority of those sections either by way of house and land packages or just the sections themselves.

In early 2017 we sold the last of the sections in a development called Birdlings Crossing. Since that time, the public have not had ready access to sections other than the odd re sale that we were able to find in some of the existing developments. Consequently, the purchasers of those sections were forced to pay above market value at the time. Now we have exhausted that supply of sections I can state there are no residential sections available in the township.

I can confirm that we have a list of prospective purchasers as soon as we are able to find sections for them. While there is currently some residentially zoned land around the township there are no consented development plans in place on these properties. We have worked with the vendors of these parcels over time but have not been able to make any headway.

I believe the land that is in question if re zoned via the proposed plan change can give Leeston the sections it urgently requires.

Should you require any further information please do not hesitate to contact me.

Kind Regards



Stephan Knowler AREINZ

Manager – Leeston Branch

Matson and Allan Real Estate Ltd REAA 2008