

**BEFORE THE SELWYN DISTRICT COUNCIL  
HEARINGS COMMISSIONER**

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of Plan Change 69 Manmeet  
Singh, Submission 191

**STATEMENT OF EVIDENCE OF IVAN THOMSON ON BEHALF OF  
MANMEET SINGH**

**10 November 2021**

## SHORT SUMMARY

1. Manmeet Singh ('the Submitter') has lodged a submission on Plan Change 69 (PC 69) as follows:
  - I. Approve Plan Change 69 either in its entirety, or to the extent that it is needed to provide for integrated access and other infrastructure to enable urban residential development to service the listed properties in Allendale Lane.
  - II. Amend the ODP narrative under 'Access and Transport' to consider the traffic effects of providing this linkage by adding the following text **"The roading link to Liffey Spring Drive shown on the ODP in the vicinity of Allendale Lane shall be provided for (as either a local or collector road). This is essential to achieve connectivity and enable 'infill' urban residential development of the Allendale Lane properties"**.
  - III. Rezone the listed Allendale Lane properties Living Z and amend the PC69 ODP to include this land, and to include a roading link to Liffey Spring Drive. Any consequential or other changes to PC69 as are necessary or appropriate to give effect to the intent of this submission.
2. The Submitter owns 27 Allendale Lane (4.28 ha) and has lodged a submission on the Proposed Selwyn District Plan seeking rezoning of his and other properties along Allendale Lane from General Rural Zone Special Control Area RD1 to General Residential or as an alternative, Large Lot Residential. The Site is identified with an Urban Growth Overlay in the PSDP, The location of the Site is shown in **Figure 1**.



**Figure 1 Allendale Lane Site**

3. The purpose of the submission on PC 69 is twofold: to ensure that the Outline Development Plan for PC 69 includes provision for a future road that allows a future road connection with the Allendale properties; and to support the deletion of the 150-metre set back from the Lincoln Wastewater treatment Plant. This rule also severely restricts development potential on the Allendale Lane land. I consider that both parts of the relief are within scope as the submission on PC 69 supports the entire proposal which includes removing the set back rule.
4. I note that, in responding to the Section 42A Report, the Applicant has removed an indicative access point from the ODP, and the Submitter wishes to see this reinstated if the Plan Change is approved. Please refer to Figures 2 and 3 below.

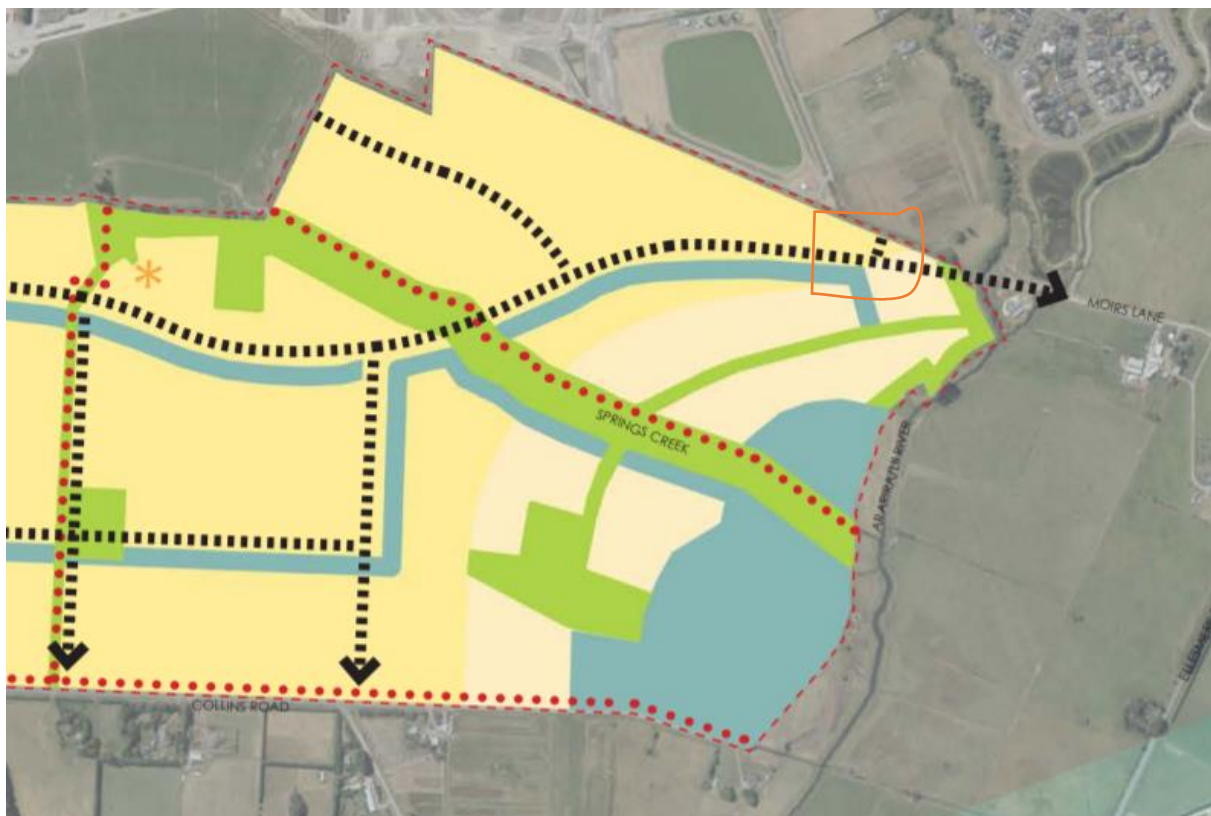


Figure 2: Proposed Plan Change 69 Outline Development Plan as notified showing potential access to the Allendale Lane properties.



Figure 3: Applicant's amended ODP in response to Officers' Reports

5. Ms Nieuwenhuijsen's evidence on potential reverse sensitive (odour) effects from the wastewater temporary storage assesses them as less than minor. Ms Nieuwenhuijsen's evidence notes that the Lincoln Sewage Treatment Plant (LSTP) is no longer used (or consented) for sewage treatment. The tanks and pond are now used to buffer flows to the Pines Wastewater treatment plant during storm events and the tanks and pond are made available for emergency wastewater storage events only
6. I note that the Council's odour expert Mr Bender agrees that the temporary storage of dilute wastewater is unlikely to result in adverse odour effects beyond the pond site boundary and the principle reverse sensitivity concern relates to that for emergency storage events. Ms Nieuwenhuijsen's evidence acknowledges the potential for odour offsite, but due to the low frequency and short-term nature of this, does not consider that the 150m buffer is required to mitigate odour effects. In my opinion, the potential adverse (reverse sensitivity) effects are temporary, low probability, and low impact<sup>1</sup>.
7. I accept that in the event of an emergency future residents could be affected by odour for what should be a short duration. I do not consider that this will lead to political pressure on a future Council to close the LSTP or curtail operations. I agree with Mr Phillips, Planning Expert for the Proponent, that maintaining the setback 'would be inefficient, and costly relative to its benefits'.<sup>2</sup>
8. I do not accept that the LSTP needs the 150m set back (Rule C4.9.32) on the basis that it will be needed to provide for the future growth of Lincoln. I am not aware of any sound planning reason as to why Lincoln's future growth cannot be integrated with the sequential upgrades of the Pines Wastewater Treatment Plant at Rolleston. I do not consider this is a valid resource management reason for imposing such a severe development constraint on the Allendale Lane properties.

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<sup>1</sup> I am relying on the evidence of Ms Nieuwenhuijsen's evidence.

<sup>2</sup> Paragraph 58 of his evidence.

## INTRODUCTION

9. My full name is Ivan Thomson and I hold the position of Senior Planner with Aston Consultants. I have a Bachelor of Science (Geography) from Canterbury University, and Master's Degree in Urban and Regional Planning (M.Phil) from Reading University in England. I have 38 years' post graduate experience in urban and regional planning, and I am a Fellow Member of the New Zealand Planning Institute.
10. My experience includes 30 years at the Christchurch City Council including 12 years' involvement with preparation, hearings and appeals for the former Christchurch City Plan involving the Urban Growth Chapter, four years leading an Area Plans programme, with the remainder of my time there being in a leadership/management role, including the Christchurch Replacement District Plan.
11. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
12. The key documents which I have relied upon in preparing my evidence are the following:
  - a) the Canterbury Regional Policy Statement (CRPS)
  - b) the Operative and Proposed Selwyn District Plans (OSDP, PSDP);
  - c) The Officers' Section 42A Report.
  - d) The evidence prepared by Ms Nieuwenhuijsen.

## SCOPE

13. My evidence addresses the following:-
  - a) Outline of the Submission on PC 69;
  - b) Contextual background relating to the Allendale Lane land;
  - c) The key planning issues relating to the Submission;
  - d) Resource Management Act considerations
  - e) Conclusion



I have kept my evidence as brief as possible by avoiding unnecessary repetition of information contained in the submission and Section 42A Report.

#### **SUBMISSION ON PLAN CHANGE 69.**

14. I have attached Mr Singh's submission on PC 69 as Appendix 1. The submission can be seen as having four parts:
- i. Approval of PC 69 in its entirety, or to the extent that it is needed to provide for integrated access and other infrastructure to enable urban residential development to service the listed properties in Allendale Lane.
  - ii. Rezone the listed Allendale Lane properties Living Z and amend the PC69 ODP to include this land, and to include a roading link to Liffey Spring Drive.
  - iii. An amendment to the PPC 69 ODP narrative under 'Access and Transport' as below (additions shown in bold and underlined) ; and PC69 consider the traffic effects of providing this linkage.
  - iv. Amendments sought to ODP narrative (shown below in **underlined bold**):  
Access and Transport An integrated network of roads will facilitate the safe and efficient distribution of internal traffic, provide access to properties, assist in connecting the open space reserves network both within and beyond the site and provide links to adjoining neighbourhoods. **The roading link to Liffey Spring Drive shown on the ODP in the vicinity of Allendale Lane shall be provided for (as either a local or collector road). This is essential to achieve connectivity and enable 'infill' urban residential development of the Allendale Lane properties.**
15. I have not commented further on ii above as I consider it to be beyond scope and not on the Plan Change. Nor have I commented on the merits of Plan Change 69.

#### **CONTEXTURAL BACKGROUND ON ALLENDALE PROPERTIES**

16. In my opinion the decisions sought on PC 69 will assist in the development of the Allendale Lane Site. The Site is zoned Rural Inner Plains in the SDP. The minimum lot size for subdivision and a dwelling is 4 ha. In the PSDP the Site is zoned General Rural Zone Special Control Area RD1 Inner Plains (GRUZ SCARD1). The minimum lot size for subdivision and a dwelling is still 4 ha. The Site has an Urban Growth Overlay in the PSDP, but as a future rural residential area, presumably to give effect to the CRPS. However there is no Rural Residential Zone in the PSDP, with the closest zone being

LLR with a minimum average subdivision requirement of 5000m<sup>2</sup>. The Site is a preferred rural residential site in the Selwyn Rural Residential Strategy 2014 (Area 11)<sup>3</sup>, so development for LLR purposes would be consistent with Policy 6.3.9 of the Canterbury Regional Policy Statement (CRPS).

17. Rezoning the Allendale Lane Site has planning merit taking into consideration the following factors:

- The immediate surroundings, which are predominantly urban in character, even without the PC 69 land.
- Proximity to community services (including a new primary school nearby) and the main commercial area of Lincoln.
- Fragmented land ownership and small parcel size, even by rural residential standards.
- The Site has a generally flat topography. There are no significant features on the Site other than existing dwellings with well planted curtilage.
- The land is mostly free of flooding or inundation (Figure 4).
- The existing sections are used for rural lifestyle purposes (other than 33 which is vacant and is essentially 'redundant') as they are too small for productive farming.

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<sup>3</sup> See Selwyn Rural Residential Strategy 2014 –  
[https://www.selwyn.govt.nz/\\_\\_data/assets/pdf\\_file/0004/139594/02-RRS14-Web.pdf](https://www.selwyn.govt.nz/__data/assets/pdf_file/0004/139594/02-RRS14-Web.pdf)





Figure 4: Proposed District Plan Zoning: the Site: Yellow hatched is Urban Growth Overlay, blue is Plains Flood Management Area.

44. The Site is identified as Area 11 in the Selwyn Rural Residential Strategy 2014. It describes the 17.14ha land as already partially developed in rural residential lots. It is well connected into Lincoln and adjoins the Living 1A zoned land to the north and west, could sustain up to twelve rural residential lots. Reasons for the RR Zoning appear to be in at least part due to constraints that were identified: it is constrained by a 150m wide buffer area around the Lincoln sewage treatment plant which is to the west; has a high water table and some potential flooding but is not in a high hazard flood area defined in the CRPS. The Strategy notes however that 'through appropriate layout and design will be contained by discernible boundaries, including stormwater retention areas and landscaped buffers'.

## KEY PLANNING ISSUES RELATING TO SUBMISSION

### Access

44. The ODP as notified showed a potential link from the eastern part of the PC 69 site into the Allendale lane and, by implication, a road link across Liffey Stream and into Liffey Spring Drive (Figure 2). For the reasons set out in Mr Rykers's evidence I consider this roading link may be difficult to achieve (it would cross an esplanade reserve). While such a link would provide a third access – entry alternative for the Allendale Lane site, it is potentially problematic. A pedestrian and cycle link that connects the PC 69 site to Liffey Spring Drive that would also be accessed from Allendale Lane would be a more readily achievable solution and provide connectivity, including to the primary school within the Liffey subdivision.
45. The amended ODP provided in evidence by the Applicant (Figure 3) does not provide for an access to the Allendale Lane site. While I understand the reasons for this omission (to meet concerns of Liffey Spring Drive and other residents), I consider it will be an opportunity lost to enhance connectivity and enhance integration in this vicinity.
46. As part of his submission on the PSDP Mr Singh commissioned a report on the effects that the proposed residential development in Allendale Lane would have on the road network, particularly Allendale Lane, Liffey Spring Drive, and Southfield Drive. I have not provided transport evidence to support his submission on PC 69 because it is not relevant to assessing the merits of the Plan Change.
47. However it is worth noting that, while it is technically feasible for all traffic to enter and exit the Allendale Lane site using Allendale Lane, an alternative route in and out of the proposed PC 69 development area will reduce the reliance on Allendale Lane and in my opinion produce a superior planning outcome. A road connection through to the PC 69 land would not need to be designed to accommodate a future road link connecting to Liffey Spring Drive. However, it could be used as a means of providing a direct pedestrian and cycle link across Liffey Stream to the nearby primary school. I therefore do not agree with the removal of the indicative road connection shown in Figure 3 and request it to be reinstated. The Narrative to the PC 69 ODP sought in the submission could be amended along the following lines: amendments to decision requested shown in ***bold italics*** and ~~strikeout~~

**The roading link to ~~Liffey Spring Drive~~ shown on the ODP in the vicinity of Allendale Lane shall be provided for (as either a local or collector road). This is**

**essential to achieve connectivity and enable ‘infill’ urban residential development of the Allendale Lane properties. The road will facilitate a future separated pedestrian/cycle connection across Liffey Stream between the south Lincoln and Liffey Stream Drive and Rail Trail, but it is not anticipated that vehicle access shall extend across Liffey Stream.**

#### **Reverse Sensitivity – Odour from Lincoln Sewage Treatment Plant (LSTP)**

55. The proximity of urban development to the LSTP and emergency area storage located on adjoining land to the west is acknowledged. Ideally, the most appropriate solution now is for these facilities to be de-commissioned. However, I understand from the Section 42A Report that the facility provides a supportive role in the treatment of Lincoln’s wastewater and needs to be retained.
56. The 150-metre set-back in Rule C4.9.32 is a major constraint on the Allendale Lane Properties shown in Figure 5. Ms Nieuwenhuijsen’s evidence notes that the LSTP is no longer used (or consented) for sewage treatment. The tanks and pond are now used to buffer flows to the Pines Wastewater Treatment Plant during storm events and the tanks and pond are made available for emergency wastewater storage events only and the risks of adverse (odour) effects emanating from the plant are less than minor.
57. The Council’s odour expert Mr Bender agrees that the temporary storage of dilute wastewater is unlikely to result in adverse odour effects beyond the pond site boundary and the principle reverse sensitivity concern relates to the undiluted effluent entering the Plant because of system failure. I also note that, retention of the 150m setback provides the Council with future options to re-instate the wastewater treatment plant should it be required to accommodate future growth at Lincoln.<sup>4</sup>
58. Ms Nieuwenhuijsen’s evidence acknowledges the potential for odour offsite, but due to the low frequency and short-term nature of this, does not consider that the 150m buffer is required to mitigate odour effects.
59. I accept that in the event of an emergency future residents could be affected by odour for what should be a short duration. It is my experience that political pressure on a future Council to close or curtail operations due to reverse sensitivity effects is most likely to

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<sup>4</sup> Section 42A Report at paragraph 121

occur where the effects are more frequent and/ or on-going than is the case with the LSTP<sup>5</sup>. I therefore agree with Mr Phillips, Planning Expert for the Proponent, that maintaining the setback 'would be inefficient, and costly relative to its benefits' in relation to PC 69.

60. The impact on the Allendale Lane properties will be even more severe as Figure 5 shows. Urban residential subdivision would not be practical nor cost effective for this site, because there would be little development land available (in contrast to the PC 69 Site which would still arguably have sufficient size and flexibility to still enable a sizeable residential development. The cumulative effect in terms of development opportunity costs of Rule C4.9.32 extends beyond the PC 69 land.



**Figure 5: Effect of Rule C4.9.32 on future development potential (Survus Consultants)**

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<sup>5</sup> For example Ruapuna Motorsports Park, Halswell Karting Track, Bromley compost facility, Christchurch International Airport engine testing.



61. Nor I do not accept that the LSTP needs the 150m set back on the basis that it will be needed to provide for the future growth of Lincoln. I am not aware of any sound planning reason as to why Lincoln's future growth cannot be integrated with the sequential upgrades of the Pines WWTP at Rolleston set out in Mr England's evidence.
62. I consider there are two statutory considerations with respect to this matter. The first is the meaning of 'effect' in Section 3 of the RMA:

**Meaning of effect**

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
  - (b) any temporary or permanent effect; and
  - (c) any past, present, or future effect; and
  - (d) any cumulative effect which arises over time or in combination with other effects—regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
  - (e) any potential effect of high probability; and
  - (f) any potential effect of low probability which has a high potential impact.
63. Based on what I have read in the Officers' Reports I consider that (b) and (f) are the most relevant considerations. Odour from the LSTP will be temporary, and, based on Ms Nieuwenhuijsen's evidence the probability of causing significant amenity or other effects will be low. In my opinion, in terms of Section 3 of the Act, the potential adverse (reverse sensitivity) effects are temporary, low probability, and low impact.
64. The second statutory consideration is whether the WWTP is 'strategic infrastructure'. I think this is crucial for obvious planning reasons, not the least being the consequences of having to move or restrict the operations of strategic infrastructure that is critical to the functioning of an urban (or rural) area.
65. The Canterbury Regional Policy Statement (for Greater Christchurch) defines Strategic Infrastructure as means those necessary facilities, services and installations which are of greater than local importance and can include infrastructure that is nationally significant and provides some examples, which does not include wastewater treatment plants. However I would consider WWTPs such

as Bromley and Rolleston as Strategic Infrastructure due to the size of their respective catchments. But I am not convinced about the LSTP.

66. The pertinent policies in the CRPS are:

- Policy 6.3.4(4) Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure; and
- Policy 6.3.4 (5) Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure.

67. In my opinion, the LSTP comes under the category of local infrastructure. This does not make it any less important because it is a physical resource to be sustainably managed under the Act. However, in terms of the CRPS Chapter 6 in my opinion it makes it harder to justify the degree of regulation sought by the Council i.e. 'avoidance'.

68. I accept that sensitive land uses and other development which constrains the on-going ability of the existing sewerage infrastructure to be developed and used needs to be managed. However in this case I consider that the risks of the Plant having to be moved or closed because of odour is low.

## **RESOURCE MANAGEMENT ACT**

### **Part 2**

69. There are two clauses in Section 7 that I have had particular regard to. Section 7(b), the efficient use and development of natural and physical resources, is I believe a relevant consideration because the zoning change being sought will result in a more efficient use of the land resource through enabling a significant increase in the number of dwellings on properties that in my opinion are under-utilised as lifestyle blocks given their proximity to urban services.

70. Section 7(c), the maintenance and enhancement of amenity values, is also a matter I have had particular regard to as the proposed rezoning will change the character of the local area.

### **Section 31- Integrated Management of Effects**

71. There are several dimensions to this issue including spatial integration with transport, stormwater disposal areas local facilities and the capacities of respective networks and systems to manage the additional loads. The outcome sought in the Submission will enable the Council to fulfil its functions under the Act (integrated management of the effect of the use and development of this land ) though the spatial integration provided through the ODP.

## **CONCLUSION**

72. There are sound resource management reasons for granting the relief sought in the submission by Manmeet Singh. The proposed amendments to the Narrative and ODP would promote greater connectivity to the wider community and facilitate infill development on the Allendale site, subject of course to approval through future planning processes.
73. Based on the evidence of Ms Nieuwenhuijsen I do not accept that the LSTP needs the 150m set back on the basis that it will be needed to provide for the future growth of Lincoln. I am not aware of any sound planning reason as to why Lincoln's future growth cannot be integrated with the sequential upgrades of the Pines WWTP at Rolleston. I do not consider this is a valid resource management reason for imposing such a severe development constraint on the Allendale Lane properties.

Attached are the following Appendices:

1. Submission by Manmmet Singh on plan Change 69.



## APPENDIX 1- SUBMISSION BY MANMEET SINGH ON PLAN CHANGE 69.

Provision to which my/our submission relates:	I/we oppose in part or full/support in part of full	Reasons for my/our submission are:	Decision I/we wish the Council to make:
Proposed Selwyn Operative District Plan Planning Map	Support	<p>By way of background, the submitter (Mr Singh) made a submission on the Selwyn District Plan Review (Submission NO 209) seeking to 'rezone the following land General Residential, together with any neighbouring or other land as appropriate including for sound resource management reasons':</p> <p>Lot 1 DP 371976  Lot 2 DP 371976  Lot 3 DP 371976  Lot 4 DP 371976  Lot 5 DP 371976  Lot 6 DP 371976  Lot 120 DP 329124  Lot 121 DP 329124</p> <p>These properties are in Allendale Lane which is adjacent to the north-eastern boundary of the Plan Change 69 site. The reference to 'any neighbouring or other land' includes the land proposed to be rezoned under Plan Change 69.</p> <p>The submitter has also lodged further submissions supporting in part a submission by Rolleston Industrial</p>	<p>Approve Plan Change 69 either in its entirety, or to the extent that it is needed to provide for integrated access and other infrastructure to enable urban residential development to service the listed properties in Allendale Lane. Rezone the listed Allendale Lane properties Living Z and amend the PC69 ODP to include this land, and to include a roading link to Liffey Springs Drive. Any consequential or other changes to PC69 as are necessary or appropriate to give effect to the intent of this submission.</p>

		<p>Holdings (Submission no 384) that is seeking to rezone the same land that Plan Change 69 relates to. That submission sought that the submitter (Rolleston Industrial Holdings) demonstrates how the rezoning and staging of infrastructure will be integrated with future residential development of the Allendale Lane properties, and links to those properties be implemented as part of Stage 1 of the development.</p> <p>The reasons for those submissions, and this one, are the same. The rezoning of the land proposed in Plan Change 69, and the listed Allendale Lane properties and its accompanying Outline Development Plan (with the amendments as sought in this submission), will facilitate the integrated management of land use and infrastructure, and overall contribute to a more efficient use of natural and physical resources in the general vicinity of Allendale Lane. The amendments sought are necessary and appropriate to be consistent with, and give effect to the Resource Management Act including Part 2 and s32.</p>	
Proposed Outline Development Plan	Support in part	<p>The proposed ODP will provide a comprehensive integrated development in South Lincoln, including enabling the infilling of current rural lifestyle lots situated between Areas 1 (Te Whariki subdivision) and 2 (Liffey Springs subdivision) of the Lincoln ODPs and adjoining the northeast boundary of</p> <p>PPC 69 to provide a more consolidated urban form. The Proposed ODP in Proposed Change 69 provides the opportunity to do this with appropriate linkages as depicted in the Movement Network in the proposed Change.</p>	<p>An amendment to the PPC 69 ODP narrative under 'Access and Transport' as below (additions shown in bold and underlined) ; and PC69 consider the traffic effects of providing this linkage. Consideration be given by the proponent to how</p> <p>the link can be provided as part of Stage 1 of the development.</p> <p>Amendments sought to ODP narrative:  <i>Access and Transport</i>  <i>An integrated network of roads will facilitate the safe and efficient distribution of internal traffic, provide access to properties, assist in connecting the open space reserves network both within and beyond the site and provide links to adjoining neighbourhoods. <u>The roading link to Liffey Drive shown on the ODP in the vicinity of Allendale Lane shall be provided for (as either a local or collector road). This is essential to achieve connectivity and enable 'infill' urban residential development of the Allendale Lane properties.</u></i></p>

