

**BEFORE THE SELWYN DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER OF** Proposed Plan Change 69 being a request by Rolleston Industrial Developments Limited for rezoning of approximately 190 hectares of rural land generally located on the south side of the Lincoln township, to the east and west of Springs Road, and to the north of Collins Road

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**MINUTE NO 6 OF COMMISSIONER DAVID CALDWELL REGARDING THE MOST  
APPROPRIATE METHOD TO INCORPORATE THE AMENDMENTS MADE BY THE  
APPLICANT TO ADDRESS ISSUES RAISED**

**Dated 3 May 2022**

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1. By Minute of 1 February 2022, I closed the hearing with a deferred closing date to 4 February 2022 in the event that any issues of concern arose from that Minute.
2. I have essentially finalised my Recommendation to SDC.
3. As the parties are aware, the Applicant made a number of amendments to the proposed ODP both prior to and during the hearing. Further amendments were made in its Reply. The amendments were to address issues raised in submissions and in the Officers' Report. I have considered the amendments made and in my view they have significant benefits. I wish to ensure that those amendments are enduring, certain, and enforceable. The issue particularly relates to the transportation network upgrades in Table 1 of the proposed ODP.
4. The issue which I am addressing in this Minute, and giving the parties the opportunity to provide comment on, relates to the most appropriate way to ensure that the outcomes sought by those amendments are achieved in a manner which is enforceable and enduring. Council officers have provided two alternative methodologies for me to consider. Again the methodologies which have been provided for my consideration are for the purpose of ensuring that the amendments fit into the SDP and are workable and enforceable. The upgrades themselves remain as proposed.
5. The first of those options is to convert the matters in the Applicant's proposed Table 1 – Transport Network Upgrades, into separate rules tied to the issuing of a completion certificate under s224 of the RMA (other than from minor boundary adjustments or creation of a lot for utility purposes).
6. The second alternative provided for my consideration is incorporating those provisions into Table 1 so that, for example, in relation to the Springs Road / Ellesmere Junction Road / Gerald Street traffic signals upgrade, the words "~~prior to occupation of any households within the ODP area~~" would be replaced with:

No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within Outline Development Plan Area 9 in Appendix 37, until such time as the Springs Road / Ellesmere Junction Road / Gerald Street intersection is signalised.

The anticipated funding mechanisms would remain.

7. To ensure that the parties are clear as to what I am considering, **attached** to this Minute is the draft proposed changes to the SDP incorporating the two alternatives marked in yellow.
8. The input I am seeking relates only to the potential insertion of the new rules from 12.1.3.28A through to and including 12.1.3.28F, or the alternative wording of the Table 1 transport network related upgrades again highlighted in yellow. The third option of course remains that proposed by the Applicant. I wish to be satisfied in terms of the certainty and enforceability of Table 1 as proposed.

9. These matters have been raised somewhat late in the piece. They are however essentially of a technical nature. In those circumstances I am of the view that it is appropriate that I consider the options, along with the Applicant's proposal. If I am to do so, then it is of course appropriate that the Applicant in particular (given the technical nature of the changes) and any submitter who wishes to address the specific technical changes, be given the opportunity to comment. I wish to make it very clear that what I am seeking to achieve is certainty and enforceability. I also wish to make it very clear that I will not consider any correspondence or Memoranda which seeks to readdress the merits or otherwise of PC69 or any other matters beyond the narrow issue addressed in this Minute.
10. I am very conscious of the need to get my final Recommendation to Council as soon as possible. I am also very conscious of the need to ensure that it is a fully considered Recommendation. I wish to have my Recommendation finalised and provided to Council no later than Wednesday 11 or Thursday 12 May 2022.
11. I therefore direct that any comments addressing the specific matters that I have raised, and strictly limited in accordance with this Minute, are provided, in writing, through Jocelyn Lewes ([Jocelyn.Lewes@selwyn.govt.nz](mailto:Jocelyn.Lewes@selwyn.govt.nz)) and ([submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz)) no later than **5.00pm Monday 9 May 2022**.



**David Caldwell**  
Hearing Commissioner

Dated: 3 May 2022

**Proposed Plan Change 69 seeks the following changes to the Selwyn District Plan.**

1. To amend the Selwyn District Plan Planning Maps, by rezoning the entirety of the PC69 site Living Z, except for the three (no.) Business 1 zones.
2. To amend Township Volume, Appendix 37 Outline Development Plan- Lincoln by inserting the proposed Outline Development Plan Area 9 (as below).
3. To amend Township Volume, Policy B4.3.62 as follows:

Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Lincoln addresses the specific matters relevant to each ODP Area number listed below:

Lincoln

**Outline Development Plan Area 9**

- **Potential provision of educational facilities.**

4. To amend Township Volume, Rule 4.9.32 as follows:

4.9.32 Any dwelling in the Living 1A and Living Z Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewage Treatment Plant, as identified on Planning Maps 122 and 123, except that for the Living Z Zone within Outline Development Plan Area 9 in Appendix 37, a 100m setback shall apply from the edge of the treatment pond within the Lincoln Sewage Treatment Plant.

5. To amend Township Volume, Rule 4.9.34 as follows:

4.9.34 Within the Living 3 Zone at Lincoln shown on ODP Area 8 and the Living Z Zone shown on ODP Area 9 in Appendix 37, no dwelling or principal building shall be constructed within 50m of the Business 2B Zone boundary

6. To insert a new rules following Township Volume, Rule 12.1.3.28 as follows:

12.1.3.28A No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within Outline Development Plan Area 9 in Appendix 37, until such time as:

(a) the Springs Road / Ellesmere Junction Road / Gerald Street intersection is signalised; and

(b) the Springs Road frontage upgrade, including intersection upgrades shown on the ODP have been completed to the satisfaction of the Council; and

(c) a pedestrian and cycle crossing on Springs Road located on the Lincoln University road frontage in constructed, to the satisfaction of Council.

12.1.3.28B No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within that part of the Outline Development Plan Area 9 in Appendix 37 east of Springs Road, until such time as a park and ride facility catering for at least 75 cars has been provided to the satisfaction of Council.

12.1.3.28C No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) beyond the 1354th residential allotment in Outline Development Plan Area 9 in Appendix 37, until such time as the Moirs Lane connection to Ellesmere Road, and the seal widening of Ellesmere Road, south of Edward Street, has been completed to the satisfaction of Council.

12.1.3.28D No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) for any site in Outline Development Plan Area 9 in Appendix 37 that provides either:

(a) a vehicle frontage to; or

(b) a road intersection with;

Collins Road, until such time as the Collins Road frontage of the ODP Area has been upgraded to the satisfaction of Council.

12.1.3.28E No road connection shall be formed to Moirs Lane from land within Outline Development Plan Area 9 in Appendix 37 until such time as:

(a) Ellesmere Road, north to Edward Street, has been widened; and

(b) the Ellesmere Road / Edward Street / Lincoln Tai Tapu Road intersection has been upgraded;

to the satisfaction of Council.

12.1.3.28F Subdivision of land within Outline Development Plan Area 9 in Appendix 37 shall:

(a) not take place until an assessment by a suitably qualified and experienced practitioner has been provided that:

i. provides the results of detailed groundwater level investigations across the site; and,

ii. specifies construction measures to ensure that shallow groundwater is not diverted away from its natural flow path for those areas where the shallow groundwater is likely to be intercepted by service trenches and hardfill areas. This shall include measures to address potential loss of spring flow due to penetration of the confining layer and shall avoid the pumping of water into downstream water courses to mitigate flow loss in springs.

(b) be in accordance with an Ecological Management Plan prepared by a suitably qualified and experienced practitioner that, as a minimum, includes:

i. wetland delineation in accordance with Ministry for the Environment 2020. Wetland delineation protocols (Ministry for the Environment, Wellington. No. 10 p), related soil and hydrology tools and any updates to these protocols.

ii. plans specifying spring head restoration, Springs Creek riparian management, waterway crossing management and wetland restoration and enhancement options segregation of spring water and untreated stormwater.

iii. aquatic buffer distances, including minimum waterbody setbacks for earthworks and buildings of:

1. 20m from Springs Creek.

2. ii. 10m from channelized waterways.

iv. ongoing maintenance and monitoring requirements that are to be implemented. This includes groundwater level, spring water level and spring flow monitoring and may include ecological monitoring.

v. a Riparian Planting Plan.

(c) provide for naturalisation of the diversion of the Lincoln Main Drain.

(d) provide for a 100m setback for earthworks and buildings from the spring heads identified within the ODP.

7. To amend Township Volume, Rule 12.1.4 by inserting a new assessment matter as follows:

**Lincoln – Outline Development Plan Area 9 (Appendix E37)**

12.1.4.107 Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within **Outline Development Plan Area 9 in Appendix 37.**

8. Any other consequential amendments including but not limited to renumbering of clauses.

# OUTLINE DEVELOPMENT PLAN AREA 9

## Introduction

The Outline Development Plan (ODP) area comprises approximately 190 hectares and is bounded by the Te Whariki and Verdecos subdivisions to the north, Collins Road to the south, an ephemeral waterway termed Western Boundary Drain to the west, and the Ararira / Lili River to the east.

## Land Use

The development area shall provide for a maximum of 1710 households beyond which an Integrated Transport Assessment shall be required in association with any resource consent application. In addition, the development area shall achieve a minimum net density of 12 household per hectare, averaged over the area. The zoning framework supports a variety of site sizes to achieve this minimum density requirement. Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum net density of 12 household per hectare for the overall area can be achieved, will be required.

Medium density areas within the development area are able to be supported by adjacent amenities that include key open spaces, green corridors, waterbodies, and a small commercial centre.

For the Chudleigh Homestead and its immediate surrounds, a larger site size that accounts for the heritage values and setting associated with this building shall be provided for at the time of subdivision.

The spatial extent of the stormwater management area and Living Z zone identified on the ODP is defined by the RL 3.5m and 4.0m contours respectively (New Zealand Vertical Datum 2016 (NZVD2016)).

A dwelling setback of 50m from dwellings to the boundary of the neighbouring Business 2B Zone is provided to avoid potential reverse sensitivity effects associated with activities in that zone.

The 33kV overhead powerlines along the eastern side of Springs Road may affect direct vehicle access and can be addressed at the time of subdivision accounting for the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

Three small local commercial centres are proposed: on Springs Road towards the northern part of the ODP area in a location that complements the nearby Business 2B Zone; and in the eastern and western parts of the ODP area. These centres will provide good accessibility and help to meet some of the convenience needs of residents in the immediate area.

## Access and Transport

The ODP employs a roading hierarchy that delivers a range of integrated transport options, including active transport connections at the boundary of the development area to adjacent neighbourhoods that facilitate the use of existing and future public transport routes. Roading connections shall be designed to achieve permeability, whilst minimising the number of new intersections and maintaining appropriate intersection spacing. The proposed roading hierarchy will deliver an accessible and coherent neighbourhood that provides safe and efficient access to the new development and can cater for extensions to existing public transport routes and/or new routes.

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 an opportunity for road links to adjoining neighbourhoods. This includes provision for a connection to a potential extension of Allendale Lane.

The transport network for the area shall integrate into the pedestrian and cycle network established in adjoining neighbourhoods and the wider township. Along the indicative roads that adjoin reserves and/or stormwater management areas (as shown on the ODP) dedicated shared pedestrian and cycle paths separated from the carriageway shall be provided and wherever possible other cycle and pedestrian routes shall be integrated into the green and blue network. Cycling and walking will otherwise be provided for within the road reserve and incorporated into the roading design of the overall road network where applicable. Adequate space must be provided to accommodate cyclists and to facilitate safe and convenient pedestrian movements.

Along Springs Road and Collins Road direct vehicular access to private properties shall be provided.

Transport network upgrades are required in order to accommodate growth and traffic from the ODP area. The nature of these works, timing requirements and anticipated funding responsibility is set out in Table 1 below and a consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes.

**Table 1: Transport network upgrades**

Upgrade required	Timing	Anticipated funding mechanism
Springs Road / Ellesmere Junction Road / Gerald Street traffic signals	<p><del>Prior to occupation of any households within the ODP area</del></p> <p><u>No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within Outline Development Plan Area 9 in Appendix 37, until such time as the Springs Road / Ellesmere Junction Road / Gerald Street intersection is signalised.</u></p>	Private developer agreement
Springs Road frontage upgrade, including intersection upgrades shown on the ODP	<p><del>Prior to occupation of any households within the ODP area</del></p> <p><u>No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within Outline Development Plan Area 9 in Appendix 37, until such time as the Springs Road frontage upgrade, including intersection upgrades shown on the ODP have been completed to the satisfaction of the Council</u></p>	Developer funded
Collins Road frontage upgrades	<p><del>Prior to the establishment of any new road intersection or vehicle</del></p>	Developer funded



Upgrade required	Timing	Anticipated funding mechanism
	<p>crossing on Collins Road from the ODP Area</p> <p>No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) for any site in Outline Development Plan Area 9 in Appendix 37 that provides either:</p> <p>(a) a vehicle frontage to; or</p> <p>(b) a road intersection with;</p> <p>Collins Road, until such time as the Collins Road frontage of the ODP Area has been upgraded to the satisfaction of Council.</p>	
Moirs Lane connection and Ellesmere Road seal widening south of Edward Street	<p>A maximum of 1354 households shall be occupied prior to completion of these works</p> <p>No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) beyond the 1354th residential allotment in Outline Development Plan Area 9 in Appendix 37, until such time as the Moirs Lane connection to Ellesmere Road, and the seal widening of Ellesmere Road, south of Edward Street, has been completed to the satisfaction of Council</p>	Developer funded
Ellesmere Road widening (north of Edward Street)	<p>Upon formation of a connection to Moirs Lane</p> <p>No road connection shall be formed to Moirs Lane from land within Outline Development Plan Area 9 in Appendix 37 until such time as Ellesmere Road, north to Edward Street, has been widened to the satisfaction of Council</p>	Development contributions (works already funded in 2021-31 LTP)

Upgrade required	Timing	Anticipated funding mechanism
Ellesmere Road / Edward Street / Lincoln Tai Tapu Road intersection	<p><del>Upon formation of a connection to Moirs Lane</del></p> <p><u>No road connection shall be formed to Moirs Lane from land within Outline Development Plan Area 9 in Appendix 37 until such time as the Ellesmere Road / Edward Street / Lincoln Tai Tapu Road intersection has been upgraded to the satisfaction of Council.</u></p>	Development contributions (works already funded in 2021-31 LTP)
A park and ride facility catering for at least 75 cars	<p><del>Prior to occupation of any households within that part of the ODP area east of Springs Road</del></p> <p><u>No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within that part of the Outline Development Plan Area 9 in Appendix 37 east of Springs Road, until such time as a park and ride facility catering for at least 75 cars has been provided to the satisfaction of Council.</u></p>	Developer funded
A pedestrian and cycle crossing on Springs Road located on the Lincoln University road frontage	<p><del>Prior to occupation of any households within the ODP area</del></p> <p><u>No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) within Outline Development Plan Area 9 in Appendix 37, until such time as a pedestrian and cycle crossing on Springs Road located on the Lincoln University road frontage is constructed, to the satisfaction of Council.</u></p>	Developer funded
A road and pedestrian/cycle link to Kaitorete Drive, subject to Council approval of the use/conversion of the utility reserve for this purpose	Subject to and following Council approval of the use/conversion of the utility reserve for this purpose	Developer funded, including any compensatory stormwater facilities

## **Open Space, Recreation, Community and Educational Facilities**

Recreation reserves are provided throughout the ODP area in addition to green links and reserves that provide open space and facilitate attractive pedestrian connections. The location of these reserves has been determined based on the number of reserves established in the wider area and to ensure people living within the development block have access to open space reserve is within a 500m walking radius of their homes.

There is an opportunity to integrate the collection, treatment, and disposal of stormwater with open space reserves where appropriate. Pedestrian and cycle paths are required to integrate into the green network to ensure a high level of connectivity is achieved, and to maximise the utility of the public space. Council's open space requirements cited in the Long Term Plan and Activity Management Plans should be adhered to during subdivision design.

An approximate 20m wide recreation reserve with possible pervious cycleway and riparian planting is provided along Springs Creek and provides connectivity to the Te Whariki subdivision and its existing green links through recreation / local purpose (utility) reserves.

The proposed reserve network provides an opportunity to create an ecological corridor. Plant selection in the new reserves and riparian margins will include native tree and shrub plantings. Reserves will ensure that dwellings are setback an appropriate distance from waterbodies.

The provision of new educational facilities can be provided within the block or in the wider area albeit subject to a needs assessment.

## **Water Bodies and Freshwater Ecosystems**

Springs Creek is a spring fed tributary of the Ararira/LII River with headwater springs situated within the grounds of the historic 'Chudleigh' homestead. The creek alignment has been modified over time to straighten the channel and improve its drainage function, however development of the ODP area provides potential for higher ecological values to be re-established at the site through restoration and enhancement. This shall include protected reserve space, native planting, naturalisation and instream enhancement of Springs Creek, the spring-fed drains within the site and increased biodiversity connections within the wider catchment. Development shall protect and enhance this natural feature and other water bodies and freshwater ecosystems within the ODP area and incorporate these features into the wider green and blue network of the site.

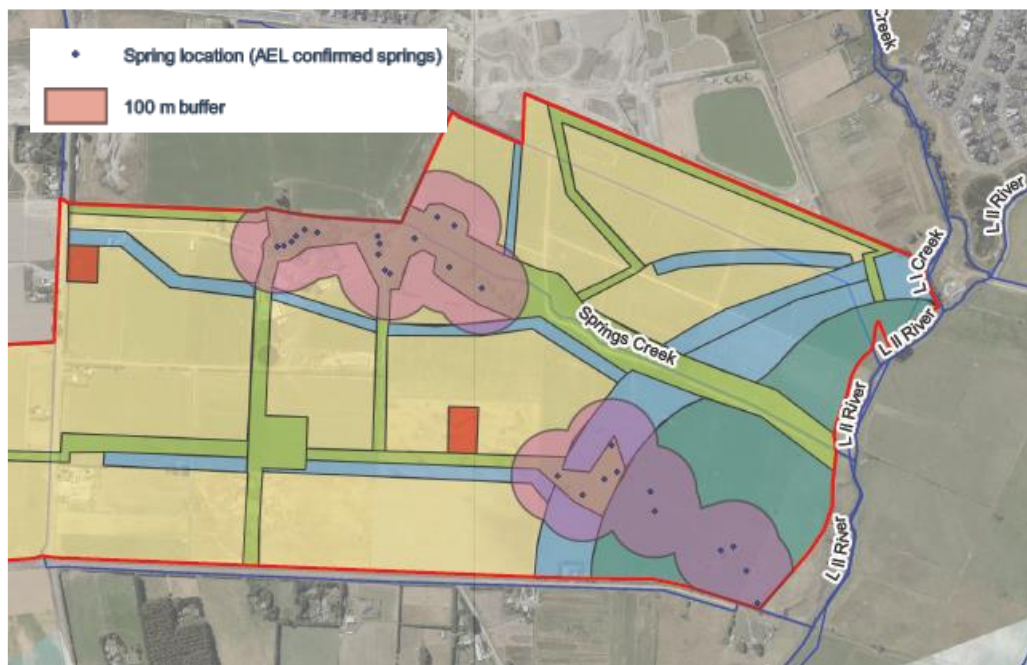
In terms of specific measures to be addressed at the time of subdivision in order to protect and enhance fresh water values and ecosystems, development within the ODP area shall:

- a. Include an assessment by a suitably qualified and experienced practitioner that:
  - i. Provides the results of detailed groundwater level investigations across the site; and,
  - ii. Specifies construction measures to ensure that shallow groundwater is not diverted away from its natural flow path for those areas where the shallow groundwater is likely to be intercepted by service trenches and hardfill areas. This shall include measures to address potential loss of spring flow due to penetration of the confining layer and shall avoid the pumping of water into downstream water courses to mitigate flow loss in springs.
- b. Be in accordance with an Ecological Management Plan prepared by a suitably qualified and experienced practitioner that, as a minimum, includes:
  - i. Wetland delineation in accordance with Ministry for the Environment 2020. Wetland delineation protocols (Ministry for the Environment, Wellington. No. 10 p), related soil and hydrology tools and any updates to these protocols.

- ii. Plans specifying spring head restoration, Springs Creek riparian management, waterway crossing management and wetland restoration and enhancement options segregation of spring water and untreated stormwater.
  - iii. Aquatic buffer distances, including minimum waterbody setbacks for earthworks and buildings of:
    - 1. 20m from Springs Creek.
    - 2. 10m from channelized waterways.
  - iv. Ongoing maintenance and monitoring requirements that are to be implemented. This includes groundwater level, spring water level and spring flow monitoring and may include ecological monitoring.
  - v. A Riparian Planting Plan.
- c. Provide for naturalisation of the diversion of the Lincoln Main Drain.
  - d. Provide for a 100m setback for earthworks and buildings from the spring heads identified in Figure 1 below.

Consent conditions (which may include consent notices or similar mechanisms) shall be imposed at the time of any subdivision consent to ensure these outcomes.

Note: for the avoidance of doubt 'wetlands' referred to in this ODP shall include those covered by the definitions under the Resource Management Act 1991 and the National Environmental Standards for Freshwater.



**Figure 1: 100m spring setbacks**

## Servicing

Detailed stormwater solutions are to be determined by the developer in collaboration with Council at subdivision stage and in accordance with Environment Canterbury requirements. This will require appropriate modelling to show that effects of flooding can be appropriately mitigated.

Development within the ODP area shall be designed to account for the effects of floodplain filling and this may dictate subdivision construction methodology and minimum floor levels and mitigation to avoid effects from floodwater on third parties.

The spring-fed Lincoln Main Drain (LMD) crosses the northeast portion of the site from northwest to southeast and serves as the main drain outlet for the Te Whariki subdivision. The drain is to be diverted and detailed design will ensure its ongoing function is not compromised. There is opportunity to naturalise and enhance the LMD as part of the wider green and blue network of the site and this shall be addressed in the Ecological Management Plan referred to above.

Stormwater management systems will otherwise be designed to integrate into both the transport and reserve networks where practicable.

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

Dwellings shall be setback 100m from the edge of the treatment pond within the Lincoln Sewage Treatment Plant and any residential allotments within 150m of the pond edge shall be subject to a no complaints covenant in favour of the Council in relation to the operations of the Lincoln Sewage Treatment Plant.

Water consents CRC001158 and CRC152245 to take and use groundwater are to be transferred and vested in Council prior to issue of a completion certificate pursuant to section 225 of the Act.

## **Cultural**

The importance of natural surface waterbodies and springs to Manawhenua is recognised and provided for by the ODP and the specific measures described above in regards to water bodies and freshwater ecosystems that will support cultural values associated with the ODP area.

For all earthworks across the site, an Accidental Discovery Protocol will be implemented at the time of site development, in addition to appropriate erosion and sediment controls, to assist in mitigating against the potential effects on wahi tapu and wahi taonga values generally.