

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

**AND**

**IN THE MATTER** of Proposed Plan Change 7 to the Selwyn  
District Plan

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**Report on Submissions relating to Proposed  
Plan Change 7**

**Growth of Townships, Urban Development and Rezoning of Land for  
Urban Purposes including the introduction of a new Living Z Zone at  
Lincoln and Rolleston**

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<b>Report Number:</b>	<b>PC 080007</b>
<b>To:</b>	<b>Hearing Commissioners</b>
<b>From:</b>	<b>Cameron Wood</b>
<b>Hearing Dates:</b>	<b>3 May 2011</b>

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This report analyses submissions made on Proposed Plan Change 7 (PC7) to the Selwyn District Plan (SDP). The report is prepared under s42A of the Resource Management Act 1991 (RMA91). The purpose of the report is to assist the Hearing Commissioners in evaluating and deciding on submissions made on PC7 and to assist submitters in understanding how their submission affects the planning process.

The report includes recommendations to accept or reject points made in submissions and to make amendments to the SDP. These recommendations are the opinions of the Reporting Officer(s) only. The Hearing Commissioners will decide on each submission after hearing and considering all relevant submissions, the Officer's Report(s) and the Council's functions and duties under RMA.

## **1 Introduction**

- 1.1 My full name is Cameron David Wood. I am employed as a Strategic Policy Planner for the Selwyn District Council. I hold the qualification of Bachelor of Economics from Otago University. I have worked in the field of planning and resource management for the past three and half years. Prior to this I worked for six and half years in Central Government as a Policy Adviser and Senior Adviser. I am familiar with the Selwyn District, its resource management issues and the Selwyn District Plan.
- 1.2 Proposed Plan Change 7 (PC7) was notified on 27 February 2010 with submissions closing on 13 April 2010. Further submissions were notified on 5 June 2010 and closed on 21 June 2010.
- 1.3 A total of 97 submissions were received on Plan Change 7. Further submissions were lodged by 35 parties. Submissions covered a range of topics, including requesting that the plan change be approved, be withdrawn and that it be amended in a number of ways. A summary of decisions sought is attached as Appendix One and a modified version of PC7 with all the submission changes is attached as Appendix Two.
- 1.4 This evidence:
  - Sets out the contextual background and overviews PC7;
  - Outlines the planning context guiding development in Greater Christchurch, Selwyn District, Lincoln and Rolleston and assesses PC7 against these sub-regional and local statutory planning initiatives;
  - Sets out a recommendation, to accept or reject in whole or part, for each submission point;
  - Provides an assessment of PC7 against the statutory requirements set out in the RMA91 and the extent to which it satisfies the overall purpose and principles prescribed in Part 2 of the Act.

## **Withdrawn Submissions**

- 1.5 After the submission and further submission period had closed, Submitter 48 (Christchurch City Council) withdrew their submission.

Submitter 38 has withdrawn part of their submission (Decision point D1). Submitter 46 has withdrawn part of their submission (Decision point D5 and D7).

### **Late Submissions**

- 1.6 Three submissions were received after the closing date for submissions. They are submission 25 (Angelene Holton), 92 (Rodney Jarvis), 93 (Jens Christensen). Under Section 37 and 37A of RMA91, Council issued a waiver to accept the late submissions after considering that impact on the submitters via s37A(1)b (i.e. taking into account the interest of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan). The three submitters are either landowners in Rolleston or a community representative in Rolleston who would have an interest in PC7.
- 1.7 In addition, Council received a late further submission from a landowner in Rolleston (submission 107). This further submission supports submissions 17,18,19,21 and 77. After considering the criteria under Section 37A (1), I would consider that as the further submitter is a land owner in the area recommended to be rezoned by submitter 17, 18, 19, 21 and 77, that it would meet the test under s37A(1)(b). It is up to the discretion of Commissioners to allow this further submission to be included and while the further submission was six weeks late, I would recommend to commissioners that it be considered as part of PC7.

### **Statutory Considerations**

- 1.8 The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay<sup>1</sup>, the relevant components of which I have set out in the following paragraphs.
- 1.9 A plan change should be designed in accordance with (section 74(1)):
- (a) the district council's functions under section 31;
  - (b) the provisions of Part 2;
  - (c) its duty under section 32; and
  - (d) any regulations (section 74(1)).
- 1.10 The purpose of the Act, as set out in Part 2, is to promote the sustainable management of natural and physical resources. In achieving that purpose, identified matters of national importance are to be recognised and provided for (s.6); particular regard is to be had to

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<sup>1</sup> Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

various other matters (s.7); and account taken of the principles of the Treaty of Waitangi (s.8).

- 1.11 When preparing a plan (change) a district council:
- (a) must give effect to any operative regional policy statement (section 75(3)(c)); and
  - (b) shall have regard to a proposed regional policy statement (section 74(2)(a)(i)) and any management plans and strategies prepared under other Acts (section 74(2)(b)(i)); and
  - (c) shall have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities.
- 1.12 In this case the Regional Policy Statement is operative, with amendments being proposed to Chapter 12 of the RPS through Proposed Plan Change 1. Several plans prepared under the Local Government Act are of direct relevance to this proposal, including the Rolleston Structure Plan (adopted by Council in September 2009) and the Lincoln Structure Plan (adopted by Council in May 2008). There are no directly relevant provisions in the Plans of the neighbouring territorial authorities, with matters of interest to the neighbouring authorities limited to the coordinated urban growth of Greater Christchurch which is the subject of Change 1.
- 1.13 A district plan must state the objectives sought to be achieved, policies to implement the objectives and rules (if any) to implement the policies (s75(1)). It may also state the significant resource management issues, methods, other than rules for implementing the policies, reasons for adopting the policies and methods, and the environmental results expected (s75(2)). There are a large number of objectives and policies relating to urban growth and associated related topics in the Selwyn District Plan, with PC7 seeking to amend a number of these objectives and to introduce new objectives concerning the management of urban growth within the UDS portion of the District.
- 1.14 The rules are to implement the policies (sections 75(1)(c) and 76(1)) and the proposed policy or method is to be examined, having regard to its efficiency and effectiveness as to whether it is the most appropriate method of achieving the objectives of the plan (section 32(3)(b)) taking into account (section 32(4)):
- the benefits and costs of the proposed policies and methods; and
  - the risks of acting or not acting if there is uncertain or insufficient information.
- 1.15 In making a rule the territorial authority shall have regard to the actual or potential effect of activities on the environment (s76(3)).
- 1.16 Section 32 in essence requires the Council to consider whether the proposed amendments to the objectives (and any changes sought to these objectives by submitters) better achieve Part 2 of the Act, and then whether any proposed amendments to the policies, rules, Outline

Development Plans, and zone boundaries more efficiently and effectively achieve the Plan's objectives than the provisions of the Plan as proposed to be amended by PC7.

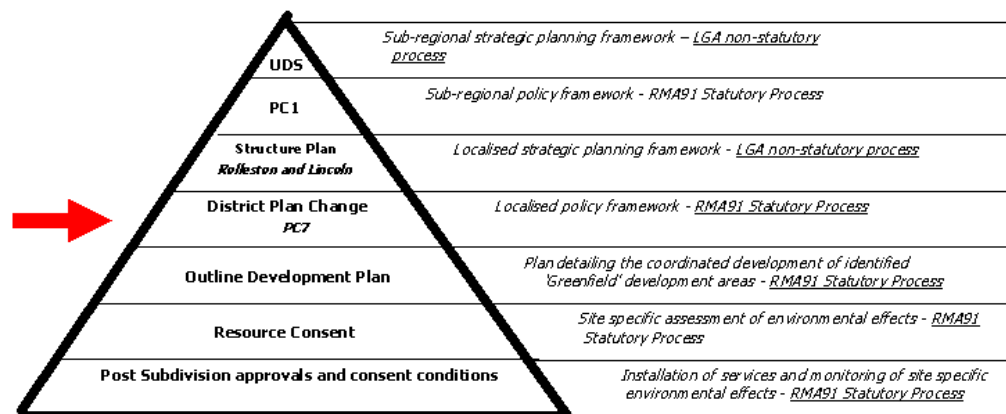
## **2. Background**

- 2.1 Plan Change 7 seeks to rezone land identified in Proposed Plan Change 1 to the Canterbury Regional Policy Statement (PC1), the Lincoln Structure Plan (LSP) and Rolleston Structure Plan (RSP) to provide for the future growth of both townships in accordance with the Greater Christchurch Urban Development Strategy. It also involves changes to the objectives and policies of the Selwyn District Plan by amending the way the plan deals with urban growth. The main changes include the following:
- New District-wide and Township specific provisions to provide greater direction at an objective and policy level for the management of urban growth within the UDS portion of the District.
  - Rezoning approximately 585 hectares of land in Lincoln and Rolleston to a new “Living Z” or “Living Z Deferred” zone for residential development, and 11 hectares of land in Lincoln to “Business 2 Deferred” for industrial development.
  - The requirement to develop an Outline Development Plan (ODP) before development can occur and identifying ODP criteria that will need to be addressed within the ODP to support the implementation of the key aspects of the both Structure Plans.
  - Identifies when household development can occur within Phase 1 (2007-2020) and Phase 2 (2021-2041) of Proposed Change 1 to the Regional Policy Statement.
  - Amends the subdivision section of the District Plan to implement the principles described in the Subdivision Design Guide, along with provisions relating to medium density housing (to implement the principles set out in the Medium Density Design Guide) to support the consolidation of townships while achieving good urban design outcomes.

### 3. Planning Context

- 3.1 The extent to which PC7 aligns with the sub-regional and local strategic planning frameworks are considered in the following sub-sections of this report. Diagram 1 illustrates the hierarchy of planning processes currently in place within the Greater Christchurch sub-region.

**Diagram 1: Planning process overview within Greater Christchurch**



#### SUB-REGIONAL PLANNING CONTEXT – UDS and PC1

- 3.2 The Greater Christchurch Urban Development Strategy (UDS) delivers a strategic vision for Greater Christchurch by:
- Detailing the location of future housing;
  - Facilitating the development of social and retail activity centres;
  - Identifying areas for new development; and
  - Ensuring these activities are serviced with an integrated transport network and coordinated infrastructure<sup>2</sup>.
- 3.3 PC1 was notified on the 28th July 2007 as a key statutory instrument to implement the UDS. The principle techniques employed in PC1 to achieve an integrated planning approach across the Greater Christchurch area include the identification of 'Metropolitan Urban Limits' (MUL) around existing settlements and to allocate where, and at what rate, growth should occur from 2007 through to 2041.
- 3.4 The setting of urban limits aims to promote efficient development by achieving more compact settlements, whilst providing sufficient housing to accommodate the projected population growth and to cater for business land development. PC1 encourages intensification within Christchurch City and the larger peripheral towns in Selwyn and Waimakariri Districts to:

<sup>2</sup> Greater Christchurch Urban Development Strategy and Action Plan 2007



- Reduce urban sprawl;
- Create efficiencies in the provision of infrastructure and operation of transport networks;
- Reinforce existing commercial centres;
- Provide a range of living environments and housing opportunities; and
- Improve living spaces by bringing urban design into all aspects of planning.

3.5 The Independent Commissioners appointed by Environment Canterbury to consider the evidence and submissions on PC1 released their recommendation on 1st December 2009, which was subsequently adopted by the Canterbury Regional Council. The decision accepts that PC1 is an appropriate response to the development issues affecting Greater Christchurch and that the goal of urban consolidation will lead to efficiencies in both the provision and use of infrastructure for urban development<sup>3</sup>. Urban limits were considered an appropriate mechanism to ensure the strategic integration of infrastructure and to achieve the intensification and consolidation measures advanced by PC1.

3.6 The Commissioners Decision has been accepted by Environment Canterbury. Approximately 53 appeals to this decision have been received by the Environment Court. There are no appeals lodged relating to Rolleston's Urban Limit. Two appeals have been lodged relating to Lincoln. They are:

- Denwood Trustees
  - inclusion of additional land within Lincoln's MUL (72.73ha).
- Lincoln Land Development
  - issue with LLD land already zoned included as Greenfield area;
  - staging – phase 2 land; and
  - location of key activity centre in Lincoln.

3.7 S74 (2) (a) (i) of the RMA91 requires Selwyn District Council to have regard to PC1. Significant statutory weight should be afforded to PC1 as decisions on submissions have been released, and in particular weight can be placed on the location of the MUL apart from the relatively discrete matters of appeal relating to Lincoln. The process has involved consultation, public notification, the calling for public submissions, further submissions, provided interested parties the opportunity to be heard and afforded rights of appeal. The principles of Greenfield growth areas being in accordance with good urban design and subject to an ODP (policies 7 & 8) have also not generally been challenged at appeal, although policy 6 matters relating to the allocation of household numbers and staging are subject to a number

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<sup>3</sup> PC1 RPS: Executive Summary, Commissioners' Recommendation Report, 01.12.2009

of appeals and therefore are less settled relative to other aspects of PC1.

### **Key elements of PC1 that are of direct relevance to PC7**

#### **Policy 1: Urban Limits**

- 3.8 Policy 1 of PC1 prescribes the Urban Limit for Lincoln and Rolleston, which reflects the preferred growth path identified in the LSP and RSP (which were developed at the same time as the notified version of PC1 (for the LSP) and the notified Variation 1 to PC1 (for the RSP). The appropriateness of the land included in PC7 for residential intensification is confirmed in PC1, where the land is identified as part of 'Greenfield' development areas and the land is within the prescribed urban limits for both townships.

#### **Policy 6: Integration of Urban Form and Infrastructure**

- 3.9 Policy 6 sets out the overall growth in households anticipated in the Greater Christchurch area until 2041 (74,960 additional households), with the portion of this growth that is to be accommodated within each Territorial Authority area set out in Table 1 of Policy 6. Table 2 of Policy 6 then sets out how the Greenfield component of each Territorial Authority's growth is to be divided between the various townships or growth areas within that Authority's area. As well as allocating numbers for future Greenfield growth areas, Table 2 also allocates numbers to Greenfield areas that have an existing urban zoning in the respective District Plan, but have yet to be developed.
- 3.10 For the Selwyn District Council, Table 1 has allocated the following households:
- 4,000 households (2007-16),
  - 4,200 households (2017-26), and
  - 3,690 households (2027-41).
- 3.11 Table 2 has been divided into two staging periods, namely 2007-2020 (Stage 1) and 2021-2041 (Stage 2). PC1 has allocated households in Lincoln and Rolleston in the following manner.

#### **Lincoln**

Stage 1	1740 households
Stage 2	2160 households
<b>Total Household Allocation</b>	<b>3900 households</b>

## Rolleston

Stage 1	2052 households
Stage 2	3323 households
<b>Total Household Allocation</b>	<b>5375 households</b>

- 3.12 PC7 has allocated the following households to Rolleston and Lincoln after considering Table 1 and 2, Policy 6 of PC1, the RSP and LSP and the negotiations with landowners in the development of the ODP as notified in PC7.

	Stage 1 (2007 - 2020)	Stage 2 (2021- 2041)	Total households
Rolleston	2,357	N/a	2,357
Lincoln	1,750	1,355	3,105
<b>Total</b>	<b>4,107</b>	<b>1,355</b>	<b>5,462</b>

- 3.13 PC7 has resulted in a small (315 household) over-allocation in Stage 1. This small over-allocation is less than 10% and is largely the result of including whole ODPs in Rolleston, rather than deferring a very small portion of these areas.
- 3.14 Overall, I consider that PC7 is consistent with Policy 6 as it is not intending to rezone land that would take it outside of the overall growth allocation that Selwyn has been provided for via Table 1 and Table 2. The zoning of any additional land, unless it is accompanied by deleting another block of a similar size, will result in the Plan Change being in conflict with the proposed Regional Policy Statement. Policy 6 is a key method for achieving the wider objectives of PC1, as the overall household numbers form the basis for determining the extent of the MUL. The Council needs to 'have regard to' rather than 'give effect to' the provisions of PC1, given that PC1 is not yet operative. Given the fundamental importance of Policy 6 to PC1, and given the advanced stage at which PC1 has progressed through the plan development process, I believe that this regard should be considerable.
- 3.15 I am nonetheless aware that there are a number of appeals challenging Policy 6, and therefore the final form and content of this policy are yet to be settled. PC7 enables the District Plan to be consistent with PC1 as it currently stands, and should PC1 be amended on appeal to enable further households to be allocated to Selwyn District (or alternatively the underlying 'predict and provide' model of PC1 overturned), then the option remains of the Council progressing a further plan change in several years time to ensure that the District Plan gives effect to the final form of the operative PC1.

## **Policy 7: Development Form and Design**

- 3.16 Policy 7 requires that Greenfields Development, intensification, and development of Key Activity Centres should give effect to urban design best practice. In addition, it considers that the principles of the Urban Design Protocol (Ministry for the Environment, 2005) should be observed when preparing or assessing any urban development.
- 3.17 Selwyn District Council became a signatory to the Urban Design Protocol on 10 September 2008. In implementing the Protocol, Council developed an Urban Design Action Plan that identified a series of work Council would focus on to improve urban design in the district.
- 3.18 Two of these projects included improving the design of Subdivisions and Medium Density Housing (Subdivision Design Guide and the Medium Density Design Guide). Further information on these guides can be seen in paragraph 3.39 and 3.45 of this report. In order to give effect to the principles articulated in these guides in the District Plan, a series of Urban Design Policies and Rules have been included in PC7.
- 3.19 Therefore, I consider that PC7 gives effect to this aspect of PC1.

## **Policy 8: Outline Development Plans and Changes of Zoning in District Plans**

- 3.20 Policy 8 outlines that development of urban activities within Greenfield areas shall occur in accordance with an ODP which should be included via a Plan Change. Policy 8 details a series of criteria that need to be included within ODP.
- 3.21 PC7 gives effect to Policy 8 in the following manner:
- Includes the text of Policy 8 (c, d, e, f, g and h) as Policy B4.3.7.
  - Includes additional criteria that need to be addressed in order to implement the LSP or RSP.
  - Assessed each ODP against Policy B4.3.7, and either Policy B4.3.56 or B4.3.58. If the ODP met the criteria they were included in PC7. In total seven ODP were included in the notified version of PC7.
  - If an ODP has been included in PC7 then land has been rezoned to Living Z (subject to infrastructure constraints and phasing in Lincoln)
  - If an ODP has not been included then land is rezoned to Living Z Deferred. The deferral will only lift when an ODP is included in the District Plan (via a Private Plan Change or submissions as part of this hearing process)
- 3.22 As a result, I consider that PC7 is consistent with Policy 8 of PC1.

## **Policy 11: Residential Density**

- 3.23 Policy 11 identifies that for Selwyn District Council, residential subdivision and development shall generally achieve minimum net density of 10 households per hectare in Greenfield areas averaged over the whole of an Outline Development Plan area.
- 3.24 During the development of the LSP and RSP, Council set the following density targets:
- Greenfield sites in Lincoln would achieve a minimum net density of 10 households per hectare
  - Greenfield sites in Rolleston would average 14 households per hectare
- 3.25 The targets contained in both Structure Plans align with the target densities contained in Policy 11 of PC1.
- 3.26 PC7 implements these targets via the creation of a new “Living Z” zone. This zone contains the ability to create a mixed housing density which incorporates a minimum net density of 10 households per hectare and allows for a mix of density from:
- Low density (10 households per hectare – 650m<sup>2</sup> / 750m<sup>2</sup>)
  - Medium Density (15 households per hectare – 500m<sup>2</sup>)
  - Comprehensive or High Density (20 households per hectare – 375m<sup>2</sup>)
- 3.27 In addition, each ODP has an ODP criteria contained in Policy B4.3.56 or B4.3.58 that outlines the minimum net density of at least 10 households per hectare.
- 3.28 I consider the response contained in PC7 satisfies Policy 11 of PC1, which ensures the proposed zoning aligns with the character of development anticipated in the ‘Greenfield’ areas identified in the UDS Area of Selwyn and LSP or RSP. The consequence of this compliance is a mixed density of development including allotments that range in size from 350m<sup>2</sup> to 750m<sup>2</sup>. PC7 will deliver a diversity of households and living environments for the future residents of Lincoln and Rolleston.

## **Overall**

- 3.29 Overall, I consider that PC7 aligns with the relevant objectives and policies espoused in PC1 and will deliver the strategic vision prescribed in the UDS and the Structure Plans developed for the townships in the Selwyn District.

## SELWYN DISTRICT PLANNING CONTEXT

- 3.30 Selwyn District Council has advanced a number of initiatives to take a more directive role in determining where, and in what fashion, urban growth should occur in the eastern area of the District. These include:
- (a) Being a signatory to the UDS;
  - (b) A partner in the development of PC1;
  - (c) Developing and adopting Structure Plans for Lincoln, Rolleston and Prebbleton;
  - (d) Notifying PC7 to incorporate a framework into the District Plan to manage the strategic residential growth of townships; and
  - (e) Preparing design guides for subdivision<sup>4</sup>, medium density housing and the subdivision of existing rural residential sections established within the township boundaries.
- 3.31 This represents a significant shift from a developer-led approach, to a more strategic planning framework incorporating community outcomes determined through structure plans and other strategic planning initiatives.

### *Lincoln Structure Plan*

- 3.32 The purpose of the LSP is to outline an integrated urban design framework for the future development of Lincoln Township. A range of 'networks' (movement, open space, waterways, social and land use) were mapped and assessed to identify opportunities and constraints. The resulting land use pattern provides for a range of housing densities, sufficient land for the community and business activities needed in a Key Activity Centre and reinforces the primacy of the town centre supported by neighbourhood centres.
- 3.33 The LSP also established a staging strategy to enable the logical and cost-effective provision of infrastructure. Residential expansion beyond existing zones is directed northwards toward Tancreds Road and to the east towards Ellesmere Road to avoid constraints of land ownership by the Crown and the high water table south of the town. Servicing is envisaged to progress from the south to the north to take advantage of landfall to the south, and to enable the orderly and logical provision of infrastructure.
- 3.34 The purpose of the Integrated Stormwater Management Plan (ISMP) is to identify the most appropriate means of treating and disposing of stormwater in a catchment, particularly in existing and new urban areas. It is a stormwater management tool that considers and balances a range of catchment values and provides certainty to the Council, Environment Canterbury, developers, stakeholders & the community. The LSP incorporates the findings of the ISMP and

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<sup>4</sup> SDC's Subdivision Design Guide was recognised with a Best Practice award by the NZPI in 2010

considers the way in which residential and commercial activities should be developed.

- 3.35 The broad principles and key features of the Structure Plan can be found on pages 13-17 of the Section 32 report. To implement the LSP and PC1, PC7 has notified five out of the six identified ODP areas. The LSP map, including the Greenfield residential staging plan are contained in Appendix Three.

#### *Rolleston Structure Plan*

- 3.36 The purpose of the RSP is to outline an integrated urban design framework for the future development of Rolleston Township. A number of 'layers' (town centre strategy, land use and community facilities, movement and infrastructure) were mapped and assessed to identify opportunities and constraints. The resulting land use pattern provides for a range of housing densities, sufficient land for the community and business activities needed in a Key Activity Centre and reinforces the primacy of the town centre supported by neighbourhood centres.
- 3.37 The RSP also established a staging strategy to enable the logical and cost-effective provision of infrastructure. Residential expansion beyond existing zones is directed southwards toward Selwyn Road and to the east towards Weedons Road and west towards Dunns Crossing Road. Servicing is envisaged to progress towards the south to enable the orderly and logical provision of infrastructure.
- 3.38 The broad principles and key features of the Structure Plan can be found on pages 18 -22 of the Section 32 report. To implement the RSP and PC1, PC7 has notified two out of the six areas identified as ODPs areas. The RSP map, including the Greenfield residential staging plan are contained in Appendix Four.

#### *Subdivision Design Guide*

- 3.39 The Subdivision Design Guide provides detailed guidance and criteria for the development of well-designed residential subdivisions. The purpose of the guide is to define the key elements and characteristics that inform the design and layout of new subdivisions to create high quality neighbourhoods.
- 3.40 The layout of a new subdivision needs to respond to the context of the surrounding environment, including both the natural features and the built environment. Incorporating natural features into the design of the subdivision provides a new development with a more distinctive character and a sense of place. This can be achieved by designing the layout of the subdivision to take advantage of views towards the Port

Hills or the Southern Alps. Maintaining a connection between the existing environment and the new development can be achieved by maintaining existing natural elements such as waterways, mature trees and in some cases shelterbelts, and by enhancing access to reserves.

- 3.41 The Design Guide seeks to ensure that street orientation and section proportions are designed to ensure practical use of the site, provide for an attractive street frontage and the receipt of sunlight in private gardens and living rooms. The layout of each section should be designed to avoid the need for private space to be located between the house and the street. An example of how this may be achieved is by designing the street layout whereby sections on the south or east side of the street have wide frontages that allow gaps between buildings for the sun to penetrate, providing houses with sunlight in living spaces and solar gain.
- 3.42 The layout of individual residential lots should be designed to provide attractive, visually coherent neighbourhoods that are safe and encourage interaction between neighbours. Dwellings should be designed to provide connection between the public and private realms by ensuring that main doors, living rooms and windows face the road environment. Further, lot design should be undertaken in a manner that provides clear demarcation between the public and the private realms. Rear lots in a block reduce the privacy of the adjacent dwellings if two storey dwellings are erected, increase the size and depth of blocks and can decrease the accessibility and navigability of the block.
- 3.43 The integration of new developments with surrounding neighbourhoods can be achieved through the creation of strong transport connections that ensure neighbourhoods are easily accessed and navigated. The key design elements identified in the Design Guide seek to achieve greater connectivity by providing multifunctional thoroughfare streets, neighbourhood blocks that are small, easily navigable and convenient for cycle and pedestrian movements, and a variety of transport linkage options, including walking and cycling routes, and green networks.
- 3.44 The Design Guide for Residential Subdivisions has been developed to encourage best practice in the design and creation of new developments. The broad principles and key features of the Design Guide for Residential Subdivisions in the Living Zones are as follows:
- Ensure a high level of amenity and connectivity, providing residents with a safe and sustainable neighbourhood.
  - New developments should be designed in relation to the surrounding natural and built environment.
  - Provide for an integrated transport, cycling and walking network.
  - Provide for on-site stormwater disposal that meets both engineering and amenity requirements.



- Design sections that provide for the practical use of the site, encourage active street frontages and receipt of sunlight in private gardens and living rooms.

### *Medium Density Guide*

- 3.45 The Medium Density Guide provides an urban design framework for residential developments at densities higher than the current level. The purpose of the guide is to identify and explain the key characteristics of good medium density development to ensure that new developments are compatible with the existing environment, to create a high quality living environment, and to provide a variety of housing types that use resources in an efficient manner. The final form of new medium density developments will be guided by the concepts and criteria of the Medium Density Design Guide which have been incorporated into the Plan as assessment matters.
- 3.46 It is noted that the Medium Density Design Guide will sit outside of the Selwyn District Plan and will have no direct statutory weight, albeit that they will be “other matters” to consider when assessing a resource consent and will help to inform any plan change applications relating to medium density developments.
- 3.47 To meet PC1, urban growth targets in a sustainable and integrated way, new approaches to residential development in the townships of the District are required. In order to meet the RPS average minimum net densities of 10 households per hectare in Greenfield growth areas, it is likely to be necessary for some developments to include areas of medium density housing of at least 15 units per hectare or else the anticipated population growth will not be able to be accommodated within the urban limits identified in PC1.
- 3.48 In order to achieve medium density in townships that overall are “spacious” and have a “rural feel”, successful developments will need to be compatible with the context of the township. This can be achieved by providing good connections with existing developments, providing open spaces around the dwellings, and designing dwellings that provide variation in style, form and cladding.
- 3.49 When located within close proximity to community facilities, medium density developments can reduce the travel distance of residents and increase the use of non-motorised forms of transport. A high level of connectivity within urban environments provides for efficiency of movement, reduces reliance on motorised forms of transport and travel times, improves accessibility to community facilities and provides opportunities for social interaction. In the context of new Greenfield developments, this means developments need to build on existing connections and create better ones to encourage greater levels of movement, including building safe and convenient cycle routes and

walkways to link neighbourhoods with one another and to community facilities.

- 3.50 The Medium Density Housing Design Guide has been developed to encourage best practice design in the intensification of specified areas around existing townships within the Greater Christchurch area of the Selwyn District.
- 3.51 The broad principles and key features of the Medium Density Housing Guide are as follows:
- The principles of the housing guide seek to ensure that development occurs in a consolidated, sustainable, coordinated manner. A compact urban form incorporating urban design principles is sought.
  - New medium density developments are concentrated around the existing township form, in close proximity to existing and proposed services.
  - To maintain the character and amenity of the township, new medium density developments will be designed in relation to the context in which the development will be located.
  - Provide a high quality living environment by balancing the built form with open space and plantings to maintain the existing amenity and character of the township.
  - Provide for housing choice
  - An average minimum net density of 10 households per hectare across all greenfield areas, which may require at least 15 households per hectare to be achieved in medium density areas.
  - Provide for an integrated transport and walking network.

### **Canterbury Earthquake – Liquefaction issue**

- 3.52 After the 7.1 magnitude earthquake that occurred in Canterbury on 4th September 2010 (epicentre near the town of Darfield) and the 6.3 magnitude earthquake that occurred in Christchurch on 22 February 2011, Council sought geotechnical advice on the impact of the earthquake on the land being rezoned as part of PC7. Mr Ian McCahon from Geotech Consulting Ltd provided his assessment which is attached as Appendix Five.

- 3.53 Mr McCahon makes the following comments:

Rolleston

- That there were no reports of liquefaction in or close to Rolleston;
- That there is low to very low risk of liquefaction for all the rezoned areas around Rolleston, and that liquefaction does not need to be considered in the appropriateness or otherwise of the rezoning.

## Lincoln

- There have been no reports of ground damage in or close to Lincoln from the 2010 Canterbury or 2011 Christchurch earthquake. The closest observed liquefaction to the rezoning area was about one kilometre south of Ellesmere Road, located to the south-east of Lincoln.
- One Cone Penetration Test has been carried out in a site in the centre of Lincoln following the earthquake. Analysis of this test indicates that up to 1.2m of soil within the 5.2m of soils above the gravel could liquefy in an earthquake, resulting in 50 – 80mm of ground settlement. While there was no evidence on the site that liquefaction occurred with the 2010 earthquake, this does indicate that there can be some risk in future earthquakes.
- The south east boundary of the LZ deferred zone (ODP Areas 2 & 3) is on Ellesmere Road, which is the west boundary of the Potentially Liquefiable Ground Zone as defined in the SDC 2010 Canterbury Earthquake Liquefaction Report<sup>5</sup>. This boundary is acknowledged as being somewhat arbitrary, given the lack of subsurface information and the variable soil profiles in the area. No great significance should be read into this boundary juxtaposition, as the liquefaction report was focused on providing direction for building consent purposes within the rural zone and Tai Tapu township and did not include any assessment of existing or future urban areas.
- It can be concluded that there is a potential for a liquefaction hazard to exist in parts of the Lincoln rezoning area, but that it is not likely to be severe given the lack of any liquefaction in the 2010 earthquake and the soil types present.

3.54 Mr McCahon concludes that the liquefaction hazard is inconsequential in Rolleston, but that there is potentially a hazard at Lincoln. Mr McCahon does not however consider that this hazard risk is sufficiently large to preclude the proposed plan change. The liquefaction hazard must however be investigated as part of the subdivision geotechnical reporting, and if identified as a significant risk must be appropriately mitigated or designed for. It is not expected that liquefaction will be so severe a hazard that extensive ground improvement or other expensive remedial work would be needed.

3.55 I note that in ensuring that appropriate site-specific geotechnical investigations are undertaken at the time of subdivision, the Selwyn District plan does not currently include the consideration of earthquake-related hazards as one of the (restricted discretionary) subdivision assessment matters. Given that the need for such an assessment is integral to the successful implementation of the Plan Change in Lincoln, and given that this issue has arisen after PC7 was notified and

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<sup>5</sup> This is a separate report released by SDC. The aim of the report is to provide guidance in terms of risk and appropriate mitigation of liquefaction for new buildings within the District as a result of the recent earthquakes in the Canterbury region.

submissions closed, it is recommended that an additional assessment matter be included in the Plan under Clause 16 as a minor amendment.

- 3.56 Should Commissioners come to the view that such an addition is beyond the scope of matters that can be progressed through Clause 16, an alternative route is for a LIM notice to be attached to all properties subject to PC7 in Lincoln, alerting potential purchasers to the need for a detailed geotechnical report to be provided prior to subdivision occurring. Such a LIM notice could subsequently be removed once such a report was received and any land remediation works conditioned as part of a subdivision consent.

### **Ground Contamination**

- 3.57 Selwyn District Council engaged Tonkin and Taylor to undertake a desk based ground contamination investigation of land rezoned via PC7. The aim of the investigation was to establish the potential for historical activities to have resulted in ground contamination within the land proposed for rezoning, and how this may affect the Plan Change. Mr Jared Pettersson's evidence is attached as Appendix Six of this report.
- 3.58 In his evidence he makes the following conclusions:
- The land around Rolleston and Lincoln that is proposed for rezoning to residential land is currently used, and has been since the 1800s, for agricultural activities. These activities include cropping, stock grazing, orchards and dairy farming. Associated with these activities are farm buildings, implement sheds, sheep dips, chemical and fuel storage sheds and residential dwellings. All of these structures and features are typical of this type of land use, and occur across much of the Canterbury Region.
  - No information was found that indicated the proposed zone change area had special characteristics that would result in ground contamination at higher levels, or greater extents than typical agricultural land use. Consequently, there are proven methods for remediating or managing the type and levels of contaminants that are commonly found in the soils with this sort of land use history.
  - As all sites within the PC7 area have potential for some level of ground contamination, Mr Pettersson recommends that soil sampling should be undertaken to confirm the levels and nature of contaminants present in the soils. The sampling should aim to characterise the broad acre contamination as well as that in the vicinity of farm buildings, dwellings, waste pits or other discrete features. This could be undertaken at the subdivision consent stage. All investigations should be undertaken in accordance with the Ministry for the Environment's various Contaminated Land Management Guidelines. This approach is consistent with the

proposed National Environmental Standards for Soil Contamination  
(currently in draft).

## 4 Assessment of Submissions

- 4.1 A total of 96 original submissions and 35 further submissions were received on Plan Change 7. I have grouped the submissions by topic area and address each topic in my report.
- 4.2 For the purposes of assessment, the submissions points are organised into the following groups:

Out of Scope Submissions	
Additional land seeking to be rezoned via PC7 (within scope of PC7)	
Staging of Development in PC7	
General Objectives, Policies, Rules and Other Issues	
Rolleston	Outline Development Plan 1 Outline Development Plan 2 Outline Development Plan 3 Outline Development Plan 4 Outline Development Plan 5 Outline Development Plan 6
Lincoln	Outline Development Plan 1 Outline Development Plan 2 Outline Development Plan 3 Outline Development Plan 4 Outline Development Plan 5 Outline Development Plan 6
Tangata Whenua Values	

## **5 Assessment Group 1: Out of Scope Submissions – Additional land seeking to be rezoned via PC7**

- 5.1 Council has received 35 submissions seeking to rezone land in the following locations in Rolleston and Lincoln.

### **Rolleston**

- Oak Tree Lane
- East Maddisons Road / Goulds Road
- 620 East Maddisons Road
- Helpet Park
- Park Lane
- Lincoln Rolleston Road / Branthwaite Drive
- Park Grove

### **Lincoln**

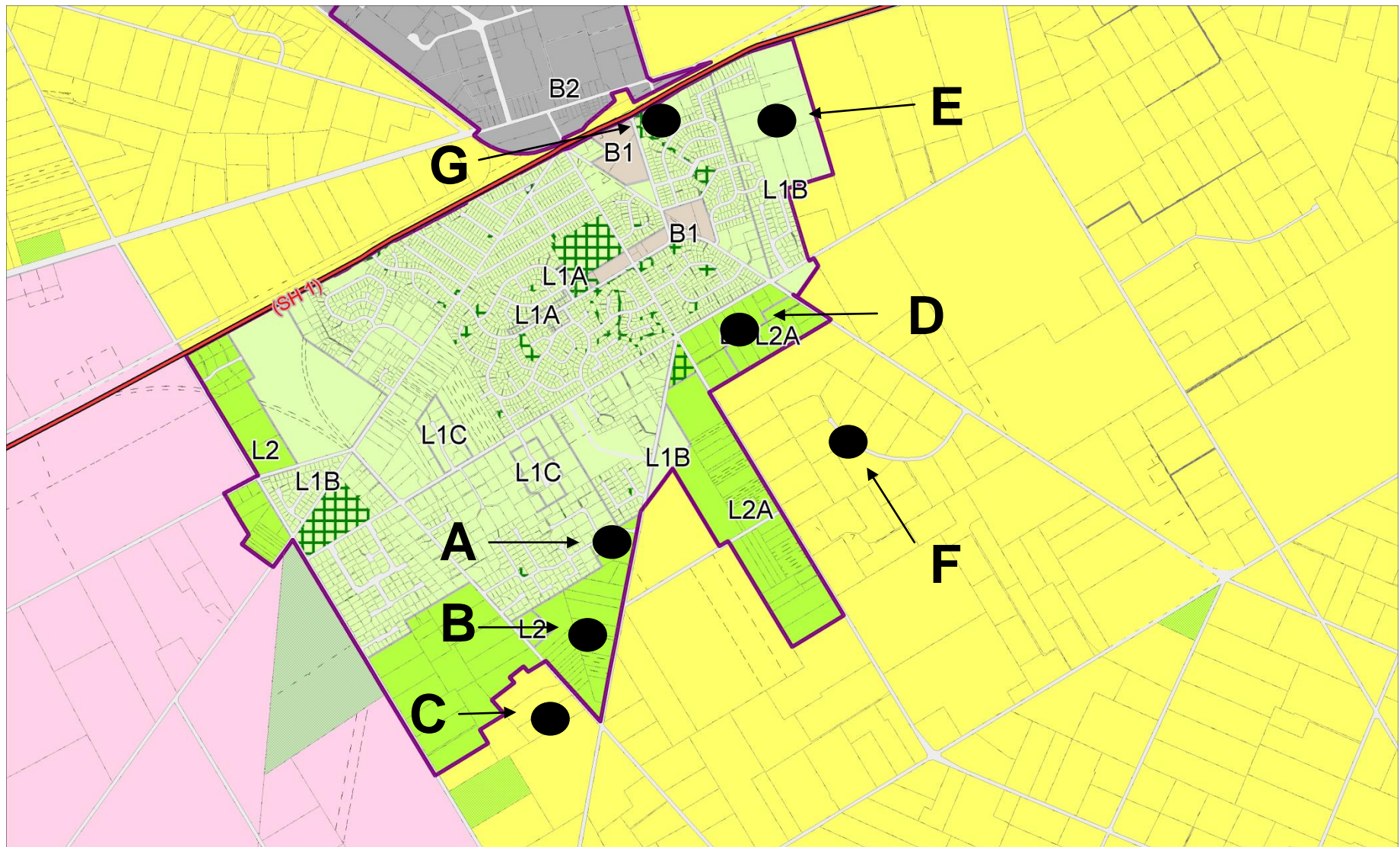
- Edna Earnshaw
- Denwood Trustees Ltd

## **Legal Scope**

- 5.2 I have been provided with legal advice from Mr Cedric Carranceja (Senior Associate, Buddle Findlay) on the legal scope of these submissions (attached as Appendix Seven). The issue surrounding legal scope centres on whether submitters can include additional land in addition to the land rezoned as part of PC7. In his advice, Mr Carranceja considers that submissions of this nature:

*“falls outside the scope of PC7 on both of the tests formulated by the High Court, being the Clearwater two part test (from Clearwater Resort Limited and Canterbury Golf International Limited v Christchurch City Council (AP34/02)) and the Option 5 “scale and degree” test (from Option 5 Incorporated v Marlborough District Council (CIV 2009-406-144))”.*

- 5.3 After considering the legal opinion, I would conclude that submissions seeking to rezone additional land are outside the scope of Plan Change 7. Should the Commissioners consider that the submissions are in scope of PC7 the following diagram showing where the land is in Rolleston and Lincoln and a table has been developed to assess each of the submissions.





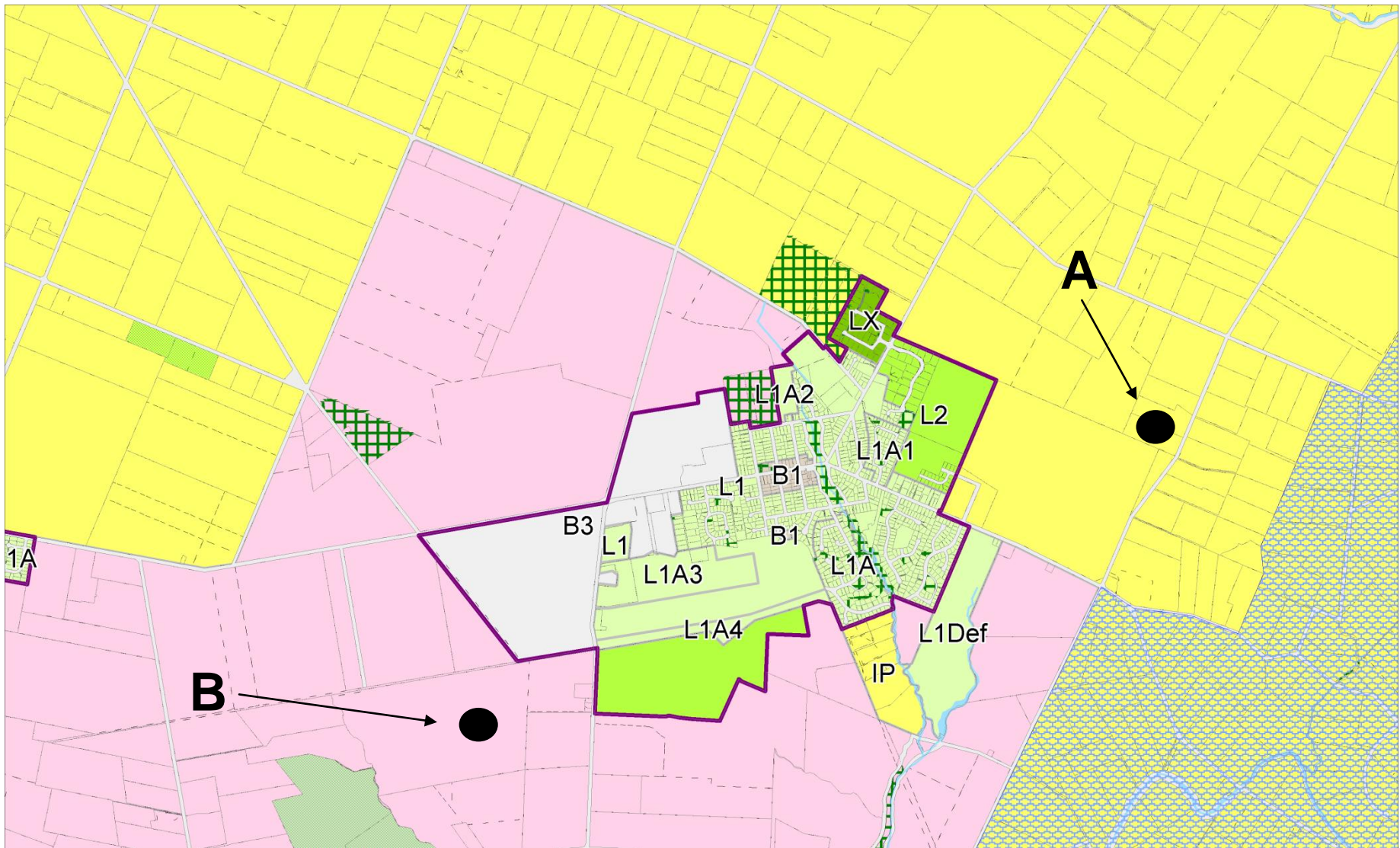


Diagram 2: Lincoln Out of Scope Submissions

Table 1: Assessment of Out of Scope Submissions

Rolleston

Location of Land	Size (in hectares)	Increase of land being rezoned	Additional households created if rezoned	Consistency with PC1	Consistency with Rolleston Structure Plan	Other Planning Issues	Wastewater Rooding Water
<p>Location A: 1, 2, 7, 15 Oak Tree Lane</p> <ul style="list-style-type: none"> <li>Currently zoned Living 2 (5000m<sup>2</sup>)</li> <li>Seeking to be rezoned to Living 1B (1200m<sup>2</sup>) or Living Z (750m<sup>2</sup>)</li> </ul>	2.9	1.3%	14 (to Living 1B Standard)	Would increase the overallocation of households in Stage 1 (2007-2020)	Land identified as suitable for rezoning	<p>Land was originally rezoned to 1200m<sup>2</sup> via Plan Change 60 (2003) but was rezoned (to 5000m<sup>2</sup>) as part of the proposed District Plan as the airport noise contour bisected the properties</p> <p>Since then a remodelling exercise was conducted in late 2007 to revise the contour. This resulted in a new contour which no longer bisects these properties.</p> <p>The revised contour was included as part of Plan Change 23 which was approved by Council on 8 February 2011. The noise contour therefore no longer crosses these properties.</p> <p>It would seem from a planning perspective that as the Contour has been removed from the submitters' properties that this land should be rezoned back to the original zoning contained in Plan Change 60.</p> <p>If the Commissioners conclude that there is not sufficient scope within PC7 to resolve this issue, I would suggest that Council and</p>	<p>No Wastewater constraints</p> <p>No Rooding constraints</p> <p>No Water constraints</p>

Location of Land	Size (in hectares)	Increase of land being rezoned	Additional households created if rezoned	Consistency with PC1	Consistency with Rolleston Structure Plan	Other Planning Issues	Wastewater Rooding Water
						Landowners meet to discuss a way forward for the coordinated intensification of these properties.	
Location B:  East Maddisons Road / Goulds Road  <ul style="list-style-type: none"> <li>Currently zoned Living 2 (5000m2) / Living 2A (10000m2)</li> <li>Seeking to be rezoned to Living Z (750m2)</li> </ul>	30	13.5%	279	Would increase the overallocation of households in Stage 1 (2007-2020)  Large scale increase in households for stage 1. Would reduce the amount of land that could be rezoned in Stage 2	Intensification area in the Rolleston Structure Plan at 10 households per hectare	Concern that only two landowners out of 21 have submitted as part of PC7. Not sure if all landowners want to be rezoned at this time  ODP should be required before higher density zoning takes effect, and with the amount of land owners involved there is a question on how long this might take and whether Council would need to facilitate the development of the ODP  Benefits <ul style="list-style-type: none"> <li>Land is located near existing school (Clearview school) and new recreation precinct</li> <li>Similar distance from the Town Centre as ODP Area 6, close to new neighbourhood centre in ODP Area 6</li> <li>Provided it can be serviced, intensification of existing low density urban areas makes sense in terms of accommodating growth primarily through intensification.</li> </ul>	No Wastewater constraints  No Rooding constraints  No Water constraints

Location of Land	Size (in hectares)	Increase of land being rezoned	Additional households created if rezoned	Consistency with PC1	Consistency with Rolleston Structure Plan	Other Planning Issues	Wastewater Rooding Water
Location C:  620 East Maddisons Road <ul style="list-style-type: none"> <li>Currently zoned Inner Plains (4ha)</li> <li>Seeking to be rezoned to Living Z (750m2)</li> </ul>	Approx 13 - 20	6 – 9%	200 – 300	Would increase the overallocation of households in Stage 1 (2007-2020)  Large scale increase in households for stage 1. Would reduce the amount of land that could be rezoned in Stage 2	Greenfield area identified in Rolleston Structure Plan  Average Density Target of 15 hh/ha  Structure Plan identified that this land should be rezoned in 2017-2026 (before the change in sequencing made by the commissioners re PC1)	Concern that only one landowner out of eight has submitted as part of PC7. Not sure if all landowners want to be rezoned at this time  If this land was rezoned before East Maddisons / Goulds Road or ODP Area 6 it could result in poor urban form for Rolleston due to it resulting in an isolated urban area separated from the balance of the Township.	Inefficient development of wastewater infrastructure (see Mr Blake-Manson's evidence)  No Rooding issues  No Water Constraints
Location D:  Helpet Park <ul style="list-style-type: none"> <li>Currently zoned Living 2 (5000m2) / Living 2A</li> </ul>	24.5	11%	245	Would increase the overallocation of households in Stage 1 (2007-2020)  Large scale increase in	Intensification area in the Rolleston Structure Plan at 10 households per hectare	Concern that only two landowners out of 24 have submitted as part of PC7. Not sure if all landowners want to be rezoned at this time  ODP should be required before rezoning takes effect. With the amount of land owners involved there is a question on how long this might take and whether Council would need	No Wastewater constraints  No Rooding constraints  No Water constraints

Location of Land	Size (in hectares)	Increase of land being rezoned	Additional households created if rezoned	Consistency with PC1	Consistency with Rolleston Structure Plan	Other Planning Issues	Wastewater Rooding Water
(10000m2) <ul style="list-style-type: none"> <li>Seeking to be rezoned to Living Z (750m2)</li> </ul>				households for stage 1. Would reduce the amount of land that could be rezoned in Stage 2		to facilitate the development of the ODP Benefits <ul style="list-style-type: none"> <li>Close to the existing Town Centre and the new Recreation Precinct.</li> <li>Provided it can be serviced, intensification of existing low density urban areas makes sense in terms of accommodating growth primarily through intensification.</li> </ul>	
Location E: Park Lane <ul style="list-style-type: none"> <li>Currently zoned Living 1B (1200m2)</li> <li>Seeking to be rezoned to Living Z (750m2)</li> </ul>	33	14.8%	124	Would increase the overallocation of households in Stage 1 (2007-2020)  Large scale increase in households for stage 1. Would reduce the amount of land that could be rezoned in Stage 2	Intensification area in the Rolleston Structure Plan at 10 households per hectare  Current subdivision consent would achieve approx 7 households per hectare	Concern that no landowners have submitted as part of PC7. It is not clear if all landowners want to be rezoned at this time.  ODP should be required before rezoning could take effect. With the amount of land owners involved there is a question on how long this might take and whether Council would need to facilitate the development of the ODP  Benefits <ul style="list-style-type: none"> <li>Land is located near existing school (Rolleston School) and Existing Town Centre.</li> <li>Logical development as this land is adjacent to ODP Area 3 which is seeking 10 households per hectare.</li> <li>Provided it can be serviced, intensification of existing low density</li> </ul>	No Wastewater constraints  No Rooding constraints  No Water constraints

Location of Land	Size (in hectares)	Increase of land being rezoned	Additional households created if rezoned	Consistency with PC1	Consistency with Rolleston Structure Plan	Other Planning Issues	Wastewater Rooding Water
						urban areas makes sense in terms of accommodating growth primarily through intensification.	
Location F:  Lincoln Rolleston Road / Branthwaite Drive  <ul style="list-style-type: none"> <li>Currently zoned Inner Plains (4ha)</li> <li>Seeking to be rezoned to Living Z (750m2)</li> </ul>	145	65%	2137	<p>Would increase the overallocation of households in Stage 1 (2007-2020)</p> <p>Significant Large scale increase in households for stage 1. Would reduce the amount of land that could be rezoned in Stage 2</p> <p>If this land was rezoned it would take all of Stage 1 household allocation</p>	<p>Greenfield area identified in Rolleston Structure Plan</p> <p>Average Density Target of approx 15 hh/ha</p> <p>Structure Plan identified that part of this land should be rezoned in 2027-2041) (before the change in sequencing made by the commissioners re PC1)</p> <p>With the remaining land rezoned post</p>	<p>ODP should be required before rezoning could take effect. With the amount of land owners involved there is a question on how long this might take and whether Council would need to facilitate the development of the ODP.</p> <p>Benefits</p> <ul style="list-style-type: none"> <li>Most landowners have submitted supporting rezoning of their land</li> <li>It is a similar distance to existing facilities in Rolleston (e.g., Town Centre, Rolleston Reserve) as ODP6.</li> </ul>	<p>Inefficient development of wastewater infrastructure (see Mr Blake-Manson's evidence)</p> <p>No Rooding Issues</p> <p>No Water Constraints</p>

Location of Land	Size (in hectares)	Increase of land being rezoned	Additional households created if rezoned	Consistency with PC1	Consistency with Rolleston Structure Plan	Other Planning Issues	Wastewater Rooding Water
					2041.		
Location G: Park Grove <ul style="list-style-type: none"> <li>Currently zoned Living 1 (750m2)</li> <li>Seeking to be rezoned to Living Z (to use the mix zoning of 350m2 (20hh per ha))</li> </ul>	3.5	1.6%	35	Would increase the overallocation of households in Stage 1 (2007-2020)	Rolleston Structure Plan considers that this land is not suitable for intensification  This is largely due to size and proximity to the State Highway	Has an existing consent for a lifestyle village comprising 67 residential units on 2.2 hectares. (20 households per hectare)	No Wastewater Constraints  No Rooding Issues  No Water Constraints

## Lincoln

Location A: Edna Earnshaw <ul style="list-style-type: none"> <li>Currently zoned Inner Plains (4 hectares)</li> </ul>	4	1.1%	38	Outside the urban limit for Lincoln  Inconsistent with PC1	Lincoln Structure plan considers that this land is not required to accommodate growth in Lincoln for the	Land is adjacent to ODP area 3  Small Scale development  Inconsistent with the Lincoln Structure Plan and PC1.  Should this land be needed in the future,	No Wastewater / Water Constraints  No rooding issues
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<ul style="list-style-type: none"> <li>Seeking to be rezoned to Living Z (10 Households per hectare)</li> </ul>					next 35 years	Policy 13 Development Outside Urban Limits – PC1 could be used	
<p>Location B:</p> <p>Denwood Trustees Ltd</p> <ul style="list-style-type: none"> <li>Currently zoned Outer Plains (20 hectares)</li> <li>Seeking to be rezoned to Living Z (10 Households per hectare)</li> </ul>	70	19.3%	Approx 665	<p>Outside the urban limit for Lincoln</p> <p>Inconsistent with PC1 decision</p> <p>Submitters have appealed the decision on PC1 (excluding the land from the urban limit)</p>	<p>Lincoln Structure plan considers that this land is not required to accommodate growth in Lincoln for the next 35 years</p>	<p>No identified land constraints</p> <p>Reverse Sensitivity issues with Lincoln University. Increasing the Urban Form of Lincoln to the west</p> <p>Quote from PC1 Commissioners in their decision</p> <p>“The far larger property to the south west comprising 82.3776 ha owned by Denwood Trustees does not have those physical constraints. But by equal token it has no particular features which mark it out as being any different as to its suitability for urban growth than any of the land surrounding it to the north, west and south.</p> <p>For the reasons outlined in many other sections of this decision as to restricting the supply of further Greenfield residential to avoid the risk of undermining the objectives of urban consolidation and intensification, we do not see any particular reason why this area should be brought into the urban limit.”</p>	<p>Wastewater issues</p> <p>Inefficient provision due to the inclusion of an orphan sewer and water services line. (As compared to other locations within the urban limit of Lincoln)</p> <p>No roading issues (bypass road goes through this property)</p>



## Way forward for these submissions

- 5.4 I consider that PC7 is not the suitable avenue to resolve the issues contained in these submissions.
- 5.5 However should Commissioners consider that these submissions are within scope of PC7, I would recommend that the following areas could be rezoned as part of PC7:
- Oak Tree Lane (as the Airport Noise Contour is no longer bisecting these properties, limited additional households required, widespread landowner agreement on rezoning proposals and consistent with the Rolleston Structure Plan)
    - This area could be rezoned to Living 1B
  - Park Grove (consistent with an existing resource consent, limited additional households required and widespread landowner agreement on re rezoning proposals)
    - This area could be rezoned to Living Z Deferred
  - Park Lane (as subdivisions to the west and east of this area are zoned to Living 1 or Z (750m<sup>2</sup>), Park Lane should be intensified to the same zoning for good urban form, limited additional households required, consistent with the Rolleston Structure Plan)
    - This area could be rezoned to Living Z Deferred
- 5.6 I would also like to suggest that the other additional land sought to be rezoned could be considered for further plan changes in the future (most likely to deal with how to intensify existing zoned land or rezoning Greenfield land for Stage 2 development 2021-2041).

### Recommendation No 1

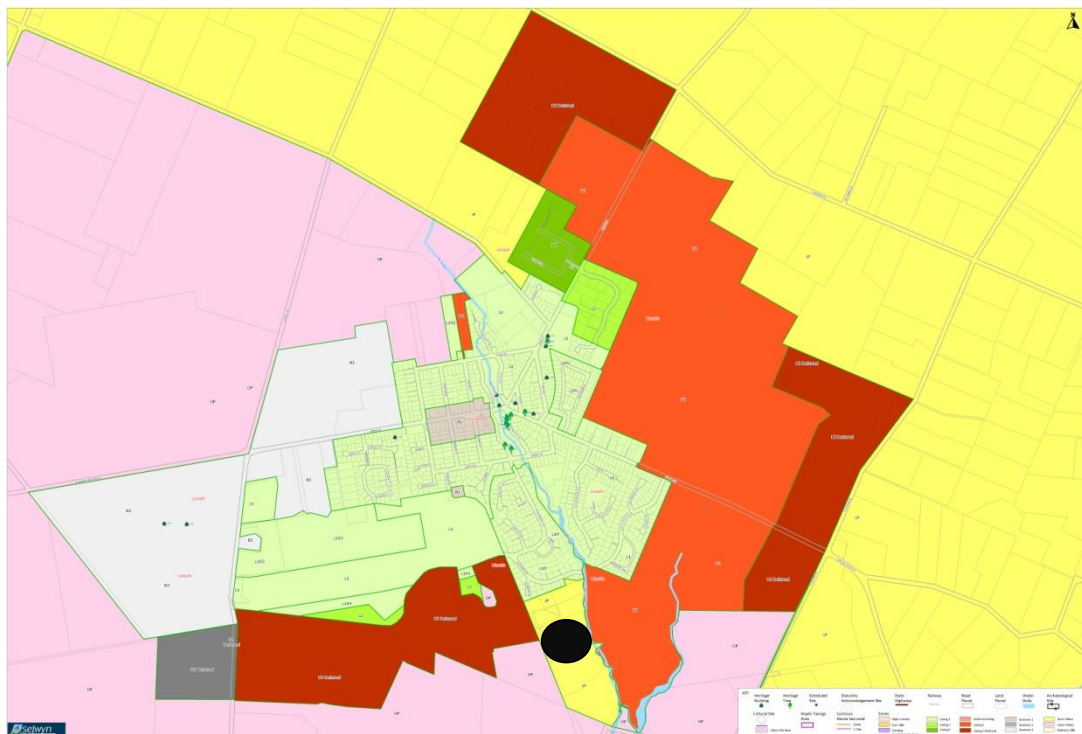
The recommendation is that the following submissions are out of scope of PC7:

- 17 (Decision D1 and D2), 18 Decision (D1, D2 and D3), 19 (Decision D1, D2 and D3), 77 (D1 and D2) seeking land within Oak Tree Lane to be rezoned to Living 1B
- 21 (Decision D1 and D2) seeking land within East Maddison / Goulds Roads to be rezoned to Living Z
- 25 (Decision D1, D2, D3, D4, D5 and D6) seeking land within East Maddisons Road to be rezoned to Living Z
- 33 (Decision D1 and D2) and 64 (Decision D1, D2 and D3) seeking land within Helpet Park to be rezoned to Living Z
- 40 (Decision D2) seeking land within Park Lane subdivision be rezoned to Living Z
- 42, 56-63, 65-76, 81 and 92 (Decision D1 and D2) seeking land within Branthwaite Drive to be rezoned to Living Z or rural residential
- 53 (Decision D1, D2, D3) seeking land within Park Grove subdivision be rezoned to Living Z
- 13 (Decision D1 and D2) seeking land at 624 Ellesmere Road to be rezoned to Living Z
- 90 (Decision D3, D13) seeking 70 hectares of land to be rezoned to Living Z

## 6. Assessment Group 2: Additional land seeking to be rezoned via PC7 (within scope of PC7)

### Background to Subject Area

- 6.1 The land sought to be included in PC7 (as new ODP Area 7) by McIntosh, Jung and Lee covers approximately 17 hectares of land which is currently zoned Inner Plains, which permits subdivisions down to a minimum allotment size of four hectares (see black dot on map below). Eight land owners are within this area.
- 6.2 The LSP identified the northern half of this area (Lots 1-6 DP 371976) as being suitable for residential development, with the lower (southern) half (Lots 120 and 121 DP 329124) being identified for stormwater purposes. The northern half was subsequently excluded from ODP Area 1 in PC7, given that it was outside of the urban limit in PC1 and there were outstanding issues in relation to securing adequate roading access. The southern half was included in ODP Area for stormwater purposes only. I note that this land was also excluded from the urban limit due to the high water table, poorly draining soils and the presence of springs in the south. In addition this land is within the 150m buffer required for the Lincoln Wastewater Treatment Plant. This land is also excluded from the urban limit contained in PC1 for Lincoln.
- 6.3 While this land is outside the urban limit for Lincoln, it is within scope of PC7 as part of this land was included for stormwater purposes within ODP Area 1.



Submission	Further Submission(s)
[S89] McIntosh, Jung and Lee	[F31] New Zealand Transport Agency (oppose) [F93] Jens Christensen (Oppose) [F98] Belcher (Oppose) [F99] A Belcher (Oppose) [F100] Pringle (Support) [F101] Jacques (Oppose) [F102] McKeich (Support) [F103] Hopkins (Oppose)

6.4 A joint submission by McIntosh, Jung and Lee (Submitter 89) has requested the following changes to the notified version of PC7. They are:

- seeks to remove their land from within the boundaries of ODP Area 1 for Stormwater purposes;
- delete the 150m buffer zone surrounding the Lincoln Wastewater Treatment Plant;
- to amend ODP Area 1 and its associated policy criteria (B4.3.56) in order to facilitate the inclusion of a new ODP (No.7) to rezone this additional land to Living Z.

6.5 In considering the request of the submitters I would like to make the following points:

#### Stormwater Management

6.6 In this regard, I refer to evidence from Mr Hugh Blake-Manson, Selwyn District Council Asset Manager Utilities (which is attached as Appendix Eight), where he advises that “Council has previously identified that the submitters’ land would be required for stormwater management, but that this relied on further stormwater modelling information. That modelling has confirmed that there is no longer a need for the submitters’ land as a stormwater treatment area (paragraph 4.39).

6.7 On the basis of this advice, I recommend that this submission be accepted and that ODP Area 1 is amended to exclude the submitters’ land, including the removal of the ‘potential stormwater management area’ notation.

#### Sewerage Treatment / Buffer Zone

6.8 In addressing this submission points I refer to Mr Blake-Manson’s evidence, which discusses the purpose of the buffer zone and the need to retain it, as follows:

- *Refer Submission 85 D14. The 150 metre buffer zone must remain in place for the Lincoln Wastewater Treatment Plant – WwTP area.*

*The WwTP is, and will remain an essential component in the operation of the wider Eastern Selwyn Sewage Scheme (ESSS).*

- *The Lincoln WwTP is an operational site, and there is the potential at any time for sewerage odours and aerosol discharges to occur. Allowing housing to move into a zone immediately adjacent to wastewater treatment provides the expectation to the adjoining residents that there will be no adverse effects. That is not the case.*
- *While the oxidation pond system by itself will not be required as part of the day-to-day operation of the ESSS, it will be needed in the event of critical network and treatment outages. The oxidation pond is a critical element for treatment and storage of wastewater in both the 7 September 2010 and 22 February 2011 earthquakes.*

- 6.9 While I acknowledge that a plan change will be required to delete the buffer zone rule if it is no longer required, I accept Mr Blake-Manson's advice that this is unlikely to occur in the foreseeable future. Unless it was clear that a rule was intended to serve as a short-term mitigation measure only, I do not support the deletion of the associated criteria within Policy B4.3.56 as sought by McIntosh, Jung and Lee.

Amend Policy Criteria B4.3.56 to include a new ODP (ODP Area 7) and rezone land to Living Z

- 6.10 Submitter 89 also seeks that as their land is no longer needed for stormwater purposes for ODP Area 1 then it should be rezoned to Living Z as part of PC7. In order to facilitate this, the submitter has included a new ODP Area (ODP Area 7) and ODP criteria under Policy B4.3.56 (even though the submitter considers that this policy is restrictive to development). The criteria are:

- ODP Area 7 align with ODP Area 1.
- Provision for changing the status of the existing right of way at the end of Allendale Lane, in the adjoining Ryelands subdivision, to local road, with a minimum legal width of 10m and minimum formed width of 6m;
- Provision for a possible road linkage to the adjoining ODP Area 1;
- Provision for a stormwater management system;
- Provision for wells and water pumping facilities to provide sufficient capacity for all future growth in this area;
- Provision for a reticulated wastewater system and pumping stations with capacity to accommodate necessary flows;
- Provision for a 10m esplanade reserve along the western side of the Liffey (L1) waterway, consistent with the width of the existing esplanade reserve on the west side of the Liffey through the adjoining Ryelands subdivision;
- Provision for pedestrian and cycle links along the western side of the Liffey (L1) waterway;
- Provision of a minimum net density of 10 households per hectare averaged over the ODP area.

6.11 In considering this new ODP and criteria I would like to make the following comments:

#### *Road Access*

6.12 In addressing this criteria I refer to evidence from Mr Andrew Mazey, Selwyn District Council Transportation Asset Manager (which is attached as Appendix Nine), as follows:

- *The scenario discussed here for upgrading is **contingent on the number of additional lots that may eventuate**. A high density development would not be supported that generated many more additional lots. If it was a land use of similar type and density to that already using the existing ROW, then this would be acceptable from a traffic generation perspective for the standard of road envisaged above. Consent notes or other applicable legal mechanism would then need to be applied to all lots preventing further subdivision unless the road was upgraded further – if practically possible.*
- *I do however have some concern with allowing significantly more traffic to use Allendale Lane and issues of reverse sensitivity. The expectation by local residents was that only a maximum of 10 lots would use Allendale Lane to access the existing ROW. Based on the discussion above, if the ROW was upgraded to a road then, based on an estimated total of fourteen lots having access to it, 140 vehicle movements could result that would use Allendale Lane. On this basis I would support the idea of achieving a roading connection from the Dairy Block (ODP1 area) to consolidate main access to the upgraded ROW/road instead of from Allendale Road.*

6.13 While Mr Mazey supports “a roading connection from the Dairy Block (ODP1 area) to consolidate main access to the upgraded ROW/road instead of from Allendale Road”, I note that this recommendation is contingent on the upgrade of the ROW to a road and the creation of additional (up to four) lots on the submitters’ land.

#### *Wastewater / Water / Stormwater*

6.14 In addressing these criteria I refer to Mr Blake-Manson evidence, as follows:

- *In regard to wastewater, if the land were rezoned to Living 2, then sewer connection could be made available, however each property would be required to provide and maintain its own pumping station and directly fund wastewater main works.*

- *In regard to water, it could be provided on a metered basis, as these larger lots would be expected to have considerably higher water demands than higher density areas. Unrestricted access to these meters would need to be provided to Council.*
- *In regards to stormwater, this can be managed onsite, with the expectation that treated secondary flows would go to the L1/L2 rivers.*

### *Planning Issues*

- 6.15 As discussed in paragraph 6.2 of this report, this land sits outside (and does not adjoin) the Urban Limit for Lincoln. Therefore I do not support the rezoning of the subject land for residential purposes as part of PC7.
- 6.16 The southern portion of land is also significantly constrained by the 150m buffer around the sewerage treatment plant to the west and the presence of the L1 Creek to the east, leaving only a narrow central strip to accommodate any new dwellings. As such, the development would be unable to satisfy the Living Z requirements, including a minimum net density of 10 households/hectare, unless a strip of medium density was proposed, which I understand is not the case.
- 6.17 I also note that a number of further submissions lodged by existing residents located in between the submitters' land and the Urban Limit (at the end of Ryelands subdivision) do not support the rezoning, including the additional access point through ODP Area 1 and its resultant traffic generation. I therefore recommend that this submission point be rejected.
- 6.18 However I do consider that the submitters are at a disadvantage compared to the other landowners above them in Allendale Lane as they have been subdivided into 1ha or 2ha blocks rather than the usual 4 ha blocks as per the submitter 89's land. Council has notified PC17 which deals with rural residential development of lots averaging approximately 7500m<sup>2</sup>. This could provide alternative relief to submitter 89.

### Recommendation No 2

The recommendations for S89 submission points relating to amendments to ODP Area 1 and the creation of a new ODP Area 7 are as follows:

- Decision No D11 be accepted in part;
- Decision No D12 be accepted; and
- Decision No 1 be rejected in part;
- Decision No's D2, D10, D13, D14, D15, D16 and D17 be rejected.

## 7. Assessment Group 3: Staging of Development

7.1 A number of submissions have raised concerns with the staging of development with the land rezoned as part of PC7.

Submission	Further Submission(s)
[S85] Lincoln Land Development (D1,D2, D3, D4, D5, D9, D10)	[F15] Lincoln Estates Ltd
	[F31] New Zealand Transport Agency
	[F47] Fulton Hogan
	[F49] Broadfield Developments Limited
	[F89] McIntosh
	[F90] Denwood Trustees
[S15] Lincoln Estates Limited (D2, D12, D13, D14)	[F31] New Zealand Transport Agency
	[F49] Broadfield Developments Limited
[S49] Broadfield Developments Limited (D3)	[F31] New Zealand Transport Agency
	[F85] LLD
	[F15] Lincoln Estates Limited
	[F89] McIntosh
	[F90] Denwood Trustees
	[F47] Fulton Hogan
[S90] Denwood Trustees Limited (D4, D5, D6, D7, D8, D9, D10)	[F15] Lincoln Estates Limited
[S89] McIntosh, Jung, and Lee (D3, D4, D5, D6, D7, D8, D9)	[F85] Lincoln Land Developments Limited
	[F104] McKeich
	[F100] Pringle
	[F15] Lincoln Estates Limited
	[F99] Beltcher

### Staging in Rolleston

7.2 No ODP areas are proposed to be staged in Rolleston, with the only reason for several deferred Living Z zones (ODP2, 4, 5, and 6) being the need for an ODP to be included in the Plan. As set out below, proposed ODPs have been received via submissions for ODP 2 and ODP 6 in Rolleston, and therefore in the event that these ODPs are considered to be acceptable, the only deferred Living Z zones in Rolleston will be ODP 4 for which no ODP has been proposed to date, and ODP5 which is anticipated to be superseded in the near future through Council preparing a Notice of Requirement for a designation for recreation activities.

7.3 PC7 has rezoned sufficient land in Rolleston to accommodate anticipated demand for the next ten years to 2021. This has been done through rezoning 6 entire ODP areas. All these ODP areas are directly

adjacent to the existing built edge of Rolleston or the proposed recreation precinct which has recently been purchased by Council (ODP 5). In ten years' time, depending on actual take-up, further ODP areas can be considered for rezoning through a future plan change. It is anticipated that the take-up of Living Z land, and conversely any lack of development within the Living Z zone, will form part of the Council's monitoring strategy for managing future growth. This approach is consistent with Policy 6(b) of Change 1 which enables the phasing of development within the MUL to be altered where a particular Greenfields Area does not proceed within the anticipated phasing period, and the equivalent capacity can be appropriately serviced within another Greenfields Area.

- 7.4 The Rolleston Structure Plan has identified sufficient land to accommodate anticipated growth until 2075. The MUL identified by Commissioners to PC1 reflects the boundary in the RSP, with the Commissioners noting in their decision that the land within the MUL in Rolleston was well in excess of that needed to accommodate the Policy 6 households, and therefore Council had considerable flexibility in determining which areas within the MUL should be rezoned i.e. there is no guarantee that all land within the MUL in Rolleston will have an urban zoning by 2041.

#### Staging in Lincoln

- 7.5 In Lincoln, the approach taken in PC7 differs somewhat, with a number of ODPs containing a portion of Living Z deferred land. Unlike Rolleston, where the MUL boundary is well in excess of that needed to accommodate anticipated growth, in Lincoln all of the land within the MUL will be required to accommodate the anticipated households.
- 7.6 There is therefore no uncertainty (or flexibility) with which areas should be rezoned, rather all the ODP areas are required to have an urban zoning to accommodate growth to 2041. Given that the LSP has identified all the land within the MUL as being suitable for urban development (provided servicing is in place), the future use of this land for urban purposes is able to be signalled through PC7 through a deferred urban zone.
- 7.7 The other key reason for the difference in approach between Lincoln and Rolleston is that the proposed Living Z zones in Rolleston needed to accommodate growth over the coming ten years cover entire ODPs, whereas the areas needed to accommodate the next ten year's growth in Lincoln cut through ODPs. In order to draft coherent plans for each ODP in Lincoln, it is necessary to include the entire ODP area in the Plan Change, otherwise PC7 would be promulgating a plan for half an ODP, with the balance being a rural zone, and with no certainty that a coherent, integrated development would occur in the long term. The alternative approach in Lincoln would have been to make some ODPs operative in their entirety and to keep other ODPs zoned rural. Lincoln



Land Developments (S85) has sought such an outcome with the whole of ODP1 to be rezoned Living Z with no deferral based on staging and the operative wording of Policy B4.3.50 to be retained, namely that the expansion of Lincoln should in the first instance be in the area south of Gerald Street and east of Springs Road. This relief has, perhaps not surprisingly, been opposed in further submissions by the owners of the other ODP areas. Policy B4.3.50 pre-dates the extensive work undertaken as part of both the LSP and PC1 which demonstrated that land adjacent to the eastern edge of the township was also suitable for development at an early stage. I do not believe there to be sufficient justification to favour the development of the whole of ODP 1 at the expense of partial development of other ODPs that are adjacent to the current urban edge, given that the development of these other ODPs has been shown to be appropriate through the LSP and PC1 processes.

- 7.8 The assessment of available residential-zoned land in Lincoln included provision for 371 newly created allotments within the northern half of the LLD-owned 'Dairy Block', which have already obtained subdivision consent in accordance with the existing zoning prior to the notification of PC7. Taking into account the substantial size and extent of works required to complete the consented LLD subdivision, together with the 295ha of other land zoned Living Z and contained within the first development phase, the deferral of portions of the various Lincoln ODPs until 2021 is considered extremely unlikely to compromise the ability for Lincoln to accommodate the projected population growth within this period or to unduly restrict the supply (and thereby potentially increase the price) of residential sections coming onto the market.
- 7.9 It is important to bear in mind that Lincoln Township currently contains approximately 1,000 households and PC7 enables a further 1,700 households to be built over the coming ten years i.e. in the next decade the size of Lincoln will nearly treble. Broadfield Developments Limited (S49) notes in their submission that the average uptake of residential sections in Lincoln over the past 18 years has been some 33 sections per year, and that that uptake will therefore have to increase fivefold before there starts to become a shortage of sections prior to 2021. PC7 is not therefore considered to be unduly restrictive or limiting on the growth of the Township.
- 7.10 The deferment of parts of a number of ODPs in Lincoln is to achieve several aims. The first of these is consistency with Policy 6 of PC1. As noted above, it is my view that considerable regard should be had to PC1, given the advanced stage to which it has progressed, and the significant role that Policy 6 has as a key method in implementing PC1. The District Plan, as amended by PC7, is therefore consistent with PC1, and in the event that PC1 is altered on appeal, e.g. if staging is removed from Policy 6, then a further Plan Change will be needed in the future. This differs from the approach put forward by submitters

who are seeking that the District Plan be made inconsistent with PC1 i.e. not contain staging, on the grounds that the RPS may subsequently be amended in some manner. Were PC7 not to contain staging i.e. all Living Z areas be made operative, and the staging approach be retained in the RPS following appeals, then it becomes extremely difficult to promote a plan change seeking to 'wind back the clock' by deferring areas of operative living zoning that may have had subdivision consents granted and development begun. It is alternatively a straightforward process to remove the deferral of a living zone through a plan change, provided the other reasons for deferment (discussed below) are also able to be resolved, and as noted above Lincoln will hardly be short of developable land in the interim given the extent of the operative Living Z zoning proposed.

- 7.11 The second reason for deferment is to ensure a compact urban form for Lincoln is maintained. The ODP areas form a concentric circle around Lincoln, with the proposed operative Living Z zones forming the next 'ring' of development immediately adjacent to the existing built edge of the Township. In ten years time when this 'ring' has been developed, then the second outer ring of deferred zoning will be able to be developed, with this future development in turn being adjacent to where the edge of the township will be in ten years. The alternative scenario would be that all ODP areas have an operative living zone which could allow remote pockets of land to potentially be developed that are some distance from the existing urban edge.
- 7.12 The third reason for deferment is to ensure that the growth areas in the first stage are spread across a number of different landowners and geographic locations, as opposed to the alternative whereby all of the first stage of growth is allocated to just one or two ODP areas in their entirety. By spreading growth areas across landowners it helps to reduce the potential for monopolistic behaviour or 'land-banking' to occur, and also helps to reduce the risk of growth not being able to be accommodated if any given landowner is unwilling or able to develop their land. It also enables buyers to have a choice of geographic locations and housing types.
- 7.13 The fourth reason for deferral is to enable the logical and cost-effective establishment of network infrastructure. Sequencing is supported by Council's Asset Manager Utilities, Mr Blake-Manson, as a means of ensuring the efficient provision of infrastructure for the whole Township, rather than Council having to manage the installation of a comprehensive service network on an ad hoc basis. The staged development of land also enables infrastructure to be provided where uptake is likely to occur within a reasonably short timeframe, rather than having to manage and maintain infrastructure sized for 30 years where uptake across the network will occur gradually over the coming years.

7.14 In this regard, I note that Mr Blake-Manson identifies the following benefits of plan-led approach, including the staging of development.

- Plan led growth offers a number of advantages over developer led growth, from a servicing perspective. These include:
  - The council having a greater degree of confidence over where and when growth will occur, resulting in more efficient and cost effective infrastructure planning.
  - The council being able to plan for and manage the development in the agreed locations, therefore optimising its investment in growth related works to reduce the overall cost to the community.
  - Having a higher degree of certainty over when and where growth will occur, reducing the risk that infrastructure will need to be upgraded before the end of its economic life.
- The staging identified in PC7 and via ODP's is of considerable benefit to developers and existing scheme members in that it is the most reliable indicator of likely growth and the location this growth will occur in.

7.15 Similarly, I note that Mr Mazey identifies the benefits of implementing a staged development regime, as follows:

- Staged development offers significant advantages towards providing a well-connected and progressive roading and transport network within a relatively short period, avoiding the creation of disjointed no exit roads, a typical outcome of uncoordinated development. Another advantage is that a well-planned and contiguous main roading network can facilitate the installation of strategic trunk water, sewerage and other utilities within the new transport corridors without the need to establish private land easements.

7.16 A group of submitters have challenged the staging of land in Lincoln. These challenges relate to the deferred status of portions of ODP Area 1 (Lincoln Land Developments (S85), and ODP 2 (Lincoln Estates Limited (S15)), with broader submissions opposing staging from Denwood Trustees Limited (S90) and McIntosh, Jung, and Lee (S89). In addition to amendments to the planning maps to reflect the removal of deferred status, these submitters have also sought consequential amendments to a range of objectives and policies to reflect the removal of staging. These submissions have two common themes, with the first being that PC1 is yet to be resolved, and therefore should not be relied upon. The second theme is that if the PC1 policy hurdle is able to be overcome, then provisions should be inserted into the Plan to clarify that staging / deferral can be removed if infrastructure provision can be facilitated in a cost-effective manner such as through private developer agreements or provision. For the reasons set out above, it is recommended that these submissions be rejected. Should the

Commissioners come to the view that a staged approach is not justified and that all ODP areas should be made operative, then a series of consequential amendments will be needed to the PC7 policy and rule package along the lines of the amendments put forward by submitters.

- 7.17 Broadfields Development Limited (S49, D4) is seeking converse relief of changing the criteria for which the deferment can be lifted from 2021 to a requirement that 85% of households in the first stage must have first been developed. This relief has been opposed by a number of further submitters (F15, 31, 47, 85, 89, 90). The relief sought would help ensure that no additional infrastructure needed to be in place until there was definite demand for further growth, and would help to ensure that a consolidated urban form was maintained. The relief would however also carry with it the potential for landbanking whereby the supply (and therefore potentially the price) of sections in Lincoln could become unnecessarily inflated if supply was unduely restricted, along with the geographic choice of sections also becoming limited. It also means that if a landowner is unwilling or unable to develop their land in the first stage, that landowners in later stages would be unnecessarily prejudiced and the ability for Lincoln to accommodate future growth would be restricted. It is therefore recommended that this decision sought be rejected and the further submissions accepted.
- 7.18 Denwood Trustees Ltd (S90) have sought that deferral be removed from ODP5 (Business 2), and are also seeking that additional greenfield land be rezoned to an operative Living Z zone, with consequential amendments sought to policies and assessment matters related to the removal of staging. McIntosh, Jung, and Lee (S89) have also sought additional Greenfield land be rezoned to an operative Living Z zone. The merits of the relief sought for the additional Greenfield land are discussed above, whilst specific matters relating to ODP 5 (including the removal of deferred B2 status which is to do with an ODP and appropriate rule package) are discussed in more detail later in this report.

### Recommendation No 3

The recommendation is that the submission S15 (Decision No D2, D12, D13, D14), S49 (Decision No D3), S85 (Decision No (D1, D2, D3, D4, D5, D9, D10, D11), S89 (Decision No D3, D4, D5, D6, D7, D8, D9) and S90 (Decision No D4, D5, D6, D7, D8, D9, D10) regarding staging of development in Lincoln should be rejected. Submission S15 (Decision No D28, D29) should be rejected in part.

## 8. Assessment Group 4: General Objective, Policies, Rules and Other Issues

- 8.1 A number of submissions raise a series of general issues relating to PC7.

*Issue 1: that the NZ Historic Places Trust should be consulted if presence of an archaeological site is suspected within the land rezoned by PC7*

Submission	Further Submission(s)
[S26] New Zealand Historic Places Trust	None

- 8.2 New Zealand Historic Places Trust (NZHPT) has submitted that the following text should be included in PC7:

*“It is possible that unrecorded archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks pits, old building foundations, artefacts of Maori and European origin or human burials. The New Zealand Historic Places Trust should be consulted if the presence of an archaeological site is suspected.*

*Work affected archaeological sites are subject to a consent process under the Historic Places Act 1993. If any work associated with the development of these areas under Plan Change 7 around Lincoln and Rolleston, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage”.*

- 8.3 NZHPT acknowledges that there are no recorded archaeological sites within the land rezoned by PC7 and that no items listed as heritage items are contained in Appendix Three of the Selwyn District Plan. However, the submitter considers that they should be consulted if the presence of an archaeological site is suspected.
- 8.4 Once a subdivision consent is approved, if an archaeological site is uncovered during physical works the Selwyn District Council will advise the person(s) undertaking the work of the following protocol for accidental discovery of archaeological sites.

8.5 The protocol is as follows:

1. Work shall cease immediately at that place.
2. The person(s) must shut down all machinery, secure the area and advise the supervisor (i.e. the person who is responsible for overseeing the work) and/or the landowner.
3. The supervisor or landowner shall notify the New Zealand Historic Places Trust Pouhere Taonga and if necessary the appropriate consent process shall be initiated.
4. The supervisor or landowner shall notify Te Runanga o Ngai Tahu to determine what further actions are appropriate to safeguard the site or its contents.
5. If skeletal remains are uncovered the supervisor or landowner shall advise the Police.
6. Works on the site shall not resume until the New Zealand Historic Places Trust Pouhere Taonga, the Police (if skeletal remains are involved) and Te Runanga o Ngai Tahu have each given approval for work to continue.

8.6 Therefore, as no sites are listed in the District Plan or on the Historic Places Trust register and the Council has already adopted an existing protocol should archaeological sites be accidentally discovered, I consider that the issue raised by the submitter is already addressed. Therefore I would recommend this submission be rejected.

Recommendation No 4

The recommendation is that the submission from NZ Historic Place Trust (Decision No D1) suggesting that they should be consulted if presence of an archaeological site is suspected within the land rezoned by PC7 should be rejected

*Issue 2: that PC7 is inconsistent with the requirements of the RMA*

Submission	Further Submission(s)
[S38] Nimbus Group	[F91] Foster Holdings Ltd (Oppose) [F45] Murray and Lisa Alfeld (Oppose) [F44] Bruce and Michelle Coles (Oppose) [F82] Rolleston Square Ltd (Support) [F83] Rolleston Retail Ltd (Support) [F84] RolITen Investments Ltd (Support) [F54] NZ Guardian Trust Company Ltd (Support)

8.7 Submitter [S38] has sought that PC7 should be rejected as it has a lack of information to gauge an assessment as to the effects on the environment and is inconsistent with the requirements of the Resource Management Act.

- 8.8 Subsequently, the submitter informed Council on 18 June 2010 that he has withdrawn his request for PC7 to be rejected.
- 8.9 However, the submitter has made two further points. They are:
- The contents of PC7 are inconsistent with the requirements of the Resource Management Act 1991; and
  - There is insufficient information to gauge an assessment as to the effects on the environment
- 8.10 In my opinion, PC7 is consistent with Schedule 1 Part 2 of the RMA and a detailed Section 32 analysis has been developed considering the alternatives, benefits and costs of PC7. The Plan Change is seeking to implement two Structure Plans that have discussed in some detail the requirements each town will require over the next 35 years and beyond (including housing, businesses, roading, reserves and other infrastructure aspects). A substantial public consultation process was conducted during the preparation of these structure plans, which have built on previous work that Council has completed over the last several years (e.g. Christchurch Rolleston Environs Transportation Study (CRETS)).
- 8.11 As a result of this work and the public involvement in the process, I consider that PC7 is consistent with the requirements for a Plan Change under the RMA and believe that this submission should be rejected.

#### Recommendation No 5

The recommendation is that the submission 38 Nimbus Group (Decision No D2 and D3) and relevant further submissions opposing PC7 as it is inconsistent with the RMA be rejected.

*Issue 3: that PC7 should remove the ability to provide residential living activities in Business 1 zone*

Submission	Further Submission(s)
[S39] Carrick No.1 Ltd	[F31] New Zealand Transport Agency (Oppose) [F82] Rolleston Square Ltd (Oppose) [F83] Rolleston Retail Ltd (Oppose) [F84] RollTen Investments Ltd (Oppose)
[S93] Jens Christensen	[F31] New Zealand Transport Agency (Oppose)

- 8.12 Two submitters seek to remove the existing ability for higher density housing to be developed on Business 1 zoned land.

- 8.13 This issue is contained within Policy B4.1.5 of the District Plan which states “provide for residential activities in Business 1 Zones at densities which are greater than those in Living 1 Zones” (B4-006). This is also reiterated under Residential Density – Anticipated Environmental Results section of the SDP (B4-009).
- 8.14 The explanation and reason for this policy is as follows:
- “The policies and rules for Living 1 Zones allow for some smaller sections and flats or townhouse developments. The numbers are controlled, to avoid cumulative effects on residential density in Living 1 Zones. There are no controls on section sizes, site coverage or numbers of households per sites in Business 1 Zones. These zones have an environment which is more ‘built’ and busier’ with more people and traffic than Living zones. This environment is compatible with dense residential developments such as apartment blocks.”*
- 8.15 The reason Submitter 39 gives for requesting this change to the District Plan relates to the limited availability of Business land within Rolleston and that it should be used purely for small footprint retail activities. The submission goes on to say that “Higher density zoning should be provided in specific zones within the Living zones and not within the Business zones”.
- 8.16 The intent of PC7 is to rezone existing zoned and Greenfield land to a new Living Z zone that includes provision for medium density housing. PC7 makes no changes to address the issue raised by the submitter and has not proposed to amend the above policy and associated Business 1 rule package.
- 8.17 I have been provided with legal advice from Mr Cedric Carranceja on the legal scope of this submission.
- 8.18 In his advice, Mr Carranceja considers that this submission is out of scope of PC7 as:
- There is no scope to amend the Business 1 rules in a manner that would affect all Business 1 zones in the District because PC7 does not seek to amend the Business 1 zones rules, nor the existing Business 1 zones throughout the district.
  - However, there is limited scope to amend the Business 1 provisions to the extent that such changes would apply to new “local business areas” (Neighbourhood or Local Centres) identified in new Living Z zones introduced by PC7.
- 8.19 Relying on Mr Carranceja’s opinion, I consider that this submission / submission point falls outside the scope of PC7, as it relates to the Business 1 Zone policies and rule package in general.



- 8.20 I note that the submission does not reference local business areas (either Neighbourhood or Local Centres) that are proposed to be added through PC7. The general location of these areas is identified on ODPs, however they are not specifically zoned. Once their specific location has been confirmed through the subdivision process, a consent notice or similar mechanism will be placed on the title to confirm that the site is subject to the Business 1 Zone rule package. In a Greenfield context, where such local centres are to provide for everyday convenience needs i.e. a local block of shops, there is no compelling planning reason why residential accommodation should not also be provided, either above or alongside such businesses. The ability to co-locate residential units with small scale business and retail activities is consistent with good quality, mixed use urban outcomes and is also consistent with PC1 requirements to accommodate urban growth primarily through consolidation.

#### Recommendation No 6

The recommendation is that submission 38 from Carrick No.1 Ltd (Decision No D1) and 98 from Jens Christensen (Decision No D3) seeking to remove the ability for higher density housing to be developed on Business 1 zoned land is out of scope of PC7 and should therefore be rejected. If it is considered that the portion of the submission relating to neighbourhood and local centres is within scope, then I recommend that the submissions should still be rejected.

#### *Issue 4: Issues relating to policies included in PC7 affecting both Rolleston and Lincoln*

Submission	Further Submission(s)
[S46] Environment Canterbury	[F89] McIntosh (Oppose) [F90] Denwood Trustees Ltd (Oppose) [F31] New Zealand Transport Agency (Support) [F29] Plant and Food Research (Oppose) [F82] Rolleston Square Ltd (Support) [F83] Rolleston Retail Ltd (Support) [F84] RollTen Investments Ltd (Support)

- 8.21 Submitter 46 [Environment Canterbury] is in general support of PC7 but has raised a number of issues relating to subdivision policies introduced by PC7.
- 8.22 In regard to Policy B3.4.3, the submitter would like to ensure that all residential developments are designed in accordance with the design principles set out in the policy.

- 8.23 The policy and subsequent rule package that has been included within PC7 has been inserted to give effect to Council's subdivision and medium design guides. It is my opinion that as drafted, the policies and rules will address the issue raised by the submitter as assessment matters contained in the rules will need to be addressed and considered by developers and Council at subdivision consent to implement Policy B3.4.3.
- 8.24 Therefore I consider that the Council has addressed the issue raised by the submitter and would therefore recommend that this submission point be rejected.
- 8.25 I do agree with the submitter that the Subdivision and Medium Density Design Guides should be included as a "Method" under Policy B3.4.3 as medium density housing will also form part of a larger subdivision which will need to be in accordance with the rules that are implementing the subdivision design guide, and the methods for achieving the policy can extend beyond matters contained within the Plan.
- 8.26 The submitter also seeks that Policy B4.1 Residential Density – Strategy be amended to provide for the densities enabled by PC7. During the drafting of PC7 it was considered that the new Living Z zone was consistent with this section of the existing District Plan. For example the Living Z zone is consistent with the following strategy points:
- Provide for living environments with differing residential density
  - Provide for a range of sections sizes in Living zones by having an average lot size, not a minimum.
  - Spaciousness is managed through site coverage (small section/small houses; large house/large section).
- 8.27 As a result I do not believe there is a need to make any changes to this Policy through PC7.
- 8.28 In addition, the submitter has sought the inclusion of appropriate Policies, Rules and/or other methods to ensure that ODPs are developed in accordance with the provisions of Policy 6 of PC1. In response I note the following:
- As stated in paragraph 3.12 this report Council has zoned the amount of land required in Rolleston and Lincoln to meet the requirements of Policy 6, at least for the period to 2021;
  - Policy B4.3.56 and B4.3.58 includes a criteria for each ODP to reach the target minimum net density of at least 10 households per hectare;
  - the minimum average lot size for Living Z complies with the target density within Policy 11 of PC1; and

- Council will also monitor household numbers at a subdivision consent stage to make sure that they are consistent with the ODP and the density target contained in Policy 4.3.56 and Policy 4.3.58.

8.29 I consider that as notified PC7 has suitable policies and rules in place to be consistent with the intent of Policy 6 PC1.

#### Recommendation No 7

The recommendation is that submission 46 (Decision No D1) should be accepted in part and (Decision No D3) relating to policies that affect both Rolleston and Lincoln should be accepted.

Decision No D2, 4 and 6 should be rejected.

*Issue 5: the requirement that all ODPs are serviced by reticulated water supply*

Submission	Further Submission(s)
[S86] New Zealand Fire Service	None

8.30 Submitter [86] has sought assurances that development within any of the ODP areas in Lincoln and Rolleston will be serviced by a reticulated supply which meets the Code of Practice. Policy B1.2.3 of the District Plan states that:

*“Require the water supply to any allotment or building in any township to comply with the current New Zealand Drinking Water Standards and to be reticulated in all townships, except for sites in the existing Living 1 Zone at Doyleston.”*

8.31 This policy is linked to Rule 4.4.1 which states “in all Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be permitted activity, provided that it complies with the current New Zealand Drinking Water Standards.

8.32 In addition to these policies and rules, Policy 4.3.56 and 4.3.58 of Plan Change 7 require each ODP to identify the need for wells and water pumping facilities to provide sufficient capacity for all future growth in the relevant area, including main truck connections where necessary. The requirement that Greenfield growth areas be serviced by a reticulated supply is also one of the policy requirements of PC1.

8.33 In relation to this submission Mr Blake Manson makes the following comments:

- Council has adopted the Engineering Code of Practice which identifies the standard at which water supplies shall be installed
- ODP areas will be expected to provide reticulation which can convey fire flows, whether this is undertaken directly by the developers or Council.
- However, this does not guarantee fire flow supply will be available to the PC7 growth areas immediately, as existing “upstream” infrastructure may not be able to convey this fire flow i.e. pipes, pumps, storage and well capacity may be limited.
  - Council has also stated that as part of its renewal programme and where the pressure and flow do not meet the fire code of practice, replacement or upgrade of this infrastructure will be completed.
  - The timing of this work will be carefully considered, and done at the optimum time.

8.34 As a result I consider that land being rezoned in PC7 will be in accordance with the submitter’s request and no changes are required to PC7.

#### Recommendation No 8

The recommendation is that submission 86 from New Zealand Fire Service (Decision No D1) relating to ODPs being serviced by reticulated water supply be accepted as PC7 has already included this requirement within the ODP Areas being rezoned to Living Z.

#### *Issue 6: Policy 3.4.3*

Submission	Further Submission(s)
[S22] Selwyn Central Community Board	[F15] Lincoln Estates Limited (Oppose) [F32] CDL (Oppose)
[S79] Rolleston Residents Association	[F32] CDL (Oppose)
[S85] Lincoln Land Development	

8.35 Submitter 85 seeks that Policy 3.4.3 should be retained. Two submitters [22 and 79] seek an amendment to Policy 3.4.3 bullet point 5 from:

“A subdivision layout that **limits** the number of rear lots” to:

“A subdivision layout that **minimises** the number of rear lots”.

8.36 The submitters point out that the current wording is vague and unclear and there is no limit on what the number of rear lots would be or how the limit would be determined or enforced. In this regard, I refer to

evidence from Mr David Hattam, Selwyn District Council Strategic Policy Planner (which is attached as Appendix Ten), where he agrees that the new wording would strengthen the policy and also make it clearer.

- 8.37 I agree that the word change does clarify the intent of the Policy and I would recommend that this change is accepted.

#### Recommendation No 9

The recommendation is that the submission 22 (Decision D1) and submission 79 (Decision D1, D8) be accepted in part. Submission 22 (Decision D2) and 79 (Decision D2) seeking a change in wording in Policy 3.4.3 be accepted and the submission 85 (Decision D6) should be accepted.

#### *Issue 6: Neighbourhood Centres and Medium Density Housing*

Submission	Further Submission(s)
[S82] Rolleston Square Limited	[F91] Foster Holdings Ltd (Oppose) [F44] Coles (Oppose) [F45] Alfeld (Oppose) [F109] Christchurch International Airport Ltd (Support) [F32] CDL (Oppose) [F54] New Zealand Guardian Trust (Support)
[S83] Rolleston Retail Limited	[F91] Foster Holdings Ltd (Oppose) [F44] Coles (Oppose) [F45] Alfeld (Oppose) [F32] CDL (Oppose) [F54] New Zealand Guardian Trust (Support)
[S84] Roll Ten Investments Limited	[F91] Foster Holdings Ltd (Oppose) [F44] Coles (Oppose) [F45] Alfeld (Oppose) [F32] CDL (Oppose) [F54] New Zealand Guardian Trust (Support)
[S85] Lincoln Land Development Ltd (re medium density)	

- 8.38 Submitter 82, 83 and 84 have raised the following concerns regarding the use of neighbourhood centres

1. PC7 does not do enough to protect the existing vitality, amenity and function of the Rolleston Town Centre
2. There is no definition for Neighbourhood Centres in Policy 3.4.3

3. Objective B4.3.1 does not give direction to protect existing town centres when providing for the expansion of townships.
4. In Policy B4.3.9 reference should be made throughout PC7 to the need for protection of the existing centres and prioritisation of growth given their form and function. This policy seeks to address development not in keeping with an ODP and should follow the outcomes sought within the ODP. These outcomes should include the safe guarding of the function, amenity and appropriate level of vitality of the existing retail centres.
5. Policy B4.3.68 outlines the ODP for Area 1 in Rolleston. This policy provides for a 'local business centre' for which no further details of size or composition is given. No regard is given for the 'health' of the Rolleston Town Centre when considering this provision. In relation to Area 6 no definition is given for the provision of a Neighbourhood Centre.
6. Despite the above, there is no need for the provision of Neighbourhood or Local Business Centres as they are unsustainable in the long term and could undermine existing centres.

8.39 Mr Tim Heath (Director of Property Economics) has provided expert evidence on the impact of neighbourhood centres on Rolleston's Town Centre, and the role of local and neighbourhood centres more generally. Mr Heath's report is attached as Appendix Eleven. Mr Heath has made the following comments in regard to this submission:

- Agrees with the submitter that PC7 needs to contain the relevant objectives and policies to ensure the long term function, role and viability of existing town centres are not potentially undermined by new retail provisions;
- Is of the view that local retail and commercial centres play an important role not only in providing for a local community identity and employment, but for reasons of efficiency and convenience. In his view they are a fundamental component of any centre network as they provide local enablement and access to frequently required and purchased goods and services. Such convenience needs are better and more efficiently met at a local level and where managed properly can occur without undermining the function, role viability and amenity of the town centre network.
- The development of these centres (neighbourhood and local), and their associated benefits, must however be balanced with the potential impact they will have on existing centres and their roles and functions in the community. It is not considered appropriate to sacrifice the vitality within existing centres for increased convenience for smaller sections of the community. As such it is necessary to compare, even at a general level, the likely distributional costs associated with new retail developments and their benefits to the community.
- It is important that such an assessment is not concerned with simple trade competition and the protection simply of existing

retailers, but is focused on the potential wellbeing of the community and whether the new development is in their best interest with regards to the location of the services.

8.40 Mr Heath has suggested the following response to the issues raised by submitter 82, 83 and 84.

- Include new Policy B4.3.10 Town and Neighbourhood Centres which:
  - states the intent of neighbourhood centres and the compatibility between Neighbourhood and Town Centres
  - provides a cap for the overall size of the neighbourhood centre (2,000m<sup>2</sup> GFA) and of individual store size (450m<sup>2</sup> GFA) to provide greater certainty that supermarkets or similar sized large format retailers will not establish in these centres in the future and that they will not be of such a size as to threaten the viability and vitality of existing centres.
- Includes a definition for Neighbourhood Centre as *“a grouping of principally convenience stores in the order of 6-15 stores predominantly servicing the local communities weekly and day-to-day retail requirements”*.
- Includes a definition for Local Centre as *“a small grouping of convenience stores in the order of 1-5 stores servicing resident’s day-to-day retailing requirements and predominantly draws people from a localised area”*.

8.41 Mr Heath concludes that a greater level of clarity is required in PC7 around both the size of these centres and the maximum size of individual tenancies to ensure the primacy and function of the existing town centres is not undermined in the future. This conclusion is however balanced with his conclusion as to the important role of such local centres where Mr Heath states that:

*“I disagree with Mr Maw’s submission that there is no need for neighbourhood or local centres in the district and that they are unsustainable in the long term. In simple terms, the provision of such facilities, subject to caveats as to the scale of the centre and its composition as recommended, could not generate adverse effects of a scale that could be recognised under the RMA”.*

8.42 Based on the changes that Mr Heath has recommended, and in response to the concerns raised by the submitters, I also recommend the following rule be included (relating to new Policy B4.3.10)

- New Rule 22.14.1
  - Any total GFA retail floorspace in excess of 2000m<sup>2</sup> within a neighbourhood centre shown on ODP Areas 1 and 6 in Rolleston and Lincoln will be a non-complying activity.
- Reason for rule

- Whilst the Business 1 zone rules also apply to neighbourhood business areas shown on ODPs, the services and facilities provided for such centres are generally to have a more localised area of influence due to their limited range of activities and accessibility, and accordingly need to be compatible with the existing Town Centres, and not compete with them in terms of being a substantial business or retail destination at a strategic level.

8.43 I consider that the suggestions made by Mr Heath address the concerns raised by submitter [82, 83 and 84], albeit that they do not go as far as the relief sought by the submitters. Therefore I would recommend that these submissions should be accepted in part.

#### Recommendation No 10

The recommendation is that submission 82, 83 and 84 (Decision D2, D3, D5, D6, and D7) seeking the inclusion of a definition for Neighbourhood centres/ Local Centre and protecting the function of the town centre by limiting the size of these centres in both Rolleston and Lincoln be accepted in part.

#### *Issue 7: Medium Density Housing*

8.44 Submitter 82, 83, 84 also raises concerns with the use of Medium Density Housing, the status of the Medium Density Housing Guide and the decrease in visible open space per household that the medium Density rule package enables.

8.45 In terms of the status of the Medium Density Housing Guide, Mr Hattam outlines in his evidence that:

*“The reason the guide is in draft form is that it is closely tied in with the plan change. The purpose of the guide is to provide a user-friendly illustration of the environmental outcomes that the PC7 package of Medium Density Housing (MDH) provisions is aiming to achieve. The guide cannot therefore be finalised until the rule package itself is finalised through the PC7 submission and hearing process. The proposed package of MDH rules do not rely on the design guide for justification, rather their justification is set out in detail in the s32 assessment”.*

8.46 I agree with Mr Hattam’s comment and consider that this is a suitable approach to this issue.

8.47 In terms of the issue regarding the decrease in the ratio of visible public open space per household, Mr Hattam agrees that there is a discrepancy between the design guide and the plan change provisions



- in regard to comprehensive housing. As a result Mr Hattam recommends deleting Rule 4.14.1b. I agree with this recommendation.
- 8.48 However both PC7 and the Medium Density Design Guide requires a minimum of 50m<sup>2</sup> private outdoor living space and the guide also suggests additional ways to provide open space via communal outdoor space, public outdoor space and high quality streets which can be negotiated with Council at subdivision consent stage.
- 8.49 The Medium Density rule package also has a reasonably conservative (restrictive) control on site coverage to encourage two storey development with reasonable sized gardens around the dwellings and to ensure that an appropriate degree of spaciousness and ratio of buildings to open space is maintained, whilst concurrently enabling diversity in housing typologies and lifestyle choices of local residents.
- 8.50 The submitters also raise a concern around the perceived inconsistencies between the density requirements set out in PC1, the RSP and the Section 32 analysis for PC7.
- 8.51 I disagree with the submitter on this point. Policy 11 of PC1 states for Selwyn District Council that:
- *Residential subdivisions and development shall generally achieve the following minimum net densities, averaged over the whole of an ODP of 10 lots or households per hectare.*
- 8.52 Page 27 and 29 of the Section 32 clearly state that each ODP is consistent with Policy 11 (as the target is a minimum and does not stop higher densities to be provided in ODPs) and these household targets come directly from both the RSP and LSP. Therefore I recommend that this submission point should be rejected.
- 8.53 In addition, Submitter S85 would like the objectives, policies and anticipated environmental results relating to medium density and comprehensive residential developments be amend to clarify that elderly persons housing is an anticipated outcome of a comprehensive residential development.
- 8.54 In this respect, I refer to Mr Hattam's evidence where he states that:
- Submitter 85 requests clarification about the status of elderly persons housing. The plan change does not specifically provide for elderly persons housing because it provides for a variety of housing types via the comprehensive development rules. The plan does not concern itself with who will occupy the units. Whoever does live in them, they still need to have regard to the same principles of minimizing the adverse effects on other units and surrounding houses. By enabling lots down to 500m<sup>2</sup> in the low density Living Z areas (see recommendation in section 2.3, above), plus enabling dwellings on smaller lots in medium density areas, and higher density complexes in*

*Comprehensive Developments, the plan change provides for a range of housing typologies that will suit a range of ages and life-stages, without specifying the age of occupants.*

*The medium density provisions, combined with the use of an average of 650m<sup>2</sup> in the low density areas, are in my view adequate to enable a variety of housing types, including housing which would be suitable for elderly persons. I do not agree that there is any need to make special provision for these occupiers.*

- 8.55 I accept Mr Hattam's advice and consider that these submission points should be rejected.

Recommendation No 11

The recommendation is that submission 82, 83 and 84 (Decision D1) should be rejected in part, and (Decision No D4, D8, D10 and D11) on Medium Density Housing should be rejected. (Decision D9) should be accepted in part.

The recommendation is that submission 85 (D18 and D19) on Medium Density Housing should be rejected.

*Issue 8: Making Subdivision Consents Publicly Notifiable / Rezoning land via ODPs)*

Submission	Further Submission(s)
[S93] Jens Christensen	[F15] Lincoln Estates Ltd (Oppose) [F44] Coles (Oppose) [F45] Alfeld (Oppose) [F91] Foster Holdings Ltd (Oppose)
[S15] Lincoln Estates Ltd	

- 8.56 Submitter [93] seeks that subdivision plans be notified for public input. The submitter considers that under PC7 if an application for subdivision consent is in general accordance with an outline development plan that the consent will be non-notified. As a result the submitter does not support the rezoning of land by the way of Outline Development Plans. In contrast, Submitter [15] supports the inclusion of ODPs in the Selwyn District Plan.
- 8.57 Under Rule 12.1.3.37 in PC7, any subdivision within a Living Z zone that is subject to an operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan is a restricted Discretionary Activity.

8.58 Sections 95 to 95F of the RMA set out the requirements for notification of a resource consent application. In accordance with s95A, an application for any type of activity must be publicly notified if:

- the activity will have or is likely to have adverse effects on the environment that are more than minor; or
- the applicant requests it; or
- a rule or national environmental standard requires public notification.

8.59 In addition, the council may choose to publicly notify the application if:

- regardless of any other matters, there are special circumstances (s95A(4)) ; or
- a notification decision has not been made and a further information request is not responded to before the deadline concerned or the applicant refuses to provide the information requested (s95C).

8.60 Further to these provisions, individuals and community groups have had an opportunity to discuss future subdivision plans via commenting on the Outline Development Plans contained in PC7.

8.61 Based on the number of submissions lodged on PC7, submitters have commented on a number of design aspects within the ODPs. The finalised ODPs will give some certainty in the community as to how future subdivisions will look and feel and how they will interact with existing subdivisions.

8.62 Therefore with the provisions under the RMA to deal with notifying and not notifying consents and the ability to comment on ODPs through PC7, I consider there is no need to make all subdivision consents publicly notifiable. In addition as previous stated in paragraph 3.20, ODPs are required for residential subdivision in order to be consistent with PC1. Therefore I would recommend that these submission points should be rejected

#### Recommendation No 12

The recommendation is that the submission 93 (Decision D4) seeking subdivision consents be publicly notifiable and that ODP should not be used to rezone land (Decision D1) should be rejected. Submission 15 (Decision D27) should be accepted.

#### *Issue 9: Subdivision Design / Urban Design*

Submission	Further Submission(s)
[S85] Lincoln Land Development	

[S15] Lincoln Estates Ltd	
[S49] Broadfield Estates Ltd	[F31] New Zealand Transport Agency (oppose)
[S40] Craig Harold Thompson	

8.63 A number of submitters have raised a number of issues in relation to subdivision design / urban design. These issues are:

- Subdivision Standards
- Residential Blocks
- Site Coverage
- Views
- Rear Lots
- Fencing and Garaging
- Enclosure of Subdivisions

#### Subdivision Standards

8.64 Submitter S15 and S85 have raised some concerns with the revisions to subdivision standards on the basis that they provide the Council with too much discretion.

8.65 In this respect, I refer to Mr Hattam's evidence where he states that:

*"These new standards have been produced because of dis-satisfaction with the way subdivision has been carried out in the past. The reason for this dis-satisfaction is partly because the Council's engineering standards were applied quite rigidly. For example there was little scope for "residents streets" (narrow slow roads which provide an alternative living choice). The adoption of the Subdivision Design guide marks a change in approach from the Council to one which attempts to obtain better outcomes, rather than one which ensures that engineering standards are rigidly applied regardless of whether this produces the best results.*

*This means that an assessment of the subdivision at consenting stage will need to be more comprehensive. In allowing for more flexibility, the Council needs to ensure that it considers the consequence of each decision. It is not possible to relax the engineering standards on the one land without ensuring a comprehensive assessment of the outcome is carried out on the other. This simply reflects the reality that urban design is a process involving a complicated trade-off of effects to get the best outcome. The Council needs to be able to assess subdivisions in a holistic manner. This is why more comprehensive assessment matters are needed".*

8.66 I accept Mr Hattam's advice and consider that these submission points should be rejected.

## Residential Blocks

8.67 Submitter S15 considers that Policy B4.2.9 and the associated Rule (Rule 12.1.4.28) relating to residential block size is micromanagement and overly prescriptive.

8.68 In this respect, I refer to Mr Hattam's evidence where he states that:

*I would strongly disagree with this statement as the provisions are a way to provide flexibility in urban form whilst still attaining a basic level of connectivity. The connections may be made by walkway / cycleway or by street. The size (800m perimeter) provides the ability for developers to provide some cul-de-sac developments as well as developments based on narrow "residents streets" or developments based on access by shared right of way.*

*Whilst there certainly appears to be demand for sections in cul-de-sacs, people also appreciate the ability to walk around their neighbourhood without taking convoluted diversions. I consider the proposal a good balance between the need for connections and the desire for quiet streets.*

*In any case, the provision is an assessment matter for restricted discretionary subdivision. Non-compliance does not change the status of the application; the rule is instead asking for consideration of block size in the consent process, alongside other matters. The rule therefore is not particularly onerous, and is an effective method for ensuring that block sizes are not overly large.*

8.69 I accept Mr Hattam's advice and consider that these submission points should be rejected.

## Site Coverage

8.70 Submitter S49 has requested an increase in site coverage in the living Z zone to 45%.

8.71 In this respect, I refer to Mr Hattam's evidence where he states that:

*I do not support an increase in site coverage, especially in a low density area. High site coverage such as those suggested by the submitter can have adverse effects such as an appearance of cramped development or sense of enclosure which is not envisaged for Living Z zones.*

*Purchasers of land in the site will be entitled to apply for resource consents for increased site coverage, and the plan does contemplate coverages of up to 40% as a restricted discretionary activity. This will ensure that neighbours and the immediate environment are not*

*adversely affected by high site coverages by taking the specific effects into account.*

- 8.72 I accept Mr Hattam's advice and consider that these submission points should be rejected.

#### Views

- 8.73 Submitter S15 has raised concerns re Policy B4.2.9 and Rule 12.1.4.33 which seeks to preserve viewshafts to the Port Hills and Southern Alps.

- 8.74 In this respect, I refer to Mr Hattam's evidence where he states that:

*I agree that the protection of views from private property is not a matter for the District Plan, but it is a different matter for views from public land. The plan change suggests that view shafts should be preserved along roads and from public space and is not concerned with whether a neighbour builds out an established view. The most common way of achieving this aim is to orientate roads so that they also provide a view corridor.*

- 8.75 I accept Mr Hattam's advice and consider that these submission points should be rejected.

#### Rear Lots

- 8.76 Submitter S15 considers that Policy B4.2.11 and the associated Rule (Rule 12.1.4.29-32) relating to residential rear lots is micromanagement and overly prescriptive.

- 8.77 In this respect, I refer to Mr Hattam's evidence where he states that:

*The policy provides for the protection of privacy through good subdivision design. It is based around the principle that houses should have private backs and public fronts. This allows for a regular pattern of development which generally has openness in the rear of sections and houses fronting the street without the need for fencing. This creates attractive streets with good street observation and a sense of spaciousness in gardens.*

*There are additional concerns with the use of rear lots in that they can adversely affect privacy. They increase the number of direct neighbours for each house. If two storey houses are built they will inevitably overlook one or more of the adjoining properties. Accessways may be unattractive especially if fenced and reduce the opportunities for landscaping in the berm. A limited allowance is provided for rear lots, in recognition that they can help to reach awkward corners of a site. An additional allowance is provided for shared accessways, which can provide an attractive street-like environment.*

*In my view, this framework provides a good balance between the benefits of a regular pattern of development and the rights of a developer to use some alternatives where their site is problematic. I therefore do not agree that the policy and rules should be removed.*

- 8.78 I accept Mr Hattam's advice and consider that these submission points should be rejected.

#### Fencing and Garaging

- 8.79 Submitter S15 and S85 questioned the need for fencing and garaging control including Policy B4.1.12 which seeks to discourage the establishment of tall fencing backing onto main roads. Submitter S40 considered that fencing should be permitted up to 1.5m.

- 8.80 In this respect, I refer to Mr Hattam's evidence where he states that:

*I do not agree that these proposals are inflexible. Developers will be aware of the rules and able to design their sections and house accordingly, for instance to provide private space to the side or rear of a house. The resource consent process is likewise available to property owners to demonstrate that any proposal that breeches the rule is appropriate in terms of its potential environmental effects and allow site specific mitigation measures.*

*Submitter S40 contended that a hedge would have the same effect as a fence and wondered why this was not restricted by the plan change. I would disagree that the effect is the same as hedges are visually complex natural forms which can enhance the street. In research into intensification of residential areas, the presence of greenery is something that is often identified as desirable (see for instance Boffa Miskell and Key Research and Marketing (2000): Tauranga Residential Intensification Study, Amenity Values, p21).*

*With regard to Policy 4.1.12 this policy seeks to ensure that allotments face directly onto main roads where possible. Recent subdivisions have sometimes backed onto main roads with long continuous fences (for example on Edward Street to the west of Lincoln). This has created a bland street scene on routes which are especially well travelled. The policy seeks to ensure that this is not repeated elsewhere.*

*It is clear in the policy that where a road is a limited access road then there is no requirement to face it. However, where this is not the case, I consider that there is no reason for houses to back onto main roads. Within townships, the speed of roads will be reduced to 50kph, whether or not that is the speed at the time of development, so there are no traffic safety reasons. Whilst there may be perceived privacy*

*advantages in houses facing an internal street, these need to be weighed against the adverse effects that houses backing onto a road create. I consider that the policy should not be amended and in any case the amendments proposed in the plan change are of a very minor nature to an established District Plan policy.*

- 8.81 I accept Mr Hattam's advice and consider that these submission points should be rejected.

#### Enclosure of Subdivisions

- 8.82 Submitter S15 considers that Rule 12.1.4.16 should be removed.

- 8.83 In this respect, I refer to Mr Hattam's evidence where he states that:

*In controlling subdivision, Council is seeking a balance between the needs of developers and the needs of the community. Whilst "gated communities" are unusual in New Zealand, they have the potential to cause problems for the wider community.*

*These problems can include a loss of connectivity and permeability and the establishment of inward looking housing which turns it back on the public realm. There are also potential financial issues such as an unwillingness of residents to contribute to Council facilities when private communal facilities are provided.*

*For these reasons, the Council requires the ability to consider the balance of benefits at subdivision stage. It is likely that smaller developments which are well designed and which have attractive edges would be permitted. These developments would include elderly persons housing complexes. The establishment of larger complexes without active edges would be a concern, as would the cumulative effects of a number of such complexes being built.*

- 8.84 I accept Mr Hattam's advice and consider that these submission points should be rejected.

#### Medium Density Provisions

- 8.85 Submitter S85 has requested that all new design matters in Rules 4.6 to 4.16 should be deleted as the submitter does not have confidence in how the Council will consider applications for design matters.

- 8.86 In this respect, I refer to Mr Hattam's evidence where he states that:

*The Council has proposed a variety of new measures to control subdivision, based on the principle that increasing density requires an increased amount of management to safeguard residential amenity.*



*This important principle ensures that density is effectively mitigated. It intends to manage the specific effects of development (such as overlooking) rather than relying on a proxy measure (density) which in reality still allows many of the adverse effects to occur. Relying on density alone has not proved successful in other districts (such as Christchurch City) where problems associated with higher density are well documented (for instance in Vallance et al, 2004, The Effects of Infill Housing on Neighbours in Christchurch, Lincoln University). In order to avoid these problems, a revised approach is needed. That is why Council has proposed stronger design criteria. The Council has provided detailed assessment matters and in the case of medium density housing it has provided a design guide to show developers how to meet the intent of the assessment matters. There is a very large amount of information in the public domain which shows developers how Council will assess applications.*

*The approach proposed is not unusual in New Zealand and has been successfully applied elsewhere. I consider it to be the most appropriate and effective way to provide for Medium Density Housing in the District. I therefore recommend that the relief sought by this submitter not be accepted.*

- 8.87 I accept Mr Hattam's advice and consider that these submission points should be rejected.

#### Houses facing Main Roads

- 8.88 Submitter S15 and S85 has opposed the change to the explanation under Policy B4.2.3 which refers to allotments along main roads being designed to gain access from those roads rather than turning their backs on them.

- 8.89 In this respect, I refer to Mr Hattam's evidence where he states that:

*Submitter S85 noted that it would be contrary to ODP1. This is rather an odd way to approach the issue. The ODP should generally comply with the policy framework, not the reverse. The submitter does mention that there may be access restrictions for other ODPs. However, it is clear in the explanation that where access restrictions do exist, then they can be taken into consideration.*

*Submitter S15 considers that the new text does not relate to the policy and should therefore be deleted. I do not agree. The policy is about the amenity of new neighbourhoods and this is clear from the existing text:*

*"How allotments are designed, their shape, orientation to the sun and proximity to roads, reserves and walkways affects the final shape and form of a residential neighbourhood or a business area."*

*The new text is clarifying what the final shape and form of a residential neighbourhood should be.*

- 8.90 I accept Mr Hattam's advice and consider that these submission points should be rejected.

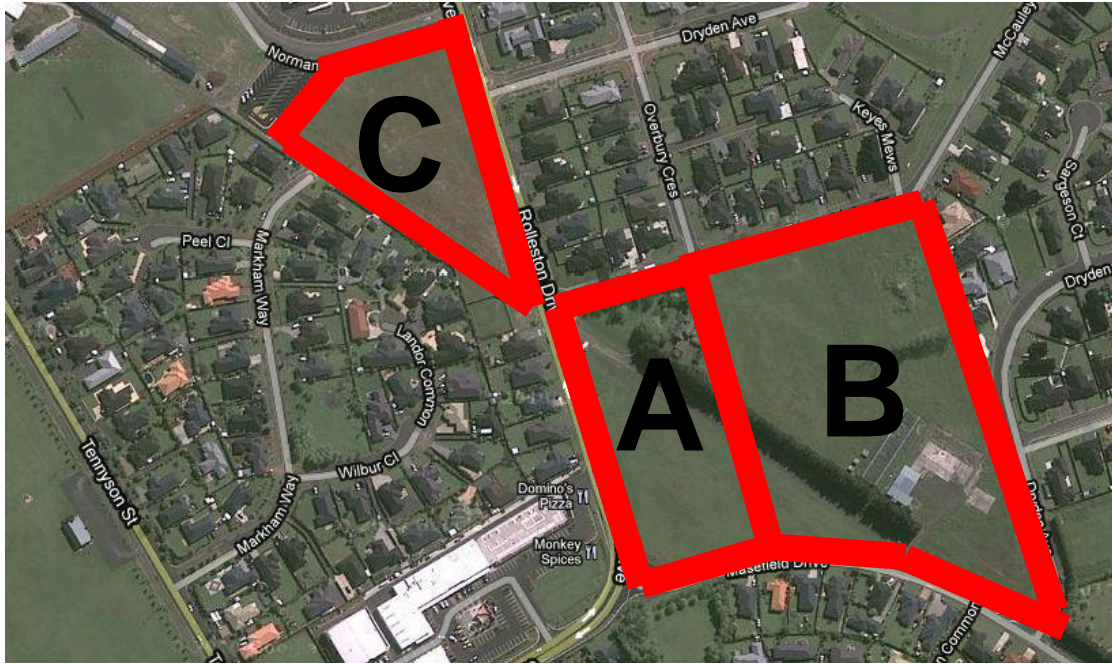
Recommendation No 13

The recommendation is that the submission 15 (Decision D3, D4, D5, D6, D7, D8, D9, D10, D11, D17-22, D23, D24, D25, D26, D30), submission 40 (D4), submission 49 (D2) and submission 85 (D7, D8, D15, D16, D17) seeking changes to the subdivision / urban design rules in PC7 should be rejected. Submission 15 (Decision D1) should be rejected in part.

*Issue 9: Reverse Sensitivity Issue with Land outside of PC7*

Submission	Further Submission(s)
[S54] The New Zealand Guardian Trust Company	[F82] Rolleston Square Ltd (Support) [F83] Rolleston Retail Ltd (Support) [F84] Roll Ten Investments Ltd (Support)

- 8.91 Submission 54 seeks that the introduction of increased residential activity has the potential to create adverse reverse sensitivity effects to existing commercial activities and existing commercial zones including the land at Masefield Mall and currently owned by Masefield Mall Ltd in Rolleston. The Submitter seeks that there should be additional Issues, Objectives, Policies, Rules and assessment criteria to address these effects.
- 8.92 Below is a map showing three key areas that will assist in assessing whether or not there is a reverse sensitivity issues for this submitter.
- 8.93 On the map:
- Area B is the submitter's land. It is already zoned Business 1 which would be suitable for retail and offices and is at the eastern end of a large B1 area that covers the existing Rolleston Town Centre.
  - Area A is land adjacent to Area B which is also zoned Business 1 and has a consent for a new supermarket (which has been approved).
  - Area C is the nearest land being rezoned as part of PC7 (ODP2). Currently it is zoned Living 1 and can achieve approximately 15 houses on the site under L1 zoning. This block is proposed to be rezoned Living Z (Medium Density) through PC7. This is one of the smallest sites being rezoned via PC7.



8.94 I would like to make the following points:

- Area A and B was zoned Business 1 and Area C was rezoned Living 1 via the Proposed District Plan in 2003, and was made partially operative in 2008;
- Presently Area A and B are already surrounded by existing houses developed at Living 1 standard (750m<sup>2</sup>).
- The supermarket (to be located on Area A) recently applied for a non-notified resource consent which was granted with no reverse sensitivity issues assessed that would impact on the operation of any business in Area A.
- The Business 1 Zone rule package is designed to provide an appropriate interface with adjacent living zones.
- PC7 seeks to rezone Area C to Living Z which will roughly double the amount of households (from 16 to 32) that can be achieved on the site. At present houses could be developed as of right on Area C.

8.95 As long as any future retail or office spaces in Area B are developed in line with the existing rules in the District Plan for the Business 1 zone, reverse sensitivity issues should not arise. The nearest block of land proposed for more intensive residential activities is some distance from the submitter's land, is separated by existing residential dwellings and what is likely to be a new supermarket, and as such I have been unable to identify how the intensification of this land might result in reverse sensitivity issues. As such I do not believe that further rules restricting residential development on existing residentially zoned land are able to be justified.

#### Recommendation No 14

The recommendation is that the submission 54 (Decision D1) should be accepted in part, (Decision D2 and D3) seeking to amend PC7 to include additional Issues, Objectives, Policies, Rules and assessment criteria to address perceived reverse sensitivity issues be rejected.

#### *Issue 10: Other issues - Reserve contributions, Mapping Issue in PC7*

Submission	Further Submission(s)
[S22] Selwyn Central Community Board	N/a
[S79] Rolleston Residents Association	
[S93] Jens Christensen	

- 8.96 A number of submitters [22, 79 and 93] have requested that the amount of open space and reserves provided in ODP Areas 1, 2, 3 and 4 in Rolleston be restricted so that reserve contributions from these areas is provided as both land and cash. The submitters feel that it is the community's desire for the ratio of cash to land to be about 50%:50%.
- 8.97 Ms Anne Greenup (Selwyn District Council, Strategic Asset Manager) has made the following comments in her evidence (attached as Appendix Twelve).
- An ODP is not the best mechanism to decide ahead of time how a reserve contribution will be calculated (land and/or cash), which usually occurs at the more detailed subdivision design stage and is finalised when the s224 is ready to be released. The policy which guides such decisions is included in the Long Term Council Community Plan (LTCCP) under the Development Contributions Policy.
  - The level of service for how much land is needed for reserves in the District's townships is set out in the Activity Management Plan, and is the basis for deciding on the amount of land to be obtained, through the development contribution process, on any particular subdivision. I am therefore satisfied that the amount of open space shown on Rolleston ODP Areas 1, 2, 3 & 4 are adequate for their intended purpose.
- 8.98 As the issue of reserve contributions for this Council comes under the Local Government Act (through the LTCCP) and not the Resource Management Act, these submissions are viewed to be out of scope of this Plan Change. Should this be an issue that the submitters wish to

pursue, I would recommend they make a submission to next year's Annual Budget process.

- 8.99 Submitter 93 has also raised an issue contained in Map 102. Currently the map identifies one of the roads as "Walker Road". It should be "Dunns Crossing Road". This is a map error contained in the GIS layer for this area and I would suggest it should be amended as requested by the submitter.

Recommendation No 15

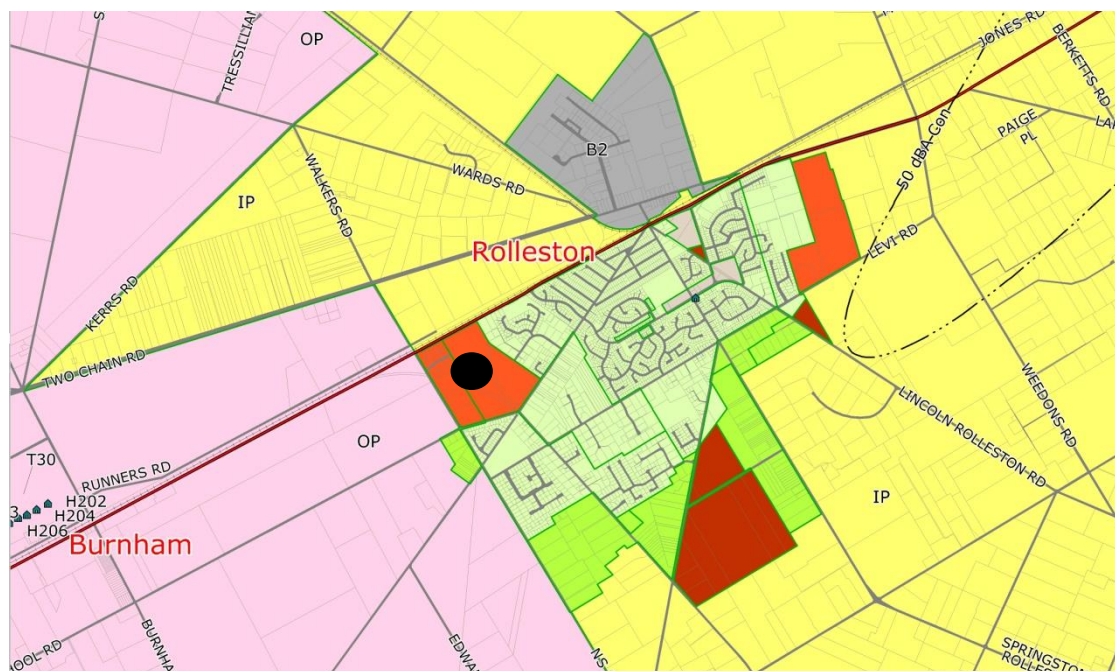
The recommendation is that the submission 22 (Decision D7), 79 (Decision D7) and 93 (Decision D5) seeking a change to the reserve contribution policy is out of scope of PC7 and should therefore be rejected. Submission 93 (D2) should be accepted.

## 9. Assessment Group 5: Rolleston ODPs

### Rolleston Outline Development Area 1

#### Background on ODP

- 9.1 ODP 1 covers approximately 64 hectares in the southwest corner of the township known colloquially as the 'CDL Block'. This area is currently zoned Living 1B and Living 2 which permits subdivision down to a minimum average of 1,200m<sup>2</sup> and 5,000m<sup>2</sup> per allotment. The RSP shows a mix of housing densities for this area, including low, medium, and comprehensive housing. This mix of housing densities is reflected in the ODP which will achieve a net density of 11 households per hectare across the entire block, and has the capacity to provide for some 633 new households.
- 9.2 This overall density is lower than that shown in the RSP, however it still represents a significant increase in the number of households able to be accommodated in the area compared with the existing scenario of 1,200m<sup>2</sup>/5,000m<sup>2</sup> lots and will enable a significant number of new households to be accommodated in reasonable proximity to the existing town centre.



Submission	Further Submission(s)
[S2] Sia Choo Leng	[F31] New Zealand Transport Agency (Oppose) [F82] Rolleston Square Ltd (Oppose) [F83] Rolleston Retail Ltd (Oppose) [F84] RollTen Investments Ltd (Oppose)
[S3] Mei Hong Hua	Same as above
[S4] Wen Bin Lin	Same as above
[S5] Worthwhile Ltd	Same as above
[S6] Hoo Ting Yen	Same as above
[S7] Christine Siew Ing Yek	Same as above
[S8] Ming Shong Chen and Xin Ling Lin	Same as above
[S10] Jason Hoo	Same as above
[S14] Song Yu Rong	Same as above
[S35] Ming Xing Wang	Same as above
[S36] Jin Ping Huang	Same as above
[S37] Chen Jian Wang	Same as above
[S32] CDL Land (NZ) Ltd	[F31] New Zealand Transport Agency (Oppose) [F82] Rolleston Square Ltd (Oppose) [F83] Rolleston Retail Ltd (Oppose) [F84] RollTen Investments Ltd (Oppose)
[S41] Horncastle Homes Ltd	[F31] New Zealand Transport Agency (Oppose) [F32] CDL Land NZ Ltd (Oppose)
[S52] Selwyn Plantation Board Ltd	N/a
[S22] Selwyn Central Community Board	[F32] CDL Land (NZ) Ltd [F27] Ministry of Education
[S79] Rolleston Residents Association	[F32] CDL Land (NZ) Ltd [F27] Ministry of Education

9.3 The above submissions raise a series of issues in regards to Outline Development Plan Area 1.

*Issue 1: Seek the inclusion of a small block of land into Outline Development Plan 1*

9.4 A group of submitters<sup>6</sup> are seeking a small block of land labelled “Pt Res 1759” be included within ODP Area 1. The block of land is approximately 0.16ha.

9.5 This land is included within the urban limit for Rolleston as per Variation 1 to PC1, however due to the way the ODP was developed it could be

<sup>6</sup> Submitters S2, S3, S4, S5, S6, S7, S8, S10, S14, S35, S36 and S37



viewed that this block of land was excluded from the ODP. This was not the intent, and therefore I recommend that the ODP is amended to make it clearer that this land is included as part of the low density residential area within this ODP. The text “PT Res 1759” should be removed from the ODP.

#### Recommendation No 16

The recommendation is that submissions S2, S3, S4, S5, S6, S7, S8, S10, S14, S35, S36 and S37 (Decision No D1) should be accepted in part and (Decision No D2) seeking the inclusion of a small block of land into Outline Development Area 1 be accepted

#### *Issue 2: New Neighbourhood Centre within ODP 1*

- 9.6 The same group of submitters in issue 1 seek to include a neighbourhood centre near the western edge of the ODP (close to the intersection of Dunns Crossing Road and the new secondary road) within this ODP.
- 9.7 The Rolleston Structure Plan identifies that ODP Area 1 could support one neighbourhood centre and one local centre. This was based on the following characteristics:
- Size and shapes of its population catchment generally defined by a five-minute walk from the neighbourhood centre to its perimeter, typically 400m to 450m;
  - The centre acts as a community focus with a compatible mix of uses, including retail, which provide for a range of daily needs and may include community facilities and urban open spaces such as a small square;
  - To assist retail exposure and accessibility, the centre is located on or at the intersection of relatively busy local streets and is served by public transport;
  - An interconnected street network focused on the centre, and with strong links between the neighbourhood centre and its related town centre, providing good accessibility, route choice and detailing to make walking and cycling pleasant, efficient and safe; and
  - A range of residential densities and variety of housing types that increase towards the neighbourhood centre.
- 9.8 The Rolleston Structure Plan located the neighbourhood centre on the corner of Brookside Road, East Maddisons Road and Burnham School Road. Only part of the neighbourhood centre was located within ODP Area 1 and it was surrounded by high density housing to help support the viability of the neighbourhood centre in supporting the day to day needs of the residents.



9.9 Assessing the submitter's request for the neighbourhood centre, I would make the following comments:

- The Rolleston Structure Plan considered that ODP Area 1 would be supported by a significant amount of medium and high density housing within a 400m radius of the neighbourhood centre. The Structure Plan identified approximately 16 households per hectare for this area. However this amount of density was not provided within this ODP (only achieving 11 households per hectare). Therefore I have a concern that the lack of population surrounding the neighbourhood centre would impact on the neighbourhood centre's short and long term viability.
- The proposed neighbourhood centre is not located on an intersection of a major road. This will reduce its visibility to the area it is trying to serve. Again this will impact on the viability of the centre. This compares to the local centre provided for within this ODP that is located at the intersection of the new primary and secondary road and has a high degree of visibility.
- Rolleston Structure Plan identified only part of the neighbourhood centre to be included in this ODP.

9.10 Due to the issues with the proposed neighbourhood centre, I am of the view that a new neighbourhood centre within ODP Area 1 is not suitable. Therefore I consider that this submission point should be rejected.

#### Recommendation No 17

The recommendation is that the submissions S2, S3, S4, S5, S6, S7, S8, S10, S14, S35, S36 and S37 (Decision No D3) seeking a new neighbourhood centre within ODP 1 should be rejected

#### *Issue 3: Additional changes to the ODP surrounding provision of water and medium density provisions*

9.11 A submitter [32] has requested two changes to the notified version of the ODP. They are:

1. Remove the following criteria from Policy B4.3.68 "Provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main truck connections where necessary"
2. Removal of Comprehensive Residential Development from the ODP as they are covered by Medium Density areas

9.12 In terms of point 1, the submitter outlines that within the ODP report contained in PC7 the following is stated:

*“water will be supplied from the Council’s existing reticulation by connecting to the water main on Brookside Road. Water pressures for the site have been calculated as meeting the requirement of NZS 4404:2004 Land Development and Subdivision Engineering and the New Zealand Fire Service”.*

9.13 Mr Blake-Manson has confirmed that there is no requirement for water wells to be made within this ODP in his evidence and therefore I agree that this criteria should be deleted from “Policy B4.3.68 ODP 1 Criteria”.

9.14 In terms of point 2 I would like to make the following comments:

- Showing just Medium Density Housing on an ODP does not preclude comprehensive housing from being developed and therefore the Comprehensive Housing rule package still applies if only Medium Density housing areas are shown on the ODP
- Medium Density rule package is however enabling rather than requiring, so there could be a risk that net density target of 11 households per hectare may not be achieved across the ODP.
- However, provided the submitter can demonstrate at the hearing that the overall net density will still be achieved, I would be able to support this submission point.

#### Recommendation No 18

The recommendation is that the submission 32 (Decision D1 and D2) seeking changes to the ODP surrounding the provision of water should be accepted, and the changes to ODP regarding deleting comprehensive housing (Decision D3) should be accepted.

#### *Issue 4: Seeking provision of a primary school within ODP Area 1*

9.15 Two submitters (S22 and S79) have requested the need for a new primary school to be located within this ODP. The submitters consider that this is required as there will be over 1000 more primary school age children in Rolleston due to PC7’s rezoning and it would be appropriate to consider an additional school somewhere in the western edge of Rolleston (ODP Area 1) when considering existing location of two primary schools in Rolleston.

9.16 The Ministry of Education had further submitted (F27) stating that:

*The Ministry acknowledges the need to plan for further primary and early childhood facilities in Rolleston. Outline Development Plans are an appropriate tool to identify locations for such future school sites.*

*However, in this instance the Rolleston Outline Development Plan Area 1 may not be the best location for a new school in Rolleston.*

*The Ministry of Education and Selwyn District Council need to assess the best location for a school by analysing future growth projections and looking at Rolleston Township as a whole.*

- 9.17 Since receiving the further submission by the Ministry of Education, initial discussions between Ministry staff, existing primary schools in Rolleston and Council staff have occurred to discuss the future provision of primary schools in Rolleston. I understand that modelling work is currently being developed by the Ministry and initial indications have suggested that a third primary school could be required within the timeframe of PC7 (2007-2020).
- 9.18 Considering the current locations of the existing primary schools in Rolleston (Rolleston School is adjacent to ODP area 2 and Clearview School is close to ODP Area 5), a possible location of a third school could be in ODP Area 1. However further consideration and negotiations will need to take place before all parties can commit to this (including securing funding from the Government). Therefore I would recommend that the ODP should be amended to show the following text “primary school could be located within this ODP, subject to confirmation by the Minister of Education /Ministry of Education and the landowners”.

#### Recommendation No 19

The recommendation is that the submission 22 (Decision D3) and 79 (Decision D3) seeking a provision of a primary school within ODP 1 should be accepted in part.

*Issue 5: Landowner opposed to medium density housing along their property boundary*

- 9.19 Submitter [41] (a landowner within the ODP area) has opposed medium density housing to be located along their property boundary. Specific consideration of the effects of medium density housing has been completed by Mr Hattam.
- 9.20 Mr Hattam has stated in his report that:
- *With an increase in density, adverse effects are likely to be more common, because houses will be closer together and gardens will be smaller. A reduction in site size also makes the building of two storey housing more likely. This is a more efficient use of the land, so is not discouraged, but it can affect neighbours privacy and*

*create a sense of enclosure on neighbouring properties unless it is well managed.*

- The Council has gone to some trouble to ensure that effects are mitigated through active management in the District Plan. The proposed setback for first floor windows will provide additional protection for privacy over and above what is provided by existing L1 and L1B zoning, which permit two storey housing as of right, sometimes within 3m of the boundary. The requirement for minimum outdoor areas will provide some spaciousness, preventing houses from being crammed in against all boundaries. Comprehensive housing (such as terraces) will be carefully managed so that it respects the spacious character of its surroundings.*
- However, I consider that additional protection from shading of L1 and L1B is appropriate. Under PC7, MDH has a less restrictive recession plane which starts at a height of 4m. This is in part an acknowledgement that some shading may occur between medium density houses and that this is the nature of the zone (the trade off for more efficient use of land). But I consider it appropriate that the standard recession planes should apply at the boundary of the medium density area to protect the amenity of adjoining properties. This will also help to manage any remaining issues of visual bulk.*

9.21 I consider that the issues raised by the submitter have been addressed in Mr Hattam's evidence by deleting rule 4.9.1.1 and I recommend that this submission should be rejected in part.

#### Recommendation No 20

The recommendation is that the submission 41 (Decision D1 and 2) seeking the removal of medium density housing along the landowner's property boundary should be reject in part

*Issue 6: Additional pedestrian and cycle ways to a potential rural residential development (subject to a Private Plan Change 8)*

9.22 Submitter [52] has requested two additional walkways to be included in ODP Area 1 to link through to an area of land outside the urban limit of Rolleston that is subject to a separate Private Plan Change (PC8) seeking rural residential development, with PC8 proceeding to a hearing in early May 2011.

9.23 In considering this submission, I would make the following comments:

- The ODP as notified provides for pedestrian and cycle links within and through the ODP area to connect with the adjoining urban area to the east and south;

- A western connection was not required, as the ODP Area is at the western edge of the urban limit;
  - Walking, cycling and road connection has been achieved to Dunns Crossing Road as the western boundary of the Rolleston urban limit; and
  - Should a walking connection be required at the western edge, ODP Area 1 includes two roading connections to Dunns Crossing Road that could be extended into any development outside of the urban limit that required suitable pedestrian or cycle connections.
- 9.24 While walking and cycling connections are important to provide, there is a concern that these connections suggested by the submitter benefit the current design of the area subject to Private Plan Change 8 which has not yet gone through the RMA process (hearing to be held at the same time as Plan Change 7). Rural residential development close to Rolleston is currently subject to two Plan Changes (Private Plan Change 8 and Council Plan Change 17). Between these two plan changes there is difference in the amount of rural residential development proposed and the design of the development.
- 9.25 As a result of the uncertainty on whether rural residential development is suitable in the location opposite ODP Area 1 and if so how much developed should occur, I consider that it is premature to require ODP Area 1 to provide walking connections at this time. Should rural residential development be approved, walking connections can be linked from the rural residential area through to ODP Area 1 via Dunns Crossing Road and the two road connections show in the ODP.

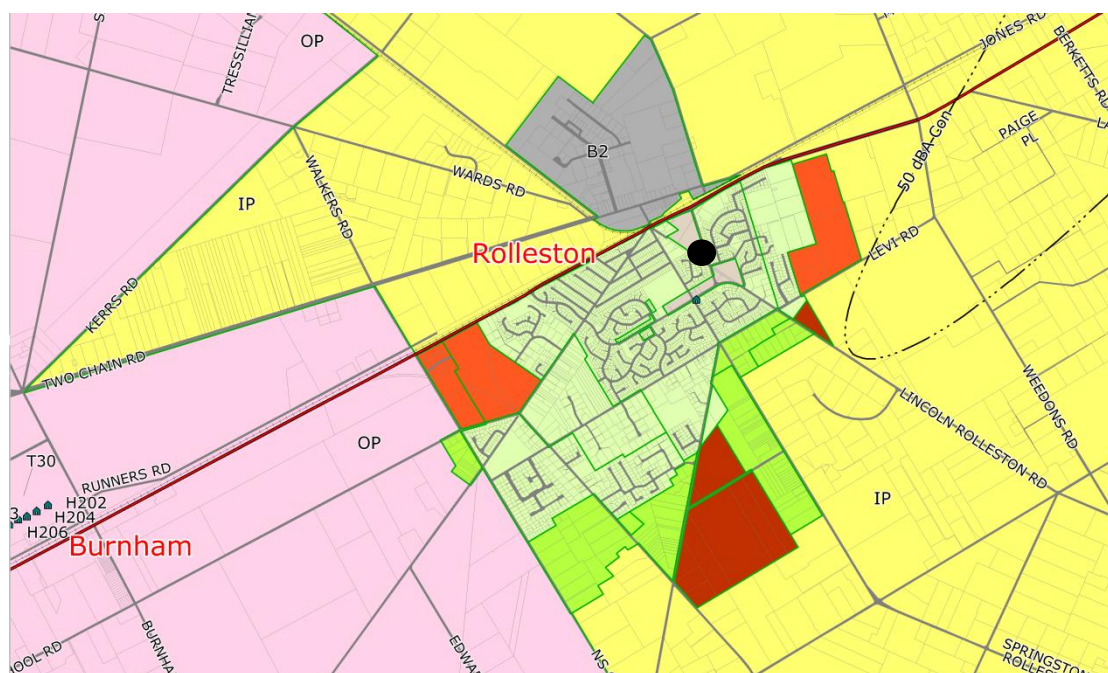
#### Recommendation No 21

The recommendation is that the submission 52 (Decision D1, 2, 3 and 4) seeking an additional pedestrian and cycle ways to a potential rural residential development should be rejected.

## Rolleston Outline Development Area 2

### Background on ODP

- 9.26 ODP 2 covers approximately 1.6 hectares of land and is located between Rolleston Drive, Norman Kirk Drive and Markham Way. It is currently zoned Living 1 (750m<sup>2</sup>) and is capable of supporting comprehensive housing at a density of at least 20 households per hectare as per the RSP.
- 9.27 The RSP emphasises the desirability of providing medium density housing areas close to the town centre and local community facilities and greenspace, with this block one of the few remaining undeveloped areas of land that is very close to the existing Town Centre.



Submission	Further Submission(s)
[S24] Greg and Maria Rolton	
[S55] Vicki Henderson and Ruben Groot	
[S34] Rolleston Park Residents Group	
[S43] Selwyn District Council	[F22] Selwyn Central Community Board (Oppose)
[S22] Selwyn Central Community Board	[F31] New Zealand Transport Agency (Oppose)
[S79] Rolleston Residents Association	

- 9.28 The above submissions raise a series of issues in regard to Outline Development Plan 2

*Issue 1: Including an ODP for this area so that the land could be rezoned to Living Z rather than Living Z Deferred*

- 9.29 Selwyn District Council [43] has sought to include an ODP in the District Plan for ODP 2 to enable the deferral to be lifted.
- 9.30 The Rolleston Structure Plan recommended that this land would be suitable to be rezoned for higher density housing because:
- It supports the town centre facilities by providing critical mass in close proximity
  - It provides a lifestyle choice for those who wish to live in a smaller house on an easy-care section close to the centre of town, for example they may be less reliant on car ownership
  - It makes efficient use of well located residential land
- 9.31 Policy B4.3.68 of PC7 provides the following criteria to be addressed in any ODP developed for this area. The criteria are:
- Vehicle access to be via a secondary road connection from the Markham Way cul-de-sac with no direct vehicle access onto Norman Kirk Drive or Rolleston Drive
  - Provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main trunk connections where necessary
  - Provision of reticulated wastewater system with capacity to accommodate necessary flows
  - The stopping of an unformed portion of road 'Dick Roberts Place' along the area's western boundary will need to be addressed through a separate road stopping procedure
  - Identification of the whole of this ODP area as a medium density housing area, apart from a strip adjacent to the existing dwellings to the west where lower density lots are to be located to provide an area of transition between the existing dwellings and higher density units
  - Provision of a minimum net density of 20 households per hectare averaged over the ODP area.
- 9.32 In considering the ODP that was submitted, I would note the following:
1. The ODP shows a vehicle access via an extension of Markham Way to form a cul-de-sac within this site. There is no new vehicle access into this site off either Norman Kirk Drive or Rolleston Drive.
  2. Water and sewer connections are available to this site. This has been confirmed by Mr Hugh Blake-Manson in his evidence.

3. The Selwyn District Council is currently working through the process of stopping the remaining unformed portion of 'Dick Roberts Place'.
4. The ODP provides coordinated development over most of the site with sections of a minimum of 450m<sup>2</sup> and only single storey houses being permitted on the boundary with sections along Markham Way, with a 5m building setback from this boundary minimising any potential privacy issues between established and new development.
5. The ODP achieves a density of 20 households per hectare, which provides approximately 32 households.

9.33 As all of the ODP criteria have been addressed, I consider that this ODP should be accepted and that this site be rezoned to Living Z.

#### Recommendation No 22

The recommendation is that the submission 43 (Decision D1 and 2) seeking to include an ODP for ODP Area 2 and rezone the land to Living Z be accepted. Submission 34 (Decision D5) seeking the provision of the maximum number of household per hectare is rejected as this is provided in the ODP criteria and the allotment size for Living Z

#### *Issue 2: Modify the vehicle access into ODP Area 2*

9.34 A number of submitters [22, 24, 34 and 79] have sought that instead of the roading layout as shown in the ODP developed by submitter 43, the ODP criteria should be changed to the following;

Vehicle access [to ODP Area 2] be via a secondary road connection **to Norman Kirk Drive**, with no direct vehicle access **to Markham Way or Rolleston Drive**. A pedestrian and cycle link should be provided from ODP Area 2 to Markham Way

9.35 The submitters outlined that this change should be made because:

- Current roading layout in ODP 2 shows the inefficiency of restricting vehicle access to/from Markham Way
- Included in this ODP will be a community housing development for older residents. It would be much better to access this area from Norman Kirk Drive – especially for emergency vehicles such as ambulances.

9.36 In terms of the first point raised by submitters, Mr Hattam in his evidence makes the following points:

- It may be physically possible to develop the site without accessing Markham Way but I do not consider it would be logical and would certainly not support limiting the options of a developer to such a layout which is likely to have an inferior built form for the community



- The indicative layout (as outlined in submission 43) is based around pedestrian routes (linking Dryden Avenue with the Rolleston Reserve). The alternative is that a pedestrian walkway would have to cross a private right of way and would not run beside a street. This would reduce the extent to which it is legible and the extent to which it appears safe.
- The design is also based around the principle that houses should have private backs and public fronts. To build an accessway to Norman Kirk Drive would disrupt the site layout and the private back public front principle. It would result in unattractive alleyways which would need to be fenced for privacy. The outcome would be public areas with lower amenity

9.37 In addition to this evidence, Mr Mazey has provided evidence on roading matters contained in the ODP. Mr Mazey has made the following comments in regard to this submission:

- In my opinion no “secondary road” access from Norman Kirk Drive is warranted to service the ODP2 Area beyond what can be reasonably accommodated by the existing local road Markham Way under the ‘Comprehensive’ and ‘Medium’ Density development being proposed by Council.
- Table E10.3 “Minimum Distances of any Vehicle Crossing from Road Intersections” (contained in the Selwyn District Council) states that the minimum distance a new road intersection can be located from the likes of Rolleston Drive is 60m. Positioning a road any further west along Norman Kirk Drive is constrained by a recently constructed public car park. I have safety related concerns about creating another intersection off Norman Kirk Drive so close to Rolleston Drive based on the relatively congested nature of Norman Kirk Drive at peak times in this area from associated traffic and parking.
- By the time the width of a legal road reserve corridor is accommodated within the site for a secondary road, plus a 30m diameter turning head, this is clearly out of scale to the size of the ODP2 site.
- I consider that the transport and planning concessions already agreed (as represented in the Rolleston Structure Plan) that Markham Way was not to have any direct roading connection to Rolleston Drive (to avoid it being used as a through by vehicles to Tennyson Street) was sufficient to address the major risk of a large increase in use by vehicles. The current unfinished end of Markham Way needs to be completed properly by providing turning facilities based on how this will interact with the land use proposed on the site.

9.38 In terms of the second point raised by the submitters, it is proposed by the Selwyn District Council that a small amount of community housing will be built along Norman Kirk Drive with the houses fronting this road. This will provide efficient road connections either via Rolleston Drive or

Kidman Street / Norman Kirk Drive should emergency services require access to these properties.

- 9.39 As a result of the evidence raised by Mr Hattam and Mr Mazey, I consider that this submission point should be rejected.

#### Recommendation No 23

The recommendation is that the submission 22 (Decision D4), 24, (Decision D1), 34 (Decision D2 and 3) and 79 (Decision D4) seeking to modify the vehicle access in ODP 2 be rejected.

#### *Issue 3: Oppose Medium Density housing located in ODP 2*

- 9.40 A group of submitters [24, 55 and 34] raise a number of concerns about having Medium Density housing so close to existing housing (at Living 1 zone standard 750m<sup>2</sup>). Their concerns are as follows:

- Two storey medium density housing would spoil the views of existing landowners;
- Medium density housing would allow no privacy for landowners at the boundary of ODP 2, as houses would be too close to their back fences; and
- More housing would create more traffic down Markham Way and a reduction in the speed limit down to 30kph is therefore sought along Markham Way.

- 9.41 The submitters have raised similar concerns as outlined in issue 5, ODP Area 1 and I would refer to the assessment made in paragraph 4.57 to 4.59 of this report. In addition I would like to make the following comments:

- Two storey development close to boundaries is of concern to submitters, however under the current Living 1 zone of this area two storey buildings are a permitted activity.
- In regards to privacy, it is more effective to introduce rules which manage the privacy issue by imposing a minimum distance of living room windows to boundaries (of 10m), than to rely on larger sites and hope that people respect their neighbours privacy, without requiring that they do so. In this way the MDH rules protect privacy more effectively than a density provision, or indeed the current Living 1 zone rule package which does not control first floor window setbacks.
- That given the residential zoning of ODP 2, and the unfinished nature of the Markham Way turning head, some development on the vacant site has always been anticipated, with the issue being the quantum of development

- However Council has suggested through its submission on PC7, additional controls on its land to deal with the perceptions the adjoining landowners on the north-west boundary may have. They are:
  - Proposed 5m setback applied for all new houses will ensure there is a sense of space preserved for the existing residents
  - a limit to single storey housing
  - minimum sections size increased to 450m<sup>2</sup>

9.42 Mr Hattam considers that these additional measures are a more effective way to manage the adverse effects of development than controls on density. In conjunction with the MDH rules included in PC7 they will be more effective than those offered by the existing Living 1 zoning.

9.43 As a result, I consider that the issues raised by the submitters have been addressed by rules contained in Plan Change 7 and via the ODP included by the Council.

#### Recommendation No 24

The recommendation is that the submission 24 (Decision D2), 34 (Decision D1 and D4) and 55 (Decision D1 and D2) opposing medium density housing in ODP 2 should be rejected.

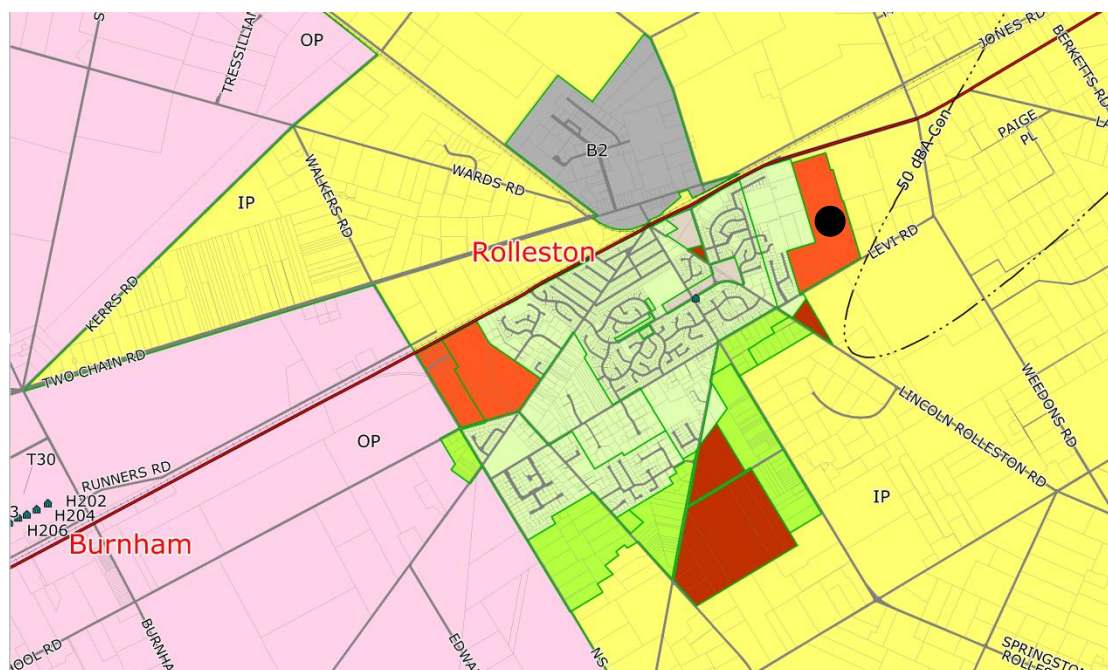
## Rolleston Outline Development Area 3

### Background on ODP

#### ODP Area 3

9.44 ODP 3 covers approximately 49 hectares of land in the southeast corner of the township currently zoned Inner Plains which permits subdivision down to a minimum allotment size of four hectares. The RSP shows housing density of ten households per hectare for this area, and has the capacity to provide for some 484 new households.

9.45 The urban limit for this area is setback 40m from the State Highway 1.



Submission	Further Submission(s)
[S11] LR and JA Bain	[F16] Joseph and Glennis Burdis (Support)
[S16] Joseph and Glennis Burdis	
[S44] Bruce and Michelle Coles	[F82] Rolleston Square Ltd (Support) [F83] Rolleston Retail Ltd (Support) [F84] RollTen Investments Ltd (Support) [F16] Joseph and Glennis Burdis (Support)
[S45] Murray and Lisa Alfeld	[F82] Rolleston Square Ltd (Support) [F83] Rolleston Retail Ltd (Support) [F84] RollTen Investments Ltd (Support) [F16] Joseph and Glennis Burdis (Support)

[S31] New Zealand Transport Agency	[F44] Bruce and Michelle Coles (Support)
[S22] Selwyn Central Community Board	
[S79] Rolleston Residents Association	

9.46 The above submissions have supported PC7 or raised some issues in regard to Outline Development Plan 3.

*Issue 1: Support of PC7*

9.47 A number of submitters [11, 16, 44 and 45] have supported the rezoning of their land to Living Z.

Recommendation No 25

The recommendation is that the submission 11 (Decision D1), 16 (Decision D1), 44 (Decision D1) and 45 (Decision D1) seeking land in ODP Area 3 to be rezoned to Living Z be accepted.

*Issue 2: Pedestrian and cycle link to the eastern rural edge be of sufficient size that in the future they can be developed into road linkage should future residential development occur in this location*

9.48 Two submitters [22 and 79] seek that the pedestrian and cycle links to the eastern rural edge of ODP 3 be of sufficient size that they may in future be developed into secondary road linkages should future residential development occur to the east of ODP 3 (outside the urban limit for Rolleston).

9.49 In terms of the notified ODP, a walking and cycling connection is currently shown linking to the rural land in the east which could be upgraded to a roading connection (this would address the concern raised by submitters 22 and 79).

9.51 An additional roading connection near the top eastern part of ODP area 3 has been shown as required as part of PC17 for access to a potential rural residential development from ODP area 3. As per issue 6 ODP Area 1, I consider that it would be premature to recommend that this road connection should be approved as part of PC7 (and that the ODP should be modified).

9.52 However if the road connection is required as part of PC17, the inclusion of the road connection could occur at subdivision consent stage for ODP Area 3 as the additional roading connection linking land adjacent to ODP Area 3 to the east would not be modifying the primary

and secondary road connections which are only required to be shown on the ODP for ODP Area 3.

#### Recommendation No 26

The recommendation is that the submission 22 (Decision D5) and 79 (Decision D5) seeking the ability to turn a walkway / cycleway in to a road in the future is already addressed in the ODP and should be accepted in part.

#### *Issue 3: Setback from the State Highway / Access to the State Highway*

9.53 New Zealand Transport Agency (Submitter 31) has raised two issues within ODP Area 3. They are:

- Reverse Sensitivity from the State Highway 1
- Access to the State Highway 1

#### Reverse Sensitivity

9.54 The submitter outlines that PC7 does not adequately address reverse sensitivity as it currently allows for dwellings to be built up to 40 m from SH1 with no noise mitigation measures, as stated under Rule 4.9.25 (of the existing District Plan).

9.55 NZTA's reverse sensitivity policy requires that noise sensitive buildings, such as dwellings which are built between 40 – 100m of a State Highway require some form of noise mitigation which ensures that internal noise levels meet the requirements of AS/NZS2107:2000. Currently there are no rules in the District Plan mitigating reverse sensitivity issue of noise from traffic 40 – 100m from the State Highway.

9.56 The submitter suggests making the following amendments:

- Delete Rule 4.9.25 or
- Amended the rule so as to address the submitters concerns with the following text under the heading "Rolleston"(insert new rule 4.9.20 and 4.9.21)
  - *In ODP Area 3 in Rolleston, no dwelling shall be located closer than 40m (measured from the nearest painted edge of the carriageway) from State Highway 1.*
  - *In ODP Area 3 in Rolleston, for any dwelling constructed between 40m and 100m (measured from the nearest painted edge of the carriageway) from State Highway 1:*
    - *Appropriate noise control must be designed, constructed and maintained to ensure noise levels within the dwelling meet*

*the internal design levels in AS/NZS2107:2000 (or its successor) – ‘Recommended design and sound levels and reverberation times for building interiors’;*

- *Prior to the construction of any dwelling an acoustic design certificate from a suitable qualified and experienced consultant is to be provided to Council to ensure that the above internal sound levels can be achieved.”*

9.57 In considering the amendments I would make the following comments:

- If rule 4.9.25 was deleted there would be no protection against noise in other areas of Rolleston within 40m of the State Highway. Plan Change 12 has been notified by Council which deletes Rule 4.9.18 (4.9.25 in PC7) and replaces it with a new Rule 4.9.3 and 4.9.4 which does not allow dwellings, family flats and any room within accessory buildings used for sleeping or living purposes to be located closer than 40m from the edge of the sealed carriageway of State Highways. This change will have an impact on ODP Area 1 in Rolleston;
- The amendments suggested by the submitter would address the reserve sensitivity issue and the land owner affected by this issue; and (submitter 44) has further submitted in support of the amendments.
- If the amendments were accepted, the District Plan would fully comply with NZTA’s reverse sensitivity policy

9.58 Therefore I would consider that the amendments recommended by the NZTA should be accepted.

#### Access to State Highway 1

9.59 Submitter 31 also considers that PC7 does not adequately protect the efficiency of State Highway 1 by ensuring that no direct traffic access is obtained from ODP 3 to the State Highway.

9.60 I do agree that it is important to protect the efficiency of State Highway 1. Based on the current ODP included in Plan Change 7 this site does not provide any roading connection onto State Highway 1. This is because of the criteria in Policy B4.3.68 that states “No direct vehicle access from State Highway 1”. Currently there is a 40m buffer between State Highway 1 and the beginning of ODP Area 3 and based on the design of the ODP, a roading connection on to the State Highway would make little or no sense.

9.61 Should a road connection be suggested at subdivision consent stage linking ODP Area 3 to the State Highway, NZTA would need to be consulted as an affected party and written approval would need to be given before Council would approve the subdivision consent. As NZTA has outlined in their submission that they do not want access points on

State Highway 1, written approval would be unlikely to be given and subsequently Council would not support the road connection.

- 9.62 Therefore I would conclude that there is enough protection to address this issue currently and no further changes are required to the District Plan.

Recommendation No 27

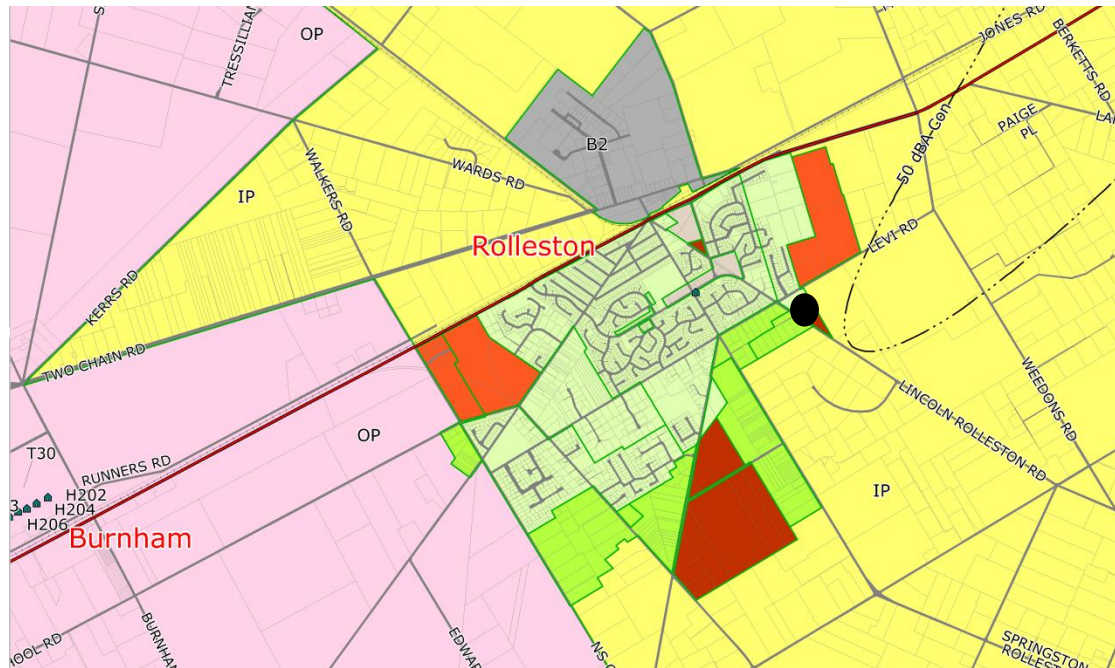
The recommendation is that the submission 31 (Decision D1 and D2) addressing reverse sensitivity issues should be accepted and that issue relating to the access to State Highway 1 (Decision D3) should be rejected due to existing provisions in the District Plan.



## Rolleston Outline Development Area 4

### Background on ODP

- 9.63 ODP 4 covers approximately 7.2 hectares of land in the east of the township currently zoned Inner Plains which permits subdivision down to a minimum allotment size of four hectares. The RSP shows housing density of 15 households per hectare for this area, and has the capacity to provide for some 108 new households.

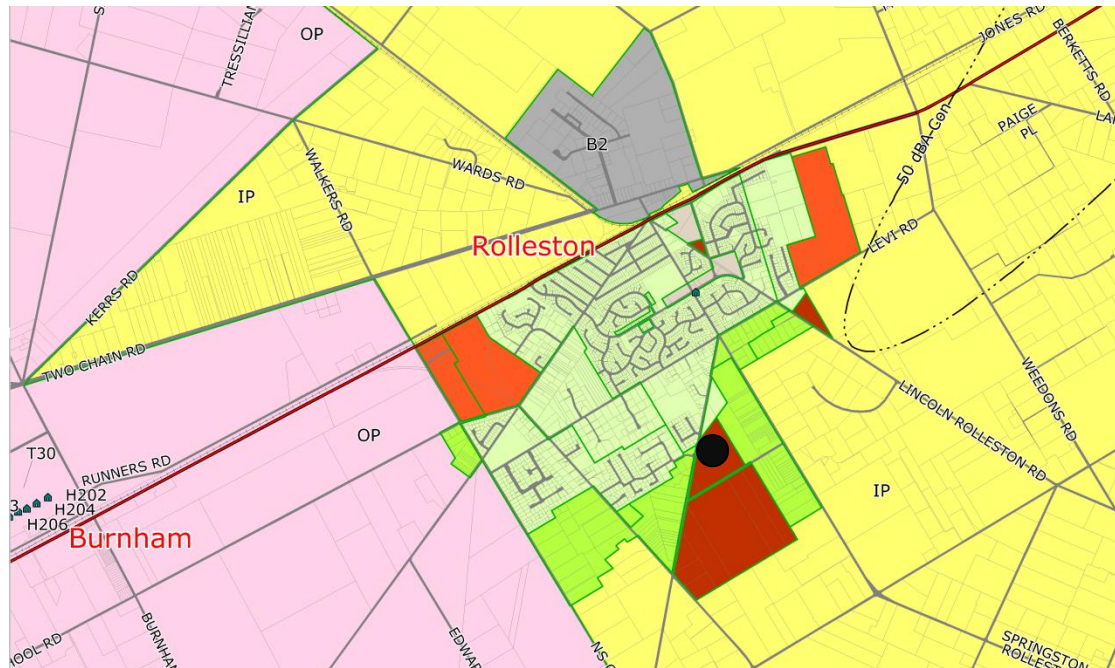


- 9.64 No submissions were made on this Area. An ODP for this area has yet to be developed and given the absence of submissions this area will remain deferred until such an ODP is included in the District Plan.

## Rolleston Outline Development Area 5

### Background on ODP

- 9.65 ODP 5 covers approximately 19.3 hectares of land located between Goulds Road and Dynes Road to the south of the township currently zoned rural Inner Plains. The RSP shows that this area will form part of a 42 hectare Recreation Precinct and as a result PC7 has not allocated any households to it.



Submission	Further Submission(s)
[S91] Foster Holdings Limited	[F31] New Zealand Transport Agency (Oppose)
[S22] Selwyn Central Community Board	
[S79] Rolleston Residents Association	

- 9.66 The above submissions have supported PC7 or raised some issues in regard to Outline Development Plan 5.

### *Issue 1: Combining ODP Area 5 and 6 into one ODP Area*

- 9.67 Two submitters [22 and 79] seek that ODP Areas 5 & 6 be combined for consideration in PC7, so that the recreation and open space facilities be provided in either ODP Area 5 or 6 and that the housing numbers and densities be achieved across the combined ODP Area 5 & 6

- 9.68 The identification of ODP Area 5 was first included in Variation 1 to Proposed Change 1 to the Regional Policy Statement. As part of their submission to PC1, the original landowner sort to join together ODP Area 5 and 6. However the commissioners made no changes to the amount of ODPs shown in Rolleston via their decision for PC1. The commissioners made the following comments:

*“The decision summary does not note that the submission seeks to extend the area covered by Greenfields Area SR 6 and also combine it with SR 7. Neither extension nor combining the areas is considered appropriate. There is no impediment to a combined ODP being prepared for more than one Greenfields Area in terms of Change 1.”*

- 9.69 On 8 June 2010 the Council approved the purchase of ODP Area 5 and surrounding area from Submitter 91 to form part of a 42 hectare Recreation Precinct. This decision was consistent with the Rolleston Structure Plan which recommended the development of recreation facilities on this site.
- 9.70 Currently, Council is working on a designation and a masterplan for this site to establish the Recreation Precinct.
- 9.71 I consider that the outcome sought by submitter [22, 79] has been superseded by the purchase of ODP 5 by the Council for use as a recreation precinct and therefore the function and future landuse of areas 5 and 6 will differ significantly, and will be developed by different landowners for different purposes. As a result I would recommend that these submissions be rejected and the ODPs remain separate.

#### Recommendation No 28

The recommendation is that the submission 22 (Decision D6) and 79 (Decision D6) seeking to join together ODP Area 5 and 6 should be rejected

#### *Issue 2: Include additional land adjacent to ODP Area 5*

- 9.72 As stated above, Submitter 91 was the previous owner of the land subject to ODP Area 5. At the time of submission, they supported the rezoning of the land and the ODP criteria included in Policy B4.3.58 of PC7 that state “Provision of District-function recreation and open space facilities”.
- 9.73 However submitter 91 has suggested that all of the land that forms the Recreation Precinct should be rezoned and form part of ODP Area 5. This would expand the ODP Area from 19.3 hectares to 43.7 hectares (an increase of 126% of the original size of the ODP). A map of this area can be seen in Appendix A of submission 91.

9.74 Council is now the landowner of all of the land within the Recreation Precinct. The Precinct is made up following land zonings:

- Living Z Deferred (as per PC7)= 19.3 ha (44% of the site)
- Living 1B = 5.47 ha (13% of the site)
- Living 2 = 1.98 ha (4% of the site)
- Living 2A = 16.66ha (38% of the site)

9.75 Considering the submission, the request made by the previous landowner does have some merit as it will allow all of the land within the Recreation Precinct to align to the criteria for the ODP under B4.3.68. It would also have the benefit of reducing the amount of zoning within this area from four down to one. However the Selwyn District Council is currently developing a Notice of Requirement for the Recreation Precinct which will accomplish the same outcomes as requested by the submitter (ensuring the entire Recreation Precinct is developed as a integrated whole).

9.76 As a result I do not see the benefit of rezoning the additional land as it will be subject to a separate designation process.

#### Recommendation No 29

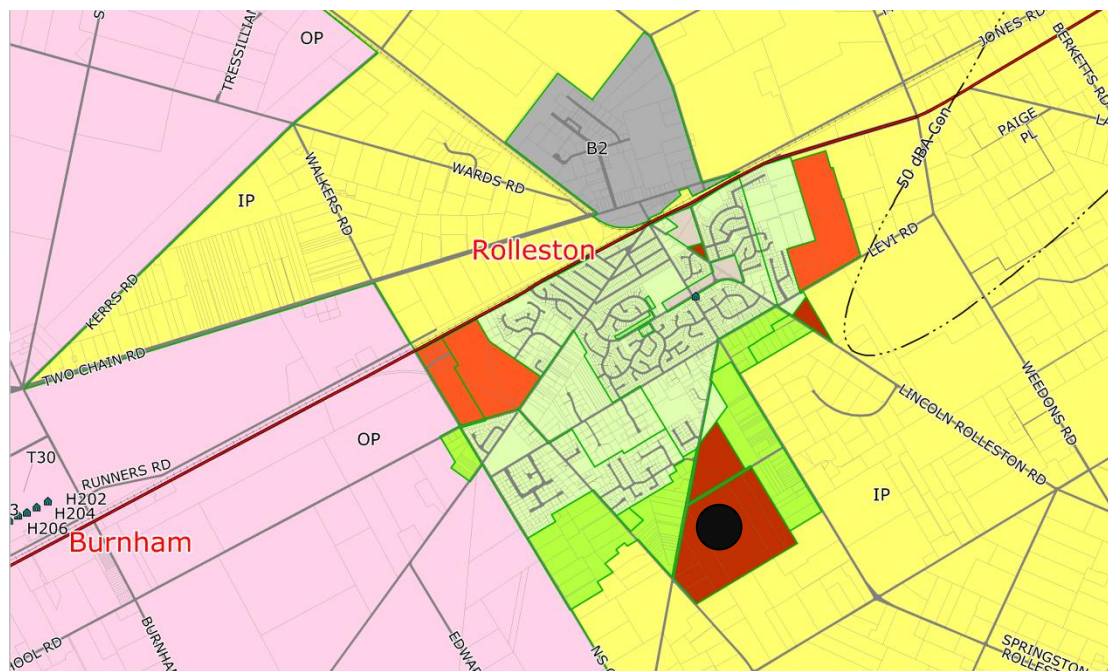
The recommendation is that the submission 91 (Decision D1, D2 and D4) seeking rezoning of ODP Area 5 be accepted in part and (Decision D3) seeking that additional land within the Recreation Precinct should be rezoned to Living Z Deferred should be rejected



## Rolleston Outline Development Plan 6

### Background on ODP

9.77 ODP 6 covers approximately 82 hectares of land in the south of the township currently zoned Inner Plains. The RSP shows housing density of 13 households per hectare for this area (incorporating a mix of density from 10 to 20 households per hectare), and has the capacity to provide for some 1100 new households.



Submission	Further Submission(s)
[S91] Foster Holdings Limited	[F31] New Zealand Transport Agency (Oppose) [F82] Rolleston Square Ltd (Oppose) [F83] Rolleston Retail Ltd (Oppose) [F84] RollTen Investments Ltd (Oppose) [F22] Selwyn Central Community Board (Oppose)
[S22] Selwyn Central Community Board	[F91] Foster Holdings Limited (Oppose) [F31] New Zealand Transport Agency (Oppose)
[S79] Rolleston Residents Association	[F91] Foster Holdings Limited (Oppose) [F31] New Zealand Transport Agency (Oppose)

- 9.78 The above submissions have supported PC7 or raised some issues in regard to Outline Development Plan 6.
- 9.79 Submitter [91] has lodged an ODP for Area 6 as part of a submission so that if accepted the deferral could be lifted from this ODP.
- 9.80 I have reviewed the ODP and analysis supporting the ODP as part of the submission and would like to make the following points against the criteria listed in B4.3.58 for ODP Area 6.
- There is a provision of a main east-west primary connection through the area from near the intersection of Goulds Road and East Maddisons Road to Springston Rolleston Road.
  - Two local north-south secondary road connections through the area have been created. One of local roads has been provided as part of a green corridor.
  - While the ODP report outlines that there will be pedestrian and cycleways through the main connecting roads and that local minor roads and local streets will provide adequate space for pedestrian and cycle movement, there is lack of detail on the ODP map around how the road network will be located within the area to show that this can occur. Therefore in my opinion, the map as submitted cannot confirm to a satisfactory manner that this criteria has been addressed.
  - While the ODP report outlines that stormwater will be accommodated through a combination of swales, proprietary systems, together with above and below ground management and treatment devices prior to discharging to ground, the locations of which could be within road reserves, at source or located within reserve areas. However there is a lack of detail on the ODP map to show how this can be achieved. Therefore in my opinion, the map as submitted cannot confirm to a satisfactory manner that this criteria has been addressed.
  - The ODP report outlines that water reticulation where possible will be an extension of the existing water supply or alternatively a new water bore could be located within ODP Area 6. In addition, all water mains will follow the road network or pedestrian routes. However, there is a lack of detail on the ODP Map to show where a new water bore could be located if required and how the water mains would follow the road network (due to the lack of detail on the road network).
  - A local centre has been located within this ODP. The criteria outlined that this was a possible location for the centre. The location of the local centre is consistent with the Rolleston Structure Plan. However that was on the proviso that the north – south roading connection continued through ODP Area 6 into ODP Area 5. However as Council has considered how to develop Recreation Precinct [ODP Area 5], it is considering moving the north – south roading connection approximately 150m east (this would help with movement throughout the Recreation Precinct and help the ability to

intensify the Living 2 area to the east in the future). The new road would connect up to Dynes Road and the local centre would be located on the intersection. However this would locate the local centre outside of ODP Area 6 (by approximately 100 m). At this stage I would consider there is some debate whether or not local centre should be included within ODP Area 6.

- A neighbourhood centre has been located within the ODP. The location of the centre is consistent with the Rolleston Structure Plan.
- While a number of neighbourhood parks have been identified (5), there is a lack of information surrounding the size of these parks, the overall amount of land required for neighbourhood parks for ODP Area 6 (considering the impact of the 42 hectare Recreational Precinct adjacent to this area) and how the parks will enhance the amenity around the mixed housing density in this area. In addition it is not stated whether these parks will be owned by Council or privately.
- The ODP report outlines that 1050 households will be provided in ODP Area 6. This equates to approximately 13 households per hectare.

9.81 A pre hearing meeting between representatives of the submitter and Council occurred on 3 December 2010 and the 3 February 2011. The meetings discussed the Council's concerns regarding the ODP lodged with the submission, as outlined above (the notes of these meetings are unavailable due to the recent Christchurch Earthquake).

9.82 An amended ODP was developed by the submitter and provided to Council (attached as Appendix Thirteen). I have reviewed the amended ODP and ODP report and would like to make the following points:

- The amended ODP now contains a separate layer diagram explaining how the movement network will work. The layer clearly states primary and secondary roads will provide footpaths and safe cycle routes. Tertiary roads will also provide adequate space for cyclists and convenient pedestrian movements. Shared off-road pedestrian and cycle connections will be provided to achieve safe, attractive active transports corridors and recreational amenity. With this also shown in the ODP diagram, I am now satisfied that the amended ODP now addresses this criteria in B4.3.58.
- The amended ODP now contains a separate layer diagram explaining how stormwater, wastewater and water supply will work. In relation to stormwater the ODP outlines that
  - Underlying soils are relatively free-draining and infiltration to ground is generally the most appropriate means of stormwater disposal
  - Public storm water system will primarily only be required for runoff generated from within the road reserve and individual buildings will be able to dispose of roof water directly to ground within private properties.

- Where there is potential for the stormwater to be contaminated (e.g. road runoff), treatment will be incorporated into the stormwater system prior to disposal.
  - The ability to add amenity value, beyond a pure stormwater function, will also be key component to the overall design as can be seen in the Blue Network Layer Diagram of the ODP.
- I am now satisfied that the amended ODP has addressed the stormwater criteria in B4.3.58.
- Within the amended ODP the location for the neighbourhood and local centre has remained unchanged from the original ODP submitted. I support the location of both the neighbourhood centre and the local centre (this is because the local centre has been moved slightly to the west to form part of the open space area which is utilising the existing water race. This will create an amenity feature for this ODP).
- I also support the size of the neighbourhood centre / and local centre and is consistent with the new policy / rule package that was discussed in paragraph 8.38 to 8.43.
- The amended ODP now contains a separate layer diagram explaining how the green network will work in this area. The layer clearly states where the open space will be located and that Council standard of 1.2 hectares of open space for every 1000 new residents has been used. Additional open space has been provided over and above this standard and at subdivision stage, alternative arrangements may be made for any additional open space land that the Council does not take towards reserves contributions. Ms Greenup has provided evidence on this issue and states that “Council supports the general intention of the ODP but will require the plan to be detailed, at subdivision, to meet the Council’s concerns that the open space shown is excessive both in the light of the density of the development and the presence of the adjoining Recreation Precinct”.
- I am now satisfied that the amended ODP now addresses the open space criteria in B4.3.58.

#### Scope of modifying the ODP after the submission has been lodged

9.83 The amended ODP design has been modified since the original submitted version to address a number of issues that Council has raised. Under point 16.1 of the submission, the submitter seeks the following “that the ODP and accompanying report within an appendix to the District Plan, subject to any modifications as necessary and appropriate”.

9.84 When considering the scope of this point Mr Carranceja has considered this issue and has provided the following legal opinion:

In *Campbell v Christchurch City Council* [2002] NZRMA 352, the Environment Court considered that the test of whether a submission gives jurisdiction to entertain a particular relief sought is whether the



submission, as a whole, fairly and reasonably raises some relief, expressly or by implication, about an identified issue. The High Court in *Royal Forest & Bird Protection Society Inc v Southland District Council* [1997] NZRMA 408 considered that the assessment of whether any amendment is reasonably and fairly raised in the course of submissions should be approached in a realistically workable fashion rather than the perspective of legal nicety. A further consideration that is relevant is whether persons who might be affected by the amendment compared to the original submission would have contemplated such an amendment when reading the original notified submission (*Awarua Farm (Marlborough) Limited v Marlborough District Council* (W70/2004)).

I consider that no scope issues arise because the Fosters submission fairly, reasonably and clearly identifies as relief a request to change Plan Change 7 by incorporating an ODP for the relevant land. That ODP sought (amongst other things) residential densities ranging from 10 households per hectare to 20 households per hectare located in various areas within the relevant land, with a neighbourhood centre and a local centre, and indicative locations for various roads. A comparison of the ODP in the original submission and the updated ODP reveals the following:

- (a) The alternative relief represented by the updated ODP relates to the same area of land identified in the ODP contained in the original Foster submission.
- (b) The updated ODP similarly seeks residential densities ranging from 10 households per hectare to 20 households per hectare. Although the locations of those various densities have been rearranged in the updated ODP, the overall residential density sought for the relevant land in the updated ODP is similar to that sought in the ODP contained in the Fosters original submission;
- (c) The updated ODP identifies a neighbourhood centre and a local centre in similar locations to that shown on the ODP in the original Foster submission;
- (d) The updated ODP shows roading in locations relatively close to the "indicative" locations shown in the original ODP.

9.85 As no scope issues have been identified with the modifications made to this ODP, I consider that the changes made now fully address the ODP criteria in Policy B4.3.58 and Policy 8 of PC1.

9.86 Therefore I support this modified ODP for this area and recommend it should be rezoned to Living Z.

#### Recommendation No 30

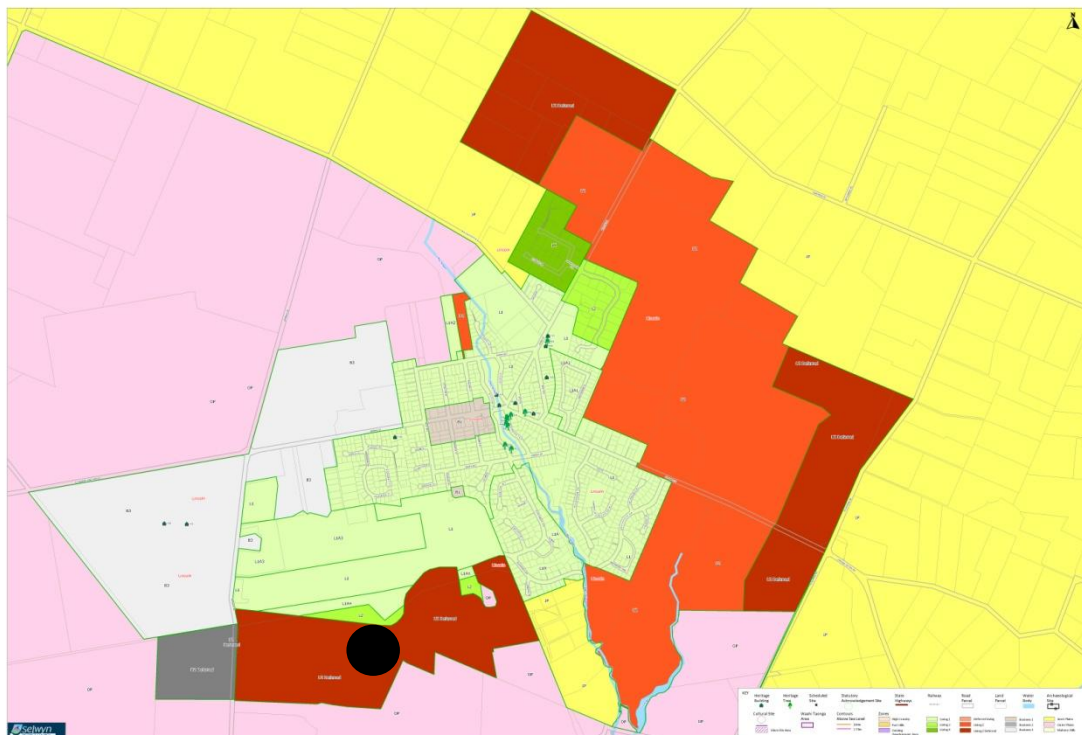
The recommendation is that the submission 91 (Decision 5 and 6) seeking to include an ODP within PC7 be accepted (subject to new ODP submitted as part of the pre hearing meetings) and rezoned ODP area 6 to Living Z (Decision D7 and D8) should be accepted

## 10 Assessment Group 6: Lincoln ODPs

### Lincoln Outline Development Plan 1

#### Background on ODP

- 10.1 ODP 1 covers the southern portion of the 'Dairy Block' and incorporates the Council oxidation pond and additional rural land that may be required for stormwater management purposes. The majority of this site is currently zoned Living 2, which enables subdivision down to a minimum of 3,000m<sup>2</sup> per allotment. ODP 1 will achieve a minimum net density of at least 10hh/ha, equating to 495 households, including the provision for medium density housing within the western extent of the site.
- 10.2 The ODP has been designed to connect to the northern part of the Dairy Block, which has already been granted subdivision consent in accordance with its current residential zoning. Overall, the development pattern shown within ODP 1 is considered to be more closely aligned with the LSP and with the consolidation approach contained in PC1 than what could be achieved under the current Living 2 zoning. Other key features of the ODP include the identification of a potential bypass road along the southern boundary of the site, a landscape buffer to the adjoining rural land; and a comprehensive open space and stormwater network.



Submission	Further Submission(s)
[S85] Lincoln Land Development	[F15] Lincoln Estates Ltd
	[F31] New Zealand Transport Agency
	[F47] Fulton Hogan
	[F49] Broadfield Developments Limited
	[F89] McIntosh
	[F90] Denwood Trustees
[S87] Joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga	[F15] Lincoln Estates Ltd [F29] Plant and Food Research
[S89] McIntosh, Jung and Lee	[F31] New Zealand Transport Agency
	[F85] LLD
	[F98] Belcher
	[F99] A Belcher
	[F100] Pringle
	[F101] Jacques
	[F102] McKeich
	[F103] Hopkins

- 10.3 The above submissions raise a number of issues in regards to Outline Development Plan Area 1, which have been grouped into the following issues for ease of reference.

*Issue 1: LLD oppose the deferment of ODP Area 1 until 2021*

- 10.4 The submitter challenges the reasons set out in the s32 documentation for the deferment of this ODP Area until Phase 2, commencing in 2021. In particular, the submitter states that land allocation is not an appropriate role for Council to play. The submitter goes on to note that the [whole of the] Dairy Block is “an ideal place for the town to expand to provide for the projected population” and that the potential 6 year delay will lead to an inefficient use of land. Concerns are also expressed with regard to any reliance on PC1 with respect to deferring the development of land in accordance with these provisions, which remains subject to appeal (including an appeal by LLD).
- 10.5 In the first instance, I recognise that one of the primary reasons behind the initiation of PC7 was to introduce a Council-led approach to managing the effects of urban growth, rather than relying on market-led private plan changes. This is a significant and fundamental change to the District Plan, which has arisen from a desire to manage a rapid growth rate in a way that addresses the availability of, and ability of Council to provide appropriate affordable infrastructure; difficulties in integrating new development with existing townships; and retaining the open and spacious rural identity and character of the District. A key tool in ensuring the success of this strategic approach is the

appropriate and timely allocation of land for urban growth. I therefore disagree with the submitter that land allocation is not an appropriate role for Council to play.

- 10.6 I do however agree with the submitter that ODP Area 1 is an “ideal place for the town to expand”, hence why it is zoned for Living purposes and why the Council supports the intensification of residential activities in accordance with the ODP notified as part of PC7. It is therefore just a question of when is the appropriate time for this development to occur.
- 10.7 Regardless of the status of PC1, the primary reasons for sequencing development are to ensure the timely and efficient provision of infrastructure and to encourage consolidation of the existing township. The deferral of ODP Area 1 is therefore anticipated to create efficiencies with regard to the provision of infrastructure and operation of transport networks, and reinforce the existing Town Centre, while enabling sufficient residential-zoned land within other parts of Lincoln to cater for projected growth over the next 10 years.
- 10.8 Sequencing is supported by Mr Blake-Manson, as a means of ensuring the efficient provision of infrastructure for the whole Township, rather than Council having to manage the installation of a comprehensive service network on an ad hoc basis. In this regard, I note that Mr Blake-Manson identifies the following benefits of plan-led approach, including the staging of development.
- *By contrast, plan led growth offers a number of advantages over develop led growth, from a servicing perspective. These include:*
    - *The council having a greater degree of confidence over where and when growth will occur, resulting in more efficient and cost effective infrastructure planning.*
    - *The council being able to plan for and manage the development in the agreed locations, therefore optimising its investment in growth related works to reduce the overall cost to the community.*
    - *Having a higher degree of certainty over when and where growth will occur, reducing the risk that infrastructure will need to be upgraded before the end of its economic life.*
  - *The staging identified in PC7 and via ODP’s is of considerable benefit to developers and existing scheme members in that it is the most reliable indicator of likely growth and the location this growth will occur in.*
- 10.9 Similarly, I note that Mr Mazey identifies the benefits of implementing a staged development regime, as follows:
- *Staged development offers significant advantages towards providing a well connected and progressive roading and transport*

*network within a relatively short period, avoiding the creation of disjointed no exit roads, a typical outcome of uncoordinated development. Another advantage is that a well planned and contiguous main roading network can facilitate the installation of strategic trunk water, sewerage and other utilities within the new transport corridors without the need to establish private land easements.*

- 10.10 The assessment of available residential-zoned land included provision for 371 newly created allotments within the northern half of the 'Dairy Block', which had already obtained subdivision consent in accordance with the existing zoning prior to the notification of PC7. Taking into account the substantial size and extent of works required to complete this subdivision, together with the 295ha of other land zoned Living Z and contained within the first development phase, the deferral of ODP Area 1 until 2021 was considered unlikely to compromise the ability for Lincoln to accommodate the projected population growth within this period.
- 10.11 In saying this, it is recognised that should an area of land zoned Living Z within the first phase not be developed within this time period, then the Council may consider adjusting the sequencing of other land within the Urban Limit, including ODP Area 1, to ensure that growth is not unduly stymied. It is anticipated that the uptake of Living Z land, and conversely any lack of development within the Living Z zone, will form part of the Council's monitoring strategy for managing future growth. This approach is consistent with Policy 6(b) of Change 1 which enables the phasing of development within the MUL to be altered where a particular Greenfields Area does not proceed within the anticipated phasing period, and the equivalent capacity can be appropriately serviced within another Greenfields Area.
- 10.12 In accordance with the household allocations specified in PC1 (Policy 6, Tables 1 & 2), the Lincoln growth areas have been split into two phases. Phase 1 will readily accommodate the 1740 households shown in Table 2 for Lincoln, with some additional capacity built-in through the identification of medium density areas within ODP Areas 1 & 3. In the event that LLD's submission is accepted and ODP Area 1 is included in Phase 1, it is evident that the inclusion of an additional 495 households would substantially exceed the household allocation for Phase 1, unless the same number of households was substituted with another area currently allocated to Phase 1.
- 10.13 For the foregoing reasons, I do not support the inclusion of ODP Area 1 within the first growth phase, until 2021.

### Recommendation No 31

The recommendation is that submission S85 (Decision No's D2, D3, D4, D5, and D9) seeking to include ODP Area 1 within Phase 1 be rejected.

*Issue 2: LLD oppose the identification of a future bypass road on ODP Area 1 and other roading issues*

- 10.14 The submitter opposes the identification of a potential bypass road linking Ellesmere Junction Road to Ellesmere Road on within the policy criteria for ODP Area 1 and as shown on the ODP itself. LLD state that it is inappropriate to include reference to this bypass through a reliance on CRETS, which is a non-statutory document.
- 10.15 In addressing this submission I refer to Mr Mazey's evidence, which provides a detailed discussion regarding the rationale for identifying the bypass road on ODP Area 1. In this respect, I note Mr Mazey's conclusions as follows:
- *In simple terms Council needs to protect a future Lincoln southern bypass option. Good strategic transport planning utilises studies like CRETS and the LSP to identify early in the planning process transport opportunities worth protecting. This is achieved through land use planning initiatives such as PC7 that can at least protect transport corridors so they are not lost, even though construction of infrastructure may not be immediately forthcoming. The case of the bypass is a prime example of that advocated by the UDS transport objective that seeks to integrate land transport systems with land use planning at the earliest opportunity.*
  - *The representation of the bypass road in PC7 and ODP1 in the way undertaken, signals to land owners Councils future intentions with sufficient certainty to allow informed decisions to be made. When it is considered that the bypass will generally align with routes that follow old and current roads, and within new corridors that can accommodate such a road in the future, this should not unduly impinge on any existing land use and possible development scenarios.*
  - *It is my opinion should Council ever wish to proceed with the bypass in the future, it will likely need to designate the route under a suitable RMA and/or public works process. This is the appropriate point were landowners and others can participate relating to any specific effects based on the information about the form and function of the bypass available at that time. In the meantime the existing and proposed land use along the proposed alignment can remain without any undue encumbrance.*

- 10.16 I accept Mr Mazey's advice and agree that it is appropriate to identify a potential southern bypass on the ODP at this time. I also note that the bypass is located on the southern (furthest) extent of the development area, the whole of which is not scheduled to commence until the second phasing period (2021). By this time, the Council may be in a better position to advise whether it is likely to proceed with the establishment of the bypass. In the interim, I consider that it is appropriate to inform both the developer and the general public of the Council's intention in this regard. Therefore I consider that this submission point should be rejected.
- 10.17 The submitter also seeks clarification of the first bullet point for this ODP Area under Policy B4.3.56. The bullet point seeks
- "ODP Area 1 to align with ODP Area 5".
- 10.18 The proposed ODP containing the potential bypass road aligns with the same potential roading link on ODP Area 5, which is the primary relationship between the two ODP areas. I therefore consider that this ODP satisfies this part of the policy criteria, whereas the proposed ODP without the bypass road does not align with ODP Area 5.
- 10.19 In addition, the submitter raises an issue with Appendix 13 of the District Plan (Transportation Standards). The submitter states:
- The Plan Change (PC7) not only encourages smaller block lengths to create permeability and to encourage active transport option (which effectively means more intersections), but also smaller lots on balance. However no adjustment to the roading standards for intersection spacing or separation between driveways and intersections are proposed to reflect this. Similarly, if the intent is to encourage innovative roading designs, LLD considers that the prescriptive table of roading configurations within the standards requires revisiting. Given that the minimum shape factors for medium density can result in a 15m road frontage and the minimum separation distance for crossings is 25m, it is clear that some of these typologies will never comply with the standards even though policies promote their use. LLD notes that the Council is currently involved in a plan change which is meant to impact on the transportation rules. This might be an appropriate area to address this issue, if not part of PC7.*
- 10.20 The submitter is current the Council notified Plan Change 12 to address this and other transportation standard issues. I am aware that the submitter submitted on Plan Change 12 and I would consider that this is the suitable vehicle to address these concerns and not PC7.

### Recommendation No 32

The recommendation is that submission S85 (Decision No D13, D20, D21 and D23) seeking to remove the future bypass road from ODP Area 1, the corresponding criteria of Policy B4.3.56 and amendments to Appendix 13 should be rejected. Decision No D12 should be accepted.

#### *Issue 3: Sewerage treatment plant buffer zone*

- 10.21 A submission by LLD requests flexibility in the administration of the 150m buffer zone around the perimeter of the existing sewerage treatment plan in the event that it ceases to be used for this purpose. McIntosh, Jung and Lee also seek the deletion of the associated criteria within Policy B4.3.56.
- 10.22 I note that this matter was the subject of a pre-hearing meeting between the Council and LLD (at the request of the submitter) on 19 January 2011. I understand that while no agreement was reached at the meeting, the Council agreed to review LLD's suggested wording to give effect to the relief sought. This was subsequently provided by LLD on 31 January 2011 and comprised the addition of the following text:
- Maintenance of the buffer zone (150m) around the perimeter of the sewerage treatment plant. **Except that should the Plant be decommissioned, the buffer zone will no longer be required;**
- 10.23 I note that this submission has been addressed in paragraph 6.8 and the recommendation is that this submission be rejected.

### Recommendation No 33

The recommendation is that submissions S85 (Decision No D14) relating to the sewerage treatment plant buffer zone be rejected.

#### *Issue 5: LLD request that a 'key open space location' be shown adjacent to the medium density area on ODP Area 1: Green Network Plan*

- 10.24 The submitter opposes the absence of a 'key open space location' on the Green Network Plan in between the medium density areas to the west of the site, which is instead shown as a 'key open space linkage'. The submitter notes that Council amended this aspect of the ODP before notification of PC7.



10.25 In addressing this submission I refer to Ms Greenup's evidence, which states:

- *The Council's intention is to secure a linear park to join the two parallel roads shown on the ODP in this location. Until a more detailed subdivision plan is tabled, the Council cannot say with any degree of certainty how much public open space would be required in this location, but it is likely to be narrower than Lot 1105 as shown on the LLD Stage 2 plans. A band of solid colour on the ODP (but not as wide as the Lot 1105 to the north) would therefore show the connection intention rather than a node of space, which an asterisk might be interpreted to represent. It is envisaged that this linear park may be up to 20m wide and that it provide an open space outlook for the entire length of the medium density housing opposite it. This is fully aligned with the Council's 'Design Guide for Medium Density Housing' section 5, where the idea of a linear reserve is diagrammatically represented and described in the text:-*

*"However, developments should take advantage of the opportunities afforded by open space. It makes sense to step up the density of development around open space...so that more people are closer to it, thus increasing its public benefit."*

- *It is also aligned to the Policy 3.4.3 of the District Plan.*

10.26 I accept Ms Greenup's advice and I note that Policy [B]3.4.3 (as amended by PC7) seeks to ensure that medium density housing is "designed to be in keeping with the surrounding environment by providing space between houses or blocks of terraces to provide privacy, sunlight and daylight access and to maximise access of private and public open space". On the basis that a linear park will still achieve an open space outlook for the entire length of adjoining housing, I consider that the identification of an open space 'linkage' is sufficient to achieve the outcomes sought by Policy [B]3.4.3. I therefore recommend that this submission be rejected.

#### Recommendation No 34

The recommendation is that submission S85 (Decision No D25) seeking to change a 'key open space linkage' to a 'key open space location' be rejected.

*Issue 6: Ngai Tahu request that ODP Area 1 be amended to include a riparian margin adjacent to the L1 (Liffey) Creek and a 'spring reserve' on the southern boundary of ODP Area 1.*

10.27 A joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga

(hereon referred to as “Ngai Tahu”) seeks a riparian margin and appropriately planted buffer of at least 20m in width along the L1 to buffer the river, in order to better provide for water quality in the river and through this provide for restoration and enhancement of tangata whenua values. The submission also requests the creation of a 'spring reserve' to protect the existing springs that are located on the southern boundary of ODP Area 1.

10.28 In addressing these submission points I refer to Mr Blake-Manson's evidence where he advises that a global stormwater consent application (CRC092812) to discharge stormwater into surface water and onto land for the Lincoln Integrated Stormwater Management Plan (ISMP) area, including all ODP areas, has been lodged with Environment Canterbury (paragraph 3.78). Mr Blake-Manson then goes on to state that:

- *It is also relevant to note that a Cultural Impact Assessment (CIA) has been undertaken by Mahaanui Kurataiao Ltd (MKT) as part of the global stormwater consent application. The CIA identified a number of Ngāi Tahu values associated with the Lincoln ISMP area that will be affected by the proposed integrated stormwater management system, including Wāhi Tapu/Wāhi Taonga, Mauri, Mahinga Kai and Kaitiakitanga. Of particular importance is the extensive waipuna (spring systems) within the ISMP area that hold special value to the iwi and hāpu (Te Taumutu Runanga). The Council is currently liaising with MKT to address their concerns through the ISMP/global consent process, which will include the separation of spring water from stormwater within the Lincoln ODP Area 2. **Further collaboration is anticipated to address issues raised with respect to the treatment of waterway margins and plantings and reserve management.** It is recognised that there is a crossover between the ISMP and PC7 in addressing cultural values, however it is expected that the outcomes of the ISMP will provide greater certainty to MKT than that which can be achieved through PC7.*
- *Submission 87 D4. I agree in principle with the need for improved riparian management and Council is developing a management plan, including landscape and planting requirements, to enable that through the ISMP/global discharge consent process. Ngai Tahu will be invited to comment on this plan...*

10.29 On the basis of Mr Blake-Manson's advice it is apparent that the preparation of a riparian management plan for the whole of the ISMP area is a more appropriate mechanism to address Ngai Tahu's concerns than via provisions in the District Plan in this instance. In particular, I note that the area of land adjoining the L1 Creek that is included within the boundaries of ODP Area 1 is only identified for stormwater purposes (not for urban development).

10.30 As such, Council would be unable to secure an esplanade reserve adjacent to the waterbody unless this land was subdivided for residential purposes, or it was otherwise acquired by alternative means. I therefore agree with Mr Blake-Manson that a collaborative approach to riparian management (via the ISMP process) that involves appropriate Ngai Tahu representatives is likely to be of more benefit to the submitter than granting the relief sought (S87 – D4).

10.31 In respect of the submitter's request (S87 – D5) to create a 'spring reserve' to protect the existing springs that are located on the southern boundary of ODP Area 1, I understand that these springs are located outside the boundary of the ODP/ISMP area and are in separate ownership. As such, I consider that the relief sought is outside the scope of the current process.

10.32 For these reasons, I recommend that submission points S87 – D4 & D5 be rejected.

#### Recommendation No 35

The recommendation is that submission S87 (Decision No's D4 & D5) that ODP Area 1 be amended to include a riparian margin adjacent to the L1 (Liffey) Creek and a 'spring reserve' on the southern boundary of ODP Area 1 be rejected.

#### *Issue 6: Support for ODP Area 1 Location Plan, Road Network & Density Plan, Green Network Plan & Blue Network and Services Plan*

10.33 The submitter supports the extent and location of ODP Area 1, as shown on the ODP Location Plan, and the stormwater management network shown on ODP Area 1: Blue Network and Services Plan. Support is also expressed for the Road Network & Density Plan and Green Network Plan, subject to the amendments noted previously. Subject to the changes recommended in the preceding assessment, I recommend that these submissions therefore be accepted in part.

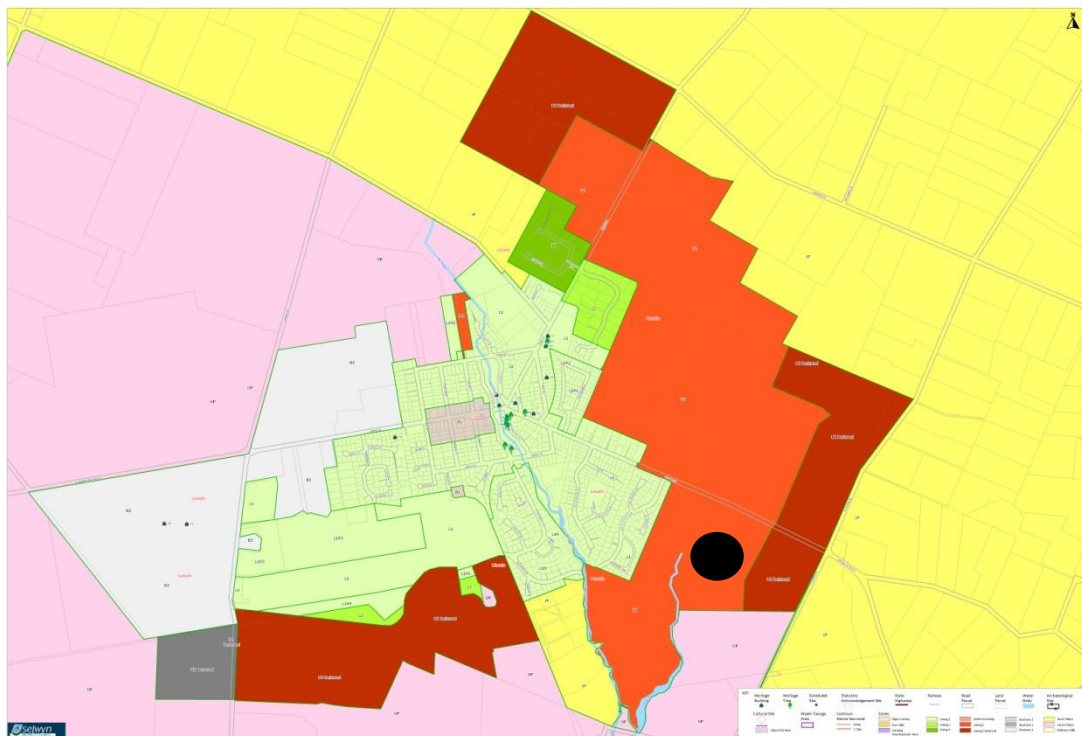
#### Recommendation No 36

The recommendation is that submission S85 (Decision No's D22, D24, D26 & D27) seeking the retention of ODP Area 1: Blue Network and Services Plan be accepted in part.

## Lincoln Outline Development Area 2

### Background on ODP

- 10.34 ODP 2 incorporates approximately 78ha of land to the east of ODP 1 and south of Edward Street. All of this land was zoned Rural, however part of ODP 2, comprising approximately 28ha, was subject to a privately requested plan change by Broadfield Estates Ltd (Proposed Plan Change 4). Plan Change 4 sought to rezone this site from Rural (Outer Plains) to Living 1 (Deferred). PC4 has since been approved by Council. It is noted that the provisions of the Living 1 (Deferred) zone and associated ODP sought through PC4 are generally consistent with the provisions of PC7 and with the ODP for Area 2.
- 10.35 Key features of ODP 2 include a roading connection between the existing subdivisions of Lincolndale and Ryelands; esplanade reserves and walking and cycling facilities adjacent to both the LI and LII creeks; and the presence of a large stormwater treatment area within the southern extent of the ODP area. If approved ODP Area 2 will provide 440 households, split over two phasing periods.



Submission	Further Submission(s)
[S15] Lincoln Estates Ltd	
[S87] Joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga	[F15] Lincoln Estates Ltd
[S49] Broadfield Developments Ltd	[F31] New Zealand Transport Agency

10.36 The above submissions raise a number of issues in regards to Outline Development Plan Area 2, which have been grouped into the following issues for ease of reference.

*Issue 1: Amendment to the Specific Policies for Townships Lincoln and ODP Area 2 policy criteria*

10.37 Lincoln Estates Ltd (LEL) has sought the deletion of the following text on page 48 of PC7:

*Preferred Growth Option*

*The first preferred direction for any expansion of the residential area at Lincoln township is south of Gerald Street and east of Springs Road.*

10.38 LEL suggests that this text is contrary to the LSP and PC7. I would agree and recommend that this text should be deleted.

10.39 In addition LEL supports the inclusion of ODP Area 2 as notified (D27), however requests that the associated criteria in Policy B4.3.56 be amended by deleting the text "provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main truck connections where necessary" (D16). I agree with the submitter that the provision of water supply was not of key concern to Council during the preparation of the ODP and as a consequence, the provision of wells and water pumping facilities was not shown on the ODP. I therefore support the deletion of this bullet point.

Recommendation No 37

The recommendation is that submission S15 (Decision No D15 and D16) seeking an amendment to Specific Policies for Townships – Lincoln and Policy B4.3.56 be accepted.

*Issue 2: Ngai Tahu request a number of amendments to ODP Area 2 to address their cultural associations with land and waters within this ODP area.*

10.40 A joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga (hereon referred to as “Ngai Tahu”) seek a number of amendments to ODP Area 2, as outlined below. The submission states that “ODP Area 2 holds the greatest concern for Ngai Tahu with a direct conflict between tangata whenua values and waipuna, and the siting of the proposed stormwater treatment area”.

#### Stormwater Treatment Area

10.41 In this regard, I refer to Mr Blake-Manson’s evidence where he advises of the rationale for the location of the wetland area, as identified through the Integrated Stormwater Management Plan (ISMP) process:

- *Submission D87 D6. The location requirements have been discussed with Ngai Tahu on a number of occasions on site and at hui. Council has chosen to use a best practice stormwater “train” approach comprising swales leading to ponds and to wetlands for stormwater flow and quality management. This logically places wetlands at the downstream end of the relevant ISMP catchment areas, rather than within those areas. The existing springs will be protected as far as possible. Some spring flow will be required in extended drought conditions to keep wetland plants alive.*

10.42 I accept Mr Blake-Manson’s advice and I note that on-going consultation with Ngai Tahu is occurring through the ISMP process in order to address their concerns. I therefore recommend that this submission be rejected in so far as it affects the location of the wetland shown on ODP Area 2.

#### Esplanade Reserves

10.43 In addressing this submission, I note that the Subdivision chapter of the District Plan contains an assessment matter (12.1.4.28) and associated appendix (Appendix 12) relating to provision of esplanade reserves. In particular, Appendix 12 contains a table (table E12.1) which outlines the waterbodies on which the Council would like to create esplanade reserves or strips when land in townships is subdivided. The table outlines the preferred instrument (reserve or strip); the purpose for which it may be created; the maximum width of the reserve strip; and the size of the allotments which are subdivided before the reserve or strip may be created. Appendix 12 goes on to state that “in using its discretion whether to create an esplanade reserve or strip in accordance with Table E12.1, the Council shall refer to policies in Part B, these being B1.2.9, B1.3.4 and B2.3.9”.

- 10.44 Table E12.1 identifies that the L1 Creek (Lincoln Township) will be subject to an assessment for the provision of an esplanade reserve with a minimum width of 20m on any sized subdivision. The Ararira / L2 River is not however identified in this table, primarily because there are no operative residential zones in this vicinity.
- 10.45 It is now apparent that in accordance with the rezoning of land on either side of the L2 River for residential purposes, which includes the provision of an esplanade reserve on both sides of the L2 within ODP Area 2, that Table E12.1 should be updated to include reference to the L2 River, in addition to the L1 Creek. I therefore recommend that this submission point (D7) be accepted and Table E12.1 in Appendix 12 be amended to list the Ararira / L2 River as being subject to an assessment for the provision of an esplanade reserve with a minimum width of 20m on any sized subdivision, as identified on ODP Area 2 :Open Space Network Plan.

#### Protection of Existing Drain/Race and Riparian Planting

- 10.46 In this regard, I refer to Mr Blake-Manson's evidence where he advises of the 'spring waterway' concept that is being developed to address Ngai Tahu's concerns regarding the mixing of stormwater and spring water through the ISMP process:

- *Submission D87 D8. SDC has developed a "spring waterway" concept plan in consultation with Ngai Tahu, which involves the separation of spring water from stormwater on the western side of Ellesmere Road. This will be achieved by piping the spring water from within ODP Area 2 and part of ODP 3 to the proposed open spring waterway across the top of the wetland, which is then discharged directly into the L2/Ararira confluence. It is estimated that \$300,000 of works will be necessary for the proposed spring water way across the Adams Block site – a meandering channel to protect existing springs and collect their flows, with riparian plantings and a walkway, and to provide discharge of the present flows to the present L2 confluence.*
- *The details of this concept are included within the global discharge consent application and will be dealt with through this consent process.*

- 10.47 I accept Mr Blake-Manson's advice and recommend that the location of the 'spring waterway' be shown on the Stormwater & Sewer Network Plan for ODP Area. On the basis that this amendment is anticipated to alleviate Ngai Tahu's concerns to some extent, I recommend that this submission be accepted in part.

## Location of swale rules and alternative stormwater treatment

10.48 I again refer to Mr Blake-Manson's evidence where he states that:

- *Submission D87 D9. Council will not consider works on eastern (Tai Tapu) side of Ellesmere Road.*
- *The reasons for swale and wetland locations are discussed above. Heavily modified remnant bush has been identified as valued to iwi in the "Lincoln Estates Ltd" parcels. This will be identified in the ISMP, but is not a priority for Council to enhance. Maintenance of the remnant bush would be the responsibility of the property owner, therefore is not a priority of council.*
- *Stormwater created through subdivision is expected to be treated through swales and infiltration, with peak flows reticulated to the larger Adams block wetland system (lower end of ODP2).*
- *The proposed wetland, as with wetlands and swamps that existed before occupation, will require base flows to keep it healthy during drought conditions. Base spring flows would allow for a variety of flora and fauna to thrive in the area. This is expected to include tuna and harakeke. Existing spring flows and groundwater in the southern part of the block should provide for that health. Unavoidably there will be a small amount of spring water being mixed with stormwater and directed through the wetland to the L2, which should be recognised as unavoidable even with the significant capital works proposed*
- *I am comfortable working with iwi on selecting plant types, and setting planting and maintenance plans. I consider that undertaking any construction and operation works is solely Council's responsibility given the costs and responsibility fall to Council. As a result, a minimum level involvement from iwi will be appropriate.*

10.49 I accept Mr Blake-Manson's advice and I note that the area of remnant bush adjacent to Ellesmere Road is unlikely to be of any significant ecological value due to its small size and that the swale can be accommodated adjacent to the spring, which is to be piped to the new 'springs waterway'. It is also recognised, as highlighted by Mr Blake-Manson, that the proposed wetland will have sufficient base spring flows to enable a variety of indigenous flora and fauna to thrive in this area, thus enhancing ecological habitat and its associated cultural values within this ODP area. I therefore recommend that this submission point (D9) be rejected.



### Recommendation No 38

The recommendations for S87 submission points relating to amendments to ODP Area 2 are as follows:

- Decision No D6 be rejected;
- Decision No D7 be accepted;
- Decision No D8 be accepted in part; and
- Decision No D9 be rejected.

### *Issue 3: Broadfield Developments Ltd seek to retain operative Living 1 zone*

- 10.50 Broadfield Developments Ltd (D1) seeks to retain its operative Living 1 (Deferred) zone and associated provisions, including an ODP (Appendix 35), approved via Plan Change 4, rather than being subject to the Living Z provisions of PC7. I note that Plan Change 4 was not operative prior to PC7 being approved for notification.
- 10.51 It seems that the main reason for the submitter's concern regarding the land being incorporated into PC7 is a difference in activity status for any subdivision lodged following the lifting of the deferral (once capacity in the reticulated sewerage network is available). In this regard, the submitter states that under the operative Living 1 zone provisions such an application would be assessed as a controlled activity, whereas under the Living Z provisions of PC7, such an application would be a non-complying activity. In the first instance, I note that all subdivisions within a Living zone are at least a restricted discretionary activity (i.e. no controlled activity subdivisions); and secondly, ODP Area 2 would already be included in the Plan in accordance with PC7 and as such, it would also be assessed as a discretionary activity (subject to compliance with all other relevant matters). As such, there appears to be no difference in activity status for any subsequent subdivision application.
- 10.52 In all other respects, there appears to be little variation between the operative Living 1 (Deferred) zone and the proposed Living Z zone of PC7, given that both require at least 10 households/hectare (with the L1 zone requiring 10.5hh/ha) and both will enable development to occur as soon as sufficient servicing infrastructure is available (i.e. no phasing constraints).
- 10.53 While I appreciate that the landowner may wish to avoid any involvement in a secondary plan change, there are a number of benefits for incorporating this land into ODP Area 2. In particular, I note that the submitter's land comprises a large and central part of this ODP area, providing the essential linkages and cross-boundary features to land areas adjoining both the eastern and western boundaries. While I recognise that the integration of this development with other parts of the ODP area can still be achieved via the ODP

already contained in the Plan (in Appendix 35), the removal of this land from the ODP will mean that the remainder of ODP Area 2 will comprise only isolated pockets in the context of any resultant ODP(s). I also note that the operative ODP does not contain any specific intersection design requirements, sewer pipe routes or location of a pump station, as is shown on ODP Area 2.

- 10.54 Overall, there appears to be little difference whether or not the submitter's land is incorporated into PC7, except that the removal of this land from ODP Area 2 will result in a somewhat disjointed ODP layout for this development area. On the basis that the Living Z (Deferred) Zone will remain operative until such time as it is superceded by PC7 and ODP Area 2, I do not consider that the submitter will be disadvantaged by being incorporated into PC7. I therefore recommend that this submission be rejected.

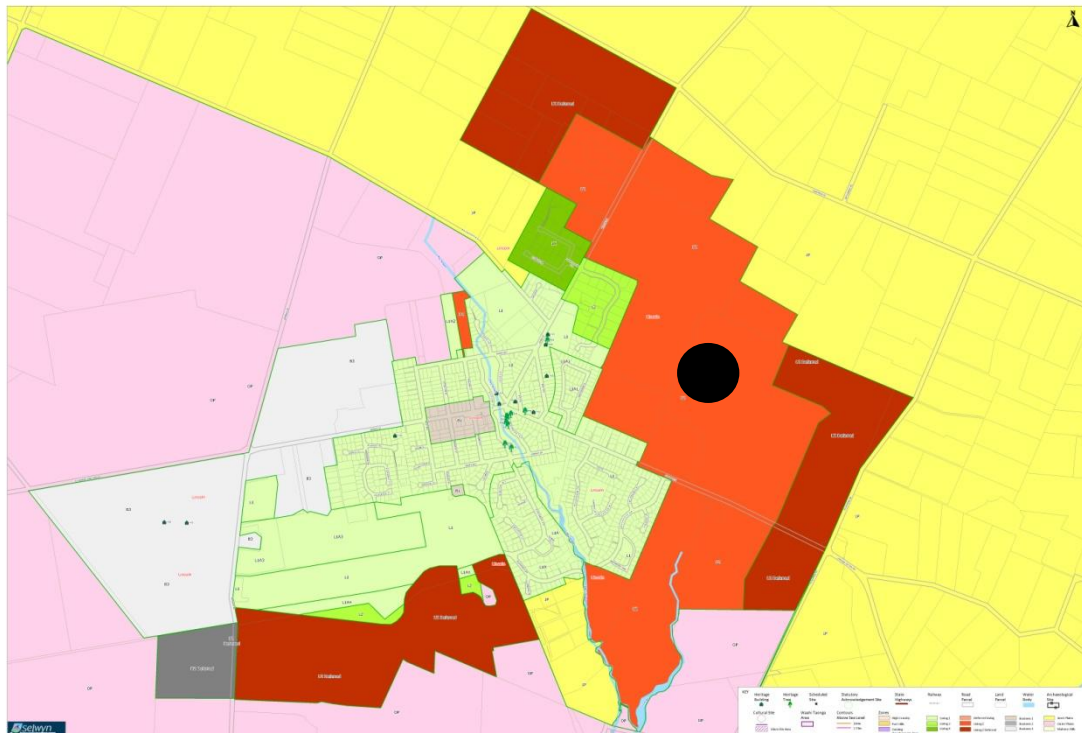
Recommendation No 39

The recommendation is that submission S49 (Decision No D1) seeking to remove the submitter's land from ODP Area 2 be rejected.

## Lincoln Outline Development Area 3

### Background on ODP

- 10.55 ODP 3 is the largest ODP area within the Lincoln MUL, comprising approximately 155ha, with the ability to accommodate 1,480 households (at 10hh/ha). It is recognised that a portion of ODP 3 that adjoins the existing urban area is currently zoned Living 2, which provides for the creation of allotments down to 3,000m<sup>2</sup>. The LSP identifies that the intensification of development within this area will enable a significant number of new households to be accommodated in reasonable proximity to the existing Town Centre.
- 10.56 Accordingly, the ODP identifies approximately 6.5ha of medium density housing in this vicinity, while also balancing the higher density housing with areas of open space and stormwater reserve. The primary roading routes provide connections onto Edward Street, Birchs Road and Ellesmere Road, linking up to both Southfield Drive and ODP 2 to the south and ODP 4 to the northwest. The ODP area consists of two separate stormwater catchments, with the northern catchment discharging to the Halswell River and the southern catchment to Lake Ellesmere. Other key features of the ODP include an integrated cycling and walking network, including the use of 'Browns Lane' through to Edward Street; a landscape buffer and setback from both Edward Street and Ellesmere Road; provision for a primary school and a neighbourhood centre with frontage onto Edward Street.



Submission	Further Submission(s)
[S12] Jillian and John Meredith	[F15] Lincoln Estates Ltd
[S27] Ministry of Education	[F47] Fulton Hogan Land Development Ltd
[S29] Plant and Food Research	[F27] Ministry of Education
[S47] Fulton Hogan Land Development Ltd	[F29] Plant and Food Research [F31] New Zealand Transport Agency
[S87] Joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga	[F29] Plant and Food Research

10.57 The above submissions raise a number of issues in regards to Outline Development Plan Area 3, which have been grouped into the following issues for ease of reference.

*Issue 1: Removal of pedestrian and cycle route via Browns Lane*

10.58 Plant & Food request that all reference to the requirement that main pedestrian and cycle route be provided at Browns Lane (including, but not limited to, the provisions set out in Policy B4.3.56 and in ODP 3) be deleted. Browns Lane is a 10m wide access leg that extends between the southern boundary of Plant & Food's "Duncan's Block" and Edward Street and is shown as an "off-street walkway and cycleway connection" on ODP Area 3. The submitter is concerned that the provision of public access in this vicinity "could give rise to security risks and/or affect the efficiency of the Duncan's Block whilst its current use as a research facility is continued".

10.59 I note that this matter was the subject of a pre-hearing meeting between the Council and Plant & Food on 3 December 2010. As a result of the concerns raised by the submitter, the parties agreed to amend ODP Area 3 to the effect that the use of Browns Lane as a cycleway/walkway would be deferred until such time as the Duncan's Block was developed for residential purposes. I support this amendment and as such, I recommend that this submission point be accepted in part.

Recommendation No 40

The recommendation is that submission S29 (Decision No D1 and D2) seeking the removal of a pedestrian and cycle route via Browns Lane from ODP Area 3 be accepted in part.

*Issue 2: Increased flexibility in implementation of ODP Area 3*

- 10.60 Plant & Food request a number of text changes (as set out in Attachment 2 of their submission) to ODP Area 3 to allow greater flexibility to allow for minor amendments which may arise as a result of detailed design at subdivision stage. In particular, the submitter seeks to include the words “indicative” in reference to the key features identified on the ODP.
- 10.61 This matter was also the subject of a pre-hearing meeting between the Council and Plant & Food on 3 December 2010. As well as discussing the points raised in the submission noted above, the submitter also requested that the activity status of not complying with an ODP should be amended from discretionary (as currently proposed) to restricted discretionary or controlled to provide more certainty. Examples of where this might be appropriate included the relocation of a sewer main or stormwater pond. The Council agreed to re-consider this provision, particularly where the non-compliance related to the provision of infrastructure. It was noted however that there may be issues within the scope of Plant & Food’s submission to achieve this outcome.
- 10.62 In terms of the proposed text changes set out in Attachment 2 of the submission, I agree with the submitter that it is desirable to ensure that there is some flexibility in implementing the ODP to allow for minor amendments, such as those raised by the submitter. However, I do not support the use of the term “indicative” on ODPs due to its lack of certainty regarding the scale of any proposed change. I also note that PC7 only requires “general compliance” with the ODP, which will enable minor amendments to occur without necessarily triggering a non-compliance in this regard.
- 10.63 I have also re-considered the discretionary activity status for a proposal not in general accordance with an ODP, particularly where the non-compliance related to the provision of infrastructure. However, considering that all urban subdivision is at least a restricted discretionary activity, including those that comply with any relevant ODP, I do not support the same or lesser activity status for an activity requiring an assessment of the merits of the proposed change, particularly given the level of flexibility already provided for in the rule by the use of the term “general compliance”.
- 10.64 As a result, I recommend that this submission point be rejected.

Recommendation No 41

The recommendation is that submission S29 (Decision No D3) seeking text changes to ODP Area 3 to allow greater flexibility to allow for minor amendments which may arise as a result of detailed design at subdivision be rejected.

*Issue 3: Extent of Medium Density shown within ODP Area 3*

- 10.65 Fulton Hogan Land Development Ltd request that three Medium Density areas be removed from the ODP on the grounds that the extent of Medium Density shown is “excessive and inappropriate” and will “inhibit the development of the wider area”.
- 10.66 The Council has identified a need to provide a greater range of living environments and housing choices for residents in the District, both to meet the requirements of PC1 and to provide housing choice with some smaller section sizes and associated smaller dwellings and smaller outdoor living spaces that are easily maintained. As a result medium density areas can play an important role in catering for the housing needs of a section of the community whose housing needs may not be met by conventional housing typologies.
- 10.67 In the context of ODP Area 3, I recognise that approximately 6.5ha of land has been identified for Medium Density housing, however this only equates to 4.4% of the total net area of land available for development within the ODP area. I am therefore comfortable that the extent of Medium Density identified within ODP Area 3 will provide for a range of housing choices, without being over representative in the context of the ODP as a whole. I therefore recommend that this submission point be rejected.

Recommendation No 42

The recommendation is that submission S47 (Decision No D2) seeking the removal of three Medium Density areas from ODP Area 3 be rejected.

*Issue 4: Site Size*

- 10.68 Fulton Hogan Land Development seeks that the minimum average allotment size in the Living Z Zone for Lincoln be decreased from 650m<sup>2</sup> to 600m<sup>2</sup>, and the minimum individual allotment size be decreased from 550m<sup>2</sup> to 500m<sup>2</sup>. The submitter considers that an allotment of between 600m<sup>2</sup> and 500m<sup>2</sup> would be more attractive to potential purchasers than a higher density residential development, and that such a transition to higher density housing needs to be appropriately managed.
- 10.69 In this regard, I refer to Mr Hattam’s evidence where he advises of the rationale for the site size contained in PC7 for Lincoln:

*The District does not have a wide range of housing types available and much recent development has been for larger four bedroom houses.*

*Yet the demand for housing in the next 30 years is expected to be driven to a large extent by smaller houses.*

*The submission would have the effect of allowing for the provision of a greater proportion of households as larger houses (for instance 200m<sup>2</sup> houses on 600m<sup>2</sup> lots) which would not meet the projected needs of the community.*

*In practice, developers generally do not usually allow the building of small houses on standard lots.*

*PC7 as notified provides for additional housing choice through the introduction of medium density housing areas. This will mean that housing choice is provided for with extra density accommodated in specific areas, within an environment which is generally spacious.*

*In practice the use of site size to control the effects of residential development (such as privacy, shading and enclosure) has worked quite well for traditional sites and for this reason the plan change does not propose much extra regulation on these sections. However, these are generally larger sites of at least 650m<sup>2</sup>.*

*This plan change imposes increasing regulation with reduced site size, because as sections get smaller, additional rules are needed in order to get a similar standard of living environment, with protection for privacy and from shading and enclosure.*

*As sites get smaller, the ability to control the effects of development through traditional mechanisms like setbacks is reduced as there is less land available and the building design decisions become much more crucial for ensuring good environmental outcomes. The traditional approach becomes an inefficient and ineffective mechanism to mitigate the effects of development as sites become smaller and development denser.*

*The reliance on average density manages the cumulative effects of development on spaciousness. But these effects will become problematic if there is widespread development of smaller sections. Whilst the effect of a few 500m<sup>2</sup> lots is unlikely to be significant in a predominantly low density area, if this small lot size becomes prevalent there would be effects on both the amenity of individual landowners, and also the residential character of the wider area. These effects would not accord with the character expected for the Living Z zone.*

*In view of the above, I would support the reduction of the minimum site size, but not the average, which I consider is required to manage cumulative effects*

*We must also consider the effect of such a change on housing choice and urban grain; the provision of a range of densities. Lincoln already has the most dense average density standard in the District Plan. The*

*purpose of plan change 7 is to provide for a range of living environments, not to reduce the standards required for living 1.*

*The request may also result in a reduction of the amount of medium density provided. In this plan change, a certain number of households have been allocated to each ODP. If more households are provided on smaller traditional lots, then less will be provided as medium density. As a result, the request, which is a request for more traditional type housing, would result in a reduction in housing choice from that intended and a failure to realise the benefits of medium density housing.*

10.70 I accept Mr Hattam's advice on this matter. I therefore recommend that this submission is accepted in part by reducing the minimum individual allotment size from 550m<sup>2</sup> to 500m<sup>2</sup>.

#### Recommendation No 43

The recommendation is that submission S47 (Decision No D1, D3 and D4) seeking to amend the site size in the Living Z zone in Lincoln be accepted in part.

#### *Issue 5: Removal of possible school site within ODP Area 3*

10.71 The Ministry of Education have lodged a submission acknowledging the opportunity to comment and wish to continue to be involved in determining future school sites and supports the concept of Outline Development Plans that form part of PC7 (D1). The submitter also requests further discussion with Selwyn District Council regard effective methods for ensuring the security of proposed school sites (D2); and that the school site identified in ODP Area 3 be removed and a more appropriate site identified with the Ministry (D3). I note that Fulton Hogan have lodged a further submission in support of the Ministry's submission, noting that the land currently set aside for education purposes will revert to residential use if not required as a school.

10.72 In addressing this issue I refer to the Lincoln Structure Plan that identified the need for "provision of a 3<sup>rd</sup> school of 2.5ha...within the Stage 3 area north of Edward Street", which has subsequently resulted in the school site being identified within ODP Area 3. I note that the ODP only identifies the site as a "possible school site" and that there are significant benefits in identifying and making provision for education facilities within new Greenfield Areas, rather than attempting to retrospectively fit them in existing urban areas. It is for this reason that proposed Policy B4.3.7 requires each ODP to show any land set aside for (among other things) community facilities and schools. This



requirement is also consistent with the requirements of RPS Change 1 Policy 8.

- 10.73 Nevertheless, I recognise that it is only the Ministry that can designate land for educational purposes. I therefore accept the Ministry's advice that the school site identified in ODP Area 3 should be removed to enable a more appropriate site to be identified in conjunction with the Ministry at a later date. On this basis, I recommend that this submission be accepted and ODP Area 3 be amended accordingly.

Recommendation No 44

The recommendation is that submission S27 (Decision No's D1, D2 & D3) seeking to remove the school site from ODP Area 3 be accepted.

*Issue 6: Cycle and pedestrian routes within ODP Area 3*

- 10.74 Jillian and John Meredith request that all paths (cycle or pedestrian) should be situated on the perimeter of the Liffeyfields stormwater reserve and not traverse the reserve in any way. The submitters are concerned that "two pathways traversing this area would be detrimental to recreational activity and would create an unsafe environment in terms of hazards".
- 10.75 In addressing this submission I refer to Mr Mazey's evidence, where he states:
- *I understand the Submitters concerns and it was the intention to use either existing paths and/or new paths around the perimeter of the stormwater basin for any pathways. This is unless connectivity options to adjoining property is limited that may mean to achieve a connected pathway some minor encroachment maybe necessary for alignment purposes.*
- 10.76 I accept Mr Mazey's advice and consider that this information should alleviate the submitters' concerns with regard to recreational values of the stormwater basin. However, given the broad nature of ODPs and the requirement that subsequent development is in "general compliance" with the ODP, I do not consider that the precise location of cycle and pedestrian accessways needs to be determined to this level of detail at this stage. I therefore recommend that this submission be rejected in terms of any amendments required to ODP Area 3.

#### Recommendation No 45

The recommendation is that submission S12 (Decision No D1) seeking to alter cycle and pedestrian routes on ODP Area 3 be rejected.

*Issue 6: Ngai Tahu request a number of amendments to ODP Area 3 to address their cultural associations with land and waters within this ODP area.*

10.77 A joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga (hereon referred to as “Ngai Tahu”) seek a number of amendments to ODP Area 3, as outlined below. The submission states that “ODP Area 3 does not raise the same concerns as Area 2, because there are no existing springs in this area”.

#### **Spring Reserves / Riparian Planting**

10.78 In this regard, I refer to Mr Blake-Manson’s evidence where he advises as follows:

- *Submission D87 D10. **Halswell River.** Council is focused on ensuring that no stormwater in addition to the current discharges to the Halswell catchment occur. The Canterbury Regional Council have made it clear that at peak flow the Halswell River catchment is at capacity. Council does not intend to discharge additional stormwater to this catchment. A dry pond and dry planting design is expected to be used in this area. Council will work with iwi on a developing a planting plan.*
- *As noted in the hui response from Mahaanui Kurataiao (25 August 2010), infiltration will be used where possible. A secondary flow path will be via the west side of Ellesmere Road, into the system identified in the “Lincoln Estates Ltd parcel” section.*
- *Submission D87 D10 **Ephemeral Channel.** The ephemeral channel is located in a highly modified area. Although it is identified in regional plan maps as a stream and appears to be a remnant river channel, flow now only occurs during prolonged rainfall. Council is not aware of any evidence of a spring at the head of this channel. Monitoring of groundwater levels in the vicinity shows they are usually well below ground surface. The extent of planting and type of improvement works will be controlled by the riparian management plan and confirmed during any subdivision consent process and onsite works.*
- *The Canterbury Regional Council has made it clear that the Halswell River catchment is at capacity. Council does not intend to*

*discharge additional stormwater to this catchment. Flow from the ephemeral channel has been passing southwards down the western side of Ellesmere Road for many years and we expect that to continue under the ISMP.*

- *Council will ensure that via discussion with the land owner and as part of the subdivision process, cultural requirements are integrated into any final design. The next opportunities for discussion on this to occur are via these hearings and during the ISMP consent submission process.*

10.79 I accept Mr Blake-Manson's advice and I note that on-going consultation with Ngai Tahu is occurring through the ISMP process in order to address their concerns. I therefore recommend that this submission be rejected in so far as affects the creation of a 'spring waterway' within ODP Area 3.

#### Planting of Streets/Reserves

10.80 In addressing this submission, I again refer to Mr Blake-Manson's evidence (paragraph 4.29) where he advises that a planting plan will be developed with the input of iwi and this will be pursued through the global discharge consent process. On the basis that the relief sought by Ngai Tahu can be better addressed through the ISMP process, rather than via PC7, I recommend that this submission point be rejected.

#### Recommendation No 46

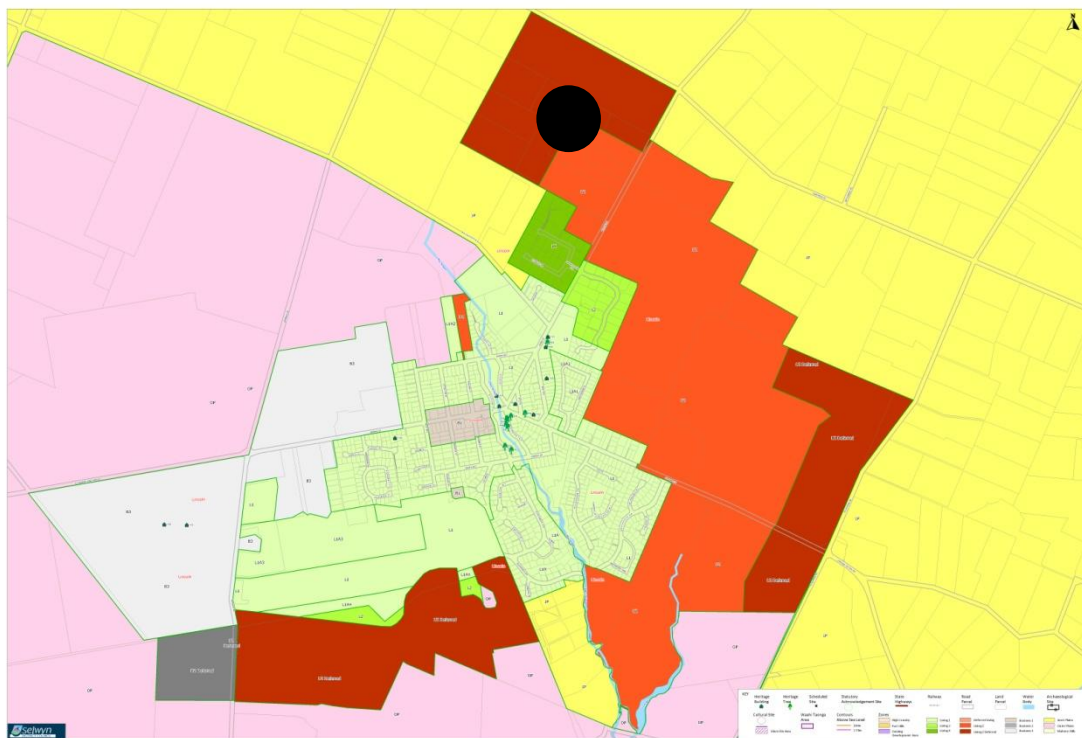
The recommendations for S87 submission points relating to amendments to ODP Area 3 are as follows:

- Decision No D10 be rejected; and
- Decision No D11 be rejected.

## Lincoln Outline Development Plan 4

### Background on ODP

10.81 ODP 4 comprises approximately 61ha of rural zoned land bounded by Birchs Road and Tancred's Road to the north of the Township. It is anticipated that it will accommodate 570 households (at 10hh/ha). The primary features of ODP 4 include a primary road linkage through to ODP 3 and a potential future connection to Boundary Road in accordance with the LSP. A building setback and property access restriction applies along the Tancred's Road frontage and to the northern portion of the Birchs Road. Stormwater detention and attenuation is to be generally accommodated within the ODP area, with the above-ground swale system to be incorporated into the open space network.



Submission	Further Submission(s)
[S1] Phillip Long	
[S9] Paul Francis Claridge	[F15] Lincoln Estates Ltd
[S20] Marion & Peter Burnett	
[S29] Plant and Food Research	[F31] New Zealand Transport Agency
[S30] Agresearch	[F31] New Zealand Transport Agency
[S40] Craig Harold Thompson	
[S50] Early Property Holdings	
[S51] BHL Trust	
[S87] Joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga	

10.82 The above submissions raise a number of issues in regards to Outline Development Plan Area 4, which have been grouped into the following issues for ease of reference.

*Issue 1: Landscape buffer and setback from the Smiths Block*

10.83 AgResearch and Plant & Food request that ODP Area 4 be amended to include an appropriate landscaped buffer and setback from Smiths Block so as to avoid or mitigate the risk of reverse sensitivity effects arising between existing research activities and future residential activities.

10.84 I note that this matter was the subject of a pre-hearing meeting between the Council and AgResearch on 3 December 2010. As a result of the concerns raised by the submitter, the parties agreed to amend ODP Area 4 to include a 20m wide buffer within ODP Area 4 adjacent to the Smiths Block, incorporating the proposed road link to Boundary Road and/or landscaping. I support this amendment and as such, I recommend that these submission points be accepted.

Recommendation No 47

The recommendation is that submissions S29 (Decision No D5) and S30 (Decision No D3) seeking the inclusion of a landscape buffer and setback from the Smiths Block be accepted. As such, it is also recommended that submissions S29 (Decision No D4) and S30 (Decision No's D1 & D2) seeking the deletion of ODP Area 4 be rejected.

*Issue 2: Main road connection linking Boundary Road to Birchs Road*

10.85 AgResearch and Plant & Food request that all reference (including, but not limited to, text in proposed Policies, Rules, and ODPs) to a

requirement for a main road connection linking Boundary Road to Birchs Road via Smiths Block be deleted from PC7.

- 10.86 I note that this matter was also the subject of a pre-hearing meeting between the Council and AgResearch on 3 December 2010. As a result of the concerns raised by the submitter, the parties agreed to the removal of the 'second' arrow from ODP Area 4 which indicates a road connection through the Smiths Block. I support this amendment and as such, I recommend that these submission points be accepted.

Recommendation No 48

The recommendation is that submissions S29 (Decision No D6) and S30 (Decision No D4) seeking the removal of a main road connection through the Smiths Block be accepted.

*Issue 3: Location of primary road within land owned by the Claridges*

- 10.87 Craig Harold Thompson seeks to amend ODP Area 4 such that the primary road is not unduly located solely within land owned by the 'Claridges'.
- 10.88 In addressing this submission I refer to the evidence of Mr Mazey, where he outlines the reasons for the location of the primary road within ODP Area 4, as follows:
- *The primary road west from ODP4 that connects to Birchs Road (currently shown through the Claridge property) needs to be aligned with the primary road from ODP3 to Birchs Road. The main roading layout for both ODP areas has been configured to achieve this important outcome relating to connectivity across Birchs Road, which is classified as a Collector road.*
  - *As described in Sections 3.54 – 3.55 this enables ODP 3 and 4 to be connected together to establish the collector ring road route through the respective development areas. Aligning the roads to intersect with Birchs Road in this way allows a safe and efficient intersection treatment to be utilised such as cross roads, or more likely a roundabout. Shifting either road to create a staggered “T” intersection on Birchs would mean that these roads would have to be offset by at least 125m if it was a 50kph speed environment or 305m if 70kph in accordance with District Plan requirements under PC12. In my opinion if a direct connection across Birchs Road could not be achieved, this would seriously compromise the effectiveness of the main roading connections between the ODP3 and 4 development areas.*

- *Viewing the aerial photographs for the immediate area, there is limited ability to shift the main road in the ODP4 area either north or south along Birchs Road. South there are the buildings and structures owned by the Claridges and others, while north this would encroach onto the Baptist Church site. As I understand there are proposals by the Church to comprehensively develop this site with a church and associated facilities. The Claridges property can accommodate a road through an undeveloped area of their property approx 50m wide along their northern boundary with the Church site as shown in Appendix C.*
- *Unless another alignment can be found and agreed to in both the ODP3 and ODP4 areas, then this in my opinion would seem to be the most logical and appropriate position for the roads to align to achieve the connectivity sought across Birchs Road in a safe and effective manner. It is likely that a comprehensive change in the overall roading layout in ODP4 area would be needed to alter the position of the main roads that connect to Birchs Road.*

10.89 I accept Mr Mazey's advice and I consider that as the development of ODP Area 4 (as a whole) is dependent upon the provision of primary roads and associated infrastructure it is expected that all landowners within ODP Area 4 will enter into a private agreement regarding the shared costings of development in a fair and equitable manner. I therefore recommend that this submission point be rejected.

#### Recommendation No 49

The recommendation is that submission S40 (Decision No D1 and D3) seeking the realignment of the primary road within ODP Area 4 be rejected.

*Issue 4: Ngai Tahu request a number of amendments to ODP Area 4 to address their cultural associations with land and waters within this ODP area.*

10.90 A joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga (hereon referred to as "Ngai Tahu") seek a number of amendments to ODP Area 4, as outlined below. The submission states that "as for ODP Area 3, there is less concern for Ngai Tahu and tangata whenua values in this area".

#### Riparian Planting

10.91 In addressing this submission, I again refer to Mr Blake-Manson's evidence (paragraph 4.30) where he advises that a planting plan will be developed, which will include riparian areas adjacent to water races, with the input of iwi and this will be pursued through the global

discharge consent process. On the basis that the relief sought by Ngai Tahu can be better addressed through the ISMP process, rather than via PC7, I recommend that this submission point be rejected.

### Springs Reserves

10.92 In this regard, I note that Mr Blake-Manson states that Council are not aware of any springs within ODP Area 4 (paragraph 4.31). In the absence of any information to the contrary, there seems to be no justification for the creation of a 'spring reserve' in this instance. I therefore recommend that this submission point be rejected.

### Recommendation No 50

The recommendations for S87 submission points relating to amendments to ODP Area 4 are as follows:

- Decision No D12 be rejected; and
- Decision No D13 be rejected.

### *Issue 5: Support for ODP Area 4 as notified in PC7*

10.93 Submissions by Phillip Long, Paul Francis Claridge and Marion & Peter Burnett support ODP Area 4 as notified in PC7. On the basis that I have recommended amendments to ODP Area 4, as noted in the preceding assessment, I recommend that these submission points be accepted in part.

10.94 Submissions by Early Property Holdings and BHL Trust supported ODP Area 4 as notified and Objectives B4.3.3, B4.3.4, B4.3.5 and B4.3.6 and Policy B4.3.50. I recommend that these submissions points be accepted in part. However both submitters seek to remove the following text from the definition of Net Density (in underline):

“Set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional reserve network”.

10.95 This definition as included in PC7 is the same contained in PC1. The submitters outline that the inclusion of the words creates confusion in regards to the interpretation of this definition. However I would argue if the words suggested were to be deleted, this would create confusion between how Selwyn District defined net density compared with Waimakariri District and Christchurch City Councils. This is why PC1 contains a definition that will apply to all three Councils. Therefore I recommend that these submission points be rejected.



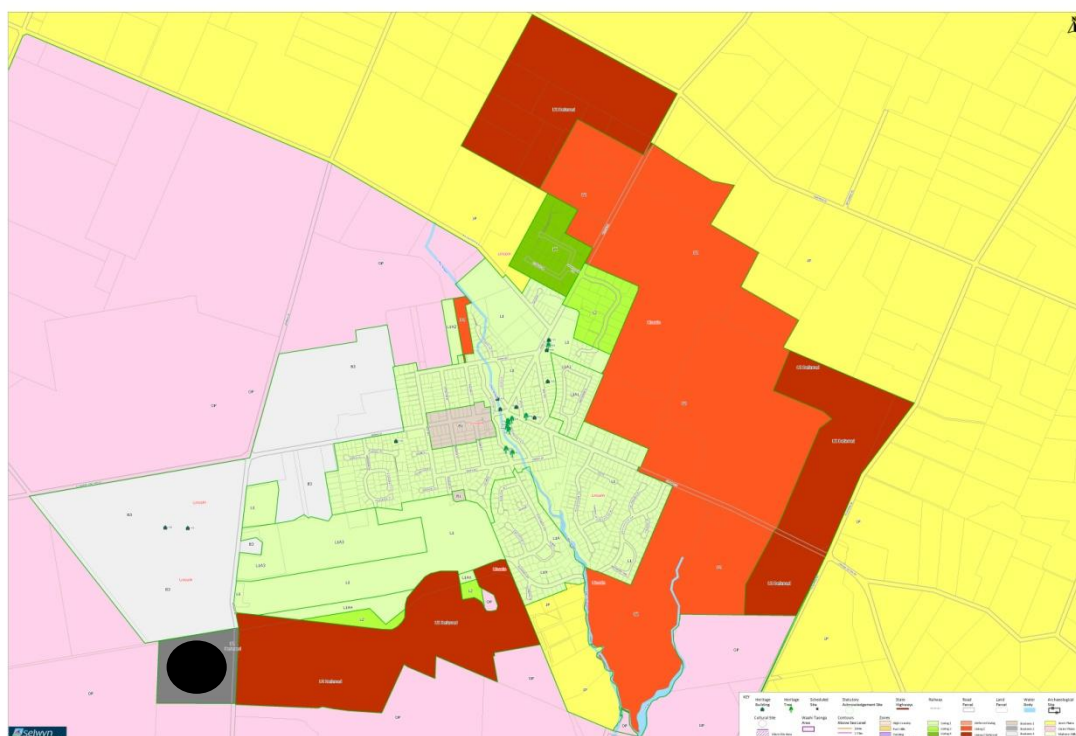
#### Recommendation No 51

The recommendation is that submissions S1 (Decision No D1), S9 (Decision No D1), S20 (Decision No D1) and submissions S50 and S51 (Decisions D1, D3, D4 and D5) seeking the adoption of ODP Area 4 as notified and other policies in PC7 be accepted in part. Submissions S50 and S51 (Decisions D2) should be rejected.

## Lincoln Outline Development Plan 5

### Background on ODP

10.96 This land, comprising approximately 11 hectares, is set aside for industrial activities and is located on Springs Road to the south of Lincoln University. No ODP has been formulated for this area and as such, it is identified as Business 2 (Deferred) in PC7.



Submission	Further Submission(s)
[S28] Lincoln University	F31] New Zealand Transport Agency [F90] Denwood Trustees
[S88] GJ & SP Worner	[F28] Lincoln University [F90] Denwood Trustees
[S90] Denwood Trustees Ltd	

10.97 The above submissions raise a number of issues in regards to Outline Development Plan Area 5, which have been grouped into the following issues for ease of reference.

*Issue 1: Inclusion of an ODP for Area 5 to lift the deferment on the Business 2 (Deferred) Zone*

10.98 A submission by Denwood Trustees Ltd opposes PC7 (except for matters relating to medium density housing and Rolleston) To support PC7 the submitter seeks that the Deferred status be removed from the Lincoln proposed B2 Zone at Springs Road; that the ODP Area 5 - Lincoln B2 Zone as attached as Appendix C be included as part of

PC7; and the amended B2 rules as they apply to the B2 Zone at Lincoln as attached as Appendix B be included as part of PC7. Two alternative ODPs are included in Appendix C, with the preference for Option 1 which does not show the potential Southern Bypass (D12).

10.99 Submissions by GJ & SP Worner and Lincoln University oppose proposed ODP Area 5 and seek that this B2 (Deferred) zone be deleted. These submissions are discussed further under 'Issue 2' below.

10.100 PC7 identifies ODP Area 5 as Business 2 (Deferred), with the deferment being lifted once an ODP has been inserted into the District Plan. PC7 provides policy direction on the matters that this ODP should address, being:

- ODP Area 5 to align with ODP Area 1;
- Provision of a main road link originating from Weedons Road, linking to Springs Road aligning with the southern most east-west main road from ODP Block 2;
- Provision of main pedestrian and cycle links to university;
- Provision of landscaped buffer areas between industrial areas and adjoining land uses, including any specific District Plan provisions to address potential adverse amenity effects, where appropriate.

10.101 In terms of meeting the above criteria, I note that the submission by Denwood Trustees opposes the additional ODP criteria in Policy 4.3.56 as they are too restrictive and should be deleted. I disagree with this statement as the criteria are addressing important features suggested in the LSP for each ODP. Therefore I consider that this submission point should be rejected.

10.102 The submission also includes two alternative ODPs, a revised set of Business 2 zone rules for Lincoln, an associated s32 assessment and a noise report from Marshall Day Acoustics supporting the proposed noise rules. The proposed District Plan amendments sought by the submitter (contained in Attachment B to their submission) outline the additional rules proposed to address potential adverse amenity effects on adjoining zones. In brief, these relate to:

- The inclusion of a restricted discretionary rule status for a number of listed heavy industries, due to the small size of the B2 zone and relative proximity to neighbouring boundaries;
- The inclusion of building setback, landscaping and noise requirements that apply to the boundaries of the ODP area.
- Compliance with ODPs inserted into the Plan;
- Consistency with other Business 2 zone provisions.

10.103 In assessing the merits of the proposed ODP, I refer to each of the policy criteria, as follows:

## ODP Area 5 to align with ODP Area 1

10.104 The proposed ODP containing the potential bypass road aligns with the same potential roading link on ODP Area 1, which is the primary relationship between the two ODP areas. I therefore consider that this ODP satisfies this part of the policy criteria, whereas the proposed ODP without the bypass road does not align with ODP Area 1.

## Provision of a main road link originating from Weedons Road, linking to Springs Road aligning with the southern most east-west main road from ODP Block 2

10.105 As noted above, the submitter has put forward two alternative ODPs for ODP Area 5, one showing the potential southern bypass road and the other without (I note that both are labelled as Option 1). In this respect, I refer to Mr Mazey's evidence where he states that:

- *The submitter has provided two potential ODPs for the area with a stated preference for an option that did not include accommodating the bypass. I do not agree with this as this may preclude Council from being able to implement a bypass in the future as identified by CRETS. As shown in Appendix A the proposed alignment for the bypass is contingent on the utilisation of the ODP5 area (or SL1 area as referred to in PC1) in some manner to provide the connection between the old Weedons Road corridor to the north, and to the proposed route along the southern boundary of the Dairy Block as explained in Section 4.8.*
- *I am not satisfied that the proposed ODP provided by the submitter has sufficiently explored the access options available to the ODP area using either Springs Road or the bypass, or a combination of both. If there are other options for locating the B2 area differently to that currently envisaged, then like the original proposals, they need to more comprehensively consider roading and access opportunities and constraints.*
- *The submitter suggests that a bypass alignment utilising Collins Road East would be an option. This is not viable as it is too far removed south of Lincoln to be a faster and more efficient alternative than travelling through the centre of Lincoln. (Refer to Appendix A). It also presupposes that Springs Road would become part of the bypass which again is contrary to the principles of the bypass for the reasons explained in Section 4.6.*

10.106 I accept Mr Mazey's advice and therefore consider that any ODP inserted into the Plan will need to make provision for accommodating the potential bypass road. It is also apparent however that there are outstanding issues with regard to access options available to the ODP area using either Springs Road or the bypass or a combination of both. As such further investigation is likely to be required into this matter. I

do note however that Mr Mazey confirms that “from a transportation perspective I see no real impediment to the proposed location or activity associated with the Deferred Business 2 land in the location proposed” (paragraph 4.38).

#### Provision of main pedestrian and cycle links to university

10.107 Both alternative ODPs contain a “potential pedestrian/cycleway access” along the northern boundary of the ODP area. While there seems to be no further discussion on this matter within the s32 documentation, I note that the submission by Lincoln University raises concerns regarding such a linkage due to unwanted maintenance requirements, potential security risks and/or the ability for the University to utilise the full extent of its facilities efficiently.

10.108 The University also expresses concern with any proposed use of the ‘old Railway line’, being a 10m wide strip on the northern boundary of ODP Area 5 and owned by the University, being used for this purpose. The submitter notes that the ODP Area 5 boundary currently encroaches over the ‘old Railway line’ and states that this aspect of PC7 is not supported (S28 D3).

10.109 Overall, I support the inclusion of a pedestrian and cycle link to the university, however I agree with the University that this should be located within the boundary of the Denwood Trustees property, rather than within the ‘old Railway line’ owned by the University. This would therefore remove any maintenance requirements for the University and any potential impediment to the use of their land. I therefore recommend that the University’s submission (S28 D3) be accepted and that the boundary of ODP Area 5 be amended accordingly.

#### Provision of landscaped buffer areas between industrial areas and adjoining land uses, including any specific District Plan provisions to address potential adverse amenity effects, where appropriate.

10.110 As noted above, the submission by Denwood Trustees proposes to introduce a new restricted discretionary rule status for a number of listed heavy industries; as well as additional building setback, landscaping and noise requirements that apply to the boundaries of the ODP area. I note that these provisions are largely based on the provisions that apply in the B2A zone at Rolleston (the I-Zone Southern Industrial Park), however I also note that I-Zone does not adjoin a Living or Business 3 zone as is the case with ODP Area 5.

10.111 In assessing whether the proposed set of rules satisfies the above criteria, I consider that it is the combination of the mitigation measures proposed, rather than each individually, that will determine whether the amenity of the surrounding area will be retained. In saying this, I make the following comments with respect to the various rules proposed.

- 10.112 While I agree with the submitter that the listed heavy industrial activities are unlikely to occur within ODP Area 5, the potential effects of such land uses are also unlikely to be sufficiently mitigated due to the size of the site and proximity to sensitive land uses. As such, it may be more appropriate for these activities to have a non-complying activity status or conversely, that a range of anticipated land uses are listed as permitted activities instead.
- 10.113 The landscaping proposed comprises a 5m wide strip along the Springs Road frontage and 3m wide along all other ODP boundaries, including requirements for various tree plantings. Proposed building setbacks consist of a 5m setback from Springs Road and 3m setback from the external boundaries of the ODP area and are subject to a maximum reflectivity of 35%. Comparatively, the submission by Lincoln University requests a 20m setback between industrial activities and the University's land, with additional requirements to mitigate any adverse noise and visual effects, such as planting, fencing and bunding (S28 D2).
- 10.114 In assessing these proposed provisions, I note that the Plan currently contains a range of landscaping and setback provisions for different B2 zones, including building setbacks between 2m – 15m from external boundaries and a variety of landscaping requirements. However none of these B2 zones adjoin a Living or Business 3 zone. Furthermore, I note that Recession Plane B (which commences at a height of 6m above ground level) would apply along the boundary with the B3 zone, rather than Recession Plane A (which commences at a height of 2.5m) that applies to external boundaries adjoining a Rural or Living Zone.
- 10.115 Given that the sensitivity of land used for education purposes is comparable (in a general sense) to that of a residential area, I consider that a building setback of at least 15m from the boundary of the B3 Zone is appropriate, together with the imposition of Recession Plane A. In my opinion, the inclusion of these mitigation measures, in addition to the landscaping and reflectivity provisions proposed, will mitigate the potential for adverse visual impacts on the occupants of the University land.
- 10.116 With respect to the remaining ODP boundaries, I note that the eastern boundary adjoining the Living Z zone of ODP Area 1 is separated by a road reserve and a landscaping strip within ODP Area 1, and that the remaining western and southern ODP boundaries adjoin the Rural Zone, which is owned by the submitter. While I am comfortable with the landscaping requirements along these boundaries, I consider that a larger building setback from Springs Road is warranted. In my view, the siting of a building up to 15m high within 5m of the road frontage will detract from the openness of the streetscape in this locality (even with intervening landscaping), particularly as the township and the University are anticipated to expand in this direction. I therefore

recommend that a 10m building setback along Springs Road be imposed on any ODP incorporated into the Plan.

10.117 In terms of noise, I refer to the report prepared by Marshall Day Acoustics (Attachment G to Denwood Trustees submission). The 'summary of findings' states that "the existing Selwyn District noise standards provide appropriate protection to surrounding zones should the site be rezoned B2". It is however acknowledged that "a slightly more stringent noise rule could be argued for the boundary common to Lincoln University, but this would need to be coupled with an acceptance by the University that their ability to produce noise should also be controlled". The proposed noise provisions therefore rely on the noise provisions contained within the Plan and an additional rule is proposed to ensure compliance for any industrial activity located within 150m of an adjoining B3 or Living Zone (as a controlled activity). A supplementary rule is also provided with respect to the assessment of noise at the Rural Zone/B2 boundary, rather than at the notional boundary of any dwelling.

10.118 While I appreciate the expert advice provided in this regard, I note that Table 1 of the noise report identifies "no restriction" for noise generating from within a B3 zone at a B2 zone boundary. It is on this basis that the authors conclude that "if the University wishes to retain the right to have no limit on how much noise they produce, we cannot see any justification for the B2 zone being restricted any further than the District Plan envisages". However, it appears from Rule 22.4.1.1 below that the B3 zone is subject to noise restrictions adjacent to a B2 zone, given that it falls into the category of "any other site NOT within a Living zone or within the notional boundary of a dwelling within the Rural zone", as noted below:

***Business 1, 1A & 3 Zones:***

22.4.1.1      *Noise assessed within the boundary of any other site NOT within a Living zone or within the notional boundary of any dwelling within any Rural zone:*  
7.30am – 8.00pm 60 dBA L<sub>10</sub>  
8.00pm – 7.30am 45 dBA L<sub>10</sub>  
7.30am – 8.00pm 85 dBA L<sub>max</sub>  
8.00pm – 7.30am 70 dBA L<sub>max</sub>

10.119 On the basis of Rule 22.4.1.1, it is apparent that the University would need to comply with a daytime (L<sub>10</sub>) noise limit that is 5 dBA lower than what industrial activities in the B2 zone could produce at the same boundary (being 65 dBA L<sub>10</sub>). This also means that the University will need to comply with the noise limits at the new zone boundary, rather than at the notional boundary of any dwelling in the Rural Zone, which is some distance away (although subject to standard 5 dBA less than at the zone boundary).

10.120 In this context, I agree with the assessment in the noise report that the B2 zone noise rules are more onerous than those that apply to the

Rural Zone, which only requires compliance at the notional boundary of any classroom (albeit at a level 5 dBA less than at the new B2 zone boundary). However, and as acknowledged within the report, B2 activities are more likely to produce noise on an ongoing basis than rural activities. In addition, I recognise that the University is entitled to establish classrooms anywhere within the B3 zone, including immediately adjacent to ODP Area 5. As such, I consider that there is justification for a stricter daytime noise limit on this common boundary. I therefore recommend that the daytime ( $L_{10}$ ) noise limit be reduced to 60 dBA  $L_{10}$  on the B2/B3 interface (of any ODP incorporated into the Plan), which means that the same noise emission levels apply to both sites.

10.121 Having regard to the “typical noise levels from industrial sites” set out in Table 2 of the noise report, it is apparent that only “light” industrial are likely to comply with a 60 dBA  $L_{10}$  on the B2/B3 interface, with the exception of those “medium” industries capable of achieving compliance. In my opinion, this reinforces the need to specify “light industrial activities” as the only types of land uses that are permitted within this B2 zone so as to avoid any expectations of heavy industry that will be unable to satisfy the required amenity standards, as recommended earlier in this assessment.

10.122 To summarise, I recommend the following amendments to any ODP inserted into the Plan for ODP Area 5:

- (a) That the ODP contains the potential bypass road that aligns with the same potential roading link on ODP Area 1;
- (b) That a pedestrian and cycle link to the University be located within the boundary of the Denwood Trustees property, rather than within the ‘old Railway line’ owned by the University; and that that the boundary of ODP Area 5 be amended accordingly;
- (c) That a range of “light” industrial activities be listed as a permitted activity, with other potential land uses defaulting to either a (full) discretionary activity or a non-complying activity in the same way that activities are managed within the B3 zone. In saying this, I acknowledge that there are likely to be issues of scope in making such amendments in the context of the current submissions;
- (d) That a building setback of at least 15m apply to the boundary of the B3 Zone, together with the imposition of Recession Plane A on this common boundary;
- (e) That a building setback of at least 10m building apply to the Springs Road frontage;
- (f) That a daytime noise limit of 60 dBA  $L_{10}$  applies to the B3 Zone boundary.

10.123 Another outstanding matter with regard to ODP Area 5 is the limited extent of consultation undertaken by Denwood Trustees, and ultimately the fact that not all landowners within the ODP area support the proposed zoning and proposed ODP. In particular, I note that the “consultation” section of the s32 assessment states that “no specific



consultation has been undertaken with the existing residential landowners or occupiers within the B2 Zone area, although this will occur prior to the hearing of submissions on PC7". It is further stated that "it is not practical or intended that these properties will be retained once the B2 Zone is established".

10.124As considered further under 'Issue 2' below, I do not support the upliftment of the deferment on the B2 Zone until such time as all landowners within the ODP Area support the proposed zoning.

#### Recommendation No 52

The recommendation is that submission S90 (Decision No D1) should be rejected in part and (Decision No D11) opposing PC7 and that the ODP Criteria are too restrictive should be rejected, and (Decision No D2, D12) seeking to lift the deferment on the Business 2 (Deferred) Zone through the insertion of an ODP into the District Plan be rejected. I also recommend that submission s28 (Decision No D3) seeking to exclude the 'old Railway line' from ODP Area 5 be accepted; and that submission s28 (Decision No D4) seeking to remove the potential bypass road from ODP Area 5 be rejected.

#### *Issue 2: Opposition to ODP Area 5 – Business 2 (Deferred) Zone*

10.125Submissions by GJ & SP Worner and Lincoln University oppose proposed ODP Area 5 and seek that this B2 (Deferred) zone be deleted. Mr & Mrs Worner raise the following concerns with respect to ODP Area 5:

- No indication of the sort of business activities that would be permitted within the B2 zone;
- No rationale as to why ODP Area 5 is the best possible location for future industrial premises;
- No consideration as to why premium agricultural land should be used for industrial complexes;
- Industrial zoning is incompatible with the adjoining activities of Lincoln University, being a place of higher learning and economically valuable research;
- Potential for adverse effects on water and air quality;
- Difficulties in monitoring noise levels of possible 24hr/day industrial activities;
- Loss of amenity and enjoyment of their own property if surrounded by industrial activities.

10.126Lincoln University oppose ODP Area 5 adjacent to its main campus, on the grounds that the establishment of industrial activities in this location could lead to an unpleasant working environment for University employees and students, as well as adversely affecting the character, amenity and efficient operation of the University. While the University

seeks to delete all reference to the proposed Business 2 (Deferred) zone (D1), alternative relief is also offered (D2), as follows:

- i. the ODP Area 5 site be given an alternative business zoning to the Business 2 zone, which will not carry a risk of compromising the amenity, character, or efficient operation of the University; or*
- ii. The ODP Area 5 site be given a 'split' zoning whereby an alternate business zone to the Business 2 zone is established at the northern portion of the site which will not carry a risk of compromising the amenity, character or efficient operation of the University; or*
- iii. If the Council decides that the Business 2 Deferred zoning is the most appropriate zoning of the land, that the requirement in Policy B4.3.56 to include a landscaped buffer area between the ODP Area 5 site and the University be strengthened to require a minimum setback of no less than 20m between industrial activities and University land with additional requirements for the mitigation of potential adverse noise and visual impacts created by industrial activities (i.e. via planting, fencing, bunding, etc); or*
- iv. That specific restrictions on land uses be applied to ODP Area 5 (and as needed in the relevant Business 2 provisions) to ensure that the amenity, character, and efficient operation of the University are not compromised by future activities which establish on the ODP Area 5 site. This could include, but not be limited to, a provision controlling maximum site size.*

10.127 In addressing these submission points, I refer to the Lincoln Structure Plan (LSP), which identified a need to provide for industrial activities to service the population of Lincoln and its environs out to 2041. I note that Lincoln does not currently contain a Business 2 zone, unlike other major townships within the District, including Rolleston, Leeston and Darfield.

The types of industrial uses envisaged by the LSP included:

- Vehicle servicing premises;
- Agricultural related businesses and services;
- Service trade premises;
- Small scale industries;
- General industries;
- Utility and builders yards.

10.128 As to the location of proposed ODP Area 5, I understand that one of the key drivers for determining an appropriate location for industrial activities was finding a site that was on the 'edge' of the township, where it was unlikely to be encroached by residential activities in the future. It was also considered important that the site had easy access to main transportation routes that did not require access through

residential areas. The LSP process determined that the location of ODP Area 5 satisfied this criteria, while still providing continuity with both existing and future urban zonings.

10.129 Prior to the notification of PC7, the Council received a draft ODP from the owner with the largest landholding within ODP Area 5, Denwood Trustees Ltd, with a view to the ODP being incorporated into the notified version of PC7 as an 'agreed ODP', which would then lift the deferment. From the outset, the Council raised concern with regard to whether all landowners within ODP Area 5 had been consulted by Denwood Trustees and whether they supported the draft ODP supplied to the Council. The Council also requested that Denwood Trustees consult with the University as an adjoining landowner. Denwood Trustees subsequently advised that Mr & Mrs Worner were opposed to the draft ODP, which included their land; and that agreement was unable to be reached with the University regarding an appropriate mitigation package to address their cross-boundary concerns.

10.130 For these reasons, together with a number of outstanding issues regarding the draft ODP and associated rule package (as noted in the previous assessment), the Council decided not to incorporate the draft ODP as part of PC7. As such, the Business 2 zone remains deferred.

10.131 Given that not all landowners within the ODP Area support the proposed zoning, I remain of the view that an ODP cannot be incorporated into the District Plan until these matters have been adequately addressed. On this basis I recommend that ODP Area 5 be retained as Business 2 (Deferred).

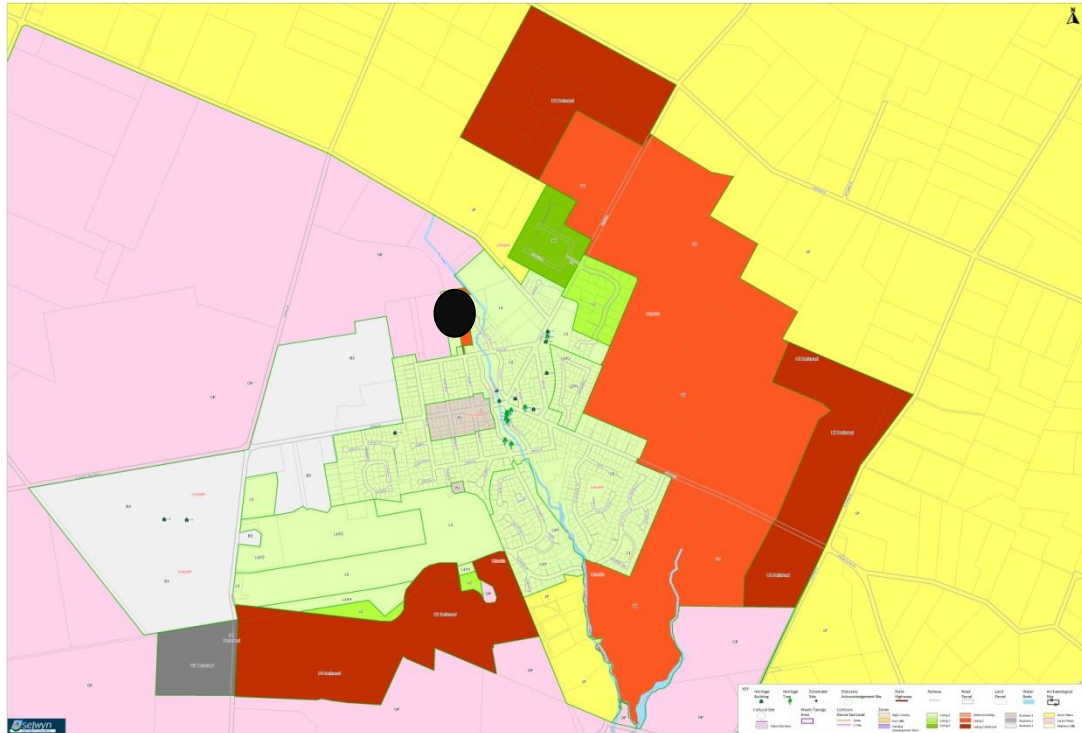
10.132 In saying this, I recognise that ultimately it may not be possible for all affected landowners to agree on an ODP for the location shown as ODP Area 5. In these circumstances, the Council may revisit the provision of industrial land in Lincoln as part of a plan change considering wider business-related issues. I note that this approach is similar to that provided for urban growth RPS Change 1 in circumstances where a Greenfield Area does not develop within the anticipated phasing period. The Commissioners may therefore be of a mind to delete ODP Area 5 in its entirety until all affected landowners reach an agreed set of provisions and an associated ODP.

#### Recommendation No 53

The recommendation is that submissions S88 (Decision No D1) and S28 (Decision No's D1 & 2) opposing ODP Area 5 be accepted in part insofar as it remains Business 2 (Deferred).

## Lincoln Outline Development Plan 6

10.133ODP Area 6 is a small strip of land owned by the Council, comprising the eastern half of what is known as the 'Vege Block', adjoining the Lincoln Domain and the new Lincoln Event Centre. The ODP area is approximately 0.75 hectares in size, which is to be developed for medium density housing, providing for 20 households within the first phasing period.



Submission	Further Submission(s)
[S23] Diana McDrury & Others	
[S78] Kevin Zygmant	
[S80] Patrick & Helen Aldwell	[F31] New Zealand Transport Agency
[S94] Margaret & David Hannan	[F31] New Zealand Transport Agency
[S95] Margery Baker	[F31] New Zealand Transport Agency
[S96] Margaret McDrury	[F31] New Zealand Transport Agency
[S97] Kevin & Penny Zygmant	[F31] New Zealand Transport Agency
[S87] Joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga	

10.134The above submissions raise two different issues in regards to Outline Development Plan Area 6, which have been grouped into the following issues for ease of reference.

*Issue 1: Opposition to Medium Density housing*

10.135 Submissions by Diana McDrury & Others, Kevin & Penny Zygmant, Patrick & Helen Aldwell, Margaret & David Hannan, Margery Baker & Margaret McDrury all oppose the use of ODP Area 6 for medium density housing purposes. The reasons for opposition relate to potential adverse effects on privacy, views and outlook, shading, and on the general enjoyment of their properties arising from the design and subsequent use of the proposed dwellings within the medium density area. Some of the submitters also suggest that the site should be retained as Living 1 and contain a maximum of 12 dwellings. It appears that while submitters recognise that “Lincoln needs some quality smaller housing for retirees and those on their own, NOT student housing/flats” (S23). Concern is also raised with respect to a loss of “rural outlook” (S23) and the loss of trees within the Vege Block associated with the development of the new Lincoln Event Centre (S78).

10.136 In the first instance, I note that ODP Area 6 is currently zoned Living 1A2, which has a minimum average subdivision allotment size of 650m<sup>2</sup>. It is estimated that the current zoning would enable 11-12 dwellings to be erected within this 0.75ha site, whereas a medium density classification would enable 18-19 dwellings. On this basis, the submitters’ concerns regarding the loss of the current “rural outlook” has little statutory weight and the relevant potential adverse effects relate to the establishment of an additional 7 dwellings on smaller section sizes.

10.137 In addressing these submissions, I refer to Mr Hattam’s evidence where he concludes:

*However, I would support a restriction that prevented two storey development within 12m of the boundary with Roblyn Place, to give the neighbours more certainty. Likewise, I would support a provision that required a 5m setback for all houses (including single storey), as has been recommended in ODP Area 2 in Rolleston. The 12m dimension is related to the minimum width of a section added to setbacks, to give some design flexibility, but is a larger setback than that proposed in the MDH rules.*

*I consider that these measures would provide mitigation for the perception of the effects of cramped development on neighbours without unduly affecting the development potential of the site. The site is 32m deep and these restrictions would still allow for a two storey house with a depth of 17m to be built. I consider that these restrictions would give increased protection to neighbours compared with the Living 1 baseline but that given the dimensions of the site such a large setback is not onerous.*

10.138 While I recognise that two storey houses could be built adjacent to the boundary of Roblyn Place residents under the current Living 1A2 zone rules, albeit fewer dwellings overall, I agree with Mr Hattam that the inclusion of additional setback requirements will go some to alleviating the submitters' concerns regarding privacy, shading and outlook.

10.139 Notwithstanding that the medium density rule package proposed in PC7 contains a comprehensive set of provisions to address such effects; I recognise that the establishment of medium density housing within an existing low density environment may be more sensitive than being integrated into a new development where potential purchasers are aware of the range of housing types from the outset.

10.140 For these reasons, I recommend that ODP Area 6 be amended by including both a 5m building setback and a 12m setback for two-storey development from the eastern boundary of ODP Area 6, adjacent to Roblyn Place residents.

#### Recommendation No 54

The recommendation is that submissions S23 (Decision No D1-5), S78 (Decision No D1-8), S80 (Decision No D1-7), S94 (Decision No D1-7), S95 (Decision No D1-7), S96 (Decision No D1-7) and S97 (Decision No D1-7) opposing ODP Area 6 be accepted in part.

*Issue 2: Ngai Tahu request a 20m wide buffer and riparian margin adjacent to the L1 (Liffey) Creek within this ODP area.*

10.141 A joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga (hereon referred to as "Ngai Tahu") oppose the lack of protection of Liffey Stream and seek a 20m planted buffer and riparian margin, including indigenous plantings, adjacent to the L1 (Liffey) Creek.

10.142 In addressing this submission I refer to my earlier assessment regarding ODP Area 2 where I identified that the Subdivision chapter of the District Plan contains an assessment matter (12.1.4.28) and associated appendix (Appendix 12) relating to provision of esplanade reserves. In particular, Appendix 12 contains a table (table E12.1) which outlines the waterbodies on which the Council would like to create esplanade reserves or strips when land in townships is subdivided. Table E12.1 identifies that the L1 Creek (Lincoln Township) will be subject to an assessment for the provision of an esplanade reserve with a minimum width of 20m on any sized subdivision.

10.143 On this basis, I consider that the concerns raised by Ngai Tahu will be addressed through the existing esplanade provisions already in the

Plan. In saying this, I consider that it would be pertinent to identify the expectation of an esplanade reserve on both sides of the Liffey on the ODP for Area 6, the details of which will be determined at the time of subdivision. I therefore recommend that ODP Area 6 be amended accordingly and that this submission point be accepted in part.

Recommendation No 55

The recommendation is that submission S87 (Decision No D14) seeking a riparian buffer adjacent to the L1 (Liffey) Creek on ODP Area 6 be accepted in part.

## Assessment Group 7: Tangata Whenua Values

- 11.01 A joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga raises a number of issues relating to the wider policy framework of the District Plan and other planning documents.

Submission	Further Submission(s)
[S87] Joint submission from Mahaanui Kurataiao Ltd, Te Runanga o Ngai Tahu, Te Waihora Management Board & Te Taumutu Runanga	[F15] Lincoln Estates Ltd

- 11.02 The above submission seeks a number of amendments to the wider policy framework of the District Plan and other planning documents, as outlined below. The submission states that “the plan change leaves specific tangata whenua values open to lack of protection in residential development and urban land use, and could effectively result in adverse effects on those values, as well as invisibility of Ngai Tahu in the urban landscape”. It is also stated that “there is a lack of emphasis on kaitiakitanga and a lack of specific provision for wahi taonga values” (page 3 of submission).

*Issue 1: General support for community-led approach to managing urban growth.*

- 11.03 In the first instance, I note that Ngai Tahu support “in principle” the strategic, community approach of PC7 to better manage urban development, rather than leaving it to the market (D1); and the concept of ODPs as a planning method as they are an effective tool for identifying tangata whenua values and areas for protection (D2). The support for these aspects of PC7 is noted and I therefore recommend that these submission points be accepted.

*Issue 2: Lack of reference to tangata whenua values in ODPs.*

- 11.04 The submitter opposes the lack of explicit reference to tangata whenua values in ODPs, including in the Lincoln ODPs, which fails to recognise and provide for the relationship between Ngai Tahu and Selwyn District (D3).
- 11.05 In addressing this concern, I note that Policy B4.3.7 of PC7 requires each ODP to identify (among other things) “...any cultural (including tangata whenua values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained”. With respect to the existing ODPs notified as part of PC7, I note that the tangata whenua values relating to a number of the Lincoln ODPs have only been made apparent as a result of consultation with Ngai Tahu via the PC7 and ISMP process, given that the Planning Maps do not



identify any areas of cultural significance within ODP areas. On the basis that the Council has now agreed to address a number of Ngai Tahu's concerns through the ISMP process, and I have subsequently recommended changes to the various ODPs to reflect these mitigation measures, I consider that such amendments will alleviate the submitter's concerns to some extent. I therefore recommend that this submission point (D3) be accepted in part.

*Issue 3: Inclusion of additional provisions relating to tangata whenua values.*

11.06 Ngai Tahu request (D15) the inclusion of a new "General Tangata Whenua Objective" and supporting policies to "either be in place of or in addition to the lack of tangata whenua values in 'Quality of the Environment' Policy [B]3.4.3...". It is proposed that these provisions read as follows:

***General Tangata Whenua Objective***

*Outline Development Plans to recognise, provide and protect land, water (including waipuna), sites, wahi tapu and other taonga of cultural significance to tangata whenua.*

***Policies: Tangata Whenua***

*Protect Ngai Tahu cultural values and features and places of cultural significance, including natural habitats and mahinga kai, from the adverse effects of development and create opportunities to enhance or restore these values, features and places where possible.*

*Incorporate Ngai Tahu values in the design of green and blue networks through the restoration and creation of natural habitat and mahinga kai and use of best practice stormwater conveyance and treatment mechanisms that avoid adverse effects on natural waters.*

*That the design reflects and incorporates tangata whenua values such as mahinga kai, wahi tapu and wahi taonga, and kaitiakitanga.*

*That relevant iwi management plans, in particular the Taumutu Runanga Resources Management Plan and the Te Waihora Joint Management Plan, be taken into account.*

11.07 Other provisions requested include:

D16 - inclusion of the following urban design principles for Policy B4.1.13:

*That where appropriate the design reflects and incorporates tangata whenua values such as kaitiakitanga, mahinga kai, wahi tapu and wahi taonga" and "That relevant iwi management plans in particular the Taumutu Runanga Natural Resources Management Plan and the Te Waihora Joint Management Plan be taken into account.*

D17 - inclusion of the following provision in B4.3.7:

- (x) Provide for tangata whenua values such as kaitiakitanga, mahinga kai, wahi tapu and wahi taonga and show how they are to be enhanced, maintained and restored.*

D18 - inclusion of the following provisions in Quality of the Environment - Objectives p4:

*Urban development protects, enhances and restores tangata whenua values, through riparian plantings, native species plantings, protection of water quality and quantity and waterways including waipuna (springs), habitat restoration of mahinga kai species, adequate provision for open space.*

*In managing urban development particular regard will be given to kaitiakitanga.*

D19 - inclusion of the following provisions in Policy B3.4.3:

*Ensure that tangata whenua values such as kaitiakitanga, mahinga kai, wahi tapu and wahi taonga are recognised and provided for.*

*Ensure that in addressing the effects of development, the Ngai Tahu integrated approach of 'Ki Uta Ki Tai' (from the mountains to the sea) is taken into account.*

D20 - reword Objective B4.2.3 to read as follows:

*The maintenance, enhancement and restoration of the amenities of the existing natural and built environment and tangata whenua values through subdivision design and layout.*

And reword part of the explanation and reasons:

*.. Subdivision design should also pay close regard to important natural features tangata whenua values such as mahinga kai and wahi tapu or wahi taonga sites, cultural heritage resources, waterways and public linkages"*

D21 - reword Policy B4.2.4 to read as follows:

*Encourage the retention, enhancement and restoration of natural, tangata whenua, historic and other values and features within the subdivision and for allotment boundaries to follow natural or physical features where it maintains the amenity of the area.*

And reword part of the Explanation and Reasons to:

*It is desirable to maintain, enhance and restore natural, tangata whenua, or other values and features historical within the subdivision*

*area, including the retention of mature trees or other characteristic features.*

D22 - inclusion of the following bullet point within Subdivision of Land - Anticipated Environmental Results (pg 30)

*Retention, enhancement and restoration of tangata whenua values such as kaitiakitanga, mahinga kai, wahi tapu and wahi taonga.*

D23 - include the following principles within the Subdivision and Medium Density Design Guide:

- \* Provide for effective participation particularly in the early stages, of Ngai Tahu as kaitiaki, in urban planning and design including Outline Development Plans;*
- \* Protect, enhance, and restore kaitiakitanga value, including but not limited to: riparian plantings; habitat restoration for mahinga kai species; native species plantings; protection of water quality and quantity in all water ways including springs and wetlands; adoption of LIUD techniques and principles and protection and adequate provision for open space;*
- \* Provide for whanaungatanga (social relationships) and tangata whenua cultural identity in urban design such that tangata whenua identity and social relationship values can be reflected in places (work, street/place names, public spaces, artworks, leisure facilities, neighbourhoods and residences) in the community;*
- \* Protect and restore wahi tapu and wahi taonga management areas / values including known spring sites from development including but not limited to: protection and restoration of sites and access from disturbance, earthworks and contamination; archaeological surveys and Accident Discovery Protocols*
- \* Implement the Te Aranga Maori Cultural Landscapes Strategy*
- \* Utilise cultural sustainability indicators for monitoring such as those identified in "The Cultural Sustainability review for the House of Tahu" (2006), and "The Cultural Health Assessment of the Avon Heathcote Estuary and its Catchment (2007)*
- \* Develop wastewater and stormwater treatment systems that protect and improve water quality*
- \* Take into account the Ngai Tahu holistic, integrated management approach of 'Ki Uta Ki Tai' (from the mountains to the sea) so that the downstream effects of development on the environment are addressed*

- \* *Ensure that street lights have upper shields or suppression rings to reduce the impact of new residential development on natural night time darkness*
- \* *Take into account relevant iwi management plans in particular the Taumutu Runanga Natural Resources Management Plan and the Te Waihora Joint Management Plan*

D24 - Ngai Tahu seek that the Council ensure that rules for subdivision, landuse and earthworks reflect the protection and restoration matters described in the ODP and policy sections of this submission.

11.08 In addressing all of the above submission points, I note that there are a number of existing references within the District Plan and proposed through PC7 to provide for and consider cultural values as part of the subdivision process within urban areas. These references include specific policies, listed environmental results anticipated, assessment matters and criteria within the Subdivision Design Guide.

11.09 I also note that there are sections of the current District Plan (Township Volume) that specifically relate to cultural values, including:

**Section A4.2 Maori Issues and Values** – this section discusses the role of Maori under the RMA; the tangata whenua of Selwyn District; and the resource management issues for tangata whenua in the District and where they are addressed in the District Plan. In this respect, it is recognised that cultural values need to be considered in addressing a number of issues, which are spread throughout the District Plan, and include issues associated with:

- contaminated land;
- unstable land;
- effluent disposal;
- solid waste disposal;
- water quality and run-off;
- riparian margins;
- cleaning waterbodies;
- protection of indigenous vegetation;
- access to waterbodies; and
- sites of special significance (e.g. waahi tapu; waahi taonga and burial sites; and mahinga kai)

**Section B3.3 Culture and Heritage** – this section provides a number of objectives and policies that seek to recognise and protect cultural values. These provisions relate primarily to listed areas within the Plan and are not subject to any change as a result of PC7. In addition to these existing policy provisions, the Living and Business Zone rules ensure that no alteration or removal/demolition of any site of cultural significance identified on the Planning Maps can occur without resource consent and appropriate consideration.

The relevant objectives and policies of Section B3.3 include:

**Objective B3.3.1**

*A partnership for heritage protection is fostered between landowners, tangata whenua, community groups and the Council.*

**Objective B3.3.2**

*Sites of waahi tapu and other importance to tangata whenua are protected.*

**Policy B3.3.1**

*Encourage local runanga to record information about sites of cultural importance to them, where appropriate.*

**Policy B3.3.2**

*Recognise and protect sites of cultural importance to local runanga through fostering a partnership between landholders and local runanga.*

**Policy B3.3.3**

*Protect sites within areas recognised in the Plan as Silent File areas, from inappropriate disturbance.*

**Policy B3.3.4**

*Protect areas identified in the Plan as waahi taonga sites, waahi taonga management areas and mahinga kai sites, from damage or destruction, whenever practical.*

- 11.10 The associated Explanation and Reasons for the above provisions includes the following extracts (my emphasis):

*Objective B3.3.2 reflects the duty under section 6(e) of the Act to recognise and protect sites of waahi tapu and other cultural importance to Maori. It is achieved through policies and methods which encourage local runanga and landowners to develop protocols for activities in areas with such sites. This is the preferred approach indicated by local runanga. The District Plan also contains rules to manage earthworks, buildings and other activities in waahi taonga sites and management areas and in silent file areas.*

...

**Policy B3.3.1**

*Recording information about the location and importance of sites with cultural significance to local runanga assists the Council carry out its duties under the RMA and the Historic Places Act 1993, to help protect these sites.*

...

**Policy B3.3.4** relates to waahi taonga sites, waahi taonga management areas and mahinga kai sites. **These sites are listed in Appendix 5 and shown on the Planning Maps.** Waahi taonga sites are sites of traditional occupation or use by local runanga. Most have

*been uncovered by archaeologists and contain objects or remnants of their past use. The information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.4 is to protect the artefacts and remnants contained in these sites from damage or destruction. The waahi taonga sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without obtaining a resource consent.*

***Waahi Taonga Management Areas are large areas which contain many waahi taonga sites. There are four areas in the District at Rakaia Island, Taumutu, along the coast from the Rakaia River to Fisherman's Point, and along the bed of the Waikirikiri/Selwyn River. The Council wishes to foster a partnership between local runanga, landholders and Environment Canterbury (coast and Waikirikiri/ Selwyn Riverbed) for the appropriate management of these areas.***

*Mahinga kai sites are sites which were traditionally used to gather food or materials for medicine, crafts and other traditional activities. Many wetlands and waterbodies are sites of mahinga kai. In addition, there are two sites of identified land, where vegetation is traditionally gathered. **The District Plan rules require a resource consent to damage or remove indigenous vegetation on these sites, other than for mahinga kai purposes.***

***In deciding whether protecting any waahi taonga site, waahi taonga management area or mahinga kai site is practical, the Council shall refer to local runanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.***

- 11.11 Overall, it is considered that the existing objectives and policies of the Plan, including the additional provisions inserted by PC7 and the implementation of the Council's Subdivision Design Guide will mean that greater emphasis is placed on the consideration of cultural values throughout the subdivision process. It is anticipated that these mechanisms will both reinforce and complement other parts of the District Plan that seek to recognise and protect cultural values (Sections A4.2 Maori Issues and Values and B3.3 Culture and Heritage).
- 11.12 As mentioned previously, the reason why tangata whenua values are not shown on the ODPs notified as part of PC7 was due to the absence of any areas of cultural significance on the Planning Maps within these

Greenfield Areas. I also understand that the importance of these areas was not raised during the Lincoln Structure Plan process. Now that such values have been identified, the Council is actively engaging with Ngai Tahu to address their concerns. In my view, this highlights the need for such values to be accurately identified within the District Plan so that appropriate processes to facilitate their protection can then be initiated from the outset.

11.13 Overall, I consider that the both the existing policy framework and associated rules in the Plan, together with the additional provisions proposed by PC7, provide a robust and comprehensive set of provisions to ensure that sites of cultural significance are protected. It does however rely on such sites being identified in the first instance, as they cannot be protected if they are not recognised. I am therefore satisfied that the existing District Plan provisions, and those contained within PC7, are sufficient to ensure that the Council fulfils its obligations under section 6(e) of the Act to recognise and protect sites of waahi tapu and others of cultural importance to Maori. I also note that any amendments to the Subdivision Design Guide can occur anytime outside the PC7 process, given that this is a non-statutory document. I therefore recommend that the above submission points be rejected.

#### Recommendation No 56

The recommendations for S87 submission points relating to general tangata whenua values are as follows:

- Decision No's D1 & D2 be accepted;
- Decision No D3 be accepted in part;
- Decision No's D15-24 be rejected.