

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991 (the
Act) and of an appeal pursuant to section
120 of the Act

BETWEEN DENWOOD TRUSTEES LIMITED

(ENV-2011-CHC-119)

Appellant

AND SELWYN DISTRICT COUNCIL

Respondent

Environment Judge J E Borthwick sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

Introduction

[1] On 14 November 2011 Denwood Trustees Limited lodged an appeal against a decision of the Selwyn District Council on Plan Change 7 to the Selwyn District Plan.

[2] The court has now read and considered the consent memorandum of the parties dated 9 August 2012 which proposes to resolve the appeal.

Other relevant matters

[3] Canterbury Regional Council and Lincoln University have given notice of an intention to become parties under section 274 of the Resource Management Act 1991 (**the Act**) and have signed the memorandum setting out the relief sought. Graeme and Susan Worner were also parties to the proceeding. They withdrew by notice on 5 July 2012.



Orders

[4] The court is making this order under section 279(1)(b) of the Act, such order being by consent rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including, in particular, Part 2.

[5] The court, by consent, orders under section 279(1)(b) of the Act that:

- (a) the appeal is allowed to the extent that the Respondent is directed to amend the Township Volume of the Selwyn Proposed District Plan ("District Plan") as follows:
 - (i) amend the provisions of the District Plan pursuant to attachment "A" to this order;
 - (ii) insert a new Outline Development Plan for ODP Area 5 (attached as "B" to this order) into the District Plan as Appendix 37;
 - (iii) replace planning maps 008 (Sheet 1 and Sheet 2) and 121 (Sheet 1 and Sheet 2) with new planning maps attached as "C" to this order;
 - (iv) all consequential changes as necessary to give effect to (i) to (iii) above, including to indexing, renumbering of provisions and cross-referencing.



- (b) the appeal is otherwise dismissed;
- (c) there is no order as to costs.

DATED at CHRISTCHURCH this 28th day of August 2012



J E Borthwick
Environment Judge

Issued:¹



28 AUG 2012



¹ JEB\WF\CO\Denwood v SDC.doc

DISTRICT PLAN AMENDMENTS

As a result of the Appeal by Denwood Trustees Ltd on SDC Plan Change 7

(Additions to the District Plan are shown in Bold and Underlined text. Deletions are shown using bold strike-through text)

Township Volume

- PART A – 4 FINDING MATERIAL IN THE PLAN

Table A4.4 – Description of Township Zones

"A" and "B" Zones	A number of Living and Business zones have an "A" <u>or</u> "B" after the number, which indicates that the particular zone has some special rules or requirements. These special requirements are identified in the policies and rules for each zone.
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- PART B 3 PEOPLE'S HEALTH, SAFETY AND VALUES

- Policy B3.2.3*

Mitigate any adverse effects on the environment from the manufacture, use or storage of hazardous substances in Business 2, 2A and 2B zones or the Business 3 zone.

Explanation and Reasons

Business 2, ~~and~~ 2A and 2B Zones and the Business 3 Zone are areas where manufacturing, use or storage of hazardous substances may be an integral part of some activities. These zones provide areas for these activities which may not be able to be located in Living or Business 1 Zones because of their effects. Other effects that may need managing include (but are not limited to) potential contamination of land; incompatibility of activities on adjoining sites; or offensive odours, discharges or dust nuisances.

Some Business 2 and 3 zones are located close to Business 1 or Living zones, therefore some management of hazardous substances is needed to accommodate the requirements of business activities whilst ensuring that adverse effects on people and activities at other sites and on the rest of the environment are avoided, remedied or mitigated. The threshold quantities in Part E, Appendix 9 for hazardous substances are therefore higher for Business 2, 2A, 2B and 3 zones, but are not unlimited, and site storage and location criteria also apply.

- Quality of the Environment - Strategy*

The Township Volume of the District Plan uses the following basic strategy to address issues affecting environmental quality, amenity values and 'reverse sensitivity'.

Zones



- Business 2, ~~and~~ 2A and 2B zones have lower standards for aesthetics and nuisance effects, but people's health and safety are protected. Activities in Business 2, ~~and~~ 2A and 2B zones are protected from 'reverse sensitivity' effects.
- o *Policy B3.4.5*
 - (a) To provide Business 2 and 2B Zones with few requirements for aesthetic or amenity values, but which have sufficient provisions: to safeguard people's health and well-being and to avoid pollution of natural resources or potential 'reverse sensitivity' effects.

Explanation and Reasons

Business 2 and 2B Zones are areas where activities may be able to locate that have effects which are incompatible with the character or amenity values of Living, Business 1 or Rural Zones. Activities which may be sensitive to these effects, such as residential activities, are managed in Business 2, ~~and~~ 2A and 2B Zones to avoid potential 'reverse sensitivity' issues. Business 2 and 2B Zones tend to adjoin or be close to townships, so effects of some activities still need to be managed or may be inappropriate in Business 2 Zones. The Rural (Outer Plains) Zone may be an alternative location for "rural-based" industrial activities. The Business 2A Zone does not adjoin any residential area and as such caters for a larger scale of activities than other Business 2 Zones.

Business 2 Zones currently exist at: Leeston, Rolleston, Darfield and Coalgate. The Business 2A Zone exists at Rolleston. The Business 2B Zone exists at Lincoln.

Method

District Plan Rules

- Business 2 Zone
- Business 2A Zone
- Business 2B Zone

- o *Policy B3.4.31*

Encourage sites in Business 2, ~~and~~ 2A and 2B Zones and the Business 3 Zones which adjoin a road to have the road frontage of the site landscaped or screened.

Explanation and Reasons

In Business 2, ~~and~~ 2A and 2B Zones and the Business 3 Zone the Plan places less emphasis on aesthetic values as Living and Business 1 Zones. When sites in these zones are located adjacent to roads, untidy yards can affect the amenity values of the township and peoples appreciation of the place as a 'nice' area to live.

- o *Policy B3.4.35*

Encourage Business 2, ~~and~~ 2A and 2B Zones to be consolidated in one area, in each township.

Explanation and Reasons

In the case of the Business 2A Zone this exists in one discrete location at Rolleston, and is well separated from any Living Zones. In the case of the



Business 2B Zone, this exists in one discrete location at Lincoln, and a 50m buffer from the Living Z zone will be created.

o *Policy B3.4.36*

Avoid establishing activities in Business 2, ~~and~~ 2A ~~and~~ 2B Zones or the Business 3 Zone at Lincoln, which are likely to be sensitive to the effects of other activities in the zone, unless any potential for 'reverse sensitivity' effects will be minor.

Explanation and Reasons

The activities which are accommodated in Business 2, ~~and~~ 2A ~~and~~ 2B Zones and the Business 3 Zone at Lincoln may have effects which are incompatible with other activities. For example, in Business 2, ~~and~~ 2A ~~and~~ 2B Zones the visual effects of sites; vibration from heavy vehicles; dust from the stockpiling of materials; or noise from machinery, may be incompatible with residential activities, other forms of accommodation, schools or restaurants. In the Business 3 Zone, odour from livestock or fertilisers, chemical sprays, noise and heavy vehicles are some of the effects which may be incompatible with residential activities, other forms of accommodation or restaurants.

The Business 2, 2A, 2B and 3 Zones are created specifically to accommodate activities which have these effects away from the activities which they can potentially affect.

Method

District Plan Rules

- Business 2 Zone
- Business 2A Zone
- **Business 2B Zone**
- Business 3 Zone

o *Policy B3.4.38*

Avoid rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential 'reverse sensitivity' effects will be avoided, remedied or mitigated.

Explanation and Reasons

Rezoning land for new residential development around townships should not create 'reverse sensitivity' issues with existing activities in any zone. Policy B3.4.38 does not preclude rezoning of land for residential development adjoining Business 2, ~~and~~ 2A, 2B Zones or sites in the Rural Zone which have activities with incompatible effects provided appropriate methods are used to address potential 'reverse sensitivity' issues. Appendix 14 suggests information on activities in the surrounding area be included with any plan change request to rezone land.

o *Quality of the Environment – Anticipated Environmental Results*

The following environmental results should occur from implementing Section B3.4:

- Townships develop with zones of distinctive character.
- Living zones maintain a quality of the environment and amenity values compatible with residential areas.
- Most new residential activities occur in Living zones, with some higher density living areas in Business 1 Zones.



- Any new residential activities in Business 2, ~~and~~ 2A ~~and~~ 2B Zones or the Business 3 Zone are ancillary to other activities in the zone.
- Increases in the variety of small scale businesses and other non-residential activities in Living zones.
- Business 1 Zones have more variety in activities and associated infrastructure.
- Business 1 Zones are attractive places for people to visit, work in or reside in.
- Lower standards of aesthetic and amenity values are maintained in Business 2, ~~and~~ 2A ~~and~~ 2B Zones.
- The Business 3 Zone remains dominated by specialist research, education and associated activities.
- No increase in 'reverse sensitivity' issues in townships.

• PART B4 GROWTH OF TOWNSHIPS

○ Policy B4.3.9

The phasing of any Living Z Zone shown on the Planning Maps and Appendices occurs as follows:

- In Lincoln six Living Z areas have been identified, and an Outline Development Plan for each area incorporated into the District Plan ~~(except for ODP Area 5)~~. Four of these Living Z ODP areas include a portion that is deferred. The deferment of these areas shall be lifted in 2021 (except for ODP Area 5 when the deferment shall be lifted in 2017), provided adequate infrastructure and servicing is available and an operative Outline Development Plan for the stage has been included in the District Plan. A Business 2B Zone has also been identified with an operative ODP included in the District Plan, ~~with this zone deferred until an operative ODP has been included in the District Plan and adequate infrastructure and servicing is available.~~

Explanation and Reasons

The phasing of development is crucial to ensuring that sufficient land is made available to accommodate the District's predicted household growth, whilst also enabling a consolidated urban form of the Greater Christchurch area that includes both Christchurch City and Waimakariri Districts. The District Plan provides sufficient land at Rolleston to meet the anticipated growth until 2020, however four of these growth areas require an operative Outline Development Plan to be included within the District plan to ensure their integrated development and have therefore been deferred until an ODP is included. Within Lincoln, sufficient land has been made available to accommodate predicted households until 2020. A number of ODP areas in Lincoln however cover land areas that are much larger than necessary for accommodating urban growth to 2020. These ODP areas have therefore been split into two phasing periods, with the land within the second period deferred until 2021 (or 2017 in the case of ODP Area 5) and until adequate infrastructure has been provided. In terms of ODP Area 5, it is considered that due to the limited amount of households that can be achieved within the area, the deferred status can be lifted in 2017 rather than 2021.

The Business 2B zoned area is not subject to a phasing criteria and an ODP has been included into the District Plan. ~~However, the deferment cannot be lifted until an operative ODP has been included in the District Plan with adequate infrastructure available.~~



○ **Policy B4.3.62**

In that part of the Living Z Zone located in Lincoln as depicted within the Outline Development Plan for ODP Area 5, Appendix 37, no subdivision is to occur and no principal buildings are to be erected within 50m of the Landscape Buffer located at the northern end of the Business 2B Zone until appropriate noise attenuation measures are constructed, so as to address potential noise effects from the Business 2B zone on the Living Z zone and to ensure that the noise standards contained in Rule 22.4.1.6 can be achieved.

Explanation and Reasons

Activities in the Business 2B Zone may have noise effects that are incompatible with the amenity values of the adjoining Living Z zone. To ensure activities in these zones develop relatively freely, residential development in the Living Z zone should not occur within 50m of the Landscape Buffer located at the northern end of the Business 2B zone, unless appropriate noise attenuation measures are constructed to ensure any potential 'reverse sensitivity' effects are minor. Policy B4.3.62 is consistent with policies B3.4.37 and B2.2.5.

○ **Policy B4.3.6263**

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

Lincoln

Outline Development Plan Area 5

- For the Business 2B Zone, provision of one roading connection off Springs Road to service the business development only;
- No roading access between the Living Z and Business 2B zones;
- Provision of a 50m buffer between the Living Z and Business 2B zones to be used as a landscape buffer with the potential to become a limited access bypass road (subject to confirmation by the Selwyn District Council)

Explanation and Reasons

A Structure Plan has been prepared to facilitate the integrated growth of Lincoln Township to accommodate an additional **3,9004,015** households by 2041. The Lincoln Structure Plan is based on projected figures from the Urban Development Strategy and Regional Policy Statement, which identify Lincoln as a south-western growth centre.

• **PART C4 LIVING ZONE RULES — BUILDINGS**

○ **4.9 BUILDINGS AND BUILDING POSITION**

Permitted Activities — Buildings and Building Position

Setbacks from Boundaries

- 4.9.2 Except as provided in Rules 4.9.3 to 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.



4.9.26 Within the Living Z zone at Lincoln, ODP Area 5, Appendix 37, no dwelling or principal building shall be constructed within 50m of the Landscape Buffer located at the northern end of the Business 2B zone until appropriate noise attenuation measures, as determined by a suitably qualified noise expert and designed to achieve the noise standards contained in Rule 22.4.1.6 have been constructed.

- PART C12 LIVING ZONE RULES – SUBDIVISION

- 12.1 SUBDIVISION — GENERAL

Restricted Discretionary Activities — Subdivision – General

- 12.1.3 Standards and Terms

Lincoln

12.1.3.22 In that part of the Living Z Zone located in Lincoln as depicted within the Outline Development Plan for ODP Area 5, Appendix 37, no subdivision shall occur within 50m of the Landscape Buffer located at the northern end of the Business 2B zone until appropriate noise attenuation measures, as determined by a suitably qualified acoustic expert and designed to achieve the noise standards contained in Rule 22.4.1.6, have been constructed.

- PART C13 BUSINESS ZONE RULES – STATUS OF ACTIVITIES

- 13.1 STATUS OF ACTIVITIES

Note: Development contributions under the **LTCCPLTP** Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.

Permitted Activities — Status of Activities

13.1.2 The following activities shall be permitted activities in the Business 2B Zone:

13.1.2.1 Any of the activities listed in (a) to (h) below subject to compliance with the conditions for permitted activities in Rules 14 to 23.

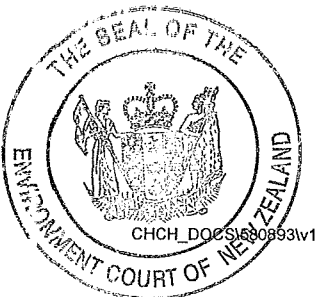
(a) Any industry or goods storage which does not require an Offensive Trade Licence under the Health Act 1956.

(b) Retailing of: goods produced on the site, building or plumbing supplies, automotive parts, electrical parts, mechanical parts, gardening supplies, vehicles, boats, caravans, machinery sales, farm supplies, vehicle servicing premises, service trade premises, builders yards and cafes/lunchbars.

(c) Public Utilities

(d) Car Parking

(e) Hire of Equipment



- (f) Emergency Services Facilities
- (g) Meteorological Activities
- (h) Offices which are ancillary to permitted activities

Discretionary Activities — Status of Activities

- 13.1.8** The following activities shall be discretionary activities in the Business 2B Zone:
- 13.1.8.1** Any activity which is specified in Rules 14 to 23 as a discretionary activity.
- 13.1.8.2** Any activity which is not listed as either:
 - (a) A non-complying activity under Rule 13.1.11; or
 - (b) A permitted activity under Rule 13.1.2.

Non-Complying Activities — Status of Activities

- 13.1.911** The following activities shall be non-complying activities in Business 2, and 2A and 2B zones:
- 13.1.911.1** Any activity which is specified in Rules 14 to 23 as being a non-complying activity.
- 13.1.911.2** Any of the activities listed in (a) to (c) below, irrespective of whether they comply with the conditions for permitted or discretionary activities in Rules 14 to 23.
 - (a) Mining or quarrying
 - (b) Correction facility
 - (c) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

• PART C16 BUSINESS ZONE RULES – BUILDINGS

○ 16.1 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

- 16.1.5** Any principal building within the Business 2B Zone shall be a permitted activity if the following standards are met:
- 16.1.5.1** A landscape strip of at least 5m width shall be established and maintained along the Springs Road frontage of every site, comprising 1 Podocarpus totara tree for every 5m of the road frontage, 1.5m high (when planted), which is capable of growing to a least 15m height at maturity.
- 16.1.5.2** A landscape strip of at least 3m width shall be established and maintained along all other boundaries of the Business 2B and OuterPlains zone, comprising 1 Podocarpus totara tree for every 10m, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity, with spacing of no less than 5m and no greater than 15m.
- 16.1.5.3** Before any principal building is erected on any parcel of land subject to rule 16.1.5.1 to 16.1.5.2, all of the required landscape planting on that allotment shall be completed.
- 16.1.5.4** The landscaping planted shall be maintained, and if dead, diseased or damaged, shall be removed and replaced.



Non-Complying Activities — Buildings and Landscaping

- 16.1.7 Any principal building which does not comply with Rule 16.1.2 or 16.1.3 or 16.1.4 or 16.1.5 shall be a non-complying activity.

Table C16.2 – Maximum Heights of Buildings and Structures

Zone
Business 2A <u>and 2B</u> Zone

- 16.7 BUILDINGS AND BUILDING POSITION
- Permitted Activities — Buildings and Building Position

Setbacks from Boundaries

- 16.7.2 Any building which complies with the minimum setback distances from site boundaries as set out below shall be a permitted activity.

16.7.2.5 Business 2B Zone

- Road Boundaries: 5 metres
- Internal Boundaries: (adjoining a rural zoned property: 3 metres), (adjoining the Living Z zone: 50 metres as identified on the Outline Development Plan Area 5 at Appendix 37).

Reasons for Rules

Landscaping

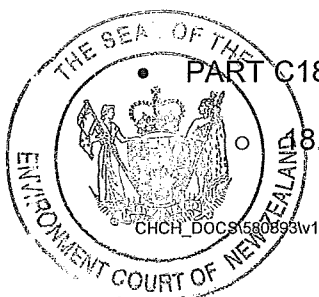
For the Business 2B Zone, landscaping strips along the Springs Road frontage and internal Zone boundaries are required to ensure that appropriate levels of amenity are achieved along the zone boundaries. Along the Springs Road frontage, higher density planting is required to enable effective screening of buildings and to avoid building domination. Along the internal Business 2B Zone boundaries, the objective is to achieve consistency of substantial planting throughout the full length of these boundaries to reduce building domination (including on the Living Z zone) and to soften the presence of buildings.

Building Position

For the Business 2B Zone in Lincoln, appropriate building setbacks apply along all of the Zone boundaries. The setbacks are intended to provide sufficient space to establish landscaping, and in particular large trees; to avoid or reduce building domination; and to provide along the Springs Road frontage higher density planting so as to enable effective screening of buildings.

PART C18 BUSINESS ZONE RULES – UTILITIES

18.2 HEIGHT AND SETBACKS - UTILITY BUILDINGS



Permitted Activities — Height and Setbacks – Utility Buildings

- 18.2.1 Erecting any utility building, or any addition or alterations to, or modification of any utility building which complies with all of the following conditions shall be a permitted activity.
- 18.2.1.1 The height of the utility building shall not exceed the following standards:
- (a) Business 1A Zone; 8m
 - (b) Business 1 Zone; 10m
 - (c) Business 2 Zone; 15m
 - (d) Business 2A, **2B** Zone; 15m
 - (e) Business 3 Zone; 25m
- 18.2.1.2 The setback of the utility building shall not be less than the following standards:
- (a) Business 1A Zone – 6m from a road boundary, or from the boundary of Lots 1 and 2 DP 22544.
 - (b) Business 2 Zone: 2m from a road boundary, or any boundary adjoining a Living Zone.
 - (c) Business 2A Zone:
 - Road Boundaries: 10m
 - Internal Boundaries: adjoining a rural zoned property: 10m, except that this requirement shall be 15m in those locations identified on the Outline Development Plan attached at Appendix 22.
 - (d) Business 2B Zone:**
 - Road Boundaries: 5m
 - Internal Boundaries: adjoining a rural zoned property: 3m, adjoining a Living Z zone: 50 m
 - (e) Business 3 Zone: 10m from a road boundary or a Living Zone boundary.
 - (f) In all Business Zones, the building shall be positioned so that it complies on a Living Zone boundary, with the recession plane angles in Appendix 11.

○ 18.3 HEIGHT – UTILITY STRUCTURES

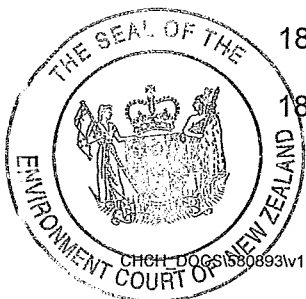
Permitted Activities — Height – Utility Structures

- 18.3.1 Any utility structure (except dish antenna) which complies with all of the following conditions shall be a permitted activity:
- 18.3.1.1 The structure does not exceed the following heights:
- (a) Business 1 and 2 Zones: 25m
 - (b) Business 1A Zone: 20m
 - (c) Business 2A, **2B** Zone: 25m
 - (d) Business 3 Zone: 30m

○ 18.5 LANDSCAPING – UTILITY BUILDINGS

Permitted Activities — Landscaping Utility Buildings

- 18.5.1 Any utility building shall be a permitted activity if the following conditions are met:
- 18.5.1.1 The area between the road boundary and the utility boundary is:
- (a) Paved or sealed; or



- (b) Planted in lawn; or
- (c) Landscaped with shrubs, bark chips or similar materials
- (d) For the purpose of screening in the Business 2, **2B** and 3 zones, landscaping methods listed in (a)–(c) can be employed.

18.5.3 Any utility building within the Business 2B Zone shall be a permitted activity, if the following standards are met:

18.5.3.1 A landscape strip of at least 5m width shall be established and maintained along the Springs Road frontage of every site, comprising 1 Podocarpus totara tree for every 5m of the road frontage, 1.5m high (when planted), which is capable of growing to a least 15m height at maturity.

18.5.3.2 A landscape strip of at least 3m width shall be established and maintained along all other boundaries of the Business 2B and Outer Plains zone, comprising 1 Podocarpus totara tree for every 10m, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity, with spacing of no less than 5m and no greater than 15m.

18.5.3.3 Before any utility building is erected on any parcel of land subject to rule 18.1.5.1 to 18.1.5.3, all of the landscape planting on that allotment shall be completed.

18.5.3.4 The landscaping planted shall be maintained, and if dead, diseased or damaged, shall be removed and replaced.

Discretionary Activities — Landscaping – Utility Buildings

18.5.4 Any activity which does not comply with Rule 18.5.1, 18.5.2 or 18.5.3 shall be a discretionary activity.

• PART C20 BUSINESS ZONE RULES – HAZARDOUS SUBSTANCES

○ 20.1 STORAGE OF HAZARDOUS SUBSTANCE

Controlled Activities — Storage of Hazardous Substances

20.1.2 The following activities shall be controlled activities in the Business 1, 1A, 2, **2B** and 3 Zones:

20.1.2.1 The storage and retail sale of petrol (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres in underground tanks) at service stations and/or truck stops shall be a controlled activity and will not require the written consent of other persons and shall be non-notified.

20.1.2.2 The storage and sale of LPG (up to 6 tonnes, single vessel storage) at service stations and/or truck stops shall be a controlled activity and will not require the written consent of other persons and shall be non-notified.

20.1.2.3 Any consent application for the installation of any electrical transformer, where operated by a network utility operator, as defined under Section 166 of the Resource Management Act 1991, shall be non-notified and not require the written consent of directly affected parties.

20.1.2.4 In assessing any application made under Rule 20.1.2 consideration will be given to the following matters:

- (a) The extent to which the proposed activity can avoid or mitigate any undue risk, including site layout, site management, and spill contingency planning, monitoring and maintenance schedules.



- (b) Any relevant codes of practice introduced, or approved by, the Environmental Risk Management Authority; and pending these, any relevant codes applicable to hazardous substances.

- 20.2 MANUFACTURE OF HAZARDOUS SUBSTANCES
Discretionary Activities — Manufacture of Hazardous Substances

- 20.2.2 The following shall be discretionary activities:
 - 20.2.2.1 The manufacture of any hazardous substance in the Business 2 or 2A **or 2B** Zone as either a product or by-product.
 - 20.2.2.2 The manufacture of any hazardous substance in the Business 3 Zone which does not comply with Rule 20.2.1.

- PART C21 BUSINESS ZONE RULES – WASTE

- 21.2 WASTE DISPOSAL
Discretionary Activities — Waste Disposal

- 21.3.2 The use of any land or the establishing of any facilities for the disposal of solid waste which does not comply with Rules 21.3.1.1 or 21.3.1.2 shall be a discretionary activity if any one of the following standards and terms is met:
 - 21.3.2.1 The site is located in a Business 2 or 2A **or 2B** or 3 Zone; and
 - 21.3.2.2 The solid waste being disposed of is clean fill only; or
 - 21.3.2.3 The solid waste being disposed of is green waste only; or
 - 21.3.2.4 The solid waste being disposed of is monofill from an industrial or business activity, and does not include any hazardous substance(s), offal or animal carcass.

- PART C22 BUSINESS ZONE RULES – ACTIVITIES

- 22.2 ACTIVITIES AND THE KEEPING OF ANIMALS
Discretionary Activities — Activities and the Keeping of Animals

- 22.2.2 The keeping of animals other than domestic pets in Business 1, 1A & 3 Zones except as provided under Rule 22.2.4 shall be a discretionary activity.
- 22.2.3 In Business 2, ~~and~~ 2A **and 2B** Zones, the following shall be discretionary activities:
 - 22.2.3.1 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products
 - 22.2.3.2 Boarding of animals.
 - 22.2.3.3 Intensive livestock production

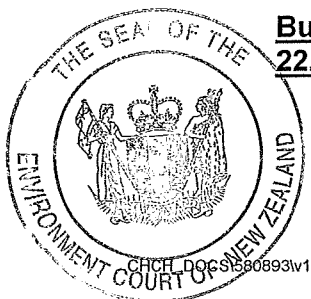
- 22.4 ACTIVITIES AND NOISE
Permitted Activities — Activities and Noise

- 22.4.1 Any activity conducted on any day, except any residential activity, shall be a permitted activity, provided that the following noise limits are not exceeded with the time-frames stated.

Business 2B Zone:

22.4.1.6 Noise assessed within a Living zone or within the notional boundary of any dwelling within any Rural zone:

<u>7.30am – 8.00pm</u>	<u>55 dBA L10</u>
<u>8.00pm – 7.30am</u>	<u>40 dBA L10</u>



<u>7.30am – 8.00pm</u>	<u>85 dBA Lmax</u>
<u>8.00pm – 7.30am</u>	<u>70 dBA Lmax</u>

○ **22.6 ACTIVITIES AND LIGHT SPILL**

Permitted Activities — Activities and Light Spill

22.6.1 The following activities shall be permitted activities:

22.6.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.

22.6.1.2 Any other lighting if it does not exceed:

- (a) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in a Living zone or within the notional boundary of any dwelling within any Rural zone; and
- (b) 10 lux spill (horizontal or vertical) on to any part of any adjoining property within the same Business zone.
- (c) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in the Rural zone which has a common boundary with either the Business 2A Zone as depicted on the Outline Development Plan at Appendix 22, or the Business 2B Zone as depicted on the Outline Development Plan for ODP Area 5 at Appendix 37.

○ **22.15 CAFES AND LUNCHBARS WITHIN THE BUSINESS 2B ZONE IN LINCOLN**

Permitted Activities — Café and Lunchbars within the Business 2B Zone in Lincoln

22.15.1 The following shall be a permitted activity provided that the following conditions are met:

22.15.1.1 Any cafes / lunchbars located within the Business 2B zone with a gross floor area of less than 150 m².

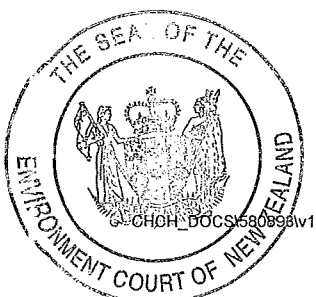
Discretionary Activities: Cafes and Lunchbars within the Business 2B Zone in Lincoln

22.15.2 Any activity which does not comply with Rule 22.15.1.1 shall be a discretionary activity.

Reasons for Rules

Café and Lunchbars within the Business 2B Zone at Lincoln

The reason for the restriction on retail floor space for café and lunchbars within this zone is to make sure that these type of stores cater for the needs of the Business 2B zone and not the whole of Lincoln, so that it complements the existing Town Centre and Neighbourhood Centre hierarchy that has been created in Lincoln.



"B"

Outline Development Plan Area 5

Introduction

Area 5 comprises approximately 26ha of land located south of Lincoln University on the western side of Springs Road. The northern half of Area 5 (zoned Living Z Deferred) is located opposite ODP Area 1 ('the Dairy Block'). The southern half is zoned Business 2B.

The ODP is based on sound urban design principles, including the SDC Subdivision Guide (September 2009), and establishes a framework to guide future development of the site.

Integration with the township

The site is located adjacent to Lincoln University and the proposed 'Dairy Block' residential development, which provides opportunities for the integration of facilities and network infrastructure, including the potential for a future bypass road. The Business 2B zone is well placed to enable a range of industrial-type activities to establish to service the needs of a growing local community.

The ODP has been formulated to maximise connectivity between the site and its surrounds, while recognising the need to separate the Living Z Deferred and Business 2B zones to avoid potential cross boundary effects and to maintain residential amenity values.

Density plan

The density plan illustrates the extent of Living Z Deferred and Business 2B zoning, with the zone boundary located on the northern side of the landscape buffer. The Business 2B zone is identified as being within the first (current) development phase period, whereas the Living Z Deferred zone is deferred until the second phase. The deferment on the Living Z zone will therefore be uplifted in 2017, provided that adequate infrastructure and servicing is available.

The Living Z part of the ODP shall achieve a minimum net density of 10 households per hectare. Note that "net density" is to be calculated with respect to the Living Z zone boundaries only and not over the whole ODP area and excludes the 20m roading corridor for the potential future bypass located at the western end of the LZ zone.

Movement network

The roading network is designed to make safe provision for a range of transport options, including active transport (cycling and walking) and public transport (bus). It also provides for the separation of vehicle traffic from the living and business areas, with each zone having a primary route onto Springs Road.

The ODP makes provision for a potential bypass road, as identified in the Lincoln Structure Plan however no formal plans for the road have been made to date. There is sufficient space within the landscape buffer shown on the ODP to accommodate the bypass road should this road eventuate (as shown on the cross section diagram attached to this ODP report). A suitable acoustic treatment shall be undertaken to mitigate road noise prior to construction of the bypass



road. The ODP also illustrates a potential roading connection from the Business 2B zone onto the bypass road in order to facilitate the movement of heavy vehicles in this locality.

The internal roading layout for both the Living Z and Business 2B areas reflects the principles of the SDC Subdivision Design Guide by ensuring good connectivity, minimising the number of rear lots and encouraging the efficient shape and orientation of future allotments.

Future road and cycle/pedestrian linkages are shown to the adjoining area to the west, which is subject to a separate private plan change request for rural residential rezoning; and a pedestrian/cycleway link is provided between the Living Z and Business 2B zones.

Green network

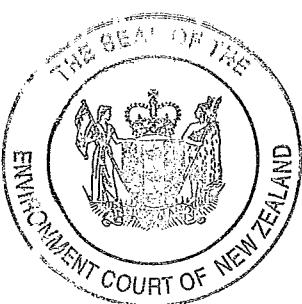
The green network will provide amenity and serve the recreational needs of the future residents and occupiers of the ODP area. The open space areas shown on the ODP comprise a neighbourhood park (approximately 2000 – 2500m² in size) within the Living Z zone and a landscape buffer (varying between 30m – 50m in width) along the western boundary of the Living Z zone and along the northern boundary of the Business 2B zone.

The location and size of the neighbourhood reserve is based on the SDC open space requirements cited in the LTP and Activity Management Plans, which seek to achieve 1ha per 1000 new residents and to provide a local reserve within 400m walking distance of every dwelling. All roads will be suitable for 'on road' cycling, and will include a footpath formed on one side only to minimise impermeable surfaces.

The landscape buffer shown along the northern boundary of the Business 2B zone has a minimum width of 50m to separate residential and industrial activities, in order to maintain residential amenity values. The width of this buffer also provides sufficient space for noise mitigation measures to be constructed, in addition to any potential bypass road. A suitable acoustic treatment shall be undertaken within the landscape buffer to mitigate noise from the Business 2B zone prior to subdivision or construction of principle buildings in that part of the Living Z zone within 50m of the Landscape Buffer. The remainder of the landscape buffer, comprising a width of 30m provides a possible route for the potential bypass road.

Specific building setback and landscaping requirements apply along all external Business 2B zone boundaries to maintain amenity values at the zone interface. These mitigation measures are to be implemented through the associated land use rules for activities within the Business 2B zone.

A 5m no build setback along the west boundary and northwest corner of the Worner property (that part of the property currently with less dense existing screen planting), is intended to maintain the amenity of that property until such time as it is redeveloped for higher density living purposes than the current rural residential use.



Blue network

Stormwater is to be managed on site with a combination of internal swales, a first flush basin (approximately 6,000m² in size) and a wetland located in the southeast corner of the Business 2B zone comprising an area of approximately 1.8 ha. The stormwater system will manage stormwater from within the entire ODP area, including both the Living Z Deferred and Business 2B zones.

The size of the wetland shown on the ODP is subject to further refinement at the detailed design stage, including confirmation of depth to groundwater. There are three options for stormwater discharge from the ODP area:-

- 1) Discharge into the SDC drain adjacent to Collins Road east of Springs Road via a pipe or open drain laid along Springs Road and Collins Road.
- 2) Discharge via the private drainage system on adjoining land to the south (subject to the agreement of the landowner).
- 3) Discharge to the main drain located within ODP Area 1.

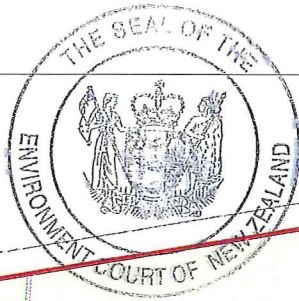
Option 1 is the preferred option.

The stormwater management system is consistent with design principles of the Lincoln Integrated Stormwater Management Plan, however a variation will be required to the global discharge consent to accommodate the additional stormwater flows and to ensure that discharge quality into the LII River meets the relevant consent conditions.

The proposed wastewater network for the ODP area will include a system of gravity mains and a pumping station to convey wastewater off-site. There are a number of options for the delivery main from the pump station at Springs Road to the SDC network, with the preferred option being construction of a temporary rising main to the existing Lincoln reticulation. This could ultimately be superseded by a connection into the Dairy block reticulation once this is available.

A reticulated water supply can be supplied to the ODP area by construction of a watermain down Springs Road from Ellesmere Junction Road, which can eventually be interconnected with the water network being constructed for the Dairy block, including ODP Area 1.





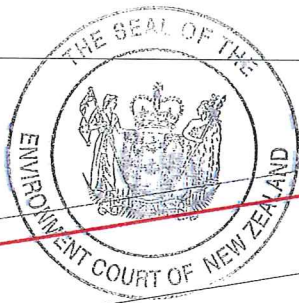
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OUTLINE DEVELOPMENT PLAN AREA 5 - LINCOLN - DENSITY PLAN

	Parcel		Low Density - 10hh/ha		Potential future bypass road
	ODP Area		Landscape Buffer*		Stormwater Treatment Zone
	Rooding		Potential Rooding Connection		Shared pedestrian/ cycle off road lane

* Landscape Buffer subject to noise attenuation measures to mitigate reverse sensitivity issues between business and residential use



LIVING Z
Stage 2

BUSINESS 2B
Stage 1

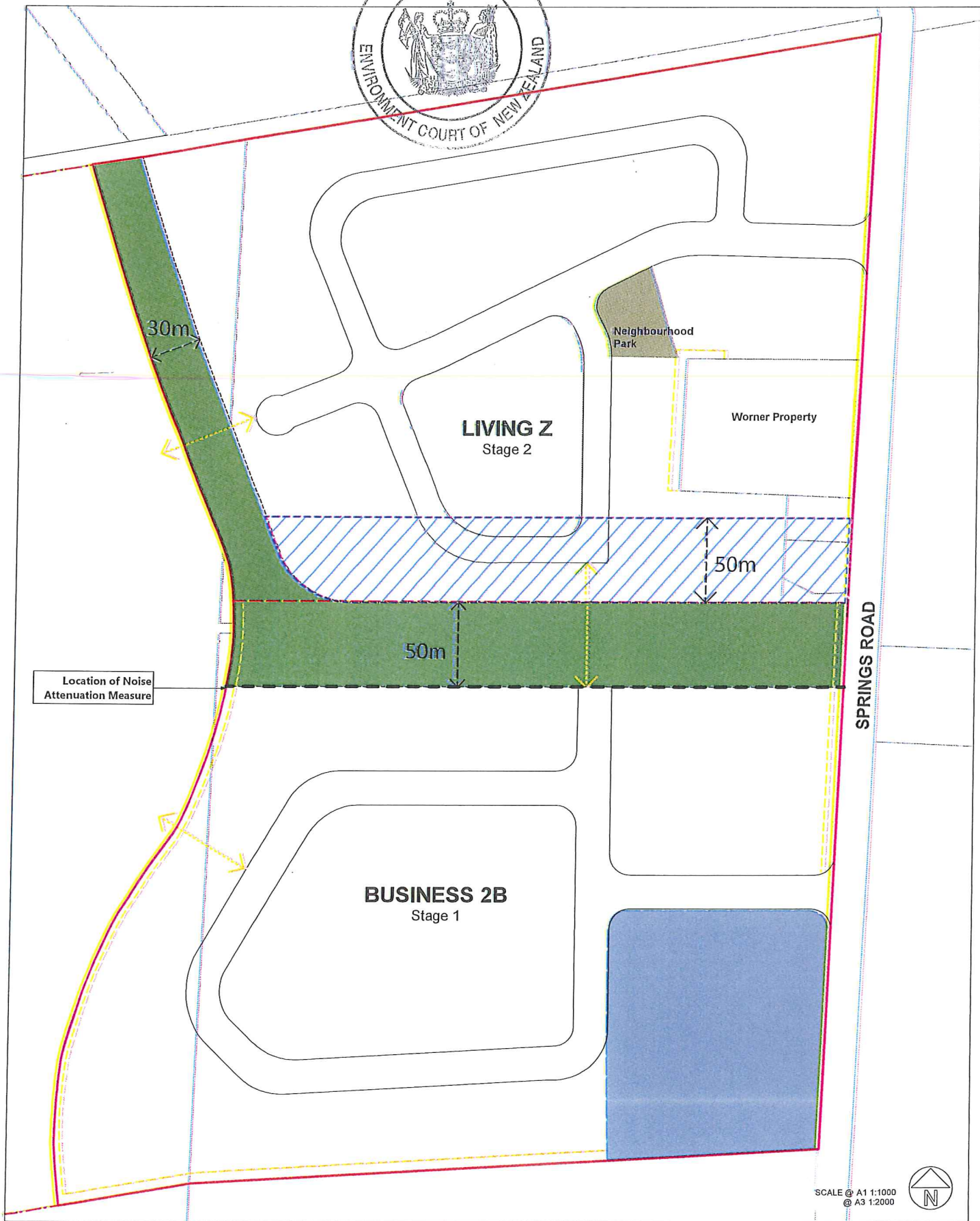
SPRINGS ROAD

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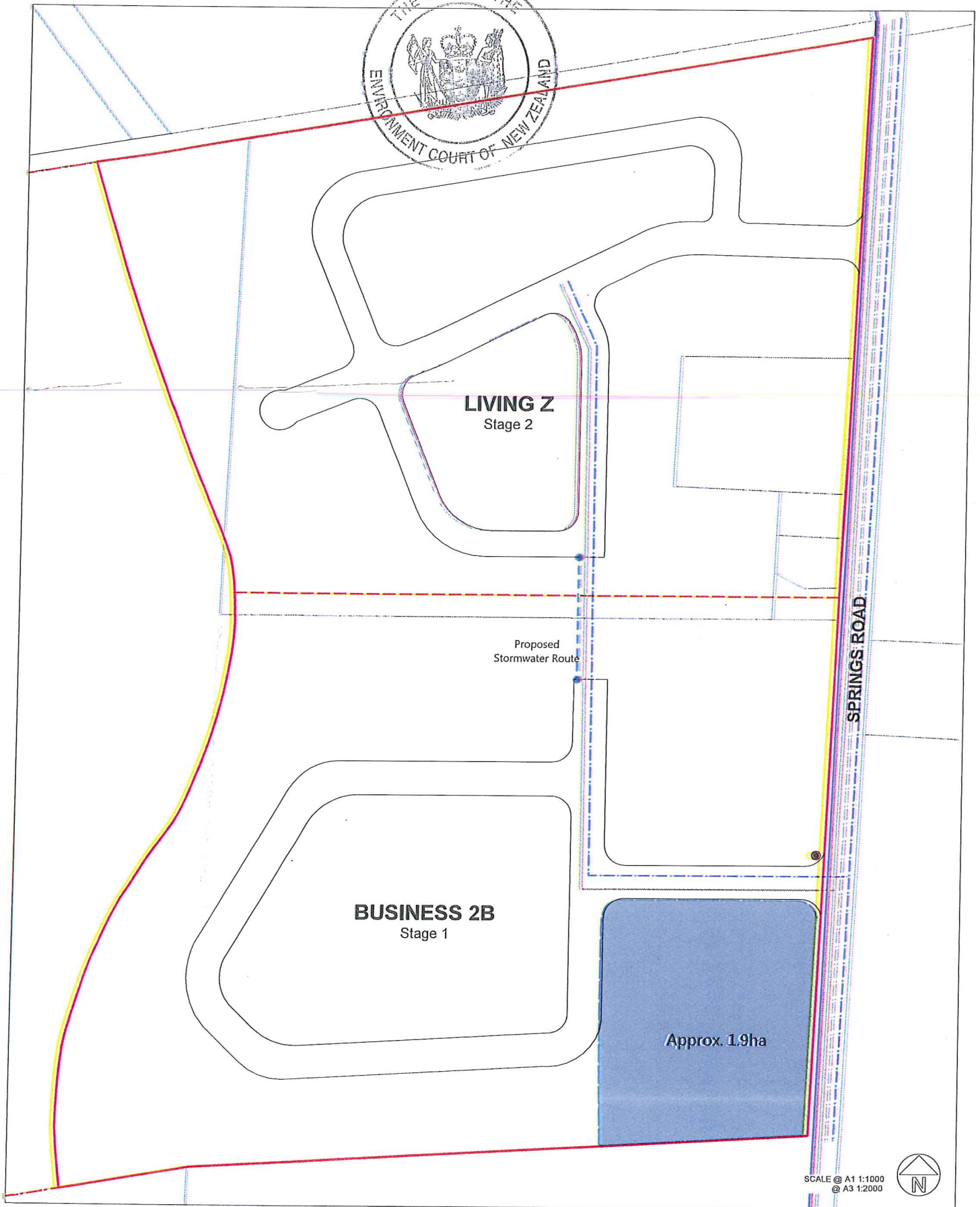
OUTLINE DEVELOPMENT PLAN AREA 5 - LINCOLN - MOVEMENT NETWORK PLAN

- | | | | | | |
|--|---|--|--|--|-----------------------|
| | ODP Boundary | | Existing & Proposed Roadway | | |
| | Boundary between Business and Residential | | Potential Roadway Connection | | Potential bypass road |
| | Parcel | | Shared pedestrian/ cycle off road lane | | |



OUTLINE DEVELOPMENT PLAN AREA 5 - LINCOLN - GREEN NETWORK PLAN

	ODP Boundary		Recreation Reserve		Shared pedestrian/ cycle off road lane
	Parcel		Landscape Buffer		Stormwater Treatment Zone
	Roding		No Build Setback		50 metre Noise Attenuation Zone



SCALE @ A1 1:1000
@ A3 1:2000



OUTLINE DEVELOPMENT PLAN AREA 5 - LINCOLN - BLUE NETWORK PLAN

	ODP Boundary		Proposed stormwater treatment zone		Indicative wastewater pump station
	Parcel		Existing waterway (drain)		Proposed gravity wastewater
	Roading		Proposed Watermain		Proposed rising wastewater