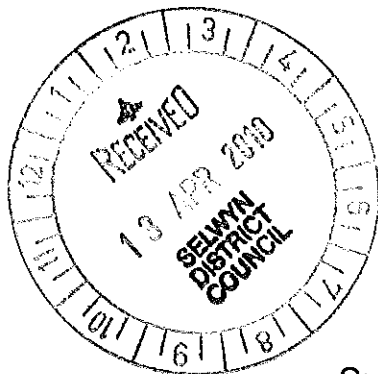




515
100413038

**Resource Management (Forms, Fees, and
Procedure) Regulations 2003**

Schedule 1

Form 5
Submission on publicly notified Plan Change
Selwyn District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To Selwyn District Council
2 Norman Kirk Drive
PO Box 90
Rolleston
Christchurch 7614
FAX: 03-347-2799



1. Full name of submitter: Lincoln Estates Limited

Lincoln Estates Limited is the Purchaser of that 26.5006 hectare parcel of land lying at the eastern end of the Lincoln township and forming the south western corner of the intersection of Edward St, Lincoln-Tai Tapu Road and Ellesmere Road, and legally described as Part Lot 1, DP 9172 and contained in Certificate of Title Reference CB37B/525.

This is a submission on Proposed Plan Change 7 to the Selwyn District Plan.

2. The specific provisions of the proposal that my submission relates to are:

SEE ATTACHED TABLE – COLUMN 1

3. Our submission in SUPPORT / OPPOSITION is:

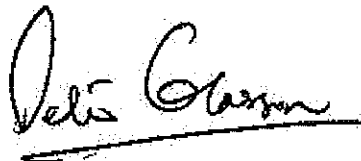
SEE ATTACHED TABLE – COLUMN 2

4. We seek the following decision from Selwyn District Council:

SEE ATTACHED TABLE – COLUMN 3

5. WE DO WISH to be heard in support of our submission

6. If others make a similar submission, we will not consider presenting a joint case with them at a hearing

7. 

Director
Lincoln Estates Limited

Date: 11 April 2010

8. Address for service of submitter:

Lincoln Estates Limited
c/- Mr Peter Glasson
24 Weka St
Fendalton
CHRISTCHURCH 8041

P: 03 348 9090
M: 021 324 954
F: 03 348 9092
E: peter.glasson@ihug.co.nz

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
002	Table A4.4 – Description of Township Zones; and specifically the sentence which reads: “Where the deferral is dependant on separate phasing provisions and/or the provision of infrastructure (as is the case with Phase 2 areas in Lincoln), they will remain deferred until 2021 and sufficient infrastructure is available.”	The sentence is dependent on the confirmation of the staging approach in Plan Change 1 to the Regional Policy Statement. It is also dependent on there being sufficient spare capacity in zoned land that it is not necessary to develop Phase 2 land prior to 2021.	DELETE the sentence in its entirety OR REWORD the sentence to read as follows: “Where the deferral is dependant on separate phasing provisions and/or the provision of infrastructure (as is the case with Phase 2 areas in Lincoln), they will remain deferred until sufficient infrastructure is available, and demand for further residential development can be verified.” AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
015	Policy B4.1.12 Discourage high and continuous fences or screening of sites in Living zones that have frontage but no access on to Strategic Roads or Arterial Roads.	The Policy ignores the reasons for fencing, barriers, and screening of sites abutting Strategic and Arterial Roads. High traffic volumes on such roads destroy the amenity of the adjoining residential sites.	DELETE Policy B4.1.12, and the accompanying Explanation and Reasons in their entirety. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
021	Objective 4.2.4: Explanation and Reasons Final Paragraph	(i) The Objective does NOT provide opportunity and flexibility for developers to express greater innovation, while satisfying the engineering requirements of the Plan. In fact, the Plan Change in general, and the Objective in particular, confer greater control to the Council and less flexibility to developers in subdivision design. (ii) The Council should not be protecting private views, is extremely problematic in practice, and is contrary to the principles and practice of the RMA. (iii) The last sentence is not required.	(i) REWRITE the first sentence to read: "Objective 4.2.4 satisfies the engineering requirements of the Plan. (ii) DELETE the words "...protection of views,..." (iii) DELETE the last sentence of the paragraph. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
022	Policy B4.2.3 " - Access to sunlight"	All allotments have access to sunlight. It is the design of the dwelling which determines the use of sunlight in the dwelling and on the allotment. The provision is the micromanagement of subdivision design and is contrary to the principles and practice of resource management planning.	DELETE the provision in its entirety. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
023	Policy B4.2.3 Explanation and Reasons	Consequential issues: (i) Maximisation of sunlight access is a matter of building design, not subdivision design (ii) The explanation regarding access does not relate to the policy and must be deleted in its entirety.	DELETE the following sentences which read: (i) "It is important that residential buildings maximise the ability to receive sunlight in living areas which helps to achieve energy efficiency and maintain associated amenity values." (ii) Direct site access onto limited access roads or State Highways is not generally possible, However allotments that adjoin main roads within urban areas should be designed so as to gain access from those roads rather than 'turning their back' to main roads. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited DELETE the phrase: "...and views to the Southern Alps and Port Hills,..." AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
023	Policy B4.2.4 Explanation and Reasons	Views from a subdivision are not a matter for the District Plan to take account of. The policy does not relate to the views from a subdivision. The provision is the micromanagement of subdivision design and is contrary to the principles and practice of resource management planning.	

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
027	Policy B4.2.9 Words: "...small in scale..."	The words are meaningless	DELETE the phrase: "...small in scale..." AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited DELETE the phrase: "Limiting the scale of new residential blocks will..." and REPLACE with: "Pedestrian, cycle and vehicular permeability within and through these living environments needs to be encouraged so that pedestrians and cyclists will experience..." DELETE the phrase: "...and views..." DELETE the words starting: "Residential blocks with perimeters..." to the end of the Explanation. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
027	Policy B4.2.9 Explanation and Reasons (i) Limiting the (ii) "...and views..." (iii) The words: "Residential blocks..." to the end of the paragraph.	The provision is the micromanagement of subdivision design and is contrary to the principles and practice of resource management planning. The Council should not be protecting private views, is extremely problematic in practice, and is contrary to the principles and practice of the RMA. The explanation to the policy is overly prescriptive and would be better placed in the Subdivision Design Guide.	

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
028	Policy B4.2.11 "...whilst avoiding rear allotments where practical."	The provision is the micromanagement of subdivision design and is contrary to the principles and practice of resource management planning. The explanation to the policy is overly prescriptive.	DELETE the phrase: "...whilst avoiding rear allotments where practical..." DELETE the paragraph: "Sufficient interaction for all allotments with road frontages..." DELETE the paragraph in its entirety: "Where gated subdivisions are proposed, it will be ..." AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
030	Anticipated Environmental Results - Strong connections between allotments and the road frontage;	The statement is the micromanagement of subdivision design and is contrary to the principles and practice of resource management planning. The statement is overly prescriptive.	DELETE the provision in its entirety AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
037	Objective B4.3.4	The objective is dependent on the confirmation of the staging approach in Plan Change 1 to the Regional Policy Statement. It is also dependent on there being sufficient spare capacity in zoned land that it is not necessary to develop Phase 2 land prior to 2021.	DELETE the words: "...through a coordinated and phased development approach." AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
045	Policy B4.3.8	The objective is dependent on the confirmation of the staging approach in Plan Change 1 to the Regional Policy Statement. It is also dependent on there being sufficient spare capacity in zoned land that it is not necessary to develop Phase 2 land prior to 2021.	DELETE the second sentence and REPLACE with the following: “The deferment of these areas shall be lifted when demand for further residential development can be verified, provided adequate infrastructure and servicing is available and an operative Outline Development Plan for the stage has been included in the District Plan.” AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
045	Policy B4.3.8 Explanation and Reasons	The last sentence to the first paragraph is dependent on the confirmation of the staging approach in Plan Change 1 to the Regional Policy Statement. It is also dependent on there being sufficient spare capacity in zoned land that it is not necessary to develop Phase 2 land prior to 2021. The sentence is contrary to the Lincoln Structure Plan and to Proposed Plan Change 7.	DELETE the last sentence, and make any other consequential amendments. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
048	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.”		DELETE the sentence in its entirety and make any other consequential amendments. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
051	Outline Development Plan Area 2 Provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main truck connections where necessary;	This specific matter is addressed in the preparation of the ODP and was not requested by the Selwyn District Council.	DELETE the provision or make any other consequential amendments. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
072	Rule 4.13.1	The rule is micromanagement of allotment design and is contrary to the principles and practice of resource management planning. The statement is overly prescriptive and inflexible.	DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
072	Rule 4.13.2	The rule is micromanagement of allotment design and is contrary to the principles and practice of resource management planning. The Rule is overly prescriptive and inflexible.	DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
072	4.13.3 Any activity which does not comply with Rule 4.13.1 and Rule 4.13.2 shall be a restricted discretionary activity.	A resource consent application for these matters are minor and should be processed on a non-notified basis.	AMEND Rule 4.13.3 to read as follows: 4.13.3 Any activity which does not comply with Rule 4.13.1 and Rule 4.13.2 shall be a restricted discretionary activity <u>which shall not be notified and shall not require the written approval of affected parties.</u> AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
072	4.13.4.3	The rule is micromanagement of allotment design and is contrary to the principles and practice of resource management planning. The Rule is overly prescriptive and inflexible.	DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
072/ 073	4.13.5	The rule is micromanagement of allotment and dwelling design and is contrary to the principles and practice of resource management planning. The Rule is overly prescriptive and inflexible.	DELETE the Rule in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
079	Reasons for Rules: Buildings and Streetscene	The provision is micromanagement of allotment and dwelling design and is contrary to the principles and practice of resource management planning. The provision is overly prescriptive and inflexible.	DELETE the two paragraphs in their entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
098	12.1.4.16	The Proposed provision has already indicated their antipathy of gated communities as is common amongst the planning community. The provision is politically correct planning speak foreshadowing complete opposition by the Council planners to the concept of gated communities.	DELETE the Provision in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
099	12.1.4.28	The provision is micromanagement of allotment and dwelling design and is contrary to the principles and practice of resource management planning. The provision is overly prescriptive and inflexible.	DELETE the Provision in its entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
099	12.1.4.29; 12.1.4.30; 12.1.4.31; 12.1.14.32	The provisions are micromanagement of allotment design and is contrary to the principles and practice of resource management planning. The provisions are overly prescriptive and inflexible.	DELETE the Provisions in their entirety or make other consequential amendments to provide flexibility, to the satisfaction of Lincoln Estates Limited. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
100	12.1.4.33: "The extent to which the subdivision relates well to its surroundings, cultural features, and makes use of existing features and amenities, such as the retention of trees and water features, view shafts to mountains, or good use of the rural interface to enhance the urban area ; and	Views from a subdivision are not a matter for the District Plan to take account of. The policy does not relate to the views from a subdivision. The provision is the micromanagement of subdivision design and is contrary to the principles and practice of resource management planning.	DELETE the phrase: " view shafts to mountains, or good use of the rural interface to enhance the urban area ". AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited
116	Add the following Outline Development Plans as Appendix 35:	Lincoln Estates Limited supports the inclusion of the Outline Development Plans into the Selwyn District Plan via Plan Change 7.	No Change Required.
123	LINCOLN PLANNING MAPS Create Planning Maps 14A which will sit behind map 14. This map will identify the zoning of future development within Lincoln.	Lincoln Estates Limited supports the inclusion of Map 14A into the Selwyn District Plan IN PART . The proposed two stage phasing relies on the staging promoted by Plan Change 1 to the Canterbury Regional Policy Statement. This aspect of Plan Change 1 to the RPS is under challenge to the Environment Court.	If the staging methodology promoted by Plan Change 1 is removed from the RPS, then all of the Lincoln Estates land (Part Lot 1, DP 9172 and contained in Certificate of Title Reference CB37B/525) shall be rezoned to Living Z zoning. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited

Page	(1) The specific provisions of the Proposed Plan Change that Lincoln Estates submission relates to are as follows:	(2) Lincoln Estates submission is that:	(3) Lincoln Estates seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to Lincoln Estates):
123	LINCOLN PLANNING MAPS Amend Planning Maps 008, 009, 013, 014, and 110–117 to reflect new Living Z, Living Z Deferred and Business 2 Deferred zonings within Lincoln.	Lincoln Estates Limited supports the inclusion of Map 114 (Sheets 1 & 2) and Map 117 (Sheets 1 & 2) into the Selwyn District Plan IN PART. The proposed two stage phasing relies on the staging promoted by Plan Change 1 to the Canterbury Regional Policy Statement. This aspect of Plan Change 1 to the RPS is under challenge to the Environment Court.	If the staging methodology promoted by Plan Change 1 is removed from the RPS, then all of the Lincoln Estates land (Part Lot 1, DP 9172 and contained in Certificate of Title Reference CB37B/525) shall be rezoned to Living Z zoning. AND make ALL consequential amendments to the Section 32 analysis to the satisfaction of Lincoln Estates Limited