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13 April 2010

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Plan Change 7

Please find enclosed a submission on Plan Change 7 on behalf of Lincoln Land Development.

Yours faithfully

Shoshona Goodall
Associate

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TO: SELWYN DISTRICT COUNCIL

FROM: LINCOLN LAND DEVELOPMENT

SUBMISSION ON PLAN CHANGE 7

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

Presented for filing by:
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TO: Selwyn District Council

SUBMISSION ON: Proposed Plan Change 7 ("PC7") to the Partially Operative Selwyn District Plan (SDC Plan)

NAME: Lincoln Land Development

ADDRESS: c/- Duncan Cotterill, Lawyers, 197 Bridge Street, PO Box 827, Nelson

Each of the following submissions is separately numbered and is set out in the order of items in Form 5 Resource Management (Forms, Fees and Procedure) Regulations 2003.

EXECUTIVE SUMMARY

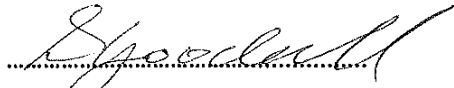
The specified provisions of Proposed Change No.1 ("PC7") that this submission relates to are set out below.

The following submissions are identified as being in **SUPPORT** or **OPPOSITION** as the case may be.

Submission	Proposed Provision	Support/Oppose
1	Planning Map 116	Oppose in part
2	Table A4.4 – Description of Township Zones: Living Z Deferred Zone provisions, specifically that portion reading: <i>"Where the deferral is dependent 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."</i>	Oppose in part
3	Policy 3.4.3	Support

4	Policy B4.2.3	Oppose
5	Policy B4.3.7(vi)	Oppose in part
6	Policy B4.3.8	Oppose in part
7	Policy B4.3.50	Oppose in part
8	<p>Policy B4.3.56, Outline Development Plan Area 1, including the requirement for:</p> <p><i>ODP Area 1 to align with ODP Area 5</i></p> <p><i>Provision for a main road link originating from Weedons Road, linking Springs Road aligning with the southernmost east-west main road from ODP Block 2;</i></p> <p><i>Maintenance of a buffer zone (150m) around the perimeter of the sewerage treatment plant.</i></p>	Oppose in part
9	Rules 4.6 – 4.16	Oppose in part
10	Living Zone Rules, 12.1. Subdivision	Oppose in part
11	Township Volume – Part B – 4 Growth of Townships	Support in part
12	Appendix 13	Oppose
13	ODP Area 1: Location Plan	Support
14	ODP Area 1: Road Network and Density Plan	Oppose in part, support in part
15	ODP Area 1: Green Network Plan	Oppose in part, support in part
16	ODP Area 1: Blue Network and Services Plan	Support

1. The following decisions are sought from the Council:
 - 1.1 The specific decision is identified under each specific submission on a particular provision below.
2. Where there are live issues the submitter does wish to be heard in respect of the relevant submission.
3. If others make a similar submission the submitter would be prepared to consider presenting a joint case with them at any hearing.



Shoshona Goodall
Counsel for Lincoln Land Development

13 April 2010

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Shoshona Goodall

INTRODUCTION

4. Lincoln Land Development (LLD) was formed in 2008 as a new joint venture between Ngai Tahu Property Limited and Lincoln University. LLD set out to develop a 117ha site on the west side of Lincoln known as the Dairy Block. The aim of this joint venture is to employ best practice urban design principles to create a 'flagship' integrated neighbourhood for the Lincoln Township and the Greater Canterbury area.
5. The Dairy Block site currently has a mix of residential zones (Living 1, 1A3, 1A4 and 2), which provide for a large variety of lot sizes (ranging from 500 to 3,000m²). There is a portion of land zoned B3 on the west of the site which is currently used for car parking, and the south-eastern extent is zoned Outer Plains. PC7 identifies the southern half of the Dairy Block as Living Z Deferred Zone and this area forms part of Outline Development Plan ("ODP") Area 1.
6. Subdivision and land use consents have been granted for the northern half of the Dairy Block and this area is outside ODP Area 1.
7. The northern half of the Dairy Block is also subject to an ODP as set out in Appendix 18 (Operative Selwyn District Plan. Volume 1: Townships, Part E), although this is only referred to in the rules insofar as it relates to pedestrian and cycleway linkages. This is proposed to be deleted by PC7.

GENERAL COMMENTS

Overview

8. LLD provided comments on the draft version of PC7 in which LLD expressed its wish that Council hold a workshop with LLD and other landowners/stakeholders to canvas the issues raised prior to formal notification of the proposal. LLD was very pleased to have this opportunity and worked with Council staff in developing an ODP for the Dairy Block. Council Staff and LLD were largely in agreement over the content of ODP Area 1 to be included in the notified plan change, with two exceptions which are the subject of submissions below. LLD considers that this process was very valuable.
9. On balance, LLD is supportive of PC7, and in particular the emphasis that it places on quality design outcomes and the sustainable urban growth of the Lincoln Township and indeed the wider Selwyn District.

10. Notwithstanding this, LLD suggests that some matters proposed in PC7 be revisited and/or amended as set out below. A fundamental concern of LLD is the deferment of ODP Area 1 until 2021 and this is opposed. This would lead to an inefficient use of land for which servicing is available and which is located in an area identified as the preferred direction of growth within Lincoln.

Conduct of Hearings

11. SDC has signed a Memorandum of Understanding with Environment Canterbury, Christchurch City Council and Waimakariri District Council to uphold Proposed Change 1 to the Canterbury Regional Policy Statement ("PC1"). As a result SDC has a predetermined view of the outcome such that the hearing on PC7 should be conducted by independent Commissioners.

Proposed Change One

12. LLD notes that the Council has placed a large degree of emphasis on the Canterbury Regional Policy Statement, and in particular on PC1. There are a number of instances in the plan change where provisions of PC1 are used as a justification or foundation for new objectives, policies and rules. It must be noted that PC1 is not yet operative, and is still subject to appeal (including the concept of the urban limit).
13. Depending on the final content of PC1, PC7 could require amendment by way of formal variation, or run the risk of not giving effect to the RPS as required by the Resource Management Act. LLD notes that the Council decision on submissions differed in a number of ways from the notified version of PC1. A number of appeals have been received on PC1, meaning that there is a likelihood that additional changes could be made. This will result in increased cost to the Council to prepare and notify a variation(s) to PC7 or separate future plan change and increased cost to submitters in preparing submissions/evidence as well as the issue of the SDC Plan.
14. This is an important when considering how much weight to place on PC1 and is discussed further below.

SUBMISSION 1

- (i) *The specific provision of the proposed change that this submission relates to is as follows:*

Planning Map 116

- (ii) *Support or Oppose:*

Oppose in part

- (iii) *This submission is that:*

ODP Area 1 is identified as a Living Z Deferred Zone and development is deferred until 2021 under new Policy B4.3.8.

There is no reason for ODP Area 1 to be deferred until post 2021 and there has been insufficient justification for this in the s32 report. Part of the basis for this seems to be an attempt by Council to distribute the household allocation in the first phase amongst landowners in the first phase. For example the section 32 report states at page 30 that the proposed phasing includes the following factor:

Spreading the allocation of households within Phase 1 to as many different landowners as possible, while having regard to potential infrastructure constraints.

An allocation role of this nature is an inappropriate role for the Council to play.

The Dairy Block, providing as it does a natural link between the town and the University, is an ideal place for the town to expand to provide for the projected population. This has been recognised by the objectives and policies of the SDC Plan, most notably in the Specific Policies for Townships – Residential and Business Development, where the Preferred Growth Option for Lincoln states:

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

Deferring ODP Area 1 until post 2021 is directly contrary to this.

Stages 1 and 2 of the Dairy Block development, which adjoin the northern boundary of ODP Area 1, has already been granted subdivision and land use consents. In addition

stormwater consents have been granted for the entire Dairy Block (including that area within ODP Area 1). Contractors will soon be on site to commence construction of stages 1 and 2 and services could be extended in the southern half of the Dairy Block very cost effectively.

The potential delay of 6 years between stages 1 and 2 of the Dairy Block development (which has already been consented) and the future development stages will lead to an inefficient use of land in circumstances where there are no impediments to that land being developed straight away.

The two development phases (and hence the amount of deferred zoning) is said to be “*to ensure that the District Plan is consistent with Change 1*” (page 29 of section 32 report). As set out above, PC1 is still subject to appeal and as a result whether the development phases will be retained is uncertain. In draft PC7 there were 3 development phases shown. We have subsequently seen in the Regional Council’s decisions on PC1 that this has been pared back to 2 phases and on that basis PC7 as notified now identifies only 2 phases. As PC1 is under appeal this could change again and as sought in an appeal lodged by Lincoln Land Development, the defined periods could be deleted altogether so that there is only a total number of households specified for the period 2007-2041.

PC1 should therefore not be used as a reason for deferring the development of land which has servicing available prior to 2021.

(iv) It seeks the following decision from the District Council:

Removal of deferred status from the Dairy Block (ODP Area 1) and identification as Living Z zone;

Removal of the split of ODP areas into different phasing periods;

If the split into two phasing periods is retained that ODP Area 1 be included in phase 1.

SUBMISSION 2

- (i) *The specific provision of the proposed change that this submission relates to is as follows:*

Table A4.4 – Description of Township Zones: Living Z Deferred Zone provisions

- (ii) *Support or Oppose:*

Oppose in part

- (iii) *This submission is that:*

Part of the description to the Living Z zone reads:

“Where the deferral is dependent 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.”

LLD opposes the text above insofar as it relates to the Dairy Block deferral for the reasons set out in submission 1 above. The approach taken by Council means that even if infrastructure is available earlier, development is deferred until 2021 leading to an inefficient use of land.

- (i) *It seeks the following decision from the District Council:*

If the primary relief sought set out submission 1 above is not accepted, deletion of that part of Table A4.4 – Description of Township Zones: Living Z Deferred Zone provisions set out above.

SUBMISSION 3

- (i) *The specific provision of the proposed change that this submission relates to is as follows:*

Policy 3.4.3

- (ii) *Support or Oppose:*

Support

- (iii) *This submission is that:*

This Policy includes the provision of Living zones which:

Ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities;

and

Ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following design principles:

A balance between built form and open spaces complements the existing character and amenity of the surrounding environment.

This provides support to the aspirations of LLD to provide an appropriate level of green space for the Dairy Block's future residents, particularly in co-location with Medium Density areas, and in complement to the surrounding environment.

- (i) *It seeks the following decision from the District Council:*

That Policy 3.4.3 be retained.

SUBMISSION 4

- (i) *The specific provision of the proposed change that this submission relates to is as follows:*

Policy B4.2.3

- (ii) *Support or Oppose:*

Oppose

- (iii) *This submission is that:*

The explanation and reasons to this policy states that:

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.

This is contradictory to the Road Network and Density Plan (ODP Area 1 – Lincoln). This shows a setback and buffer along Springs Road. It is understood that the intention is to treat this similarly to the south-western portion of Stage 2, where there would be no direct vehicular access to Springs Road and there could be some provision for a second primary elevation along the frontage to avoid the 'turning their back' issue.

It is understood that access restrictions also exist in respect of ODP Areas 3 and 4 which would lead to an inconsistency with this policy.

- (i) *It seeks the following decision from the District Council:*

That Policy B4.2.3 be amended so as to provide for the type of outcome referred to above.

SUBMISSION 5

(i) The specific provision of the proposed change that this submission relates to is as follows:

Policy B4.3.7(vi)

(ii) Support or Oppose:

Oppose in part

(iii) This submission is that:

This policy sets out the each ODP shall:

Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices.

This is opposed insofar as it relates to the deferral of ODP Area 1 to 2021 for the reasons set out in submission 1 above.

(iv) It seeks the following decision from the District Council:

If the primary relief sought in submission 1 above is not accepted that Policy B4.3.7(vi) be deleted.

SUBMISSION 6

(i) The specific provision of the proposed change that this submission relates to is as follows:

Policy B4.3.8

(ii) Support or Oppose:

Oppose in part

(iii) This submission is that:

This is opposed insofar as it relates to the deferral of ODP Area 1 to 2021 for the reasons set out in submission 1 above.

(iv) It seeks the following decision from the District Council:

If the primary relief sought in submission 1 above is not accepted, that Policy B4.3.8 be deleted or amended so as remove the deferment of development of the Dairy Block (ODP Area 1).

SUBMISSION 7

(i) The specific provision of the proposed change that this submission relates to is as follows:

Policy B4.3.50

(ii) Support or Oppose:

Oppose in part

(iii) This submission is that:

This is opposed insofar as it relates to the deferral of ODP Area 1 to 2021 for the reasons set out in submission 1 above.

In addition, this policy as it is in the Operative Plan states that new residential development at Lincoln should be in the area South of Gerald St and East of Springs Road. This has been deleted in PC7 as notified. This direction of growth is consistent with the Lincoln Structure Plan and LLD considers this should be reinserted. To remove this is a significant change and there is insufficient justification for removal of this policy within the section 32 report.

(iv) It seeks the following decision from the District Council:

That Policy B4.3.50 be deleted.

That Policy B4.3.50 in the Operative Selwyn District Plan be reinserted (i.e. stating that new residential development at Lincoln should be in the area South of Gerald St and East of Springs Road).

SUBMISSION 8

(i) The specific provision of the proposed change that this submission relates to is as follows:

Policy B4.3.56

(ii) Support or Oppose:

Oppose in part

(iii) This submission is that:

This Policy sets out the specific requirements for ODP Area 1.

Bullet point 1

This states “*ODP Area 1 to align with ODP Area 5*”. This lacks certainty and could mean for example that roads and/or landscaping are to align but this is unclear.

Bullet Point 2

LLD is aware of the CRETS¹ project, which identified (among other things) a potential future bypass road linking Ellesmere Junction Road to Ellesmere Road via the University Campus and the land recognised as ODP Areas 1 and 5. LLD (as well as the University) has expressed its view to the Council on several occasions that this potential roading alignment is not supported.

The second bullet point of Policy B4.3.56 contains a requirement that landowners of ODP Areas 1 and 5 include a roading link which equates to a *de facto* provision of the bypass road (loosely summarised as a main roading link which connects Weedons Road to Moirs lane via Springs Road). This Policy and the related text and notation included on the Area 1 ODP ‘Road Network & Density’ plan (discussed below) are specifically opposed for this reason.

CRETS is a non statutory document and before this could be utilised the Council would have to go through the appropriate statutory processes including designation and/or purchase of the land. It is therefore inappropriate to include reference to this bypass in PC7.

¹ Christchurch Rolleston and Environs Transportation Study

Final bullet point

This reads *“maintenance of a buffer zone (150m) around the perimeter of the sewerage treatment plant.”* The treatment plant is a moving feast in terms of its end use. There should be flexibility to respond to its change to stormwater treatment areas, or whatever the end use will be once decommissioned.

(iv) It seeks the following decision from the District Council:

Clarification of the first bullet point;

That all reference to the potential future bypass road be deleted from the proposed plan change, including (but not limited to):

- i. the requirements in Policy B4.3.56 for ODP Areas 1 and 5 to provide for a main roading link originating from Weedons Road linking to Springs Road and Moirs Lane; and
- ii. the associated wording and indicative notations on the 'Grey Network & Density' plan of the Area 1 ODP which identify the potential bypass road (refer submission 14 below).

Amendment to the final bullet point to provide flexibility and to clarify that if the sewerage treatment plant changes use the buffer will be uplifted/modified accordingly.

SUBMISSION 9

(i) The specific provision of the proposed change that this submission relates to is as follows:

Rules 4.6 – 4.16

(ii) Support or Oppose:

Oppose in part

(iii) This submission is that:

All provisions within these rules that pertain to design controls for buildings within the Living Z zone are opposed on the basis that they are overly prescriptive. The level of discretion that has been retained does not provide a sufficient degree of confidence to developers as to how any given proposal will be considered by Council.

(iv) It seeks the following decision from the District Council:

Deletion of all provisions within rules 4.6 – 4.16 that pertain to design controls for buildings within the Living Z zone.

SUBMISSION 10

- (i) The specific provision of the proposed change that this submission relates to is as follows:*

Living Zone Rules, 12.1. Subdivision

- (ii) Support or Oppose:*

Oppose in part

- (iii) This submission is that:*

PC7 has effectively resulted in a doubling of a number of matters of discretion for the Council. This is opposed in that it does not provide a sufficient degree of confidence to developers as to how any given proposal will be considered by Council. This level of discretion is unnecessary.

15. Rule 12.1.1 requires that restricted discretionary consent be obtained even where a development is in accordance with an operative ODP. On balance, LLD perceives matters provided for in ODP Area 1 to be largely similar to the assessment matters under the Subdivision Rule 12.1 in the Operative Plan. In this regard, LLD does not support a requirement to obtain a restricted discretionary resource consent at subdivision stage. This is considered to be an overtly onerous requirement, and LLD believes that subdivision of an operative ODP area should be classified as a Controlled Activity, subject to the normal standards and terms under Rule 12.1.3. This would empower Council with a sufficient level of scrutiny over subdivision applications, while providing landowners with more certainty about the outcome of their developments, and a far more cost effective and speedier planning process.

- (iv) It seeks the following decision from the District Council:*

Deletion of the additional matters over which the Council has restricted the exercise of its discretion from rule 12.1.4.

A new controlled activity subdivision rule is created for approved ODP areas.

SUBMISSION 11

- (i) The specific provision of the proposed change that this submission relates to is as follows:*

Township Volume – Part B – 4 Growth of Townships

- (ii) Support or Oppose:*

Support in part

- (iii) This submission is that:*

ODP Area 1 –Road Network and Density Plan includes the identification of elderly persons housing (medium density). It is considered likely that this would be covered under the suite of provisions relating to comprehensive residential developments but elderly persons housing is not specifically mentioned, and the specific resource management issues which are entailed with such facilities are not addressed. In order to give more clarity around this issue the objectives, policies and anticipated environmental results should be amended to state that elderly persons housing is an anticipated outcome of a comprehensive residential development.

- (iv) It seeks the following decision from the District Council:*

That the objectives, policies and anticipated environmental results relating to medium density and comprehensive residential developments be amended to clarify that elderly persons housing is an anticipated outcome of a comprehensive residential development.

SUBMISSION 12

(i) The specific provision of the proposed change that this submission relates to is as follows:

Appendix 13

(ii) Support or Oppose:

Oppose

(iii) This submission is that:

The Plan Change not only encourages smaller block lengths to create permeability and to encourage active transport options (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 design, 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.

(iv) It seeks the following decision from the District Council:

That Appendix 13 be amended to reflect the changes introduced by PC7; or

That approved ODPs be exempt from the provisions of Appendix 13.

SUBMISSION 13

(i) The specific provision of the proposed change that this submission relates to is as follows:

ODP Area 1: Location Plan

(ii) Support or Oppose:

Support

(iii) This submission is that:

LLD has been involved in submitting on the provisions of PC1. The Commissioner's decision on PC1 identified the whole of the Dairy Block as a greenfields area. This was in accordance with the relief originally sought by LLD. However because of clarification provided in the Staff Report and the progression of development since the time of lodging the original submission, at the time of the hearing LLD formally withdrew its submission insofar as it related to the northern half of the Dairy Block, with the exception of a small Greenfields Business Area. The result was therefore that the Dairy Block would revert to being identified in grey (i.e. denoting existing residentially-zoned land) in accordance with PC1 as notified. The Council's decision to include this area within a Greenfields Area was therefore outside its jurisdiction and *ultra vires* and LLD has lodged an appeal seeking that only the lower half of the Dairy Block be shown as a Greenfields Area - Residential. The boundary of the ODP area that has been included in PC7 accords with that sought by LLD in its appeal and is therefore supported.

(iv) It seeks the following decision from the District Council:

That the Location Plan be retained.

SUBMISSION 14

(i) The specific provision of the proposed change that this submission relates to is as follows:

ODP Area 1: Road Network and Density Plan

(ii) Support or Oppose:

Oppose in part, support in part

(iii) This submission is that:

The ODP includes an indicative notation for the CRETS bypass road and ancillary link road (including the supporting text). This is opposed insofar as it creates a level of expectation that the road will indeed be put in this place. There are other processes in place which the Council is required to follow to initiate the CRETS bypass. The landscape buffer and setback along the southern boundary provides the “corridor” sought if the project eventuates.

The remainder of the ODP is supported.

(iv) It seeks the following decision from the District Council:

That all reference to the potential future bypass road be deleted from the proposed plan change, including (but not limited to):

- i. the requirements in Policy B4.3.56 for ODP Areas 1 and 5 to provide for a main roading link originating from Weedons Road linking to Springs Road and Moirs Lane (refer to submission 8 above); and all other matters incidental thereto.
- ii. the associated wording and indicative notations on the ‘Grey Network & Density’ plan of the Area 1 ODP which identify the potential bypass road.

That the rest of ODP Area 1: Road Network and Density Plan be retained.

SUBMISSION 15

- (i) The specific provision of the proposed change that this submission relates to is as follows:*

ODP Area 1: Green Network Plan

- (ii) Support or Oppose:*

Support in part, Oppose in part

- (iii) This submission is that:*

The ODP has omitted an indicative key open space 'astrix' in between the medium density areas to the west of the site. This was identified on the draft ODP for Area 1 provided to Council Staff prior to the notification of this plan change. This astrix has been replaced with a linkage. This change is not consistent with the Urban Design Protocol, PC1, Lincoln Structure Plan and PC7 provisions which say that public open space should be readily accessible to residents living in higher density areas.

- (iv) It seeks the following decision from the District Council:*

That an astrix or more defined "key open space location" be shown in between the medium density area to the West of the site as shown on Attachment A.

That the rest of ODP Area 1: Green Network Plan be retained.

SUBMISSION 16

(i) The specific provision of the proposed change that this submission relates to is as follows:

ODP Area 1: Blue Network and Services Plan

(ii) Support or Oppose:

Support

(iii) This submission is that:

This plan will lead to a sustainable stormwater management network.

(iv) It seeks the following decision from the District Council:

That ODP Area 1: Blue Network and Services Plan be retained.

"A"

