

REZONING REQUESTS – LINCOLN

CONTENTS

1	Scope of Report.....	2
2	Our Approach.....	2
2.1	National Policy Statement on Highly Productive Land	3
3	Hearing and Parties Heard.....	4
4	Rezone from GRZ to Recreational Amenities and Health Services	5
4.1	DPR-0024 Heather Jonson	5
5	Rezone from GRZ to TCZ at 12 Vernon Drive.....	5
5.1	DPR-0056 Broadfield Estates Limited	5
6	Rezone from ‘High Density’ to ‘Normal’ Housing Development	6
6.1	DPR-0083 Neil Flux.....	6
7	Rezone from GRUZ to GIZ and GRZ.....	6
7.1	DPR-0136 Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser.....	6
7.1.1	Option A.....	7
7.1.2	Option B	10
8	Zoning around Lincoln Township	13
8.1	DPR-0150 Barry Moir	13
9	Rezone from GRUZ to GRZ	14
9.1	Mikyung Jang, Inwha Jung, Hopper & Others and Manmeet Singh (Allendale Road).....	14
9.2	Other submitters.....	16
10	Rezone from GIZ to GRZ.....	16
10.1	DPR-0352 Next Level Developments	16
11	Rezone from GRZ to NCZ and GRZ	18
11.1	DPR-0351 Next Level Developments	18
11.2	DPR-0384 RIDL	19
12	Rezone from GRUZ to LLRZ	19
13	Rezone from GRUZ/KNOZ to GRZ/KNOZ.....	20
14	Other matters	20
	Appendix 1: Recommended Amendments	22
	Amendments to the PDP Maps	22
	Amendments to the PDP Text	26
	Appendix 2: List of Appearances and Tabled Evidence	33

1 Scope of Report

- [1] This Recommendation Report relates to the the submissions and further submissions that were received in relation to requests to rezone land in Lincoln.
- [2] The Hearing Panel members were:
- Andrew Willis
 - Malcolm Lyall
 - Raewyn Solomon
 - Rob van Voorthuysen (Chair)
- [3] The Section 42A Reports¹ were:
- Section 42A Report, Report on submissions and further submissions, Rezoning: Lincoln, Vicki Barker, 20 December 2022
 - Lincoln Rezoning Hearing – DPR-0150 – Barry Moir – Additional Information from the s42A Officer, 21 February 2023
- [4] By way of Minute 41 we requested the SDC to undertake a technical peer review of the appropriate odour buffer that should be imposed on the land addressed in the case for DPR-0209 Manmeet Singh.
- [5] Regarding DPR-0136 Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser; we also requested peer reviews of²:
- the rebuttal evidence of Chris Rossiter (including his Summary Statement tabled at the hearing) and any implications for general traffic safety, intersection safety and capacity; and the capacity of the overall roading network that might arise from the submitter's 'Option B'; and
 - the rebuttal evidence of Michael Smith and the adequacy of the noise mitigation proposed in relation to the submitter's 'Option B'.
- [6] CCC withdrew their further submission (FS008) on AgResearch Limited.
- [7] Our recommended amendments to the notified zonings are set out in Appendix 1.

2 Our Approach

- [8] The Section 42A Report helpfully outlined relevant background information on a number of matters:
- Resource Management Act 1991;
 - Rezoning Framework Section 42A Report, which sets out the higher order planning framework, including the relationship between the NPS-UD and the CRPS with respect rezoning land for urban purposes;
 - Variation 1 to the PDP, which is the Council's Intensification Planning Instrument (IPI) prepared in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021;

¹ No Section 42A Reply Reports were provided for the rezoning request hearings.

² That 'new' evidence was submitted after the completion of the Section 42A Report.

- National Policy Statement on Highly Productive Land 2022 (NPS-HPL);
- Canterbury Regional Policy Statement (CRPS) and its Map A showing the Greenfield Priority Areas - Residential and Business. No Future Development Areas have been identified for Lincoln;
- Lincoln Structure Plan (May 2008);
- Class 1, 2 or 3 soils in and around Lincoln;
- Selwyn 2031 District Development Strategy;
- The Selwyn District Council Rural Residential Strategy 2014 (RRS14); and
- Maps showing the areal extent of each rezoning request.

[9] We adopt that background information without repeating it here.

[10] Ms Barker’s recommendations were informed by technical peer reviews commissioned by SDC and provided by Mat Collins (Transport), Derek Foy (Economics), Murray England (Infrastructure), Ian McCahon (Geotechnical), Rowan Freeman (Contaminated Land), and Hugh Nicholson (Urban Design).

[11] Ms Barker provided a description of each submitter’s rezoning request. We adopt those descriptions without repeating them here. It is therefore imperative that readers of this Recommendation Report also read Ms Barker’s Section 42A Report.

[12] Further submitters are not generally referred to in this Recommendation Report, because further submissions are either accepted or rejected in conformance with our recommendations on the primary submissions to which they relate.

[13] The PDP zoning, including the zoning resulting from Variation 1, for Lincoln township consists of LLRZ, KNOZ, GIZ, NCZ, TCZ, MRZ(ILE)³ which has replaced GRZ, and MRZ. A LLRZ area sits outside but adjoining the south-western township boundary. The township is otherwise surrounded by GRUZ land.

2.1 National Policy Statement on Highly Productive Land

[14] Importantly, most of the GRUZ land surrounding Lincoln contains LUC 1 or 2 soils. NPS-HPL Part 3 Clause 3.6 means that we can only recommend urban rezoning of highly productive land where it is required to meet housing demand (under the NPS-UD), there are no other reasonably practicable or feasible options to achieve a well-functioning urban environment, and the benefits outweigh the costs associated with the loss of highly productive land. We observe that to be a high threshold to meet. Similarly, under NPS-HPL Policy 3.6 we can only rezone GRUZ as LLRZ⁴ where the matters in clause 3.6(1) are satisfied.

[15] We received legal submissions from submitters on the applicability of the NPS-HPL for land that was zoned Rural (Inner Plains) in the Operative Selwyn District Plan (SDP) or GRUZ SCA-RD1 in the PDP. By way of Minute 38 we requested a legal opinion on that matter from counsel for the SDC.

³ ILE stands for Immediate Legal Effect.

⁴ LLRZ is an ‘urban’ zoning under the NPS-HPL.

- [16] Having considered the legal advice from both Council’s solicitors⁵ and counsel for submitters, we agree that the application of the NPS-HPL depends on whether the land is zoned the equivalent of Rural Lifestyle (as defined in the National Planning Standards (NPS)), either in the SDP or, if not in the SDP, in the PDP. The assessment required is a comparison between the way the land is described in the relevant Plan (in the round), and the descriptions of the zones in the NPS.
- [17] We adopt the Adderley Head assessment which concluded that land identified as Rural (Inner Plains) in the SDP is not the equivalent of the Rural Lifestyle Zone in the NPS. Instead, General Rural or Rural Production is the appropriate equivalent NPS zone. Similarly, land identified as GRUZ SCA-RD1 in the PDP is the equivalent of the General Rural Zone in the NPS, not the Rural Lifestyle Zone.
- [18] Consequently, other than in the particular situation outlined below, the NPS-HPL applies to land identified as Rural (Inner Plains) in the SDP or GRUZ SCA-RD1 in the PDP (provided the other requirements of the NPS-HPL are met). We consider this interpretation to be consistent with the intent of the NPS-HPL, which is to avoid the loss of productive land to rural lifestyle activities, and to allow for the preservation of productive land pending a more detailed assessment under the NPS-HPL.
- [19] However, we are cognisant the NPS zone descriptions also refer to 'use' and the MfE guidance states *“...It is appropriate to consider specific characteristics of the site and reasonably foreseeable opportunities for using the land for land-based primary production (over a 30-year period) in forming these conclusions.”*
- [20] Consequently, if it can be demonstrated that an area of land identified as Rural (Inner Plains) in the SDP, or GRUZ SCA-RD1 in the PDP, for which a rezoning submitter seeks a ‘urban zoning’ has been previously subdivided and developed to such an extent that the lot sizes effectively preclude the area of land being predominantly used for productive purposes, and instead the area of land is being predominantly used for residential purposes, then in that particular situation we would consider a Rural Lifestyle zoning to be the most appropriate NPS zone description for the area of land. In such situations the NPS-HPL would not apply because NPS-HPL clause 3.5(7) exempts Rural Lifestyle Zoned land from the coverage of the NPS. For this ‘exemption’ to apply we consider that the lot sizes within the area of land would generally be less than 4ha, and the land not occupied by housing and housing curtilage is being used for non-productive activities, including but not limited to domestic orchards, gardens and mown lawns.

3 Hearing and Parties Heard

- [21] The hearing for the Lincoln rezoning requests was held over the period 20 to 23 February 2023. The parties who wished to be heard and who appeared at the hearing were:

Sub #	Name
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser
DPR-0150	Barry Moir
DPR-0209	Manmeet Singh

⁵ Adderley Head

Sub #	Name
DPR-0213	New Zealand Institute for Plant and Food Research Limited (Plant and Food) & Landcare Research (Landcare)
DPR-0342	AgResearch Limited
DPR-0351 DPR-0352	Next Level Developments Ltd
DPR-0392 DPR-0384	CSI Property Limited Rolleston Industrial Developments Limited (RIDL)

- [22] The witnesses and counsel we heard from in person are listed in Appendix 2, along with tabled evidence received. A copy of their legal submissions and evidence is held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.

4 Rezone from GRZ to Recreational Amenities and Health Services

4.1 DPR-0024 Heather Jonson

- [23] For the following submission we adopt the reasons and recommendations of the Section 42A Reporting officer. This results in no change to the notified PDP zones. We note that no submitter evidence was provided in support of the submission.

Sub #	Submitter	Submission Points
DPR-0024	Heather Jonson	001, 002

5 Rezone from GRZ to TCZ at 12 Vernon Drive

5.1 DPR-0056 Broadfield Estates Limited

- [24] Broadfield Estates Limited requested the rezoning of 12 Vernon Drive (Lot 1 DP 523433) from GRZ to TCZ, with consequential amendments to exclude 12 Vernon Drive from DEV-LI6 and to instead include it in PREC5. The site is now zoned MRZ(ILE) and is within DEV-LI6. It has an area of 0.6ha and fronts Kakahi Street and Vernon Drive. The submitter provided transport, economics and planning evidence and an 'indicative' ODP.
- [25] The submission was opposed by Waka Kotahi on the basis that DEV-LI6 should be assessed in its entirety to understand the potential transportation effects of the request.
- [26] The submitter's request and their evidence were peer reviewed by SDC technical experts. Their key conclusions were:
- Applying TCZ to the site is likely to generate more peak hour vehicle movements compared with GRZ, however the transport effects can be considered further through the High Trip Generating Activities (HTGA) rule (TRAN-R8) of the PDP at the time of development, which may also include a requirement to signalise the Gerald Street/Vernon Drive intersection;
 - Proposed changes to the PREC5 ODP will ensure that the site will adequately respond to pedestrian and cyclist connectivity if it is excluded from DEV-LI6;
 - There is very little vacant TCZ land available in Lincoln and that the rezoning and increase in TCZ land (by approximately 5%) would have no more than minor adverse effects on established businesses in the Lincoln KAC or other Selwyn centres;

- Infrastructure capacity is not expected to be of issue and can be specifically addressed at the time of development;
- The site can be removed from DEV-LI6 and included within PREC5, with the currently proposed road connection through to Kakahi Steet becoming a pedestrian and cycle connection to the proposed residential area to the south;
- The loss of residential zoned land is mitigated by residential development capacity elsewhere, which will be increased by MRZ; and
- Provisions in the PDP will address the residential interface.

[27] We are satisfied that the SDC's transportation peer review has adequately addressed the issue raised by Waka Kotahi.

[28] Ms Barker adopted the submitter's s32AA assessment that was provided by Ms Dale. We also adopt that assessment. Ms Barker also assessed the request under the Rezoning Framework Report and reached a favourable outcome. She recommended accepting the rezoning request. We agree with her assessment and adopt her recommendation to:

- a) Amend the zoning of 12 Vernon Drive (Lot 1 DP 523433) from GRZ to TCZ.
- b) Amend DEV-LI6 to exclude 12 Vernon Drive (Lot 1 DP 523433) to reflect the rezoning proposed.
- c) Amend PREC5 to include 12 Vernon Drive (Lot 1 DP 523433) with amended pedestrian and cycle connections to reflect the rezoning proposed.
- d) Make a consequential amendment to the DEV-LI6 Lincoln 6 Development Area text to reflect the proposed changes to the Development Area.

[29] Consequently, we recommend that the following submissions are accepted:

Sub #	Submitter	Submission Points
DPR-0056	Broadfield Estates Limited	001, 002

[30] The amendments recommended to the planning maps, DEV-LI6, PREC5, and the DEV-LI6 Lincoln 6 Development Area text are set out in Appendix 1 of this Recommendation Report.

6 Rezone from 'High Density' to 'Normal' Housing Development

6.1 DPR-0083 Neil Flux

[31] For the following submission we adopt the reasons and recommendation of the Section 42A Reporting officer. This results in no change to the notified PDP zones. We note that no submitter evidence was provided in support of the submission.

Sub #	Submitter	Submission Point
DPR-0083	Neil Flux	001

7 Rezone from GRUZ to GIZ and GRZ

7.1 DPR-0136 Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser

[32] Submitters Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser (STF) amended their proposal several times. They originally sought to rezone around 39 ha of land from GRUZ to GRZ, or LLRZ, or GIZ, or any combination of those zones.

- [33] As at August 2022 they sought to rezone 1137, 1153, 1/1153 and 2/1153 Springs Road from GRUZ to GIZ west of the high voltage transmission lines (19.8 ha), and from GRUZ to GRZ east of the transmission lines (15.75ha), and to also include four lots fronting Tancreds Road. This is what they referred to as their preferred 'Option A'.
- [34] In early February 2023 they amended their proposal to seek GIZ over most of the block as a less preferred 'Option B' and provided an amended ODP showing that proposal over a reduced area of around 27ha.
- [35] We had concerns about the timing of 'Option B' and its ability to be commented on by further submitters in opposition, the SDC peer reviewers and the Section 42A Reporting Officer. In addition, it is not at all clear to us that adjoining residents would have been aware that GIZ was proposed for 27ha of the site. The August 2022 'Option A' proposal had GRZ adjoining the existing residential area whereas the February 2023 'Option B' has GIZ adjoining the existing residential area. GIZ will have markedly different effects than a GRZ zoning. Nevertheless, although finely balanced, we find 'Option B' to be within the scope of the original submission. We therefore assess both 'Option A' and 'Option B' on their merits.

7.1.1 Option A

- [36] Submitter evidence on 'Option A' was provided on transport, economics, infrastructure, geotechnical, land contamination, versatile soils and planning matters. This was peer reviewed by SDC experts insofar as it related to the GIZ portion of the site, except for the soils evidence.⁶ Ms Barker advised that the August 2022 evidence relating to the request for GRZ was not peer reviewed as GRZ has been replaced in Lincoln by MRZ under Variation 1.
- [37] Plant & Food were a further submitter and oppose the 'Option A' rezoning request as they have significant assets and operational interests on land at Lincoln, including the 'Smith's Block' immediately adjoining the subject site to the south. They were concerned about reverse sensitivity effects curtailing their activities.
- [38] AgResearch was also a further submitter in opposition and they were also concerned about reverse sensitivity effects. AgResearch has a 101.5ha Lincoln Research Farm housing livestock located a minimum of 93m west of the submitter's site. If a 1,000m setback⁷ was imposed from the boundary with the submitter's land, around 26.5ha of AgResearch land would be unable to be used for the current research purposes as a permitted activity⁸. Mr Mathieson advised⁹ that AgResearch's main cluster of research related buildings/facilities and associated infrastructure was within that 26.5ha area.
- [39] The existing Barton Fields ODP (DEV-LI4) does not include any connection from Barton Fields to the subject site. BHL Trust were a further submitter in opposition who opposed any link or connection through the Barton Fields subdivision to the submitter's proposed residential zone.

⁶ The submitter did not seek leave to provide soils evidence after the deadline imposed by Minute 9.

⁷ Mr Mathieson considers there is insufficient certainty in the PDP to conclude that research facilities housing livestock (and associated wastewater treatment systems) would be considered as '*research activity*' (under GRUZ-R13) instead of an '*intensive primary production activity*' (under GRUZ-R18). The 1,000m setback is invoked by GRUZ-R18 and GRUZ-REQ8.

⁸ Rebuttal evidence, Graeme Mathieson, paragraph 5.5.

⁹ Ibid, paragraph 5.23.

[40] Transpower were a further submitter and they did not support rezoning over parts of the site subject to the National Grid Yard.

[41] For 'Option A', having regard to the submitter's evidence, the SDC's technical peer reviews, Ms Barker's assessment of the request against the NPS-UD and the SDC Rezoning Framework Report, the concerns of Plant & Food, AgResearch and Transpower we find that for 'Option A':

- The site is outside the Lincoln UGO and has not been rezoned to MRZ under Variation 1. It is therefore unanticipated by the PDP;
- In terms of NPS-UD Policy 8, the proposal would provide significant development capacity for both GRZ and GIZ;
- However, the rezoning sought would inappropriately extend Lincoln's urban form by extending it beyond the township boundary to the west of Barton Fields and would therefore not contribute to a well-functioning urban environment. It is inconsistent with NPS-UD Policy 8 and clause 3.8(2)(a);
- The site cannot be described as being 'well-connected' along transport corridors and therefore is inconsistent with NPS-UD clause 3.8(2)(b);
- The proposed rezoning will likely lead to an increased incidence of crashes at the Springs Road/Tancreds Road and Springs Road/Boundary Road intersections if the current intersection forms are retained and they would need to be upgraded to roundabouts¹⁰. However, third party land owner approval would be required to construct a roundabout at the Springs/Boundary intersection;
- A reduction in the speed limit from 80 km/h to 50km/h on Springs Road, from north of Tancreds Road to Lincoln, as suggested by the submitter, would be out of context with the wider rural/arterial roading environment and very likely would not meet the national guidelines on the setting of speed limits;
- For the submitters, Mr Thomson¹¹ advised that there was 118 hectares of zoned industrial land in Selwyn that was vacant. He said there was a further 37 hectares of industrial land in PC61 and PC66 and a further 80 hectares in PC80 (which have all been approved). This totals 235 ha. Mr Thomson considered there was a Selwyn District wide demand for GIZ of 23ha per annum. That meant there was likely to be around 7 to 10 years of available supply of GIZ land for the district. We interpret his evidence to mean that short- and medium-term demand is catered for;
- We also received evidence on the supply of industrial land from Mr Ballingall on behalf of submitter DPR-0352.001 Next Level Developments Limited. His evidence was that there was an ample supply¹² of industrial zoned land in the Selwyn district sufficient to meet anticipated demand in the short, medium and long term. That was facilitated by the large concentration of industrial land in the Rolleston iZone, much of which is currently vacant.¹³ Mr Ballingall advised Rolleston was a more central location compared to Lincoln. With its

¹⁰ We consider it would be inappropriate and disruptive to the flow of traffic to upgrade intersections to signalized intersections.

¹¹ Economist appearing for the submitter.

¹² The evidence of John Ballingall is that across the entire Selwyn District there is 354ha of vacant industrial land. We note that includes the PC80 land.

¹³ PC80 may add even more capacity nearby.

direct access to the Christchurch Southern Motorway, Rolleston was better serviced by the transport network. Firms locating in Rolleston could service both the Rolleston and Lincoln markets, while retaining good highway access to Christchurch City and the wider region;

- We prefer the evidence of Mr Ballingall, noting it to be more consistent with the SDC's own assessment of industrial zoned land. We consequently find there is sufficient development capacity for GIZ land in Selwyn District and there is no need for GIZ land in Lincoln;
- In that regard we note Derek Foy¹⁴ considered that it would be efficient and appropriate to provide for some industrial zoned land in Lincoln to provide for the community's needs, but he did not quantify how many hectares might be required. He simply stated it would be less than the 13ha Mr Thomson identifies as being required for Lincoln. We note that our recommendation to accept the DPR-0352.001 Next Level Developments Limited submission (see section 10 of this Recommendation Report) will mean that no vacant greenfield GIZ land remains in Lincoln. Relevant to such an outcome we observe Mr Foy went on to say:

The proximity of Selwyn and Waimakariri to Christchurch means that all three areas function as part of a single regional industrial land market, to some extent. Some industrial activities are more appropriately provided locally (automotive workshops, some types of trade suppliers, etc.) but most (warehouses, manufacturing, storage, transport depots etc.) do not need to locate near a specific local population.

In the case of Lincoln, that significantly limits the amount of industrial activity that needs to locate in the town, given the proximity of the large industrial zones at Rolleston and in Christchurch (particularly the area from Hornby through to Addington). The closest parts of those zone are only around 10km from Lincoln (11km to Rolleston, 9km to Hornby South).

- We find that Mr Foy's evidence does not alter our preference for the evidence of Mr Ballingall and nor do we consider that the future absence of GIZ land in Lincoln is a compelling reason to recommend accepting the STF request. In particular, we observe that the 11ha of GIZ land that was the subject of the DPR-0352.001 Next Level Developments Limited submission had never been utilised for industrial purposes, not even for the types of local industrial activity referred to by Mr Foy;
- The required closure of the water race flowing through the site could be problematic¹⁵ and that could affect the proposed means of stormwater disposal. However, we note from the rebuttal evidence of Mr Hall that if the water race is not be able to be closed it will be fully maintained within the development;
- There appears to be agreement with SDC as to the feasibility of the stormwater, wastewater and water supply servicing of the area¹⁶;
- The land in question is subject to the NPS-HPL, for the reasons outlined in section 2 of this Recommendation Report;
- The site consists of 37.3 ha of LUC 1 and 3 soils¹⁷. Under Policy 5 of the NPS-HPL the urban rezoning of that land must be avoided because, in our view, none of the exemptions in

¹⁴ Section 42A Report, Appendix 3, Economics Peer Review.

¹⁵ The Council water race closure process requires 80% of downstream user's approval prior to consultation and the Council decision to close the race

¹⁶ Rebuttal evidence, A Hall, paragraph 19.

¹⁷ EIC Mthamo, paragraph 9.

NPS-HPL clause 3.6(1) have been shown to apply. In that regard we were not persuaded by the evidence of Mr Mthamo that wetness and stoniness of the land should somehow exempt it from consideration under the NPS-HPL. Those issues would occur over widespread areas of the Canterbury Plains. Nor were we persuaded that ‘soil moisture deficits’ was an exempting factor, because Mr Mthamo advised that some irrigation water was available and we understand that it is possible for water take consents to be transferred to the land. We found Mr Mthamo’s evidence on the effects of nitrogen fertiliser rules to be speculative at best. Under the Canterbury LWRP productive land uses in Selwyn can leach up to 15kgN/ha/year as a permitted activity. That is ample for dry land sheep or beef farming. Finally, we found his evidence on the small-scale cumulative loss of HPL that would result from the rezoning to be unconvincing¹⁸;

- For the submitters Mr Hainsworth suggested that the NZLRI classification of the land was not correct, but under NPS-HPL clause 3.5(7)(a) we are to take the NZLRI at face value because under clause 3.4(5)(a) of the NPS-HPL “*mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status, unless a regional council accepts any more detailed mapping that uses the Land Use Capability classification in the New Zealand Land Resource Inventory.*” At the hearing counsel for the submitters confirmed that Mr Hainsworth’s assessment had not been accepted by ECan;
- Consequently, we are not persuaded that the suggested need to provide GIZ land in Lincoln is sufficient to pass the NPS-HPL clause 3.6 requirements, nor is it necessary to achieve a well-functioning environment under NPS-UD Policy 8 and clause 3.8(2)(a). We also note that the quantum of GIZ land proposed in ‘Option A’ (19.8ha), is well in excess of the anticipated demand identified by all of the experts;
- There are potentially significant adverse reverse sensitivity effects on adjoining land owned by Plant & Food and AgResearch. Those effects could inappropriately compromise those agencies’ nationally significant research activities;
- Transpower oppose any rezoning from GRUZ within the National Grid Yard that traverses the site;
- The rezoning is opposed by the neighbouring BHL Trust on behalf of the Barton Fields subdivision; and
- We are not persuaded that additional residentially zoned land is required in Lincoln over and above that already provided for in the PDP and Variation 1 in order to provide sufficient development capacity to meet demand for housing.

7.1.2 Option B

- [42] Additional rebuttal evidence was provided on the matters listed above for ‘Option A’ together with new evidence on landscape and acoustic matters. We were satisfied with the new landscape evidence, but as noted in section 2 of this Recommendation Report, we requested SDC to provide technical peer reviews of the transport and noise issues.
- [43] We note that Ms Gordon and Mr Thomas are the owners of 1137 Springs Road. They are not submitters or further submitters, but they have advised SDC that they strongly oppose the

¹⁸ Ibid, paragraph 13.

proposed rezoning of their land to GIZ. Their land has been excluded from ‘Option B’ by STF which contributes to the rather odd shape of the GIZ sought under that option.

[44] For ‘Option B’ we find:

- The site is outside the Lincoln UGO and it is therefore unanticipated by the PDP;
- In terms of NPS-UD Policy 8 the proposal would provide significant development capacity for GIZ. However, as outlined for ‘Option A’ we are not persuaded that additional GIZ land is required in Lincoln;
- The rezoning sought would inappropriately extend Lincoln’s urban form by extending it beyond the township boundary to the west of Barton Fields and would therefore not contribute to a well-functioning urban environment. It is inconsistent with NPS-UD Policy 8 and clause 3.8(2)(a);
- The site cannot be described as being ‘well-connected’ along transport corridors and therefore is inconsistent with NPS-UD clause 3.8(2)(b);
- 90% of traffic would enter the site from Springs Road. The higher volume of movements at the Springs Road/Boundary Road intersection would increase the risk of crashes. The high speed of vehicles on Springs Road means that consequences of any crash are more likely to be serious injury or fatality. To overcome this a roundabout is required but would require land outside of the existing road reserves¹⁹. The proposed GIZ would require new roads and a new intersection (preferably a new roundabout) to be constructed on Springs Road²⁰;
- The SDC transport peer review²¹ of Mr Rossiter’s transportation evidence concluded:
 - any development within the site is likely to create safety effects at the Springs Road/Boundary Road and Springs Road/Tancreds Road intersection that are likely to require third party land to mitigate. A list of potential intersection safety upgrades has been identified for the district by Abley on behalf of Waka Kotahi as part of a national process. However, SDC’s Road to Zero Road Safety Improvement programmes co-developed between SDC and Waka Kotahi has not currently identified a compelling reason to co-fund upgrades for these two intersections in preference to other priorities;
 - congestion/capacity effects at the Springs Road/Boundary Road and Springs Road/Tancreds Road intersections are of secondary consideration, with safety effects being the primary consideration;
- Although not requested by us, on 19 June 2023 we received a Memorandum²² from counsel for the submitters ‘responding’ to SDC’s transport peer review. The Memorandum was accompanied by a short report from Mr Rossiter, who discussed the transport implications of PC69 and suggested ‘conditions precedent’ referring to intersection upgrades at the Springs Road/Boundary Road and Springs Road/Tancreds Road intersections. However, that does not address the matters raised in the peer review relating to third party land ownership and funding certainty;

¹⁹ Rebuttal evidence, C Rossiter, paragraphs 41 and 44.

²⁰ Ibid, paragraph 44.

²¹ Flow Transportation Specialists Ltd, 6 March 2022.

²² Memorandum of Counsel on behalf of L & M Stewart, L & C Townsend, R & D Fraser, Katherine Forward, 19 June 2023.

- We find that the safety effects at the Springs Road/Boundary Road and Springs Road/Tancred's Road intersection weigh against accepting the rezoning submission for 'Option B';
- There appears to be agreement with SDC as to the feasibility of the stormwater, wastewater and water supply servicing of the area²³;
- Plant & Food and AgResearch are satisfied that there will be no 'reverse sensitivity' effects on them²⁴;
- 'Option B' has no link to the Barton Fields site and it has a 30m green space and additional 5m setback and acoustic buffer between the site's eastern boundary with the Barton Fields area. Potential adverse effects on the adjoining Barton Fields subdivision will accordingly be mitigated by the proposed boundary treatment;
- Our findings on the 'need' for GIZ land in Lincoln set out for 'Option A' also apply to 'Option B' and we note that the quantum of GIZ land proposed in 'Option B' (27ha), is well in excess of the anticipated demand identified by all of the experts;
- our findings on the effect of the NPS-HPL for 'Option A' apply to 'Option B';
- there are possible landscape issues arising from 'Option B' including vegetation clearance within the site boundaries and a change in the character of the site from a rural to general industrial landuse²⁵. That would have adverse effects on the existing rural landscape character;
- The PDP noise standards would preclude some activities in a GIZ zone, without extensive mitigation, or alternatively a resource consent would be required²⁶;
- The SDC peer review²⁷ of Mr Smiths' noise evidence concluded:
 - the permitted activity standards in the PDP are generally appropriate for the receiving environment when considering industrial noise which meets the daytime limits in the neighbouring GRZ and GRUZ zones and the night-time limit for dwellings in the GRUZ that are near Springs Road are likely to be appropriate for the site. We also agree that a lower night time limit of 35 dB LAeq may be reasonable at the boundary of the GRZ zone for continuous mechanical plant noise if the noise sources which this applies to can be defined in an unambiguous way; and
 - Mr Smiths' indicative analysis adequately demonstrates that a range of industrial activities could realistically comply with these limits, provided good practice processes are followed in terms of site selection, site layout and mitigation design;
- On the basis of the peer review we find that issues of noise from the GIZ would not in isolation from other matters, weigh against accepting the 'Option B' rezoning request.

[45] Regarding the NPS-HPL, counsel advanced a further argument that sought to exclude the land from the coverage of the NPS. He submitted²⁸ that "... the Site is currently 'subject to' both the proposed Plan and Variation 1 processes, which have been initiated by the Council". We are not

²³ Rebuttal evidence, A Hall, paragraph 19.

²⁴ This was advised by the respective Plant & Food and AgResearch witnesses at the hearing;

²⁵ Rebuttal evidence, J Head, paragraph 16.

²⁶ Rebuttal evidence, M Smith, paragraph 30.

²⁷ Letter from Acoustic Engineering Services dated 3 March 2023.

²⁸ Paragraph 58.

persuaded by that submission because NPS-HPL clause 3.5(7)(b)(ii) specifically states that land is exempted from the NPS if it is “*subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*” In this case the submitter’s land was not rezoned by either the Council initiated PDP or Variation 1 to the PDP.

- [46] For the above reasons we find that the rezoning requests represented by both ‘Option A’ and ‘Option B’ should be declined and we therefore recommend that the following submission points are rejected.

Sub #	Submitter	Submission Points
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	001, 013

8 Zoning around Lincoln Township

8.1 DPR-0150 Barry Moir

- [47] We heard from Barry Moir (DPR-0150) regarding his requested rezoning of 51ha land located on the south eastern side of Lincoln, on Ellesmere Road. He initially sought a mix of LLRZ and GIZ zones and at the hearing he tabled a proposal for a mix of residential and business zones and ‘greenspace’. The northern portion of his property is within the UGO and is zoned GRUZ SCA-RD1 with a minimum lot size of 4ha. The southern portion of the property is zoned GRUZ SCA-RD2 with a minimum lot size of 20ha.
- [48] Mr Moir represented himself at the hearing. He had provided geotechnical and site contamination evidence in support of his submission. However, the 2020 Geoconsult report related only to a small 0.85ha subdivision within the 51ha site that Mr Moir sought to be rezoned. The 2020 Malloch Environmental Limited report related to a subdivision of 19 Moirs Lane and it found HAIL activities in the south of the site where there may be a risk to human health. Mr Moir noted that to be a previous house site.
- [49] We agree with Ms Barker that the need for additional GIZ or LLRZ land in the vicinity of Mr Moir’s property has not been justified by any expert evidence and the land in question has not been identified in the RRS14 as suitable for LLRZ type development.
- [50] However, at the hearing Mr Moir advised that he was ultimately seeking options for his land given the increasing difficulty he faced in farming it. Having considered his verbal evidence we find that the entire property should be SCA-RD1. This would give Mr Moir the option of applying to subdivide the property down to 4ha lots. We understand that all ‘effects based’ issues such as flooding, stormwater disposal and land drainage, effects on the roading network, and servicing would be addressed through the subdivision process. This would include the need or otherwise for the provision of ‘greenspace’ adjacent to the LII stream which Mr Moir considered to be desirable given the flood prone nature of that land.
- [51] We consequently recommend that any portion of the site that is SCA-RD2 is amended to SCA-RD1. For the avoidance of doubt, our recommendation is that all of the 51ha of interest to Mr Moir is included in the SCA-RD1 overlay. This results in no change to the notified GRUZ over the land.

- [52] We note that under the NPS-HPL ‘urban rezoning’ means changing from a general rural or rural production zone to an urban zone. A residential density control does not fall within the definition of ‘urban’ under the NPS-HPL and so we do not need to assess the NPS-HPL.
- [53] We recommend that the following submission is accepted in part.

Sub #	Submitter	Submission Point
DPR-0150	Barry Moir	002

9 Rezone from GRUZ to GRZ

9.1 Mikyung Jang, Inwha Jung, Hopper & Others and Manmeet Singh (Allendale Road)

- [54] The above four submitters requested to rezone properties in Allendale Lane from GRUZ to GRZ. The total land area is around 17 hectares. The site is currently used for rural lifestyle purposes with seven dwellings and one unoccupied section. It is bounded by Liffey Stream to the east with an established riparian margin, and the Lincoln Wastewater Treatment facility to the west. To the north the site is bounded by established residential development which extends to the east beyond Liffey Stream²⁹.
- [55] The Lincoln Structure Plan identifies the northern half of the site as suitable for conventional residential development and the southern half for a stormwater management wetland system.
- [56] Manmeet Singh was the only party to provide evidence in support of the rezoning request, covering geotechnical, servicing, odour, infrastructure, transport and planning matters, along with an ODP. The land is within the UGO, but was not zoned MRZ under Variation 1. The land is Area 11 in the RRS14 and it is therefore considered appropriate for a LLRZ land use.
- [57] As the land is within the UGO, the NPS-HPL does not apply to it.
- [58] Ms Barker advised that the submitters’ planning evidence acknowledged that the submission sought to rezone the GRUZ land to GRZ, and that Mr Singh had submitted on Variation 1 requesting MRZ. However, if MRZ is rejected via the Variation 1 process, the submitters sought a fallback position of LLRZ. Counsel for Mr Singh advised³⁰ that for this hearing Mr Singh filed evidence in relation to the alternative LLRZ relief.
- [59] As noted by Ivan Thomson³¹, Mr Singh requested an amended bespoke LLRZ average minimum site area of 2,000m² and a minimum site area of 1,000m². That would result in a density of between 5 and 10 households per hectare. We note a ‘normal’ LLRZ has average minimum site area of 5,000m² and a minimum net site area 3,000m². In some respects, the zoning sought is more akin to LRZ which has a minimum site area of 600m². We put that to Mr Thomson and he agreed that a LRZ zoning would be appropriate if a GRZ/MRZ zoning was declined.
- [60] Having regard to the submitter’s evidence and the SDC’s technical peer reviews, particularly that of SDC’s Urban Designer Hugh Nicholson, we found:
- Variation 1 has zoned the land encompassed by the adjoining PC69 as MRZ without immediate legal effect;

²⁹ Section 42A Report, Appendix 3.

³⁰ Legal submissions, paragraph 8.

³¹ Rebuttal evidence, Thomson, paragraph 19.

- If the IHP for Variation 1 does not confirm MRZ for the PC69 land, the submitters' land would be surrounded on two sides with urban development, on one side with urban stormwater and wastewater infrastructure, and on one side with rural land including a legal road (Moirs Lane). In that case it would be appropriate to develop the land for more intensive residential use to the north and stormwater treatment facilities to the south as envisaged in the Lincoln Structure Plan. Without the connection to the south provided by the PC69 land a lower density such as Low Density Residential (LRZ) would be appropriate;
- If the IHP for Variation 1 confirms MRZ for the PC69 land, and for the 17ha of Allendale Lane land, the submitters' request for LLRZ becomes moot;
- In either case the revised ODP and narrative attached to the rebuttal evidence of Ivan Thompson are generally suitable for inclusion in the PDP, subject only to an appropriate odour buffer from the SDC wastewater pond. We note that the revised ODP has taken into account the connectivity issues raised in the SDC's peer reviews;
- The proposed road network as set out in the revised ODP will provide good integration of the proposed area with the wider road network and will enable development in a manner that is consistent with the PDP Transport objectives; and
- An odour setback will be required from the SDC wastewater pond. Mr Singh has proposed a 50m setback. However, a 100m setback was imposed as part of the Commissioner's decision on PC69. We therefore requested SDC to provide us with a technical peer review of an appropriate setback.

[61] The SDC odour buffer peer review was prepared by Andrew Curtis from the firm PDP³². He advised that Lincoln Wastewater Management Pond (LWMP) was formerly the primary wastewater treatment site for Lincoln, but it no longer served this purpose as the wastewater was now pumped to the Pines wastewater treatment plant at Rolleston (the Pines). However, the LMWP was still a vital part of the Lincoln reticulated wastewater system as it provided wastewater storage capacity in a number of scenarios.

[62] Mr Curtis concluded that a separation of 150 metres would protect the LWMP, and reduce the potential for residents to experience odours that they might consider unpleasant. An alternative would be to require a 100 metre buffer with no complaints covenants on all residential allotments within 150 metres of the LWMP. As discussed in our Recommendation Report for Hearing 17 for Noise, we do not favour 'no complaints covenants' as they do not avoid, remedy or mitigate the adverse effect of concern.

[63] At our request Mr Thomson provided³³ additional information concerning potential household yields and layouts for three different residential zones, namely LLRZ, LRZ and GRZ for the Allendale Lane properties if an odour building set back of 100m from the LWTP was imposed. The respective yields are 43, 11 and 116 lots. For GRZ the lots range from 460m² to 700m², except within the odour setback and around some of the existing dwellings where the section sizes are between 1,200m² and 2,700m².

³² Memorandum from PDP addressed to Vicki Barker dated 27 February 2023.

³³ Submission 209: Proposed Residential Development Allendale Lane: Development Options Under a 100m Odour Set Back, 16 March 2023

[64] Having considered the evidence, we find that a 100m buffer zone would be sufficient, noting that to be consistent with the buffer zone imposed through PC69. Accordingly, we recommend that the subject site is rezoned to enable residential development³⁴. The precise nature of the residential zoning was subject to the IHP's consideration of submissions on Variation 1. The IHP recommended that the land be rezoned MRZ.

[65] On that basis we recommend that the following submissions are accepted in part, but no changes are made to the PDP as a result.

Sub #	Submitter	Submission Point
DPR-0163	Mikyung Jang	001
DPR-0164	Inwha Jung	001
DPR-0202	T & K Hopper, B & R Jacques, B & F Mckeich, R & S Silcock, D & K Perrott, T Richardson & H Carmichael	001
DPR-0209	Manmeet Singh	001, 002

9.2 Other submitters

[66] A number of submitters have requested that land be rezoned from GRUZ to GRZ. However, they did not provide evidence in support of their requests, their land was not within the UGO and was not subject to Variation 1. Their land is either LUC 1, 2 or 3 and under Policy 5 of the NPS-HPL the urban rezoning of that land must be avoided because none of the exemptions in NPS-HPL clause 3.6(1) have been shown to apply.

[67] For these reasons we recommend that the following submissions are rejected.

Sub #	Submitter	Submission Point
DPR-0176	Brent Macaulay & Becky Reid	001, 011, 012
DPR-0219	Lester & Dina Curry	002
DPR-0246	Craig Robertson	001
DPR-0273	Derek Hann	001
DPR-0275	E Salins	001
DPR-0351	Next Level Developments	004
DPR-0392	CSI Property Limited	001, 009
DPR-0431	Lance Roper	001
DPR-0450	Lance Roper	001

10 Rezone from GIZ to GRZ

10.1 DPR-0352 Next Level Developments

[68] Next Level Developments³⁵ sought that 11ha of land at 1506 Springs Road be rezoned from GIZ to GRZ. Valuation, urban design, economics, transport and planning evidence was provided by the submitter, including an ODP. Legal submissions were also provided. We were advised that Arvida³⁶ had purchased the site for the development of comprehensive retirement and aged care living, with design works for the site having already commenced.

³⁴ In the normal course of events we would recommend that the land be zoned GRZ.

³⁵ DPR-0352.001 Next Level Developments

³⁶ Arvida Group is a provider of Retirement Communities across New Zealand

[69] We note that the submitter is also the developer of Verdeco Park, a residential development located to the northern and western edges of the site. Verdeco Park is zoned a mixture of GRZ and LLRZ which has already been subdivided and is largely completed³⁷.

[70] On the basis of the evidence available to us we find that:

- There is an identified need for retirement and aged care accommodation and care in Lincoln. Rezoning the land in question will assist in enabling a variety of homes that in particular would meet the needs (in terms of type, price, and location) of different households as directed by the NPS-UD;
- Arvida's retirement village will play a critical role in providing specialist accommodation that better meets the needs of older adults in the Lincoln community;
- There is an ample supply³⁸ of industrial zoned land in the Selwyn district sufficient to meet anticipated demand in the short, medium and long term. This is facilitated by the large concentration of industrial land in the Rolleston iZone, much of which is currently vacant.³⁹ We also direct readers to our discussion of the need for GIZ land in Lincoln that we set out in relation to the 'Option A' rezoning requested of Submitters Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser (section 7 of this Recommendation Report), particularly regarding the view of Derek Foy contained in Appendix 3 to the Section 42A Report. In that regard Rolleston is a more central location compared to Lincoln. With its direct access to the Christchurch Southern Motorway, Rolleston is better serviced by the transport network. Firms locating in Rolleston can service both the Rolleston and Lincoln markets, while retaining good highway access to Christchurch City and the wider region. Consequently, there is no need to retain the current GIZ zoning;
- The residential rezoning sought will result in a higher quality, higher amenity environment which integrates well with surrounding existing and proposed development;
- In terms of landscape character and values of the area, rezoning the land as residential will result in a positive change when compared to the existing GIZ;
- Regarding transportation issues, 201 vehicles would be on the wider network to/from Lincoln as a result of the existing GIZ, whereas 171 vehicles would be on the wider network to/from Lincoln as a result of a residential zoning. Consequently, the requested rezoning will not lead to additional traffic on the wider roading network;
- From a geotechnical perspective the site is likely to be suitable for residential development⁴⁰;
- Subject to the removal of known contaminated soils, there are no land contamination issues that would preclude residential zoning of the land⁴¹;
- The rezoning request represents an efficient and effective use of land and the site is development ready with service connections available;
- The ODP attached as Appendix 1 to the evidence of David Compton-Moen is appropriate and we note it includes a stormwater management area; and

³⁷ Legal submissions, paragraph 5.

³⁸ The evidence of John Ballingall is that across the entire Selwyn District there is 354ha of vacant industrial land. We note that includes the PC80 land.

³⁹ PC80 may add even more capacity nearby.

⁴⁰ Summary Statement, Elliot Duke.

⁴¹ Summary Statement, Gareth Oddy.

- The NPS-HPL is not relevant as the land is currently zoned Business 2B in the ODP and GIZ in the PDP.

- [71] We asked the submitter to provide an ODP narrative to accompany the ODP attached as Appendix 1 to the evidence of David Compton-Moen. That narrative was provided to us on 23 March 2023⁴². We find that narrative to be appropriate. Accordingly, we recommend that the subject site be rezoned to enable residential development.
- [72] We would normally defer the precise nature of the residential zoning to the IHP's consideration of submissions on Variation 1. However, we understand that there was no submission from Next Level Developments on Variation 1 seeking MRZ for the land. Consequently, pending the deliberations of the Variation 1 Hearing Panel, we recommend that the land be zoned GRZ. We appreciate that recommending GRZ is inconsistent with the intent of the EHS Act given that this is a new residential zone. However, we understand that may be remedied by the IPI Hearing Panel should they wish to exercise their powers under clause 99(2)(b) of Schedule 1 of the RMA.
- [73] We recommend that:
- a) the 11ha of land at 1506 Springs Road subject to the submission of DPR-0352.001 Next Level Developments be zoned GRZ;
 - b) a new DEV-LIB Lincoln B Development Area is included in the PDP that contains the ODP map attached as Appendix 1 to the evidence of David Compton-Moen along with the ODP narrative provided to us on 23 March 2023; and
 - c) PREC 6 – Lincoln Industrial Precinct is deleted from the PDP GIZ Schedules as that Precinct will be redundant.
- [74] For the above reasons we recommend that the following submission is accepted in part.

Sub #	Submitter	Submission Point
DPR-0352	Next Level Developments	001

11 Rezone from GRZ to NCZ and GRZ

11.1 DPR-0351 Next Level Developments

- [75] Next Level Developments⁴³ also sought to rezone approximately 1.4ha of land at 555 Birchs Road (Lot 2 DP 33959) to NCZ and that the remaining area be developed in accordance with GRZ and the Lincoln 3 Development Area.
- [76] The land in question was zoned MRZ with immediate legal effect under Variation 1. We consider that where the SDC has included land in Variation 1 and zoned it MRZ it would be administratively inefficient for us to recommend zoning that same land as GRZ or NCZ, given that our recommendations are to be released by SDC at the same time as the Independent Hearings Panel's decision on Variation 1 is released. If the IHP finds that a MRZ is appropriate, then there is little administrative utility in us recommending GRZ and NCZ for that same land.

⁴² Next Level Developments Limited, Submitter DPR-0352, Memorandum of Counsel, Dated: 23 March 2023

⁴³ DPR-0351.011 Next Level Developments

- [77] We acknowledge that in light of Variation 1 the land in question has been assessed as being suitable for residential development. We note that under the Variation 1 process the MRZ zoning over the land was retained.

11.2 DPR-0384 RIDL

- [78] In their submission on the PDP RIDL sought zoning of the PC69 area as GRZ and NCZ. The PC69 area was zoned MRZ without immediate legal effect by Variation 1. We considered that where the SDC has included land in Variation 1 and zoned it MRZ it would be administratively inefficient for us to recommend zoning that same land GRZ or NCZ given that our recommendations are to be released by SDC at the same time as the IHP's decision on Variation 1 is released. If, based on generally the same submitter evidence provided in support of the rezoning submissions seeking GRZ, the IHP finds that a MRZ is not appropriate it is axiomatic that neither would a GRZ be appropriate. Conversely if the IHP finds that a MRZ is appropriate, then there is little administrative utility in us recommending a GRZ for that same land.
- [79] Having said that, we are satisfied from the evidence presented to us by Chris Jones and Gary Sellars that the residential rezoning of the land is appropriate. We note it will ultimately yield 1,710 lots and according the verbal evidence of Mr Carter it will be developed in stages over a likely time period of 4 to 8 years.
- [80] For the record, we note that the NPS-HPL does not apply to our assessment given the site has been zoned MRZ by the SDC through the Council initiated Variation 1 and it is therefore identified for future urban development. Accordingly, we recommend that the subject site be zoned in the PDP to enable residential development⁴⁴. The nature of the residential zoning was subject to the IHP's consideration of submissions on Part A of Variation 1.
- [81] SDC included the 'PC69' land within Variation 1 and zoned it MRZ which incorporated the MDRS. That MRZ zoning was retained by the IHP for Variation 1. On that basis we therefore recommend that the following submissions are accepted in part.

Sub #	Submitter	Submission Point
DPR-0352	Next Level Developments	001
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	008

12 Rezone from GRUZ to LLRZ

- [82] Alastair King, Daire Limited and Robert Barker (DPR-0435) sought to rezone 719 Ellesmere Road (405 Lincoln Tai Tapu Road) from GRUZ to LLRZ. The submitters' site is not within the UGO. It is outside the Lincoln Structure Plan Area and is not identified as a rural residential area in the RRS14. The site is LUC 1 and 2 and under Policy 3.6 of the NPS-HPL the rezoning of that land as LLRZ must be avoided unless the matters listed in clause 3.6(1) of the NPS-HPL apply.
- [83] Planning evidence⁴⁵ was tabled in support of DPR-0435. Ms Pullen suggested that leaving the land as GRUZ created a harsh interface between a higher density residential zone and the GRUZ when there was ample opportunity to provide for a more gradually buffered transition by rezoning the land LLRZ. She also suggested that having the subject site remain within the GRUZ introduced risks around reverse sensitivity. We are not persuaded by that evidence as the

⁴⁴ In the normal course of events, we would recommend that the land be zoned GRZ.

⁴⁵ Jessica Pullen

‘interface’ issues would apply anywhere in the district where GRZ or MRZ abuts GRUZ, and in this case the two zones are separated by Ellesmere Road which provides a readily identifiable eastern boundary for Lincoln.

- [84] Ms Pullen also suggested that “... *the numerous springs and waterways on the site and the requirements that landowners will need to comply with if the site was to be used for stock grazing or horticulture.*” She said that satisfied the exemption criteria under NPS-HPL clause 3.10(a), (b) and (c). However, no expert evidence was provided to support Ms Pullen’s planning opinion on that matter.
- [85] Finally, we are not convinced that additional residentially zoned land⁴⁶ is required in Lincoln over and above that already provided for in the PDP, Variation 1 and the Allendale Road properties (see section 9.1 of this Recommendation Report) in order to provide sufficient development capacity to meet demand for housing.
- [86] We therefore recommend that the following submissions are rejected.

Sub #	Submitter	Submission Point
DPR-0191	Alastair King	001
DPR-0435	Daire Limited, Alistair King	001
DPR-0438	Robert Barker	001, 002

13 Rezone from GRUZ/KNOZ to GRZ/KNOZ

- [87] For the following submission we adopt Ms Barker’s recommendation to align the KNOZ zoning with the University cadastral boundaries and the residential zoning of 1391, 1393 and 1395 Springs Road with the residential cadastral boundaries. We note Ms Barker’s advice that this is a technical mapping error than a zoning issue.
- [88] We therefore recommend that the following submission is accepted.

Sub #	Submitter	Submission Point
DPR-0205	Lincoln University	017

14 Other matters

- [89] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel’s assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP; and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [90] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair⁴⁷ and Deputy Chair⁴⁸ of the PDP Hearing Panels

⁴⁶ LLRZ is a form of ‘urban’ zoning as defined in the NPS-HPL.

⁴⁷ Who is also the Chair of the IHP.

⁴⁸ Who chaired one stream of hearings.

have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.

- [91] In undertaking that “consistency” exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [92] No other matters were brought to our attention.

Appendix 1: Recommended Amendments


Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

The following spatial amendments are recommended to PDP Planning Maps:

Map Layer	Description of recommended amendment
Zones	<ul style="list-style-type: none"> Amend the following property from GRZ to TCZ⁴⁹: <ul style="list-style-type: none"> Lot 1 DP 523433 (12 Vernon Drive) 

⁴⁹ DPR-0056.001, 002 Broadfield Estates Limited

Map Layer	Description of recommended amendment
	<ul style="list-style-type: none">Amend the Zones layer to following the cadastral boundaries and fully include⁵⁰:<ul style="list-style-type: none">1391, 1393 and 1395 Springs Road within the GRZ (now MRZ(ILE))Lot 4 DP 538546 within the KNOZ 

⁵⁰ DPR-0205.017 Lincoln University

Map Layer	Description of recommended amendment
	<ul style="list-style-type: none"> Amend the following property from GIZ to GRZ⁵¹: <ul style="list-style-type: none"> Lot 6004 DP 558331 (1506 Springs Road) 
Development Areas Overlay	<ul style="list-style-type: none"> Remove the following property from DEV-LI6: <ul style="list-style-type: none"> Lot 1 DP 523433 (12 Vernon Drive)⁵² Identify the following property as DEV-LIB⁵³ <ul style="list-style-type: none"> Lot 6004 DP 558331
Precincts	<ul style="list-style-type: none"> Amend Commercial Precinct PREC5 to include the following property: <ul style="list-style-type: none"> Lot 1 DP 523433⁵⁴ Remove Industrial Precinct PREC7 in its entirety⁵⁵


⁵¹ DPR-0352.001 Next Level Developments

⁵² DPR-0056.001 and 002 Broadfield Estates Limited

⁵³ DPR-0352.001 Next Level Developments

⁵⁴ DPR-0056.001 and 002 Broadfield Estates Limited

⁵⁵ DPR-0352.001 Next Level Developments

Map Layer	Description of recommended amendment
Rural Density Overlay	<ul style="list-style-type: none">Remove the following properties from SCA-RD2 and include them in SCA-RD1⁵⁶:<ul style="list-style-type: none">Lots 1, 2 and 3 DP 562488RS 17202Part RS 10399RS 38995  An aerial photograph of a rural area with green fields and some buildings. A red line outlines a specific property area. The area is bounded by Moira Lane to the north, Ellersmere Road to the east, and Collins Road to the south. The property is situated in a rural landscape with some trees and a few buildings visible.

⁵⁶ DPR-0150.002 Barry Moir

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Relationship between spatial layers

HPW26		Precincts
Name/Code		Description
Lincoln Industrial Precinct ⁵⁷	PREC7	The purpose of this precinct is to manage landscaping along road frontages and the interfaces with the surrounding rural area.

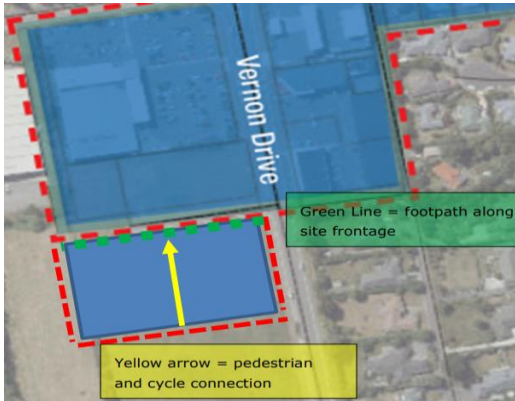
Part 3 – Area Specific Matters

Town Centre Zone

TCZ-Schedules

PREC4 and PREC5 Lincoln KAC Precincts ODP

Amend PREC5 to include 12 Vernon Drive (Lot 1 DP 523433) with amended pedestrian and cycle connections as follows⁵⁸:



⁵⁷ DPR-0352.001 Next Level Developments
⁵⁸ DPR-0056.001 and 002 Broadfield Estates Limited

General Industrial Zone

GIZ-Rule Requirements

GIZ-REQ4 Setbacks		
GIZ excluding PREC6, PREC7 ⁵⁹ and PREC8	1.
PREC7 ⁶⁰	10. Any building shall be setback a minimum of 5m from the road boundary. 11. Any building shall be setback a minimum of 3m from the internal boundary with any Rural Zone. 12. Any building shall be setback a minimum of 50m from the internal boundary with any Residential Zone.	Activity status when compliance is not achieved: 13. When compliance with any of GIZ-REQ4.10. or GIZ-REQ4.11. or GIZ-REQ4.12. is not achieved: RDIS - Matters for discretion: 14. The exercise of discretion in relation to GIZ-REQ4.13. is restricted to the following matters: GIZ MAT3 Setbacks
GIZ-REQ5 Landscaping – Road Boundaries		
GIZ excluding PREC6, PREC7 ⁶¹ and PREC8	1.
PREC7 ⁶²	11. Prior to the erection of any principal building, a landscape strip of at least 5m width shall be established along the Springs Road frontage of the site, comprising one Podocarpus totara; totara tree for every 5m of the road frontage, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity.	Activity status when compliance not achieved: 12. When compliance with any of GIZ-REQ5.11. is not achieved: NC
GIZ-REQ6 Landscaping – Internal Boundaries		
GIZ excluding PREC6 and PREC7 ⁶³	1.
PREC7 ⁶⁴	7. Prior to the erection of any principal building, where a site adjoins any Rural Zone, a landscape strip of at least 3m width shall be established and maintained along the	Activity status when compliance not achieved: 8. When compliance with any of GIZ-REQ6.7. is not achieved: DIS

⁵⁹ DPR-0352.001 Next Level Developments⁶⁰ DPR-0352.001 Next Level Developments⁶¹ DPR-0352.001 Next Level Developments⁶² DPR-0352.001 Next Level Developments⁶³ DPR-0352.001 Next Level Developments⁶⁴ DPR-0352.001 Next Level Developments

	boundary, comprising one 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.	
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Development Areas

LI-Lincoln

DEV-LI6 – Lincoln 6 Development Area⁶⁵

Description of Amendments

1. Amend DEV-LI6 ODP to exclude 12 Vernon Drive (Lot 1 DP 523433)
2. Amend ODP narrative as follows:

Land Use

This development area introduces higher residential densities in immediate proximity to the existing supermarket (an established retail destination) and Gerald Street, which is the central street of the Lincoln township.

~~The area has the potential to achieve a density in excess of 20 households per hectare.~~ It will comprise a residential development of small section sizes, expanding the degree of residential choice available within the town.

...

~~Two shared space nodes, at the northern and southern ends of a central core shared surface street, will encompass junctions and turning areas associated with the street. These locations are identified as important nodal spaces, where careful design of new building and landscape elements can provide a more distinctive character beyond a simply vehicular function. Furthermore, they offer an opportunity for a more unique sense of arrival that reinforces the difference between conventional roads and shared streets.~~

Access and Transport

The overall movement network has been designed to integrate with existing networks, and provide legible connections for a variety of transport modes. Pedestrian circulation within the site will be achieved via shared surfaces streets, private access ways, and pedestrian links. The enclosed nature of the site allows for transition 'entrance thresholds' to be developed near ~~both~~ the entrances of the area, which shall be designed in association with Council. There is an opportunity for a pedestrian footpath link between the Vernon Drive footpath and the proposed linear reserve running east-west through the site (which would also link to the proposed reserve area). ~~No direct vehicular access will be permitted onto Vernon Drive.~~ All vehicular access will be achieved via the ~~two~~ proposed roads identified within the ODP. Pedestrian access will also be available to any public footpath on Vernon Drive. ~~The ODP makes provision for future connectivity along the western boundary, particularly in respect of pedestrian footpaths. An opportunity for a new local road connection into the Neighbourhood Centre Zone will also be provided.~~

⁶⁵ DPR-0056.001 and 002 Broadfield Estates Limited

Transitions are required between the shared surface part of the road and the adjacent 'standard' roading network to inform drivers that they are entering a different road environment. These will be provided within the short sections of road which lie between Vernon Drive and the shared space, and will each include a reduction in usable carriageway width, a visual narrowing of the carriageway, a change in road surface, and/or a vertical deflection feature such as a speed table. The shared space which runs through the majority of the site will be designed in a manner that does not use any upstand or level change to differentiate between the carriageway and footpath. Rather, it will be designed and constructed so that the same (or similar) level is maintained between the edge of the buildings fronting the eastern side and western side of the road reserve, as well as on the portion of the road used by pedestrians and motorised vehicles. The legal extent of the road reserve will be clearly delineated through the use of street furniture, different coloured surfacing, minor grade changes and/or other method that does not use a kerb upstand or similar sudden grade change. Further, if any changes of grade are included within the shared space, these will be designed in a manner that does not present a tripping hazard to the blind or partially sighted. Sufficient cross fall will be provided within the road reserve to effectively manage stormwater. The shared space will provide a route to allow the movement of motorised vehicles, which will be designed in a way that can accommodate the passage of a standard refuse collection truck. This route will be clearly delineated to ensure that drivers are appropriately informed of the areas that they are expected to travel within by using methods such as street furniture, landscaping, and varying paving surfaces. The route will be designed in a manner which encourages slow vehicle speeds through providing elements such as tight curve radii at intersections, a curvilinear alignment or careful placement of on-street parking spaces.

Open Space, Recreation, and Community Facilities

The green network of open spaces linear reserve and reserve location will provide amenity within the site to both existing and future residents of Lincoln.

...

DEV-LIB – Lincoln B Development Area⁶⁶

Description of Amendments

1. Insert a new ODP as follows, with consequential amendments, as outlined below:
 - a. Redraw for consistency with PDP symbology, zone to GRZ, and update legend accordingly.



⁶⁶ DPR-0352.001 Next Level Developments

Description of Amendments

2. Insert a new ODP narrative, as follows:

Context

This area covers 11.4ha of land in the southwest of Lincoln, bounded by Springs Road to the east, the General Rural Zone to the south and existing residential development to the north and west.

Land Use

The area shall achieve a minimum net density of 12 households per hectare.

Access and Transport

The key principles of the proposed road network ensure strong connectivity both within the development and to adjacent areas, while supporting the existing road network for the wider Lincoln area. The proposed internal road pattern is based on a circular layout, with one primary access to Springs Road and a future road connection to the south. Traffic movements through the site are likely to be relatively low with no primary road types proposed.

Given the local traffic volumes anticipated on the internal roads, local roads will provide shared space for cyclists and motorists. In addition, the development area shall provide efficient and well connected off-road cycle and pedestrian links to the existing stormwater management area and surrounding residential areas.

Open Space, Recreation, and Community Facilities

Existing public open spaces adjoin the Development Area to the north and west. No additional open space areas are required.

Although the main purpose of the stormwater management area adjacent to the northern boundary will be a utility reserve, the nature of the system means that the ponds are dry for most of the year and can double as temporary recreational space.

A green link is also provided for along the western edge of the area which will connect to the existing open spaces along the western and northern boundaries of the Development Area. This will increase the depth of the green corridor that runs between the Verdeco Park subdivision and the Development Area. Originally designed as a planted buffer, the additional width will provide space for a pedestrian/cycle link from the south-western corner to the north-eastern corner to be established. Appropriate landscaping will add to the amenity and quality of the environment within the development area

Servicing

The area can connect to the existing reticulated water, wastewater, power and fibre services within Springs Road. The existing pump station (adjacent to the northern boundary of the area) has sufficient capacity to accommodate the development area.

The likely options for stormwater disposal will be a combination of:

- The existing stormwater management area adjoining the northern boundary of the area.
- First flush treatment and discharge (infiltration) via a new onsite system with secondary flow directed to the existing overland swale in the adjoining residential development, and/or to the existing Springs Road drain.

Description of Amendments

The final stormwater solution will be determined in collaboration with the Council at subdivision stage and in accordance with Environment Canterbury standards. A discharge consent from Environment Canterbury will likely be required for either of the proposed stormwater management systems.

Appendix 2: List of Appearances and Tabled Evidence

Appearances

Sub #	Submitter	Author	Role
DPR-0136	Stewart, Townsend and Fraser ⁶⁷	Derek McLachlan Adam Thompson Chris Rossiter Pauline Aston	Counsel Economics Transport Planning
DPR-0150	Barry Moir	Self	
DPR-0209	Manmeet Singh	Sarah Eveleigh Cathy Nieuwenhuijsen Andrew Tisch Chris Rossiter Ivan Thomson	Counsel Odour Servicing Transport Planning
DPR-0213	Plant and Food Research	Dr Trish Fraser Ryan Brosnahan	Representative Planning
DPR-0342	AgResearch Limited	Graeme Mathieson	Planning
DPR-0351	Next Level Developments	Jo Appleyard Ben MacGibbon David Compton-Moen John Ballingall Nicholas Fullar Elliot Duke Gareth Oddly Matt McLachlan	Counsel Arivda Urban Design Economics Transport Servicing and geotechnical Contaminated land Planning
DOR-0392 DPR-0384	RIDL ⁶⁸ CSI Property Limited	Jo Appleyard Gary Sellars Chris Jones Victor Mthamo Jeremy Phillips Tim Carter	Counsel Valuer Real Estate Soils Planning Representative

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0032	Christchurch City Council	Kirk Lightbody	Planning
DPR-0056	Broadfield Estates Ltd	Clare Dale Natalie Hampson Nick Fuller	Planning Economics Transport
DPR-0205	Lincoln University	Ryan Brosnahan	Planning
DPR-0378	Ministry of Education	Lydia Shirley	Representative / Planning
DPR-0435	Mr Alistair King	Jessica Pullen	Planning

⁶⁷ Other expert evidence was provided on soils, soil classification, noise, landscape, infrastructure, contamination, geotechnical and transport matters. We had no questions for those witnesses and so they were excused attendance at the hearing.

⁶⁸ RIDL provided evidence from twenty witnesses as listed in section 11 of Ms Appleyard's legal submissions. However, we only had questions for the witnesses listed in Appendix 2 and we excused the remaining witnesses from attendance at the hearing.