

REZONING REQUESTS – ELLESMERE

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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 the Ellesmere area of the Selwyn District, including the townships of Doyleston, Dunsandel, Leeston and Southbridge.
- [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: Ellesmere, Ben Rhodes, 31 January 2023
 - DPR Hearing 30.7 Ellesmere Rezoning Requests - Reporting Officer Memo, 3 March 2023
- [4] Our recommended amendments to the notified zonings are set out in Appendix 1.

2 Our Approach

- [5] The Section 42A Report helpfully outlined relevant background information on a number of matters:
- Overview of the Ellesmere area;
 - Resource Management Act 1991;
 - Rezoning Framework Section 42A Report (and the Addendum to this report dated 16 January 2023), 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;
 - Ellesmere Area Plan;
 - Noting that the Ellesmere area did not qualify for inclusion in 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;
 - National Policy Statement on Highly Productive Land 2022 (NPS-HPL);
 - LUC soil classes;
 - Maps showing the areal extent of each rezoning request.
- [6] We adopt that background information without repeating it here.

2.1 National Policy Statement on Highly Productive Land

- [7] The Ellesmere area townships are surrounded by GRUZ land. Importantly, most of that GRUZ land contains LUC 1, 2 or 3 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

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

demand, 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.

2.2 Recommendation Report Format

[8] We do not adopt the same format in this Report that was used by Mr Rhodes. Instead for those submitters who chose either to:

- provide expert evidence but, in recognition of Mr Rhodes' recommendations to accept their submissions, not attend the hearing;
- not provide expert evidence and appear at the hearing to speak to their particular submission points; or
- not table expert evidence

we adopt Mr Rhodes' recommendations for the reasons that he cites. Those submitters are:

Sub #	Submitter	Submission Points
DPR-0053	T & M Saunders	001
DPR-0107	CGGL	001
DPR-0130	S Farrant	001, 002
DPR-0162	Millar's Machinery	002
DPR-0207	SDC	113
DPR-0362	J Ferguson	004, 005
DPR-0364	BAFFT	004, 005
DPR-0369	Holly Farm	001
DPR-0414	Kāinga Ora	430

[9] This includes recommending:

- (a) The acceptance of DPR-0162 Millar's Machinery in Doyleston subject to minor wording amendments to reflect the standard nomenclature of the PDP;
- (b) The acceptance in part of the submissions of DPR-0053 T & M Saunders, DPR-0130 S Farrant, DPR-0362 J Ferguson, DPR-0364 BAAFT, DPR-0369 Holly Farm ('the Leeston Submissions') to rezone the area in Leeston between High Street, Harmans Road and Leeston Dunsandel Road from GRUZ to a combination of GRZ or LLRZ, subject to minor wording amendments to reflect the standard nomenclature of the PDP;
- (c) Rejecting DPR-0107 Country Garden Group Ltd's request to rezone land between Tramway Road and Leeston Dunsandel Road from GRUZ to LRZ;
- (d) Rejecting DPR-0207 SDC's request to amend the zoning for Lot 1 and 2 DP 469043 on Leeston Lake Road from GIZ to LRZ; and
- (e) Rejecting DPR-0414 Kāinga Ora's request to amend the LRZ in Southbridge to GRZ.

[10] For rezoning requests (a) and (b) above expert evidence was provided² and Mr Rhodes undertook a thorough assessment of that evidence and the applicable statutory tests.

² For Millar's Machinery expert evidence was provide by Elliott Sinclair in relation to planning, urban design, geotechnical, natural hazards, flooding, infrastructure servicing, and Stantec in relation to transport. For the Leeston submissions only planning evidence was provided.

- [11] Relevantly, on 10 February 2023 the planner acting for Millar’s Machinery advised by email to the Hearings Secretary:

I can confirm that we have read the S42A report and the SDC Appendix of Amendments (attached above [Mr Rhodes; Appendix 2]) of the Council staff recommendations for the Hearing Panel’s consideration at the Ellesmere hearing in March. I have discussed the Council recommendation report and proposed amendments with our client and can confirm that given the positive outcome of the Council recommendation report (to recommend the re-zoning be accepted subject to the above/attached amendments) our client does not wish us to prepare evidence or attend the hearing on his behalf.

- [12] We note that for the Leeston submissions Mr Rhodes was of the view that part of the relief sought by them could be accepted without the required supporting technical information because part of the land had been subject to a private plan change process (PC62) to the Operative District Plan that was approved and made operative after the notification of the PDP. That seems reasonable to us.
- [13] Other than that, for the sake of brevity we do not repeat Mr Rhodes’ detailed assessments here. For the record, for the Millar’s Machinery submission we adopt the submitter’s s32AA evaluation, as did Mr Rhodes. For the Leeston submissions we adopt Mr Rhodes’ section 32AA assessment³.

3 Hearing and Parties Heard

- [14] The hearing for the Ellesmere rezoning requests was held on 6 March 2023. The only submitter who appeared at the hearing was:

Sub #	Name
DPR-0436	P.B and J.C Nahkies

- [15] The witnesses we heard from in person and the evidence tabled are listed in Appendix 2. A copy of their 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 expert witnesses.

4 DPR-0436 P.B. and J.C. Nahkies

- [16] P.B and J.C Nahkies sought to amend the zoning of Lots 1 and 2 DP 74807 and Lot 1 DP 305456 from GRUZ to LLRZ to enable the development of 35 LLRZ sections. A corresponding amendment to the Dunsandel UGO was also sought. Evidence was provided covering planning, transportation, land contamination, geotechnical, acoustics, infrastructure services, and property matters. An ODP was also provided. The submitter’s evidence was peer reviewed by SDC.⁴
- [17] We note that P.B Nahkies provided at least five briefs of evidence covering a wide range of matters including his position as the applicant, economics (supply and demand for residential

³ At paragraphs 10.24 to 10.28 of the Section 42A Report.

⁴ Mat Collins (transport), Ian McCahon (geotechnical), Murray England (infrastructure), James Boland (noise), Rowan Freeman (contaminated land), Derek Foy (economics) and Hugh Nicholson (urban design).

lots), urban design, transport, connectivity and servicing. Mr Nahkies practices as a valuer and real estate agent. He has qualifications appropriate to that profession. We find that Mr Nahkies evidence extends beyond his qualifications and experience. There is also a convention that an applicant cannot purport to give expert evidence on their own account as they are clearly not independent. We therefore find that little weight can be afforded to large parts of his evidence.

- [18] The site is subject to Noise Control Overlays (NCO) relating to SH1 and the Main South Railway Line. It is not within the UGO. However, it is identified as a ‘possible future development area’ in the Ellesmere Area Plan (EAP). We note that ‘preferred future development areas’ included in the EAP are included within the PDP UGO, but ‘possible future development areas’ are not.
- [19] We firstly consider the NPS-HPL as the site contains LUC 2 and 3 soil.
- [20] For the submitter Victor Mthamo undertook a desktop assessment of the site and concluded it comprised LUC 2 and 3 and predominantly LUC 4 soils. However, we give no weight to his assessment of LUC soil classes because 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.”* We understand that the Canterbury Regional Council has not accepted Mr Mthamo’s classifications at this time. Mr Mthamo did not attend the hearing.
- [21] For the submitter, planner Richard Johnson argued that because the site was identified as a ‘possible future development area’ in the EAP it had been identified for future urban development and was therefore excluded from the NPS-HPL under clause 3.5(7)(b). We are not persuaded by that argument. The MfE guidance on the NPS-HPL states⁵:

The definition of ‘identified for future development’ only applies to areas identified as ‘suitable for commencing urban development over the next 10 years’ in a Future Development Strategy or other strategic planning document. ‘Suitable’ in this context should be based on whether the area has been clearly identified for urban development/rezoning in the short to medium term (up to 10 years). The intent is to ensure future urban development areas are only excluded from HPL (transitional definition and mapping) when there is a high level of certainty the land will be developed for urban use in the next 10 years.
- [22] We do not consider that the identification of the site as a ‘possible future development area’ in the non-statutory EAP means that *“there is a high level of certainty the land will be developed for urban use in the next 10 years.”*
- [23] The submitter seeks a LLRZ zoning. The NPS-HPL’s definition of ‘urban’ (clause(a)) includes large lot residential. We must therefore assess the proposal under NPS-HPL Policy 5 and clause 3.6. That means that the urban rezoning of the site’s highly productive land is to be avoided, unless the criteria in clause 3.6 are met.

⁵ National Policy Statement for Highly Productive Land, Guide to implementation, December 2022, page 15.

- [24] We have taken the clause 3.6 terms ‘the same locality and market’, ‘well-functioning urban environment’ and ‘existing urban areas’ to all apply to the township of Dunsandel rather than the wider Selwyn District.
- [25] Regarding clause 3.6(1)(a), having reviewed Mr Nahkies’ rebuttal evidence, Mr Foy stated:
- “If then all of the 31 lots in Dunsandel Estate are vacant supply, and there are six lots available for infill, there would be capacity for around 37 additional dwellings in Dunsandel. That would equate to seven or eight years of supply, meaning vacant supply would be exhausted within the NPS-UD medium term (10 years).”*
- [26] We accept that there is some capacity shortfall in Dunsandel and we consider it appropriate that at least sufficient development capacity is provided to address the medium term shortfall identified by Mr Foy.
- [27] Regarding clause 3.6(1)(b), we firstly observe that in this case none of the clause 3.6(2) matters are determinative. In saying that we note that Mr Rhodes has accepted that there is limited potential for intensification in the existing urban area in Dunsandel. We understand the submitter’s clause 3.6(1)(b) argument is that there are ‘no other reasonably practicable and feasible options’ for addressing that shortfall in Dunsandel ‘while achieving a well-functioning urban environment’ because their proposal is the only feasible rezoning request on the table.
- [28] However, there is a large block of land to the south of SH1 abutting Leeston Dunsandel Road that would arguably result in a more compact or consolidated urban form for Dunsandel which, being more accessible to the settlement centre and not subject to SH1 and railway noise contour overlays, arguably results in a better ‘well-functioning urban form’.
- [29] We asked Mr Nahkies about that. He said that large block was beyond his capacity as a property developer. We accept that the DPR-0436 rezoning request satisfies clause 3.6(1)(b), even though the large block of land referred to above is clearly a better candidate for residential rezoning.
- [30] Unlike other rezoning proposals that we have assessed, in this case we did not receive any evidence of probative value on clause 3.6(1)(c). Mr Johnston provided an assessment based on 5.88ha of HPL⁶, but that is not appropriate as the entire 20.6 ha block is to be taken as being HPL as we have already found we should give no weight to Mr Mthamo’s reassessment of the LUC status of the land.
- [31] Mr Mthamo considered that the site was subject to long-term constraints in terms of irrigation availability, nutrient limits and reverse sensitivity. We assume that was intended to show that long-term environmental, social, cultural and economic costs of developing the site’s HPL were small. However, as noted in the MfE guidance document⁷ *“HPL will always be more valuable in monetary terms when converted to an urban or rural residential use, particularly in the short term, compared to being retained for land-based primary production.”*
- [32] We were not persuaded by Mr Mthamo’s evidence on the constraints applying to the site because:

⁶ Based on Mr Mthamo’s LUC assessment which we have rejected.

⁷ Page 36.

- The site has a resource consent for irrigation that would service at least a portion of the area;
- We are not persuaded that the available irrigation water could not be utilised using say drip irrigation, or by using less water-intensive crops or products at some stage in the next 30 years, so that what water is available can be used more efficiently over most if not all of the site;
- The site is within the command area of the Central Plains Water Limited irrigation scheme, but we understand no approach has been made to CPWL regarding obtaining irrigation water from them;
- We understand that it is possible for water take consents to be transferred to the land, albeit that 50% of the transferred volume of allocation would need to be surrendered;
- 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 an ample nutrient loss allocation for dry land sheep or beef farming; and
- The land is currently farmed and there is no evidence of reverse sensitivity issues arising from the LLRZ properties adjacent to the site across Tramway Road.

[33] We are unable to find that the rezoning meets the requirements of clause 3.6(1)(c).

[34] Regarding clause 3.6(5) we must ‘take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity’. The submitter has sought LLRZ. We note Dunsandel currently comprises LRZ and LLRZ residential zones. If the submitter had instead opted for a LRZ zoning then the proposed 35 lots could have been delivered on around 7 times less HPL land. We note there is LRZ existing on Leeston Dunsandel Road and so we presume it would be feasible to provide for LRZ at the eastern end of the site abutting Tramway Road (subject to mitigating noise from the GIZ).

[35] We asked Mr Nahkies about that and his answer was equivocal, referring only to what he personally considered was the demand for LLRZ sites. We are unable to find that the rezoning meets the requirements of clause 3.6(5).

[36] The sub-clauses in clause 3.6(1) are conjunctive which means they must all be met. We are not persuaded that they are in this case. The requirement in clause 3.6(5) is a standalone test. We are not persuaded that is met either. Consequently, under Policy 5 of the NPS-HPL the rezoning of the site to LLRZ must be avoided.

[37] We recommend that the following submissions are rejected.

Sub #	Submitter	Submission Point
DPR-0436	P.B and J.C Nahkies	001, 002

5 DPR-0155 Cochranes of Canterbury Limited

[38] Cochranes of Canterbury sought to amend the TCZ at 125 and 125A High Street in Leeston to GIZ. As an alternative, the submitter sought that the PDP Planning Maps show a buffer area of 5m to 10m on the northern and western boundaries of the site to be acoustically mounded

or fenced prior to any residential development on adjoining properties. The submitter provided expert planning evidence from Jane West.⁸

- [39] Mr Rhodes considered that the primary activity at the site, being the sale of agricultural machinery, fell under the definition of a trade and retail supply activity (and was therefore a commercial activity). He considered that the service and repair of farm machinery undertaken on the site was a secondary industrial activity⁹.
- [40] We are not persuaded that is necessarily so. Arguably, the servicing and repair of farm machinery is ancillary to the sale of that machinery. In that case the Cochranes' activities would in all likelihood be permitted under the TCZ provisions. However, that is somewhat moot because, as noted by Ms West and Mr Rhodes, the existing activities occurring on the site have existing use rights under section 10 of the RMA.
- [41] Mr Rhodes did not support the rezoning sought because he considered TCZ was more appropriate in managing the effects of activities on the site as the neighboring land uses were primarily residential. He also said TCZ would better achieve the PDP's relevant Strategic and CUMZ objectives and policies. In that regard we understand that the SDC is proposing to develop a community centre and health hub on land it owns on the corner of High Street and Leeston and Lake Road.
- [42] Conversely a GIZ would enable a wider range of industrial activities to take place, with incompatible effects on the neighbouring residential properties. Mr Rhodes did however note that as part of the PC62 process a rule had been included in the Operative District Plan requiring the establishment of an acoustic fence along the boundary of the Cochrane's site and he has recommended that rule to be included into the PDP.
- [43] We accept Mr Rhodes' arguments against rezoning the site to GIZ.
- [44] For these reasons we recommend that the following submissions are rejected.

Sub #	Submitter	Submission Point
DPR-0155	Cochranes of Canterbury Limited	001, 002

- [45] However, in light of Mr Rhodes' PC62 comment referred to above, we also recommend that as a clause 16(2) consequential amendment the ODP narrative for 'DEV-LE1 Leeston 1 Development Area' is amended to include under the heading 'Land Use' the following additional sentence:

Prior to the development of land for GRZ or LRZ purposes, within Development Area DEV-LE1 along the boundary with the TCZ, an acoustic fence shall be constructed to a height not less than 1.8m above ground level at a mass of 8 – 10 kg / m².

6 Other matters

- [46] 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.

⁸ Ms West advised that she was related by marriage (sister-in-law) to a director of Cochranes which may be considered a conflict of interest.

⁹ Mr Rhodes considered that the servicing of farm machinery would likely be assessed as a non-complying activity in the TCZ, although the current activities would have existing use protections under section 10 of the RMA.

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;
- the Hearing Panels considering rezoning requests, and
- the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP

[47] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair¹⁰ and Deputy Chair¹¹ of the PDP Hearing Panels 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.

[48] 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.

[49] No other matters were brought to our attention.

¹⁰ Who is also the Chair of the IHP.

¹¹ Who chaired one stream of hearings.

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.

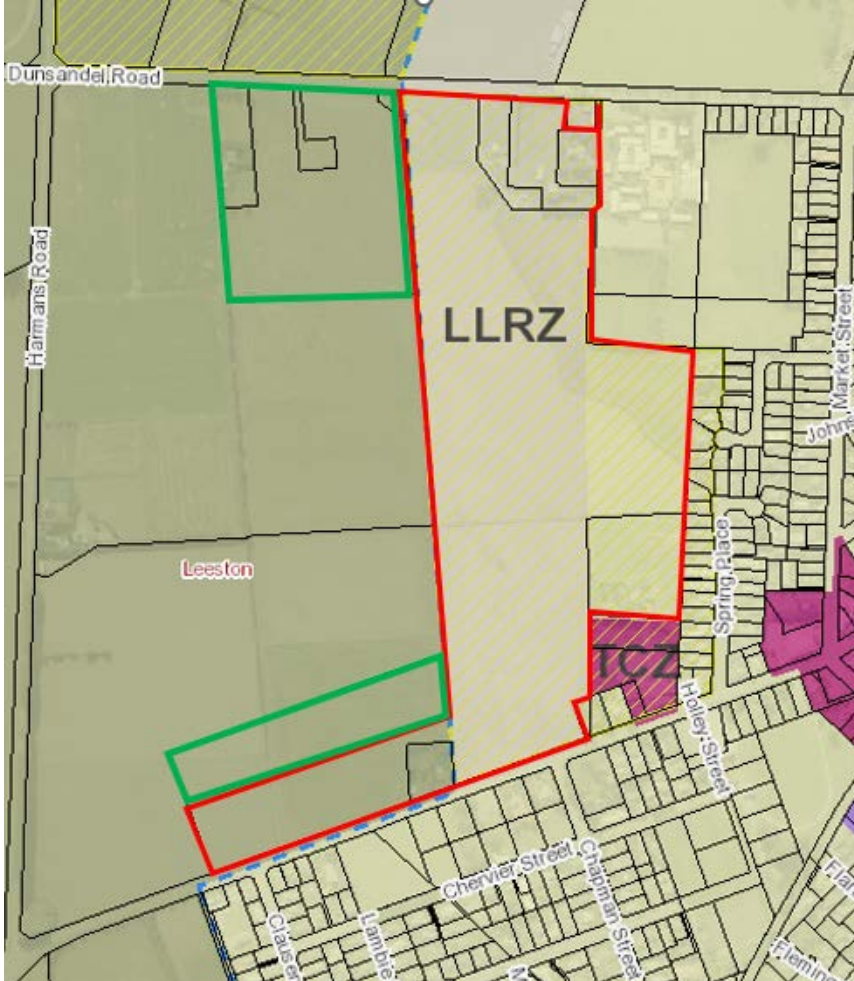
Amendments to the PDP Maps

The following spatial amendments are recommended to PDP Planning Maps:

Map Layer	Description of recommended amendment
Zones	<ul style="list-style-type: none"> In Leeston, amend all LRZ to GRZ¹²: Amend the following property in Doyleston from GRUZ to LRZ: <ul style="list-style-type: none"> - Sec 4 SO 562431¹³ 

¹² DPR-0364.001, 002 and 003 BAFFT, DPR-0414.429 Kāinga Ora

¹³ DPR-0162.002 Millers Machinery

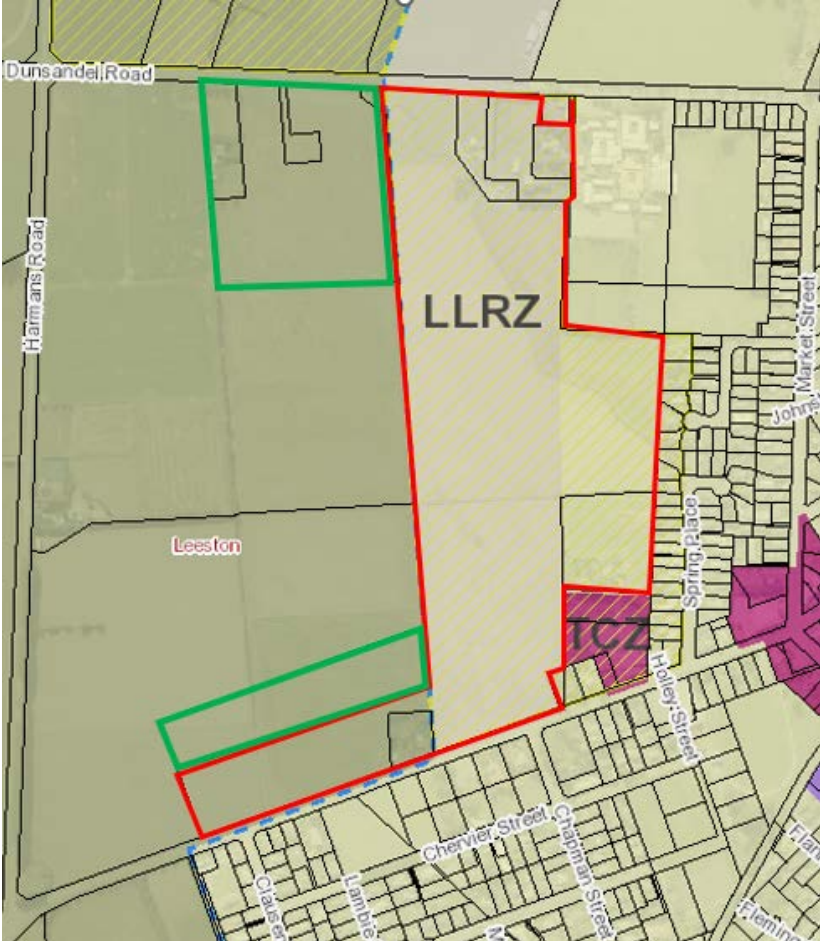
Map Layer	Description of recommended amendment
	<ul style="list-style-type: none"> Amend the zoning of the land included in the figure below as follows: <ul style="list-style-type: none"> rezone the land shown outlined in red from either GRUZ, LLRZ or LRZ to GRZ; and rezone the land shown outlined in green from GRUZ to LLRZ¹⁴ 

¹⁴ DPR-0053.001 T & M Saunders, DPR-0130.001 and 002 S Farrant, DPR-0362.004 and 005 J Ferguson, DPR-0364.004 and 005 BAFIT and DPR-0369.001 Holly Farm

[illegible]

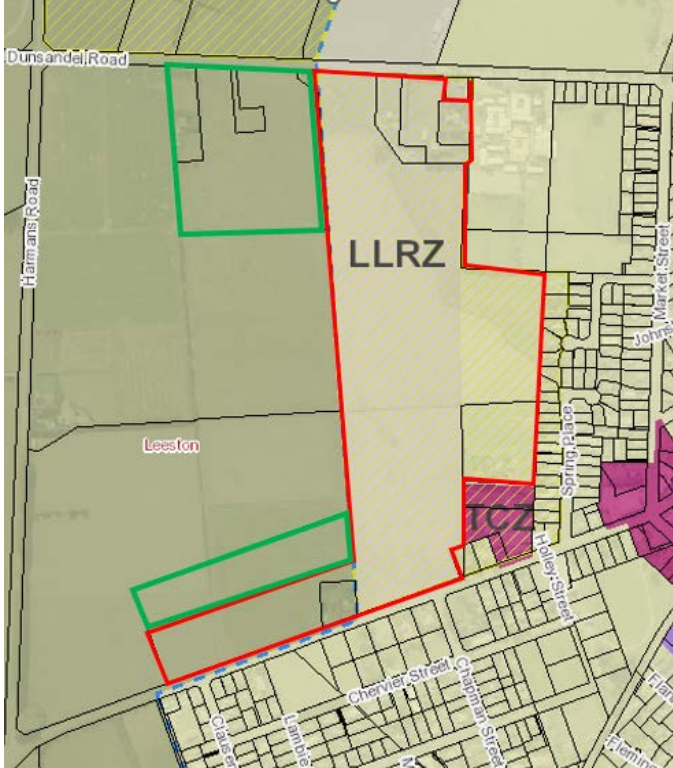
¹⁵ DPR-0162.002 Millers Machinery

¹⁶ DPR-0053.001 T & M Saunders, DPR-0130.001 and 002 S Farrant, DPR-0362.004 and 005 J Ferguson, DPR-0364.004 and 005 BAFFT and DPR-0369.001 Holly Farm

Map Layer	Description of recommended amendment
Rural Density Overlay	<ul style="list-style-type: none"> Remove SCA-RD2 from the following properties: <ul style="list-style-type: none"> - Sec 4 SO 562431¹⁷ - That area shown outlined in green in the figure below¹⁸: 

¹⁷ DPR-0162.002 Millers Machinery

¹⁸ DPR-0053.001 T & M Saunders, DPR-0130.001 and 002 S Farrant, DPR-0362.004 and 005 J Ferguson, DPR-0364.004 and 005 BAAFT and DPR-0369.001 Holly Farm

Map Layer	Description of recommended amendment
Urban Growth Overlay	<ul style="list-style-type: none"> Remove the overlay from the following property: <ul style="list-style-type: none"> - Sec 4 SO 562431¹⁹
EIB Management Overlay	<ul style="list-style-type: none"> Remove the overlay from the following properties: <ul style="list-style-type: none"> - Sec 4 SO 562431²⁰ - That area shown outlined in green in the figure below²¹: 

¹⁹ DPR-0162.002 Millers Machinery

²⁰ DPR-0162.002 Millers Machinery

²¹ DPR-0053.001 T & M Saunders, DPR-0130.001 and 002 S Farrant, DPR-0362.004 and 005 J Ferguson, DPR-0364.004 and 005 BAFIT and DPR-0369.001 Holly Farm

Amendments to the PDP Text

Part 2 – District Wide Matters

SUB – Subdivision

SUB-Rule Requirements

SUB-REQ13	Conditions Precedent	
<u>DEV-DO1</u> ²²	A. <u>No residential subdivision shall occur within DEV-DO1 until such time as the Leeston Waste Water Treatment Plant is connected to the Pines Wastewater Treatment Plant and is operational.</u>	Activity status when compliance not achieved: B. <u>When compliance with SUB-REQ13.A. is not achieved: NC.</u>

Part 3 – Area Specific Matters

Development Areas

Insert the following Development Area into a new Development Area sub-section titled **DO-Doyleston** that follows the existing Development Area section titled DA-Darfield.

DEV-DO1 – Doyleston 1 Development Area²³

Description of Amendments
<ol style="list-style-type: none"> 1. Insert a new ODP as follows, with consequential amendments, as outlined below: <ol style="list-style-type: none"> a. A secondary road connection to either Leeston Road or Drain Road b. A 'shared use' path on Drain Road between Queen Street and Leeston Road c. A second pedestrian / cycle connection to Osborne Park is provided adjacent to the pump track / playground within Osbourne Park. d. A 'reverse sensitivity treatment' indicated along the boundary with the GIZ e. A 'rural edge treatment' indicated along the south-western boundary; f. A requirement that residential development adjoining Drain Road must provide vehicle or pedestrian accessways directly to Drain Road; and g. Redraw for consistency with PDP symbology and update the legend accordingly:

²² DPR-0162.002 Millers Machinery

²³ DPR-0162.002 Millers Machinery

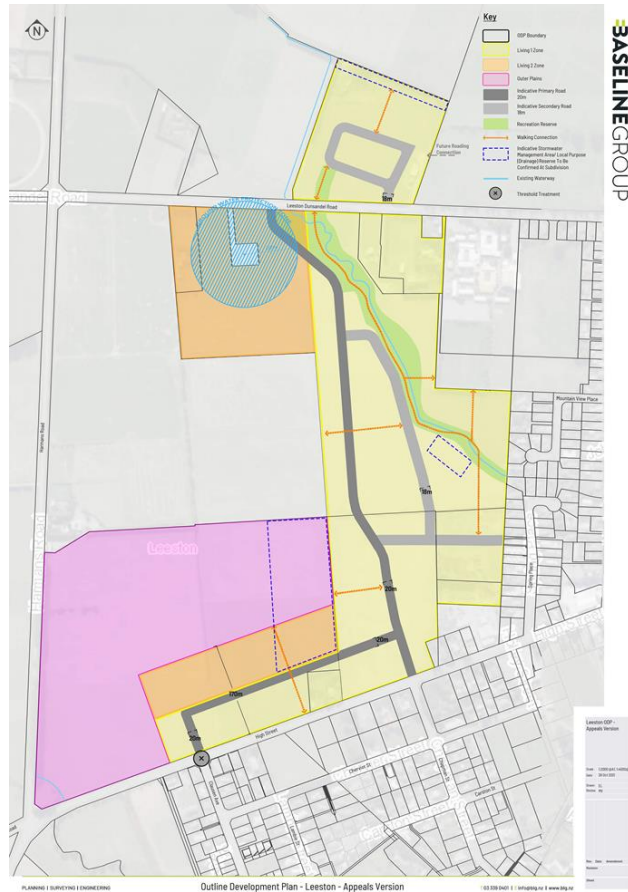


- | | |
|---------------------------------------|------------------------------|
| --- Outline Development Plan Boundary | Low Density Residential Zone |
| - - - Indicative Road Alignment | Open Space Reserve |
| Interface Treatment | Stormwater Management Area |
| ← → Recreational Link | |

DEV-LE1 – Leeston 1 Development Area²⁴

Description of Amendments

1. Amend the existing ODP to be consistent with the figure below, redrawn for consistency with PDP symbology and with an updated legend as appropriate²⁵:



²⁴ DPR-0053.001 T & M Saunders, DPR-0130.001 and 002 S Farrant, DPR-0362.004 and 005 J Ferguson, DPR-0364.004 and 005 BAFFT and DPR-0369.001 Holly Farm

²⁵ DPR-0053.001 T & M Saunders, DPR-0130.001 and 002 S Farrant, DPR-0362.004 and 005 J Ferguson, DPR-0364.004 and 005 BAFFT and DPR-0369.001 Holly Farm

2. Delete the existing development area narrative and replace as follows:

Context

This development area comprises approximately 42.8 ha of land west of Leeston township. The development area is bound by Leeston Dunsandel Road to the north, with one section north of Leeston Dunsandel Road; Spring Place and Ellesmere College / Te Kāreti o Waihora to the east; High Street to the south and rural zoned land to the west.

Land Use

The development area provides for residential development in accordance with the GRZ and LLRZ standards and the requirements outlined below.

- Where the GRZ adjoins the TCZ any residential unit or other principal building shall be permitted where a 2m landscape strip is provided along any boundaries which adjoin the TCZ. The landscape strip shall be a minimum of 2m wide and contain a minimum of one tree per 3m. The trees shall be a minimum height of 1.5m at the time of planting and shall be capable of reaching a minimum height of 3m at maturity
- Any residential unit in the GRZ shall have a setback from the GRUZ boundary of not less than 20 metres.
- Prior to the development of land for GRZ or LLRZ purposes, within DEV-LE1 along the boundary with the TCZ, an acoustic fence shall be constructed to a height not less than 1.8m above ground level at a mass of 8 – 10 kg / m².

Access and Transport

The movement network will provide connections to the existing roading network, residential areas and Leeston township. The ODP includes primary and secondary roads, as well as walkway and cycleway linkages throughout the development area.

The ODP provides for an integrated transport network incorporating:

- A primary road following a north to south alignment from Leeston Dunsandel Road to High Street. This primary road will align with Chapman Street;
- A second primary road, following a north to south alignment from High Street and aligned with the intersection with Clausen Avenue, before turning to the east and continuing parallel to High Street. The intersection of this primary road, High Street and Clausen Avenue is to be designed to safely incorporate an appropriate treatment that clearly defines this intersection as an entry point to the township, thus acting as a spatial threshold that informs motorists that different speeds and behaviours are expected. Detailed design solutions are to be determined by the developer in collaboration with Council at the time of subdivision and related approvals;
- Other secondary roads as required to facilitate circulation throughout the development area; and
- Pedestrian, cycle and non-vehicular linkages to encourage alternative modes of transport and to provide connections throughout the development area and to Ellesmere College / Te Kāreti o Waihora.

The remaining roading network must be able to accommodate progressive development over time and roading connections must be arranged and aligned in a way that long term connectivity is achieved to provide a safe and efficient roading network and non-vehicular linkages.

Open Space, Recreation, and Community Facilities

A minimum of three reserves are required to be established throughout the development area. The reserves could be located as follows:

- Stormwater management areas should be provided with surrounding reserve areas;

- Leeston Creek and its margins are to be vested to Council as reserve. The reserve should run for the entire length of Leeston Creek within the development area and should be provided with walkways along the Creek and a central play area. Any bridge infrastructure over Leeston Creek shall be designed to avoid adverse effects on the flow of the Leeston Creek; and
- A reserve connecting that portion of the development area north of Leeston Dunsandel Road with Leeston Dunsandel Road and Leeston Creek reserve.

The reserves can be accessed by road, pedestrian and cycle linkages.

Servicing

The development area is subject to high ground water level and localised flooding in high rainfall events. Detailed stormwater solutions are to be determined by the developer in collaboration with Council at the time of subdivision. Stormwater management areas have been identified at the northern most part of the development area to be vested to Council for the purposes of the Leeston North Stormwater Bypass; Leeston Creek; and the naturally low point of the area for stormwater attenuation.

Stormwater management and flow rates will need to be detailed at the time of subdivision to ensure Leeston Creek and the Market Street Culvert can accommodate the stormwater without resulting in flooding or ponding. Most of the stormwater from the development area will need to be managed using the north strip and the low point management areas, rather than Leeston Creek, however Leeston Creek could be utilised for stormwater management provided the flows remain at pre-development rates.

Stormwater management and attenuation areas must be designed by a suitably qualified engineer, so the impact of flooding is not increased. The stormwater management area has been located in the natural low point of the development area. The stormwater management area should be connected to the surrounding roads through pedestrian and cycle links and should have sufficient street frontage to allow for passive surveillance, create a sense of openness, and provide a high level of amenity.

Upgrades to the existing wastewater infrastructure in Leeston will be required to service the development area and discharge into the Ellesmere Treatment Plant after the 80th residential site to enable future development. No residential subdivision shall occur after the 80th residential site until such time as the Ellesmere Wastewater Treatment Plant has been upgraded and is capable of servicing additional sites within the development area or is connected and operational with the Pines Waste Water Treatment Plant

The water reticulation will be an extension of the existing reticulated network. Council owns a utility site west of the development area which will provide potable water for the future development. The provision of infrastructure to service the ODP shall align with the Council's indicative infrastructure staging plan, unless an alternative arrangement is made by the landowner/developer and approved by Council.

Cultural Values:

Development of the area has the potential to effect Te Waihora / Lake Ellesmere, due to increased density and stormwater discharge. Te Waihora / Lake Ellesmere is an area of significance to local Rūnanga, Taumutu. Consultation with Taumutu should be undertaken when developing the area.

Appendix 2: List of Appearances and Tabled Evidence

Appearances

Sub #	Submitter	Author	Role
DPR-0436	P.B and J.C Nahkies	Brent Nahkies Richard Johnson Watching on Zoom but not presenting: Lisa Williams Michael Smith Mason Reed Sean Finnigan	Representative Planning Traffic Acoustics Geotechnical Site contamination

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0032	Christchurch City Council	Kirk Lightbody	Planning
DPR-0155	Cochranes of Canterbury	Jane West	Planning
DPR-0162	Millers Machinery Limited	Elliot Sinclair	Various
DPR-0212	ESAI (a further submitter)	Carey Barnett	Representative
DPR-0362	John Ferguson	John Ferguson	Self
DPR-0364	B.A. Freeman Family Trust	Michael Vincent	Planning
DPR-0369	Holly Farm	Michael Vincent	Planning
DPR-0414	Kāinga Ora	Joe Jeffries	Planning