
OFFICER'S RESPONSE TO DIRECTIONS FROM THE HEARINGS PANEL

DATE: 15 June 2023

HEARING: Variation 1, Hearing 8 - ISPP - Rezone Lincoln

HEARING DATE: 7 June 2023

PREPARED BY: Vicki Barker, Consultant Planner

Introduction

The purpose of this report is to provide a written response to the directions from the Hearings Panel in response to the following:

1. AgResearch (V1-0055) - To provide draft provisions which set a threshold of a maximum of 100 residential units within the site until the upgrade of the Gerald Street/Vernon Drive intersection; and
2. Manmeet Singh (V1-0068) - Obtain a peer review from the Council Transport Engineer with respect to the rebuttal Transport evidence prepared by Chris Rossiter dated 9 May 2023.

With respect to Manmeet Singh (V1-0068):

- Further input has also been sought from the Council urban design expert, Mr Hugh Nicholson, with respect to the ODP pedestrian and cycle connections in response to comments made by Mr Ivan Thomson at the Hearing that it was agreed with Mr Nicholson that a mid-site pedestrian and cycle connection is no longer required; and
- Additional comment is provided in relation to the ODP, and the revised ODP narrative and MRZ-REQ12 submitted post-hearing. Amendment to the ODP and ODP narrative is recommended taking the Transport peer review and Mr Nicholson's further input into account, and to align the ODP narrative with the technical review findings and recommendations should the Panel be of a mind to approve the rezoning.

AgResearch Draft Provisions

Provisions are set out in **Appendix 1** in response to the recommendations of the Transport experts as agreed in the Transport JWS¹ that 100 residential units within the site is the threshold at which a Gerald Street/Vernon Drive intersection upgrade is required.

Both land use and subdivision rules are proposed to ensure that should more than 100 residential units be proposed at land use consent stage, or the capacity to construct more than 100 residential units be

¹ [Joint Witness Statement: Transport Matters - 16 May 2023](#)

proposed at the subdivision consent stage, that the upgrade of the Gerald Street/Vernon Drive intersection to include traffic signalisation is operational, otherwise restricted discretionary and/or controlled resource consent is required respectively.

The land use rule is proposed to be tied to the Building Consent process rather than occupation or construction of residential units as proposed by the submitter, as a means of practically being able to monitor and enforce the rule in relation to a regulatory process. Occupation and construction is too non-specific and difficult to monitor and enforce.

In practice, the Resource Consents Team at Council will need to administratively run a system to capture the number of Building Consents issued within the Development Area. While this is an additional administrative task, I have been advised that such a system has been implemented previously in association with similar District Plan provisions requiring staged development.

A subdivision rule in the Subdivision Chapter is also considered necessary to ensure that the issue of the intersection capacity only being sufficient to the threshold of 100 residential units is raised early in any land development process (subdivision or land use), rather than leaving the issue to the land use consent stage only. Without a subdivision rule there could feasibly be a scenario where the land has been subdivided and a purchaser is intending to buy a vacant site with potentially no knowledge of the need for the intersection upgrade, where there is the potential for ensuing land use development delays until that upgrade has taken place and is operational. Feasibly, there could be a delay in being able to develop the site, obtaining a Building Consent Code of Compliance, and subsequent effects such as the inability to get insurance, which ideally needs to be identified at the outset of any development proposal where a site is subject to such a constraint.

The proposed approach of having a subdivision rule is also consistent with other similar scenarios where development is contingent on an upgrade occurring first. For example, roading upgrades are required in Prebbleton before development can proceed. A subdivision rule is recommended so that subdivision to create any residential site within DEV-PR3 shall not take place prior to the upgrading of the Shands Road/Trents Road intersection (SUB-REQ13).²

Based on recent legal advice provided to Council, the proposal to provide for MRZ subdivision activity as controlled in the Subdivision Chapter is advised consistent with Clauses 3, 7 and 8 of Schedule 3A of the RMA, and a matter of control has been drafted on that basis. It is understood that the Subdivision Chapter provisions as they relate to MRZ will need to be amended to provide for controlled activity status.

Manmeet Singh – Expert Urban Design Comments

Council's urban design expert Mr Nicholson confirms that he met with Mr Thomson for the submitter and that he considered it would be unreasonable to require the developer to provide two bridges over the Liffey Stream, and that a pedestrian/cycle bridge could be located either at the mid-block link, or adjacent to the stormwater facility. He notes that he was unsure whether the developer would fund any such bridges.

² [Officer's Response to Directions from the Hearings Panel - Variation 1 Hearing 3 - Subdivision - Appendix 1](#) and [Officer's Response to Directions from the Hearings Panel - Variation 1 Hearing 3 - Subdivision - Appendix 2](#)

Mr Nicholson and Council's Transport expert, Mr Mat Collins, agree that access to the high quality pedestrian and cycle connections along the Liffey Stream would provide access to community facilities including the Ararira Springs Primary School, would help reduce vehicle kilometers travelled (VKT), and emissions from new developments including this one and PC69.

Mr Collins has advised that Council has a separate future project to provide a pedestrian/cycle bridge to link from the stormwater ponds to the Rail Trail/Moirs Lane to the south, and that he has been advised that Council could consider part-funding a pedestrian/cycle bridge at the mid-block location relating to the wider network connectivity benefits this would also provide.

Based on this additional information Mr Nicholson has revised his verbal opinion shared with Mr Thomson and considers that a mid-block link and a bridge opposite the school would provide better spacing between bridges and greater benefits to the local community. He therefore continues to support his original position that a mid-block link and bridge is appropriate.

Based on this advice, a mid-block pedestrian/cycle connection is recommended to be shown on the ODP in addition to the southern pedestrian/cycle connection shown on the ODP, and an amended ODP with this additional link shown is included in **Appendix 1**.

[Manmeet Singh - Transport Peer Review](#)

As requested at the Hearing and directed by the Panel, Council's Transport expert, Mr Mat Collins of Flow Transportation Specialists, has reviewed the rebuttal evidence of Chris Rossiter dated 9 May 2023³. Mr Collins' review is attached at **Appendix 2**.

Mr Collins has serious concerns about transport safety and efficiency based on a 10m wide corridor and recommends that the rezoning request be declined unless a 13m wide corridor can be provided between 5 and 10 Allendale Lane. All other roads within the site would need to comply with the road formation standards of the PDP (i.e. 15m minimum width).

Acquiring 3m of road frontage of 10 Allendale Lane and vesting that in Council is a potential option to achieve a 13m wide corridor, as shown in the figure copied below from Mr Collins' peer review report. However; the submitter has not proposed this option to date and it is unknown whether this is feasible with respect to the land owner's willingness to sell this land. It is also of note that the land owner is not a submitter or further submitter and therefore is not involved in the rezoning process.

³ [Evidence of Chris Rossiter - 9 May 2023](#)



The option favoured by the submitter of a single lane is the least preferred by Mr Collins, and he considers that any of the options are broadly inconsistent with the PDP Transport objectives and policies, and that a 10m wide road will impact users safe, efficient, and convenient access to the site. Mr Collins' analysis indicates that there will be around 20-25 instances of conflict between opposing vehicles during the peak hour due to a one-lane option.

However; further to his recommendation to decline, Mr Collins has also recommended mitigation measures in case the Panel are of a mind to approve the rezoning with a 10m wide road corridor. These measures include:

- (i) That a Restricted Discretionary Activity Status is applied to any subdivision or residential unit proposed within the site. Council should have discretion over the safe, efficient, and convenient operation of any section of Allendale Lane that has a legal width of less than 15m to allow Council to monitor how any Allendale lane extension is performing as development progresses;
- (ii) As part of vesting the extension of Allendale Lane, the developer must reform the existing cul-de-sac head on Allendale Lane to provide a consistent and legible street environment. Mr Rossiter has demonstrated this at a conceptual level in Figure 5 of his rebuttal evidence;
- (iii) The ODP is updated to show a walking and cycling link to Jimmy Adams Terrace in the centre of the ODP area, and that the developer is required to form this link including a bridge over the Liffey stream. This helps address the otherwise limited connectivity for the site, and provides pedestrians with an alternative route to avoid the 10m section of Allendale Lane;
- (iv) The ODP narrative includes a discussion of Council having discretion to close the 10m section of Allendale Lane to general traffic, if an alternative roading link is provided (for example the indicative roading connection to PC69 shown in the ODP). This clearly signals that Council may close the Allendale Lane link to improve safety, efficiency, and convenience for non-general traffic modes (e.g. walking, cycling, emergency services etc);
- (v) That the proposed roading link to PC69 is retained within the ODP and narrative.

Based on Mr Collins' expert advice, I agree that the submission should be rejected due to adverse traffic safety effects unless the submitter can acquire land to create a 13m wide corridor between 5 and 10 Allendale Lane. At 13m, although still sub-standard, this width can provide for a two-lane option, which

would be relatively short in length, and would mitigate traffic safety and efficiency effects to an acceptable standard based on the transport advice.

However; if the Panel are of a mind to approve the rezoning, amendments to provisions, the ODP, and ODP narrative are recommended as follows:

- (i) Rely on TRAN-R2 and TRAN-REQ18 which requires discretionary activity consent for a road less than the required width at any subdivision or land use consent stage when the road formation is initially proposed. In addition, SUB-R13 requires controlled activity consent for subdivision to create any site to be used solely to provide legal access (including roads) where a matter of control is development constraints. In addition, insert a new rule in MRZ-REQ12 Development Areas to include a restricted discretionary activity land use rule which requires that any proposed residential unit or other principal building proposed within DEV-LIX where Allendale Lane has a width less than 15m is a restricted discretionary activity with discretion restricted to the safe, efficient, and convenient operation of Allendale Lane. This will allow Council to assess how Allendale Lane is performing as development progresses should the road have been established under the required width and potentially decline the consent if adverse effects are apparent and no alternatives exist;
- (ii) Amend the ODP narrative to make it clear that as part of the vesting of the extension of Allendale Lane that the developer must reform the existing cul-de-sac head on Allendale Lane to provide a consistent and legible street environment;
- (iii) Amend the ODP to show a mid-site pedestrian and cycle link to Jimmy Adams Terrace as originally proposed by the submitter and amend the ODP narrative accordingly;
- (iv) Amend the ODP narrative to include a discussion of Council having discretion to close the 10m section of Allendale Lane to general traffic, if an alternative roading link is provided (for example the indicative roading connection to PC69 shown in the ODP);
- (v) Other amendments to the ODP narrative so that it aligns with all technical recommendations, the s42a report recommendations with respect to geotechnical and land contamination matters⁴, and to improve clarity.

The recommended amendments are shown in a consolidated manner in **Appendix 1**.

Manmeet Singh - MRZ-REQ12

The s42a report recommends that a new rule be inserted in MRZ-REQ12 to address the odour setback, where any residential unit or other principal building within a 150m setback is a restricted discretionary activity with discretion restricted to reverse sensitivity effects. The recommended rule contained in Appendix 2 to the s42a report is copied below.

MRZ-REQ12 Development Areas		
DEV-LIX	1. Within DEV-LIX, any residential unit or other principal building shall be setback a minimum of 150m from the edge of the	Activity status when compliance not achieved: 2. When compliance with any of MRZ-REQ12.X is not achieved: RDIS

⁴ S42a report - Paragraphs 11.9-11.11, 11.12-11.13 and 11.40.1 (c)(ii).

	treatment pond within SDC-66 ESSS(S) Allendale Lane.	Matters for discretion: 3.The exercise of discretion in relation to MRZ-REQ12.X is restricted to the following matters: a. consideration of any reverse sensitivity effects.
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Post-hearing the submitter has provided a revised rule as follows:

MRZ-REQ12 Development Areas		
DEV-LIX	7. Within DEV-LIX, and residential unit or other principal building shall be setback a minimum of 100m from the edge of the treatment pond within SDC-66 ESSS (S) Allendale Lane.	Activity status when compliance not achieved: 8. When compliance with any of MRZ-REQ12.7 is not achieved: DIS

Note to Panel;

As discussed at the hearing non-compliance with SUB REQ 3 “development in accordance with the ODP” is a Discretionary Activity. The above (land use) rule is therefore consistent with the SUB REQ 3. I note however that non-compliance with MRZ REQ 12 for L18 is RDIS with the Matters of Discretion limited to reverse sensitivity effects.

This proposed revised rule seeks a discretionary activity status rather than the restricted discretionary activity status recommended by the s42a report. The change in activity status sought by the submitter is proposed to achieve consistency with SUB-REQ3 Outline Development Plan, which the submitter states provides for subdivision which does not comply with an ODP as a discretionary activity.

I continue to consider that the activity status of restricted discretionary is appropriate. The Subdivision Officer has recommended that SUB-REQ3 be amended from discretionary to restricted discretionary⁵ and therefore consistency is achieved. Furthermore based on the recent legal advice, the Panel may consider that a controlled activity subdivision rule is required, and if so, a restricted discretionary land use rule is more consistent with a controlled activity subdivision rule than the discretionary activity status proposed by the submitter.

⁵ [Officer's Response to Directions from the Hearings Panel - Variation 1 Hearing 3 - Subdivision - Appendix 1](#) and [Officer's Response to Directions from the Hearings Panel - Variation 1 Hearing 3 - Subdivision - Appendix 2](#)

APPENDIX 1 - RECOMMENDED AMENDMENTS TO PROVISIONS

Matters for Control or Discretion		
SUB-MAT13	Development Areas	
<u>DEV-LIX⁶</u>	x. <u>Whether the subdivision is to create residential sites with an individual or combined development capacity exceeding 100 residential units prior to the upgrading of the Gerald Street/Vernon Drive intersection to include traffic signalisation, and if not operational, how the safe and efficient operation of the intersection is to be achieved.</u>	
MRZ-REQ12	Development Areas	
<u>DEV-LIX⁷</u>	<u>7. Building Consent for no more than 100 residential units shall be issued until the Gerald Street/Vernon Drive intersection has been upgraded to include traffic signalisation, and that upgrade is operational.</u>	<p>Activity status when compliance not achieved:</p> <p><u>8. When compliance with any of MRZ-REQ12.7 is not achieved: RDIS</u></p> <p>Matters for discretion:</p> <p><u>9. The exercise of discretion in relation to MRZ-REQ12.8. is restricted to the following matter:</u></p> <p>a. <u>the safe and efficient operation of the Gerald Street/Vernon Drive intersection.</u></p>
<u>DEV-LIX⁸</u>	<u>10. Any residential unit or other principal building where any section of Allendale Lane is less than 15m.</u>	<p>Activity status when compliance not achieved:</p> <p><u>11. When compliance with any of MRZ-REQ12.10 is not achieved: RDIS</u></p> <p>Matters for discretion:</p> <p><u>12. The exercise of discretion in relation to MRZ-REQ12.11. is restricted to the following matter:</u></p> <p>b. <u>the safe, efficient and convenient operation of any section of Allendale Lane with a width less than 15m.</u></p>

⁶ V1- 0055 AgResearch - clause 16(2) consequential amendment as a result of JWS

⁷ V1- 0055 AgResearch - clause 16(2) consequential amendment as a result of JWS

⁸ V1-0068 Manmeet Singh - clause 16(2) consequential amendment as a result of Transport technical peer review

Manmeet Singh - ODP⁹⁹ V1-0068.002 Manmeet Singh

Manmeet Singh - ODP Narrative

The following amendments are recommended to the ODP narrative should the Panel approve the rezoning¹⁰.

The submitter's version of the ODP narrative provided post Hearing has been used as the baseline with amendments shown as underline and strikethrough text.

DEV-LIX - Lincoln X Development Area

Context

The Site is located at the edge of the urban area at south Lincoln and is in close proximity to community services ~~(including a new primary school nearby)~~, and the main commercial area of Lincoln.

The Site has a generally flat topography.

The eastern boundary ~~is with~~ adjoins the Liffey Stream which has an established vegetated riparian margin. The designated Council Lincoln Sewage wastewater pump station and ponds (SDC-66 ESSS (S) Allendale Ln) treatment plant (STP) adjoins the site to the west.

Land Use

The ~~mMedium dDensity rResidential zZone (MDRZ)~~ provides a development 'envelope' that enables a broad range of lot sizes and housing typologies that can be tailored to the site. There are no existing significant physical features on the Site other than existing dwellings with well planted curtilage.

An odour set back of ~~1500~~ metres from the edge of the storage ponds of the Lincoln ~~Wwastewater Treatment facility~~ pump station and ponds is included to address reverse sensitivity, with corresponding provisions to require resource consent where the setback is not achieved. enables more in larger sitesections fronting on to Allendale Lane.

A Preliminary Site Investigation (PSI) has been undertaken which has identified likely land contamination resulting from hazardous substances use, storage or disposal as identified on the Hazardous Activities and Industries List (HAIL). Further investigation will be required in association with any subdivision or land use activity regulated under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC).

~~HAIL 1 site has been identified on the site which will require remediation at the time of subdivision.~~

A Geotechnical Report has been prepared which is considered just sufficient to support the rezoning. However; an extensive programme of deep geotechnical testing and assessment will be required at the subdivision and/or land development stage to better identify the geotechnical conditions, liquefaction and lateral spread potential, the extent of soft compressible soils, and other constraints.

The ~~development~~ ODP area shall achieve a minimum net density of 12 households per hectare due to the identified site constraints, averaged over the Development Area.

Access and Transport

¹⁰ V1-0068.002 Manmeet Singh

The primary road access to the site is proposed via an extension to Allendale Lane which is a cul-de-sac. Allendale Lane is only 10m in width between 5 and 10 Allendale Lane, where the PDP minimum road width of 15m is not achieved. Land acquisition to increase the road corridor width to at least 13m and for the land to be vested in Council as road reserve is encouraged. Any proposal to develop this road connection less than 15m will require resource consent where Council will consider the safe, efficient, and convenient operation of the proposed roading when it is first established and on an ongoing basis as development progresses within the site.

As part of the vesting of the extension of Allendale Lane, the developer must reform the existing cul-de-sac head on Allendale Lane to provide a consistent and legible street environment.

Provision is also made for a future connection to the road network proposed for the DEV-LI8 land to the south and to Moirs Lane, which will allow for good integration ~~of the proposed zone~~ with the wider road network. A key benefit of ~~the potential~~ this future connection is that it will reduce and potentially remove the need for all future residents to use Allendale Lane and consequently, will minimise or avoid adverse ~~the transport effects associated with the use of on Allendale Lane. the existing cul-de-sac.~~

Depending on how the Allendale Lane road extension is developed and the level of residential development proposed, Council has the discretion to close the Allendale Lane extension to general traffic when an alternative roading link is provided to the DEV-LI8 area to improve safety, efficiency, and convenience for non-general traffic modes.

~~The proposed road network for the new residential zone has been designed in a manner that would provide for access and connectivity with or without the connection to the DEV-LI8 roads and Moirs Lane. Prior to a connection with the DEV-LI8 road network being established, all vehicle access would need to be via Allendale Lane. It is intended that the connection from the existing cul-de-sac on Allendale Lane to the edge of the Development Area will be formed as a single lane, however this is to be confirmed at subdivision stage. The single lane formation would allow for footpath and landscaping strips with a 4 metre wide vehicle lane to provide sufficient space for emergency vehicles or large trucks such as waste collection vehicles.~~

~~The Allendale Road frontage is anticipated to be upgraded to an urban standard in accordance with the Engineering Code of Practice. This work is to be undertaken in a manner that encourages future residential properties to front directly onto Allendale Lane, thereby providing direct access to those properties.~~

The road network has been structured with a series of short local roads so that the majority of lots have direct access to a local road rather than via a Right of Way.

~~A proposed Two shared cycleways/walkways is are proposed to address the otherwise limited connectivity of the site. provided for to provide a link via a shared cycle/pedestrian path and bridges to the eastern side of Liffey Stream. One cycleway/walkway is proposed at the approximate mid-point of the site to This will connect via a bridge over the Liffey Stream to the existing walkway that starts at Jimmy Adams Terrace. This cycleway/walkway will provides direct access to Ararira Springs Primary School and a walking/cycle route to the town centre, with the potential to connect with the Little River Rail Trail. It is anticipated that the bridge will be funded partly through development contributions. Council could consider part-funding a pedestrian/cycle bridge at the mid-block location relating to the wider network connectivity benefits this would also provide. The second cycleway/walkway is proposed to follow the northern~~ The shared path will

~~also skirt the north perimeter of the stormwater area to the south, to facilitate a connection to the DEV-L18 area and Moirs Lane, and a connection to the east via a second bridge over the Liffey Stream.~~

~~A HAIL 1 site has been identified on the site which will require remediation at the time of subdivision.~~

Open Space, Recreation, and Community Facilities

The proposed development will provide opportunities to enhance the western riparian margin of the Liffey Stream through an esplanade reserve. The main function of the esplanade reserve is most likely to be for conservation purposes in the short to medium term. ~~There are further opportunities for the pedestrian and cycle links to the south of the Site through the DEV-L18 area.~~ The landscape treatment along the boundary with the Lincoln wastewater pump station and ponds treatment plant will consist of specimens that will provide a visual buffer.

Servicing

Stormwater

Operational phase stormwater may be authorised by Selwyn District Council's global operational-phase stormwater discharge consent CRC184822 as the land falls within the consent catchment. Alternatively, a site-specific discharge consent can be obtained from Environment Canterbury. Soakage of stormwater to ground is not feasible in this area.

The site has a total catchment area of 17.23 hectares (split across east and west sub catchments) with poorly-drained soils and an estimated time of concentration of 30 – 60 minutes. The site would be serviced by a single stormwater management area with a single cell first flush basin and wetland to capture and treat the runoff generated by the first 20 mm of rainfall. Stormwater greater than the first flush event would spill into a detention basin before discharging to surface water. This option requires a stormwater management area for the first flush basin, wetland, and detention basin of approximately 16,500 m² including a maintenance strip around the edge. Further groundwater information may allow for deeper basins and reduced land extent requirements.

Flood management is required to ensure that floodwaters in the 0.5% annual exceedance probability (AEP) (200-year average recurrence interval) and the 0.2% AEP (500-year average recurrence interval) flood events are safely managed away from people and property. Both events include the effects of climate change.

Wastewater

~~Capacity constraints have been identified in Lincoln's wastewater system, however based on previous wastewater modelling there is likely to be capacity during dry weather conditions. In wet weather conditions the site is likely to use up some of the available emergency storage. The area is outside the Lincoln wastewater service area and there is limited capacity in the current network to accommodate additional flows.~~ The proposed wastewater servicing for the site is for all lots to gravitate to a new pump station at the south end of the site and then to convey directly pump to the Lincoln wastewater pump station and ponds in Allendale Lane. ~~Allendale Lane pump station.~~

Water Supply

Additional capacity within the network to fully service this site is not currently available, however network capacity upgrades are proposed to meet growth including additional water sources (bores), storage and pipeline infrastructure. Additional capacity can be made reliant on Council's capacity upgrades.

Any reticulated water supply will need to be designed to meet the Fire Fighting Code of Practice.

~~Discussions with Selwyn District Council have now indicated that there is likely to be sufficient availability of water for a development of this size, particularly with proposed future pipe upgrades and water treatment plan.~~ Water supply servicing is proposed to be via an existing 150mm water main either at Te Raki Drive, Southfield Drive, or via Liffey Springs / Jimmy Adams Terrace via a ~~possible~~ bridge.

APPENDIX 2 – TRANSPORT REVIEW