











# Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Environment Canterbury
Contact person (if follow-up is required)	Aurora Grant
	Consents Planning Manager
	s 9(2)(a) <span style="background-color: #cccccc; display: inline-block; width: 100px; height: 1em;"></span>

## Comment form

Please use the table below to comment on the application.

Project name	Lincoln Retirement Village
General comment	<p><u>Alignment with the Canterbury Regional Policy Statement</u></p> <p>How does the project align with existing urban growth strategies in your region?</p> <p>The site is located within a Greenfield Priority Area for business. This means that under CRPS Policy 6.3.6(5), activities in this area should be restricted to industrial activities, and that commercial use in these areas is restricted.</p> <p>Industrial for the purposes of Chapter 6 in the CRPS (the Greater Christchurch Chapter) is defined in the CRPS as <i>“the manufacturing, assembly, packaging, wholesaling or storage of products or the processing of raw materials and other ancillary activities.”</i></p> <p>CRPS Policy 6.3.6(8) requires that <i>“reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against.”</i></p> <p><u>Hydrogeology</u></p> <p>The wider area surrounding the site is characterised by high groundwater levels and springs. Wells in the vicinity, including the one on the site, also have artesian water levels (from a flowing artesian aquifer).</p> <p><i>The take and use of groundwater</i></p> <p>Notwithstanding the local hydrogeology, the site is located within an overallocated Canterbury Land and Water Regional Plan groundwater allocation zone. As such the take and use of groundwater, including that resulting from a ‘passive’ interception of groundwater by infrastructure, is either a permitted activity due to its small scale or a prohibited activity.</p> <p>The applicant has provided a memorandum from Regan Smith, Principal, Land Infrastructure, Aurecon which suggests that the proposed stormwater infrastructure will not intercept groundwater.</p> <p>Environment Canterbury accepts that this preliminary advice is consistent with the conditions described at other sites in the immediate vicinity. Also, that from this assessment it is reasonable to conclude that there will be no interception (take) of groundwater.</p>

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Environment Canterbury is however cognisant that were groundwater to be intercepted it is very likely that that take would be a prohibited activity. As such, Environment Canterbury would anticipate more detail to be provided within an application for resource consent including a description of the on-site investigations undertaken at this site and the degree of confidence provided by them.

#### Construction Effects

It is apparent that this site has a complex hydrogeographic setting and that earthworks are proposed in close proximity to, or within, groundwater. Careful attention will therefore need to be given to the management of the construction activities if adverse effects on groundwater are to be avoided.

#### *Artesian Flows*

Environment Canterbury senior groundwater Scientist advises that: Many artesian springs occur near the site feeding tributaries of the Arariri/LII River. The springs are artesian, rising under pressure from the Riccarton Gravel aquifer in some cases to form sandy bubbly boil type springs. The springs are part of a wide band of springs that form at the edges of the coastal confining layer, where the water is either forced above the confining layer edges or flows up through weaknesses in the confining layer such as sandy or gravelly zones. The sandy boil-like nature of the springs may indicate the presence of sandy weak spots in the confining layer allowing upward groundwater flow (Earl, 1998).

Shallow groundwater and artesian conditions pose challenges for construction, dewatering, future earthworks, stormwater discharges and wastewater infrastructure.

Of particular concern is if any earthworks and construction penetrate a confining layer and create an 'artificial spring', a pathway for the groundwater under pressure to rise to the surface. This would lessen discharge to existing springs which will have ecosystems and values associated with them.

The confining layer could be impacted by earthworks removing soils, cutting new drain course or any geotechnical testing such as CPT's or test pits. With springs already known to occur when tree stumps rot, there is a high risk that construction works could breach the confining layer, or buried tile drains draining now-forgotten springs.

Any excavations penetrating the confining layer could create a permanent discharge and reduced artesian pressures in the aquifer. Reduced artesian pressures would have a detrimental effect on the spring flows and the flow in the Aruriri /LII stream below the confluence with Spring Creek. While total spring discharge may not change, flow to individual springs with existing ecological values could be diverted.

In addition to the potential adverse effects described, it is noted that any permanent groundwater take resulting from a rupture that is not able to be remediated would be a prohibited activity for which no consent could be granted.

Given the potential for adverse effects any application should include a detailed description of any measures proposed to avoid a rupture of the nature described, and those methods proposed to be implemented were an accidental rupture to occur. It would be preferable for this information to be in the form of a management plan.

#### *Dewatering*

Should high groundwater levels be encountered during construction, dewatering may be required. Dewatering would temporarily reduce artesian pressure and hence flow to springs. The extent of potential effects on springs, along with the effects on surrounding wells from interference, can be managed by way of conditions of consent.

#### *Contaminated Land*

There are two identified HAIL sites located within the site: the area around the dwelling and to the northwest, a landfill site. Both these areas are showing as contaminated for residential. In addition to meeting the requirements of the NES Regulations in relation to human health effects, upon which it is anticipated that Selwyn District Council will comment, this causes non-compliance with the LWRP rules for earthworks, dewatering and the disposal of stormwater. It is however anticipated that the actual and potential effects of undertaking these activities on land identified as contaminated will be able to be appropriately managed by way of a Remediation Action Plan and associated conditions of consent.

	<p><u>Operational Stormwater Discharges</u></p> <p>The applicant states that stormwater management system is to include first flush treatment, attenuation, and soakage disposal with secondary discharge to the existing stormwater swale.</p> <p>The applicant further states that:  <i>There is an existing stormwater treatment and attenuation area immediately north of the site and a constructed stormwater swale along the western side of the site that discharges to a drain west of the Vedeco Park development. Due to lack of formal downstream drainage infrastructure to the southeast of the Site, a stormwater management system that maximises discharge to, and is integrated with, the existing Vedeco Park infrastructure was previously identified as the likely preferred option for stormwater management on the Site. An indicative stormwater management plan has been prepared and confirms stormwater can be managed accordingly.</i></p> <p>While there are no specific concerns about the proposed stormwater discharge, from the information provided it is unclear as to whether the Vedeco Park infrastructure was designed with the intention of servicing this site. Hence whether they are suitably sized to do so. A thorough assessment of the potential for adverse effects on both surface and groundwater quality should also be provided.</p>
<b>Is Fast-track appropriate?</b>	Environment Canterbury recognises that there may be timing benefits for the developer in using the COVID fast track process, and is supportive of the fast track process.
<b>Environmental compliance history</b>	N/A
<b>Reports and assessments normally required</b>	<p>In addition to those normally required:</p> <ol style="list-style-type: none"> <li>1. An assessment of Groundwater Effects:  A detailed hydrogeological assessment sufficient to fully understand: <ul style="list-style-type: none"> <li>• the relative depth to groundwater across the site and the expected highest water levels where there is the greatest potential for groundwater interception</li> <li>• A description of all the on-site investigations upon which the anticipated highest groundwater levels have been determined and the degree of confidence provided by these.</li> <li>• the extent to which the proposed earthworks will intercept groundwater</li> <li>• the likelihood that the confining layers will be breached and artesian flows incurred</li> <li>• A detailed description of any methods to be used to avoid the accidental interception of artesian flows and any methods proposed to manage (stop) these should they occur.</li> <li>• The extent which the hydraulic balance on the site will be altered because of the proposed development and the potential for effects on springs within the area.</li> </ul> <p>Along with:</p> <ul style="list-style-type: none"> <li>• A description of the proposed design and operation of the stormwater network</li> <li>• plans of the proposed earthworks and infrastructure, indicating the relative depth to groundwater</li> <li>• An assessment of the potential for adverse effects on water quality</li> </ul> </li> <li>2. An assessment of the potential for adverse effects on both surface and groundwater quality.</li> <li>3. A Remediation Action Plan</li> </ol>
<b>Iwi and iwi authorities</b>	Te Rūnanga o Ngāi Tahu Taumutu Rūnanga
<b>Relationship agreements under the RMA</b>	N/A
<b>Insert responses to other specific requests in the</b>	Refer to the general comments above.

<b>Minister's letter (if applicable)</b>	
<b>Other considerations</b>	N/A

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.























# Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

*This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

<b>Local authority providing comment</b>	Selwyn District Council
<b>Contact person (if follow-up is required)</b>	Emma Larsen, Head of Resource Consents
	s 9(2)(a)
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Arvida Group Limited – Retirement Village
<b>General comment – potential benefits</b>	The proposal would provide housing choice for the community that caters to the needs of the target demographic.
<b>General comment – significant issues</b>	<p>The site is currently zoned Business 2 and General Industrial under the Operative and Proposed District Plans respectively.</p> <p><u>Proposed District Plan</u></p> <p>Next Level Developments sought the rezoning of 1506 Springs Road from GIZ to GRZ (DPR-0352). This was covered in the S42a report prepared by the Council’s consultant Planner for the Lincoln Rezoning Hearing. The planner recommended that the submission point be rejected on the basis that the requested GRZ is not a zone afforded by the Enabling Housing Legislation and that future residential zoning on this site (being MRZ) would need to be considered through Variation 1. As such, none of the Next Level supporting evidence was peer reviewed by Council experts at that time. The Next Level submission was supported through a further submission by Arvida Group.</p> <p>Next Level appeared at the Hearing on 23rd February, 2023. It was stated by Counsel that Arvida had bought the site from Next Level and now wished to develop a retirement home. The submitter still wished to present on the substantive issue of whether a residential use of the site was appropriate and reserve the detail on the application of MRZ to the Variation Hearing, which the Panel allowed. The Panel heard evidence from experts at this hearing which included traffic, geotech, urban design, servicing, demand etc – but as stated, our experts had not peer reviewed this evidence so the Panel at this time only have the submitter’s evidence to inform their decisions.</p> <p><u>Variation 1 to the Proposed District Plan</u></p> <p>This variation was notified in August 2022 to comply with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS).</p> <p>A submission was made on the Variation by Next Level Developments (V1-0091) in relation to 1506 Springs Road, but has subsequently been withdrawn. The reasons for this are outlined in the attached memoranda from the submitter.</p>

	<p><u>Key Issues</u></p> <p>The key issues are the appropriateness of residential zoning for the site and the impact on industrial land supply in the District of removing the industrial zoning of the site.</p> <p>The Councils growth modelling identifies a shortfall in the supply of residential land in Lincoln within approximately five years of the end of the long term period (around 2048) and a shortfall in supply at a District level even closer to 30 years. Additional residential land would be helpful to help Selwyn meet its NPS-UD obligations.</p> <p>The site is a good location for residential or retirement village activities due to location adjacent to existing residential development. Evidence from Arvida suggests that more residential options are needed for an ageing population. However further assessment in terms of transport, urban design, engineering, contaminated land, geotechnical, flood hazard, planning and economics is required.</p> <p>It is noted that Lincoln falls within the same industrial land market as Rolleston and it is noted there is plentiful industrial land supply across this market, including the recently approved Plan Change 80.</p>
<b>Is Fast-track appropriate?</b>	<p>The Council does not have a view on whether the fast track is appropriate for this proposal. It is noted that there is an element of uncertainty for the applicant on the process and outcome of the PDP submissions. The earliest the zoning would change through the PDP would be Aug/Sept 2023 when decisions are released on the PDP. The submitter has withdrawn their submission on the Variation and therefore are totally relying on their submission on the PDP. Council staff have taken the view that a submission on the Variation to apply MRZ is required for rezoning requests for new residential zoning (other than LLRZ and SETZ) within qualifying areas of the District as other residential zones are not supported by RMA-EHS. The Variation Hearing would thus address the substantive issue of rezoning. The submitter has taken the view that the substantive decision on whether the site should be rezoned from industrial to residential should be taken regardless, through the PDP.</p>
<b>Environmental compliance history</b>	<p>The applicant has no compliance history in Selwyn District</p>
<b>Reports and assessments normally required</b>	<p>Urban Design Assessment</p> <p>Traffic Assessment</p> <p>Engineering Feasibility</p> <p>Planning Assessment</p> <p>Economic Feasibility</p> <p>Detailed Site Investigation (Contaminated Land)</p> <p>Geotechnical Assessment</p> <p>Flood Hazard Assessment</p>
<b>Iwi and iwi authorities</b>	<p>Te Taumutu Rūnanga</p> <p>C/- Mahaanui Kurataiao Limited</p>
<b>Relationship agreements under the RMA</b>	<p>N/A</p>
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	<p>1.Details of submissions or further submissions received on the proposed District Plan that are relevant to the project site and/or the project (see attached)</p> <p><u><a href="#">Proposed District Plan Rezone Requests</a></u></p> <p>Submissions</p> <p><a href="#">PDF for markup Next Level Developments Ltd.pdf (selwyn.govt.nz)</a></p> <p><a href="#">DPR-0566 Arvida Group (Further Submission).pdf (selwyn.govt.nz)</a></p>



	<p>Section 42A Report (see section 13)</p> <p><a href="https://www.selwyn.govt.nz/s42A-Rezoning-Report-Lincoln-20-December-2022.pdf">s42A-Rezoning-Report-Lincoln-20-December-2022.pdf (selwyn.govt.nz)</a></p> <p><u>Variation 1 to the Proposed District Plan</u></p> <p>Memoranda withdrawing submissions to Variation 1 (attached)</p> <p>2. Timing of the rezoning hearing and decisions relating to the project site</p> <p>The Proposed District Plan Hearings for submissions seeking to rezone land in Lincoln were held 21/02/2023 to 23/02/2023</p> <p>The Variation 1 hearings are due to be held in May or June 2023</p> <p>Decisions on the Proposed District Plan and Variation 1 are scheduled to be released by 20 August 2023</p>
<b>Other considerations</b>	N/A

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Before the Independent Hearings Panel  
at Selwyn District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to the  
proposed Selwyn District Plan

*and:* **Rolleston West Residential Limited**  
*Submitter DRP-0358*

*and:* **CSI Property Limited**  
*Submitter DPR-0392*

*and:* **CSI Property Limited and Rolleston West  
Residential Limited**  
*Submitter V1-0114 and PCV1-0024*

*and:* **Carter Group Property Limited**  
*Submitter V1-0103*

Memorandum of counsel regarding process for Proposed Plan and  
Variation hearings

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Dated: 15 March 2023

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Reference: JM Appleyard § 9(2)(a)  
LMN Forrester § 9(2)(a)

## **MEMORANDUM OF COUNSEL REGARDING PROCESS FOR PROPOSED PLAN AND VARIATION HEARINGS**

**To:** The Proposed Selwyn District Plan Panel

**And to:** The Independent Hearings Panel regarding Variation 1

### **INTRODUCTION**

- 1 This memorandum is filed on behalf of the following submitters with respect to the Proposed Selwyn District Plan (the *Proposed Plan*) (the *PDP Submitters*):
  - 1.1 Rolleston West Residential Limited (DPR-0358); and
  - 1.2 CSI Property Limited (DPR-0392).
- 2 It is also filed on behalf of the following submitters with respect to Variation 1 to the Proposed Plan (the *Variation*) (the *V1 Submitters*):
  - 2.1 CSI Property Limited and Rolleston West Residential Limited (Part A: V1-0114, Part B: PCV1-0024); and
  - 2.2 Carter Group Property Limited (Part A: V1-0103).
- 3 This memorandum has been prepared for the purposes of informing both the Proposed Plan Panel and the Independent Hearings Panel as to the position the Submitters are taking in relation to the interaction between the Proposed Plan and Variation processes.

### **THE PROPOSED PLAN PANEL'S POSITION AS WE UNDERSTAND IT**

- 4 The Proposed Plan Panel will be aware from our previous appearances at the rezoning hearings, that there are some serious legal issues arising about the legality of the position the Council appear to be taking with respect to rezoning requests under the Proposed Plan.
- 5 In particular at paragraphs 91 to 107 of the legal submissions regarding the 'West of Dunns Crossing Road' rezoning request dated 20 January 2023<sup>1</sup> we squarely addressed the assertions by the Selwyn District Council that:

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<sup>1</sup> Made on behalf of Rolleston West Residential Limited and CSI Property Limited.

- 5.1 Submissions on the Proposed Plan seeking rezonings are redundant and have been superseded by the Variation process; and
  - 5.2 Submissions on the Proposed Plan seeking a residential zone that does not incorporate the MDRS should be rejected as not aligning with the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021.
- 6 The Proposed Plan Panel has on a number of occasions informally expressed its views on the jurisdiction it has to proceed and determine rezoning submissions. This being that:
- 6.1 The Proposed Plan Panel will be making decisions on the merits of the submissions on the Proposed Plan as to whether residential zoning is appropriate for a particular site.<sup>2</sup>
  - 6.2 The Proposed Plan Panel has an obligation to consider the appropriateness or not of the residential zoning sought in a submission on the basis of the evidence in front of that Panel at the Proposed Plan hearing.<sup>3</sup>
  - 6.3 Decisions on the rezoning requests sought under the Proposed Plan will be made only on the evidence the Proposed Plan Panel has before it in the Proposed Plan hearings (and not in separate plan change hearings, or Variation hearings which are before a differently constituted Panel).<sup>4</sup>
  - 6.4 The above is particularly so in the case of those areas of land not included as a 'new residential zone' in the notified version of the Variation where a submitter has presented evidence at the rezoning hearings.<sup>5</sup>
  - 6.5 Should land in respect of which rezoning is sought also be the subject of a submission on the Variation, then the Independent Hearings Panel can consider (in the context of the Proposed Plan Panel having determined it is appropriate

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<sup>2</sup> Mr Van Voorthuysen at Hearing 30.4 – Rezone Lincoln Day 2, Thursday 23 February 2023 (<https://www.youtube.com/watch?v=F3nO7Erpsaq> from 00:03:40)

<sup>3</sup> Mr Van Voorthuysen at Hearing 30.1 – Rezone Rolleston Day 1, Monday 30 January 2023 (<https://www.youtube.com/watch?v=Dm2CM5Rp71w> from 00:12:00).

<sup>4</sup> Mr Van Voorthuysen at Hearing 30.1 – Rezone Rolleston Day 3, Thursday 2 February 2023 (<https://www.youtube.com/watch?v=KUCKYgnnPp4> from 00:07:24).

<sup>5</sup> Mr Van Voorthuysen at Hearing 30.1 – Rezone Rolleston Day 1, Monday 30 January 2023 (<https://www.youtube.com/watch?v=Dm2CM5Rp71w> from 00:12:00).

to rezone residential) whether it is appropriate for that land to further intensify to medium density residential zone (*MDRZ*) if a submitter seeks that.<sup>6</sup>

6.6 There should not be a need to re-justify the core residential rezoning sought again through the Variation 1 process if the submitter has already presented their case as part of the Proposed Plan hearings.<sup>7</sup>

7 In summary, the Proposed Plan Panel has been clear to date that it considers it has jurisdiction to determine submissions seeking rezoning from GRUZ (or LLRZ as the case may be) to GRZ notwithstanding those submissions do not seek MDRZ density, and regardless of whether a submitter is also a submitter in the Variation process or not.

### **THE SUBMITTER'S POSITION ON VARIATION 1**

8 The statements made by the Proposed Plan Panel have given the Submitters comfort that the Proposed Plan process is the correct process for pursuing rezoning from GRUZ (or LLRZ as the case may be) to GRZ and that their investment in preparing evidence and appearing at the rezoning hearings was the right choice.

9 The Submitters' continue to have a fundamental concern that the Independent Hearings Panel may not have the jurisdiction to consider the rezoning of land outside the land included in the Council's notified Variation as 'new residential zones', i.e. "me too" submissions.

10 Even if we are wrong on this jurisdictional point, the Independent Hearings Panel will not be determining the appropriateness of residential zoning generally (at least for those parties who have already presented at the rezoning hearings), and the Variation process is limited to considering the appropriateness of intensification from GRZ to MRZ.

11 Putting aside jurisdictional arguments, the Submitters also are concerned at a practical level that they may not have evidence to support the rezoning of their land further from GRZ to MRZ. The Submitters have already presented evidence by a number of expert witnesses in the Proposed Plan rezoning hearings that:

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<sup>6</sup> Mr Van Voorthuysen at Hearing 30.4 – Rezone Lincoln Day 2, Thursday 23 February 2023 (<https://www.youtube.com/watch?v=F3nO7Erpsaq> from 00:03:40)

<sup>7</sup> Mr Van Voorthuysen at Hearing 30.1 – Rezone Rolleston Day 3, Thursday 2 February 2023 (<https://www.youtube.com/watch?v=KUCKYqnnPp4> from 04:04:15).

- 11.1 the market lacks the appetite for land in Selwyn to be intensified to MRZ; and
- 11.2 regardless of any MRZ zoning, developers may seek to maintain the quality of their subdivisions by placing covenants on the titles to prevent intensification.
- 12 Because of the considerable investment in the Proposed Plan process already, the concerns about the Independent Hearings Panel's jurisdiction in respect of "me too" submissions, and the potential lack of evidence to support further intensification to MRZ, the Submitters have decided not to pursue submissions seeking intensification from GRZ (if that is the recommendation to Council under the Proposed Plan process) to MRZ through the Variation and have withdrawn these submission points.
- 13 For your information, we attach what remains of the Submitter's Variation submissions at **Appendix 1**.

**Merger of processes not possible**

- 14 For completeness, we have considered clause 16B(1), Part 1, Schedule 1 to the RMA which deals with variation and provides:
- Every variation initiated under clause 16A shall be merged in and become part of the proposed policy statement or plan as soon as the variation and the proposed policy statement or plan are both at the same procedural stage; but where the variation includes a provision to be substituted for a provision in the proposed policy statement or plan against which a submission or an appeal has been lodged, that submission or appeal shall be deemed to be a submission or appeal against the variation.*
- 15 There is no ability for the Proposed Plan process and the Variation 1 process to merge or be substituted. This is because:
- 15.1 Part 6 of Schedule 1 of the RMA governs the intensification streamlined planning process (*ISPP*) the Council must follow to incorporate the medium density standards. Clause 95(2), Part 6, Schedule 1 of the RMA lists the clauses of Part 1, Schedule 1 that apply to the ISPP. Clause 16B is not listed as one that would apply to the ISPP. It is therefore not possible under the RMA to merge the Proposed Plan and Variation 1, even if they were at the same procedural stage.
- 15.2 This must be correct, as:
- (a) Variation 1 is not a carte blanche rezoning exercise like the Proposed Plan with a substitution of zoning across the board. The extent of rezoning through Variation 1

is confined to incorporating the MDRS and NPS-UD intensification policies. Original submissions on the Proposed Plan seeking rezoning cannot, and will not, therefore be deemed to be submissions on Variation 1.

- (b) It would be inappropriate to merge the two processes given the inherent differences in the procedure and appeal rights of both processes.

- 15.3 In any case, the processes are not at the same procedural stage. The hearings process for the Proposed Plan is almost complete. However, for Variation 1, officer's reports and evidence are yet to be circulated and hearings are yet to be held (noting that these are commencing in May).
- 16 It would therefore be legally incorrect for the Council, in respect of Variation 1, to analyse rezoning submissions made on the Proposed Plan.
- 17 Thank you for your assistance so far.

Dated: 15 March 2023



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Jo Appleyard / Lucy Forrester  
Counsel for the Submitters

**APPENDIX 1**



**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Selwyn District Council

Name of submitter: CSI Property Limited (CSI) and Rolleston West Residential Limited (RWRL) (together, the *Submitters*)

- 1 This is a submission on Variation 1 to the Proposed Selwyn District Plan and on Variation 1 to private plan changes to the Operative District Plan (collectively the *Proposed Variation*).
- 2 The Proposed Variation was made to the Proposed Selwyn District Plan (the *Proposed Plan*) and to some private plan changes to the Operative District Plan under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the *Act*).
- 3 The Submitters could not gain an advantage in trade competition through this submission.
- 4 The Submitters' submission relates to Part A – Variation 1 to the Proposed Plan and is attached at **Appendix 1**.
- 5 The Submitters wish to be heard in support of the submission.
- 6 If others make a similar submission, the Submitters will consider presenting a joint case with them at a hearing

**Signed** for and on behalf of CSI Property Limited and Rolleston West Residential Limited by its solicitors and authorised agents Chapman Tripp



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Jo Appleyard  
Partner  
16 September 2022

Address for service of submitter:

CSI Property Limited and Rolleston West Residential Limited  
c/- Jo Appleyard / Lucy Forrester  
Chapman Tripp  
Level 5, PwC Centre

60 Cashel Street  
PO Box 2510  
Christchurch 8140

Email address: s 9(2)(a)

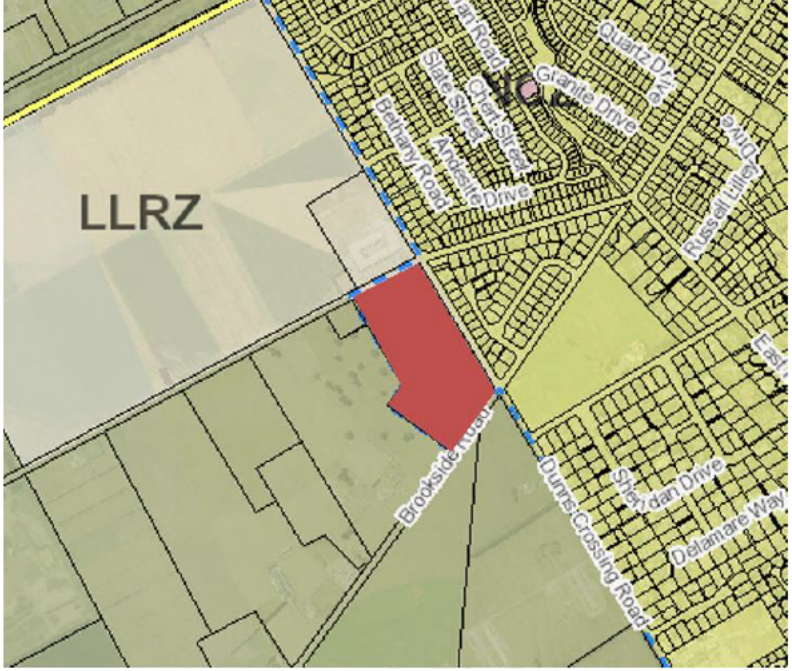
**APPENDIX 1 – RELIEF SOUGHT IN RELATION TO PART A OF THE PROPOSED VARIATION**

The drafting suggested in this annexure reflects the key changes the Submitters seek. Consequential amendment may also be necessary to other parts of the proposed provisions.

The Submitters propose drafting below and seek that this drafting, or drafting with materially similar effect, be adopted by the Council.

Suggested amendments and alternative drafting is shown in track change – the Submitters’ requested deletions are shown using ~~red~~ ~~strike-through~~ and requested insertions shown using red underline.

No.	Provision	Position	Submission	Relief Sought
1.	Zoning	Oppose	The submitter opposes the Large Lot Residential Zone (LLRZ) proposed for land to the west of Dunns Crossing Road bounded by Burnham School Road, Brookside Road, and Dunns Crossing Road, as shown in red below, and seeks that land be rezoned from LLRZ to MRZ.	Zone the land from LLRZ to MRZ..

No.	Provision	Position	Submission	Relief Sought
				
3.	Objectives, Policies, and Rules (general)	Support with amendment	<p>The Submitters generally support the objectives, policies and rules, except as set out below subject to the relief it has sought in its original submissions, further submissions, and in evidence at hearings on the Proposed Plan. Including in particular with respect to:</p> <ul style="list-style-type: none"> <li>- SD-UFD objectives;</li> <li>- SUB-R1.1-4;</li> <li>- SUB-R12.12-16</li> </ul>	Grant the relief sought by the Submitters in its original and further submissions, and at the hearings on the objectives, policies, and rules of the Proposed Plan.

No.	Provision	Position	Submission	Relief Sought
			<ul style="list-style-type: none"> <li>- TRAN-R8; and</li> <li>- TRAN-REQ7.</li> </ul>	
4.	HPW-30 (Part 1 – How the Plan works – Relationship with Spatial Layers)	Support with amendment	The Submitters support this provision but consider that the wording should clearly state that qualifying matters only limit intensification to the extent required to provide for that specific qualifying matter, as per section 771.	Amend HPW-30 as follows:  <i>“...Qualifying Matter Areas within the relevant residential zones of Rolleston, Lincoln and Prebbleton townships comprise the following <u>and are intended to limit intensification only to the extent necessary to accommodate the qualifying matter:</u>”</i>
5.	EI Rules and Rule requirements (Part 2 – District Wide Matters – Energy and Infrastructure)	Support	The Submitters support these provisions.	Retain as notified.
6.	SUB-R1.5-8 (Part 2 – District Wide Matters – Subdivision)	Support	The Submitters support these provisions.	Retain as notified.
7.	SUB-R12.17-21 (Part 2 – District Wide	Support	The Submitters support these provisions.	Retain as notified.

No.	Provision	Position	Submission	Relief Sought
	Matters – Subdivision)			
8.	SUB-R14 and SUB-R15 (Part 2 – District Wide Matters – Subdivision)	Support	The Submitters support these provisions.	Retain as notified.
9.	SUB-REQ1.1-3 (Part 2 – District Wide Matters – Subdivision)	Support	The Submitters support these provisions.	Retain as notified.
10.	SUB-REQ1.4-5 (Part 2 – District Wide Matters – Subdivision)	Oppose	The Submitters consider the provision unnecessarily onerous when the rules already provide for assessment on merits and the ability to impose conditions to that effect if necessary.	Delete provision.
11.	SUB-REQ1.13-16 (Part 2 – District Wide Matters – Subdivision)	Support	The Submitters support these provisions.	Retain as notified.
12.	SUB-REQ2 and SUB-REQ4 (Part 2 – District Wide	Support	The Submitters support these provisions.	Retain as notified.

No.	Provision	Position	Submission	Relief Sought
	Matters – Subdivision)			
13.	SUB-REQ7 (Part 2 – District Wide Matters – Subdivision)	Oppose	The Submitters consider the provisions overly prescriptive and do not account for specific consideration of the site.	Amend the matters of discretion as follows:  <i>“Matters for discretion:</i>  <i>3. The exercise of discretion in relation to SUB-REQ7.2. is restricted to consideration of:</i>  <i>a. Whether the proposal would achieve <u>an acceptable a-high</u> level of walkability through the area.</i>  <i><u>b. The constraints of the site or subdivision design which may limit the perimeter length of blocks.”</u></i>
14.	SUB-REQ13 DEV-LI8 (Part 2 – District Wide Matters – Subdivision)	Support	The Submitters support these provisions.	Retain as notified.
15.	SUB-MAT1 (Part 2 – District Wide Matters – Subdivision)	Support with amendment	The Submitters generally support this provision but seek an amendment to SUB-MAT1.6 to reflect the fact that there may be circumstances where all of those matters might not be able to be practicably met.	Amend SUB-MAT1.6 as follows:  <i>“6. <u>The extent to which</u> <del>Whether</del> the shape and alignment of sites enable <del>all</del> of:</i>

No.	Provision	Position	Submission	Relief Sought
				a. the <del>best and</del> appropriate location of:"
16.	SUB-MAT12 and SUB-MAT13 (Part 2 – District Wide Matters – Subdivision)	Support	The Submitters support these provisions.	Retain as notified.
17.	RESZ-PC (Part 3 – Area Specific Matters – Residential Zones)	Support with amendment	The Submitters support this provision but consider that the wording should clearly state that qualifying matters only limit intensification to the extent required to provide for that specific qualifying matter, as per section 771.	Amend RESZ-PC as follows:  "Apply the Medium Density Residential Standards across all relevant residential zones in the district plan <del>except in circumstances where</del> to the extent necessary to accommodate a relevant qualifying matter <del>is relevant</del> (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga)"
18.	RESZ-MAT6 (Part 3 – Area Specific Matters – Residential Zones)	Support with amendment	The Submitters support this provision, with the exception of RESZ-MAT6.6 which it does not consider is a relevant RMA matter or effect that should be included in this provision.	Delete RESZ-MAT6.6.



No.	Provision	Position	Submission	Relief Sought
19.	RESZ-MAT7 (Part 3 – Area Specific Matters – Residential Zones)	Support with amendment	The Submitters generally support the provision but suggests some wording amendments for clarity.	<p>Amend RESZ-MAT7 as follows:</p> <p>"... 3. The extent to which the proposed fence <del>is constructed out of the same materials as the residential unit and</del> incorporates <u>materials</u>, articulation and modulation, landscaping, or visually permeable elements <u>that provide visual interest</u>.</p> <p>4. Where located in the Large Lot Residential Zone, <u>whether the fence in a way that</u> is compatible with the open and spacious character anticipated within this zone.</p> <p>5. In the case of internal boundaries, <u>whether the fence is to be</u> of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land; ..."</p>
20.	RESZ - General (Part 3 – Area Specific Matters – Residential Zones)	Support	Except as specified above, the Submitters otherwise support all of the other provisions introduced by the Proposed Variation into the RESZ chapter.	Retain as notified.

<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
21.	GRZ, MRZ, NCZ provisions (Part 3 – Area Specific Matters)	Support	The Submitters generally support these provisions.	Retain as notified.

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Selwyn District Council

Name of submitter: Carter Group Property Limited (CGPL)

- 1 This is a submission on Variation 1 to the Proposed Selwyn District Plan (the *Proposed Variation*).
- 2 The Proposed Variation was made to the Proposed Selwyn District Plan (the *Proposed Plan*) under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the *Act*).
- 3 CGPL could not gain an advantage in trade competition through this submission.
- 4 CGPL's submission relates to the entire Proposed Variation. Without limiting this, the specific relief sought is set out in **Appendix 1**.
- 5 CGPL wishes to be heard in support of the submission.
- 6 If others make a similar submission, CGPL will consider presenting a joint case with them at a hearing

**Signed** for and on behalf of Carter Group Property Limited by its solicitors and authorised agents Chapman Tripp



---

Jo Appleyard  
Partner  
16 September 2022

Address for service of submitter:

Carter Group Property Limited  
c/- Jo Appleyard / Lucy Forrester  
Chapman Tripp  
Level 5, PwC Centre  
60 Cashel Street  
PO Box 2510  
Christchurch 8140  
Email address: § 9(2)(a)

### APPENDIX 1 – RELIEF SOUGHT

The drafting suggested in this annexure reflects the key changes CGPL seeks. Consequential amendment may also be necessary to other parts of the proposed provisions.

No.	Provision	Position	Submission	Relief Sought
1.	New Residential Zones enabled through the Proposed Variation	Oppose	<p>The submitter opposes the General Rural Zone (<i>GRUZ</i>) proposed for the land subject to private plan change 70 (<i>PC70</i>) in Rolleston (the <i>Land</i>), and seeks that the Land be included in the Proposed Variation as being a new Medium Density Residential Zone (<i>MRZ</i>).</p> <p>This land is subject to a submission on the Proposed Plan by Hughes Developments Limited to rezone the site from GRUZ to General Residential Zone (<i>GRZ</i>) in accordance with PC70. The GRZ is a 'relevant residential zone' under the Act. It is therefore appropriate that should the Land be rezoned to GRZ by the Proposed Plan Panel, it should further be zoned MRZ under this Proposed Variation, consistent with the Act.</p> <p>The site is not subject to any identified Qualifying Matter in the Proposed Variation.</p>	<p>Amend the planning maps to zone the Land MRZ, should the Proposed Plan Panel consider it appropriate to rezone from GRUZ to GRZ.</p> <p>Consequential changes may be required to other provisions in the Proposed Variation in order to provide the requested relief.</p>

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,  
SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT OR PLAN,  
CHANGE OR VARIATION**

*Clause 8 of Schedule 1, Resource Management Act 1991*

**To** Selwyn District Council (*SDC*)

Name of persons making further submission: **Rolleston Industrial Developments Limited (V1-0115, PCV1-0024), CSI Property Limited (V1-0102), Carter Group Property Limited (V1-0103), and CSI Property Limited and Rolleston West Residential Limited (V1-0114, PCV1-0025) (the Submitters)**

- 1 This is a further submission on submissions on the proposed Selwyn District Plan Variation which SDC was required to notify under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the *EHS*) to incorporate the Medium Density Residential Standards (*MDRS*).
- 2 The Submitters are persons who have an interest in the proposal that is greater than the interest of the public generally (in that their operations in the Selwyn district are directly affected by the proposed plan review).
- 3 If others make a similar submission, the Submitters will consider presenting a joint case with them at a hearing.
- 4 The Submitters' further submissions:
  - 4.1 On submissions to Part A of the Variation are set out in **Annexure 1**;
  - 4.2 On submissions to Part B of the Variation are set out in **Annexure 2**.

**Signed** for and on behalf of **Rolleston Industrial Developments Limited, CSI Property Limited, Carter Group Property Limited, and CSI Property Limited and Rolleston West Residential Limited** by its solicitors and authorised agents Chapman Tripp



---

Jo Appleyard  
Partner  
18 November 2022

Address for service of submitter:

**Rolleston Industrial Developments Limited, CSI Property Limited, Carter Group Property Limited, and CSI Property Limited and Rolleston West Residential Limited**

c/- Jo Appleyard / Lucy Forrester  
Chapman Tripp  
5th Floor, PwC Centre  
60 Cashel Street  
PO Box 2510  
Christchurch 8140  
Email address: s 9(2)(a)

**ANNEXURE 1: FURTHER SUBMISSIONS IN RELATION TO PART A VARIATION 1 TO THE PDP**

Submitter name (number)	Submission point	Topic/ Provision	Decision requested by submitter	Support/ oppose	Reason for Submitters' support/oppose	Decision sought by Submitters
Lincoln Voice Incorporated (V1-0021)	001	MRZ – MAP	Reject the zone change from GRUZ to MRZ over the area included in PC69.	Oppose.	<p>The Submitters consider it is appropriate to include the land contained in PC69 as a new residential zone under the Variation.</p> <p>The Council had a discretion under the EHS to create new residential zones when it incorporated the MDRS. The Council exercised that discretion in respect of the PC69 site independent of the private plan change process.</p>	Reject.
Christchurch City Council (V1-0080)	Whole of submission	SUB-REQ3 & DEV	Insert as follows:  <u>8. Subdivision of a site within any residential zone subject to an Outline Development Plan shall provide for a minimum net density of 15 households per ha.</u>	Oppose.	A requirement for 15 households per ha would likely result in very homogenous subdivision designs, with little variety in lot sizes and housing typology. This has the potential to undermine the achievement of a well-functioning environment and the provision of variety of homes as sought under policy 1 of the NPS-UD. It would also not	Reject.

Submitter name (number)	Submission point	Topic/ Provision	Decision requested by submitter	Support/ oppose	Reason for Submitters' support/oppose	Decision sought by Submitters
					provide for the staging of greenfield development.	
Selwyn District Council (V1-0092)	010	SUB-REQ1	Amend SUB-REQ1.14.b.ii as follows:  ii. Any site that is, or that is proposed to be as part of the application, subject to a legal mechanism restricting the number <u>or location</u> of residential units which may be erected on the site has a minimum net site <u>area of 400m<sup>2</sup>, excluding any area which cannot be used to erect a residential unit.</u>  Or alternative relief to achieve the requested outcome.	Oppose.	A requirement for minimum lot sizes of 400m <sup>2</sup> is unnecessarily prescriptive and has the potential to undermine the achievement of a well-functioning environment and the provision of variety of homes as sought under policy 1 of the NPS-UD.	Reject.
Hughes Developments Limited (V1-0112)	Whole of submission	Whole of submission	Refer to original submission.	Generally support.	The Submitters generally support the relief sought to the extent it is consistent with the relief it sought in its own submissions.	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
Retirement Villages	Whole of submission	Whole of submission	Refer to original submission.	Generally support.	The Submitters generally support the relief sought to the extent it is consistent with the	Adopt to the extent the relief sought is consistent with the

Submitter name (number)	Submission point	Topic/ Provision	Decision requested by submitter	Support/ oppose	Reason for Submitters' support/oppose	Decision sought by Submitters
Association (V1-0079)					relief it sought in its own submissions.	relief sought by the Submitters.
Manmeet Singh (V1-0068)	003	SD-UFD-O3	Amend as follows:  There is <u>at least</u> sufficient feasible development capacity <u>in each Township in Selwyn</u> to meet anticipated demands for housing and business activities.	Generally support.	This wording is appropriate and better reflects the wording and application of the NPS-UD.	Adopt.
Lincoln & Districts Historical Society (Inc) (V1-0062)	001	HH – EXPLANATION - HPW30	Amend provisions to prevent intensive development on sites bordering listed heritage properties, in order to preserve their aspects and outlook.	Oppose.	There may be circumstances where it is appropriate to have intensive development on sites bordering heritage properties.	Reject.
Eliot Sinclair (V1-0032)	Whole of submission	Whole of submission	Refer to original submission.	Generally support.	The Submitters generally support the relief sought to the extent it is consistent with the relief it sought in its own submissions.	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters.
AgResearch Limited (V1-0055)	Whole of submission	Whole of submission	Refer to original submission.	Generally support.	The Submitters generally support the relief sought to the extent it is consistent with the relief it sought in its own submissions.	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters



Submitter name (number)	Submission point	Topic/ Provision	Decision requested by submitter	Support/ oppose	Reason for Submitters' support/oppose	Decision sought by Submitters
Kāinga Ora Homes and Communities (V1-0113)	Whole of submission	Whole of submission	Refer to original submission.	Generally support.	The Submitters generally support the relief sought to the extent it is consistent with the relief it sought in its own submissions.	Adopt to the extent the relief sought is consistent with the relief sought by the Submitters
Ministry of Education - Te Tāhuhu o Te Mātauranga (V1-0073)	001	SD-UFD-O3	Amend as follows:  There is sufficient feasible development capacity <u>and additional infrastructure</u> to meet anticipated demands for housing and business activities.	Oppose.	It is not clear what is meant by the addition of these words.  The Submitters do not consider the amendment to this Objective necessary, but in the alternative provide some revised wording to allow flexibility regarding additional infrastructure and ensuring that it is a consideration rather than a requirement.	Reject.  Alternatively, adopt the following wording:  Amend as follows:  There is sufficient feasible development capacity <u>and provision for additional infrastructure</u> to meet anticipated demands for housing and business activities.
Heritage New Zealand Pouhere Taonga (V1-0051)	004 010 011	MRZ-REQ2 MRZ-REQ4 MRZ-REQ6	Requests further consideration as to the impact of intensification adjacent to historic heritage items, and promotes an alternative approach which provides relevant controls to enable	Oppose.	Considers that the current approach adopted by Council is appropriate and has taken into account the impact of intensification adjacent to historic heritage items.	Reject.

Submitter name (number)	Submission point	Topic/ Provision	Decision requested by submitter	Support/ oppose	Reason for Submitters' support/oppose	Decision sought by Submitters
			development where appropriate without diminishing Selwyn's valuable heritage resources.			
Aaron McGlinchy (V1-0018)  Victoria Atkinson (V1-0106)	003, 005, 006, 007, 008  002	Qualifying matters	The inclusion of any additional qualifying matters.	Oppose.	The Submitters oppose the introduction of any additional qualifying matters. All relevant qualifying matters for the District have already been adequately identified in the Variation.	Reject.

**ANNEXURE 2: FURTHER SUBMISSIONS IN RELATION TO PART B VARIATION 1 TO PC 68, 69, 71, 73, 75, 76 AND 78**

Submitter name (number)	Submission point	Topic/ Provision	Decision requested by submitter	Support/ oppose	Reason for Submitters' support/oppose	Decision sought by Submitters
Lincoln Voice Incorporated (PCV1-0007)	001	Residential density	Reject the zone change from GRUZ to MRZ over the area included in PC69.	Oppose.	<p>Clause 34 of the EHS obliged SDC to vary PC73 to incorporate the MDRS irrespective of the ultimate outcome of that plan change process. The Council had no discretion not to include it.</p> <p>SDC acted appropriately in varying PC69 to incorporate the MDRS.</p>	Reject.
Christchurch City Council (PCV1-0015)	Whole of submission	Residential density	<p>That a rule be inserted into the subdivision chapter as follows:</p> <p><u>8. Subdivision of a site within any residential zone subject to an Outline Development Plan shall provide for a minimum net density of 15 households per ha.</u></p>	Oppose.	<p>A requirement for 15 households per ha with minimum lot size of 400m<sup>2</sup> sought by SDC in its submission would likely result in very homogenous subdivision designs, with little variety in lot sizes and housing typology. This has the potential to undermine the achievement of a well-functioning environment under the NPS-UD. It would also not provide for the staging of greenfield development.</p>	Reject.

22 March 2023

Heather Goh  
Hearings Administrator  
Selwyn District Council

From: Jo Appleyard / Lucy Forrester

Direct: s 9(2)(a)

Mobile: s 9(2)(a)

Email: s 9(2)(a)

s 9(2)(a)

Ref: 100524845/1921943.1

**by email:** [hearings@selwyn.govt.nz](mailto:hearings@selwyn.govt.nz)

**CC:** Robert Love, Jocelyn Lewes, Justine Ashley

Dear Heather

**NOTICE OF WITHDRAWAL OF SUBMISSION ON VARIATION 1**

- 1 We act for Next Level Developments Limited (*NLDL*) who lodged a submission on Variation 1 to the Proposed Selwyn District Plan (V1-0091).
- 2 This letter is to inform you that NLDL seeks to withdraw its submission on Variation 1 in its entirety.
- 3 The withdrawal is based on the same reasons as set out in our Memorandum of Counsel dated 15 March 2023 on behalf of the various Carter Group submitters.
- 4 Thank you for your assistance in this matter.

Yours sincerely



Jo Appleyard / Lucy Forrester  
Partner / Senior Solicitor

Clause 8 of the First Schedule, Resource Management Act 1991

**FURTHER SUBMISSION ON THE PROPOSED SELWYN DISTRICT PLAN**

**TO:** District Plan Submissions  
Selwyn District Council  
PO Box 90  
Rolleston 7643  
*Further submission lodged by email:*  
[dprsubmissions@selwyn.govt.nz](mailto:dprsubmissions@selwyn.govt.nz)

**FURTHER SUBMISSION BY:** Arvida Group Limited

**SUBMITTER ADDRESS:** Arvida Group Limited  
PO Box 9029  
Christchurch 8149  
Attention: Ben MacGibbon  
Email: s 9(2)(a)

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**INTRODUCTION**

1. This further submission ([Appendix One](#)) is made by Arvida Group Limited (Arvida).
2. Arvida makes a further submission in support of the submission Next Level Developments Limited (Submitter DPR-0352) made to the proposed Selwyn District Plan. Arvida makes this submission as it has interests in the proposal greater than that of the general public. Arvida is a retirement village provider and may wish to develop further retirement villages in and around the surrounding area and does not consider that the current proposed zoning provides for this.

**FURTHER SUBMISSION**

3. Arvida's further submission is detailed in the table attached as [Appendix One](#).
4. A copy of the further submission will be served on the original submitter within 5 working days of it being served on the Council.

**HEARING**

5. Arvida wishes to be heard in support of its further submission. If others make similar submissions Arvida may be prepared to consider presenting a joint case with them at any hearing.

Submission signed for and on behalf of **Arvida Group Limited**:

etw

Teresa Walton  
Principal Consultant  
**Resource Management Group Limited**  
Dated: 6 May 2021

**Addresses for service of submitter:**

Resource Management Group Limited  
PO Box 908  
Christchurch 8140

Arvida Group Limited  
PO Box 9029  
Christchurch 8149

Attention: Teresa Walton

s 9(2)(a)

s 9(2)(a)

Attention: Ben MacGibbon

s 9(2)(a)

s 9(2)(a)

**ATTACHMENT:**

Appendix One: Further submission

Appendix One  
 Selwyn District Plan Review - Proposed Selwyn District Plan  
 Arvida Group Limited – Further Submission – 6 May 2021

Further Submission			
Submitter	Plan Provision	Orion's Position	Further Submission
Next Level Developments Ltd – Shane Kennedy C/- Devcorp Ltd Shop 1, 42 Silverstream Boulevard, Kaiapoi 7630  #0352 Point: 1	Rezoning	Support	<p>The submitter considers that 11 hectares of land at 1506 Springs Road, Lincoln should be rezoned to General Residential Zone (current proposed zoning is General Industrial).</p> <p>Arvida supports this submission point as the residential zoning will provide opportunities for the establishment of retirement villages in Lincoln. The current proposed industrial zoning does not provide for retirement villages.</p>

**SUBMISSION BY NEXT LEVEL DEVELOPMENTS LTD ON THE  
PROPOSED SELWYN DISTRICT PLAN**

**Clause 6 of the First Schedule, Resource Management Act 1991**

**To:** Proposed Selwyn District Plan Submission  
Selwyn District Council  
PO Box 90, Rolleston 7643  
[dprsubmissions@selwyn.govt.nz](mailto:dprsubmissions@selwyn.govt.nz)

**Submitter:** Next Level Developments Ltd – Shane Kennedy

**Address for Service:** c\ - Devcorp Ltd  
Shop 1, 42 Silverstream Boulevard, Kaiapoi 7630

**Contact Person:** Matt McLachlan  
s 9(2)(a)

**Phone Number:** s 9(2)(a)

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**Trade Competition Statement**

The submitter cannot gain an advantage in trade competition through this submission.

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**Hearing**

The submitter **does** wish to be heard in support of their submission.

If others make a similar submission, the submitter **will** consider presenting a joint case with them at the hearing.

**Dated 10 December 2020**



**Matt McLachlan**

Principal Planner

For and on behalf of the submitter



## Rezone approximately 11ha of land at 1506 Springs Road to General Residential Zone

### Site context

1. The site is legally described as Lot 6004 DP 529226 being 13.05 hectares in area, as contained in Record of Title 857238. The site is shown in Figure 1 below.

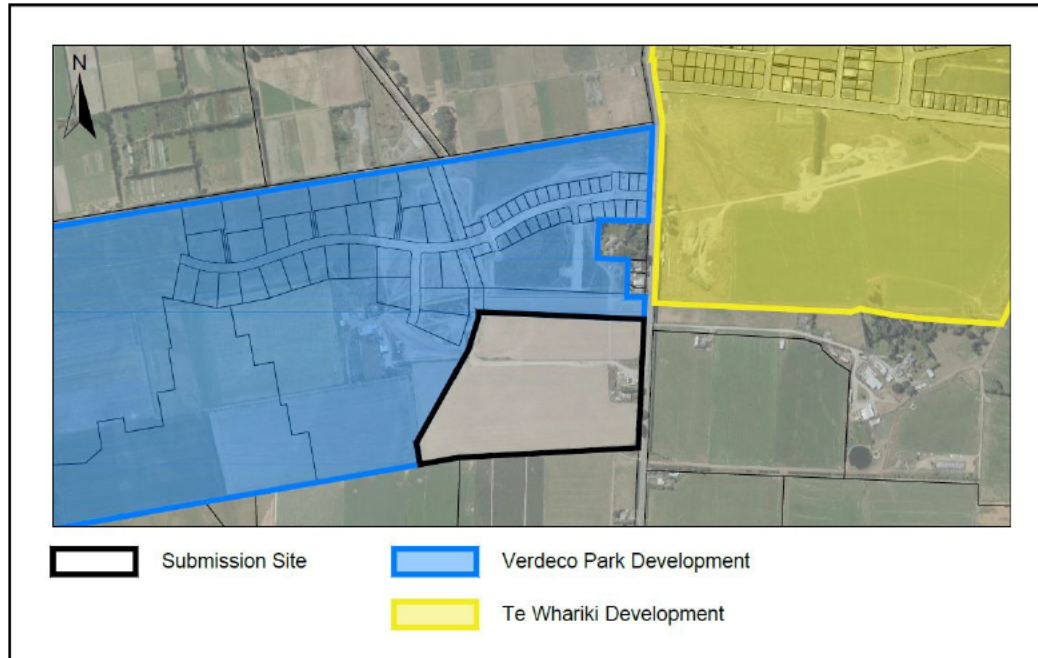


Figure 1 – Location Diagram

2. The site is located on the western side of Springs Road at the south-western end of the Lincoln township. The surrounding land comprises a mixture of Living Z, Living 3 and Inner Plains Zoning. The site is subject to Outline Development Plan (ODP) Area 5 and is topographically flat. There is an existing residential dwelling adjacent to Springs Road.
3. The wider area is characterised by a mix of residential and rural allotments, as the area transitions from its historically rural character to residential in accordance with the Living Z and Lincoln Outline Development Plan Area 5 provisions.

### The reason for this submission is:

4. The site is currently zoned Business 2B under the Operative District Plan. The submitter believes that industrial type activities suitable for the zoning remain important to the Lincoln township, albeit in a more functional and accessible location, or re-distributed to Rolleston. The submitters current market research has suggested there is little demand for the industries anticipated to establish in this location.

5. The submitter considers that the proposed re-zoning is both appropriate and necessary to achieve sustainable growth and to meet anticipated residential development capacity within the Lincoln township. The site is a logical extension of the popular Verdecos development and will continue to achieve an efficient urban form with good connectivity. The area will accommodate a further 110+ households, which the submitter believes to be significant in the context of the short-term demand for housing in the area.
6. The submitter further proposes that the rules around community facilities establishing within the General Residential Zone should be more aligned to the requirements of the Low Density Residential Zone. This will provide flexibility in allowing compatible 'community activities' to co-locate within the urban environment.
7. Private Plan Change 69 (PC 69) included the below table on the theoretical development capacity within the recently zoned areas of Lincoln relative to actual development.

Lincoln ODP Area	Theoretical dwellings (ODP area x 10hh/ha)	Lots with SUB consent approval	Lots with s224c approval	Approved BC for a dwelling
1	495	0	0	61
2	623	532	217	180
3	1708	1931	958	798
4	599	265	222	186
5	127	113	62	22
6	23	0	0	0
7	36	4	2	0
8	110	112	30	19
<b>TOTAL</b>	<b>3721</b>	<b>2957</b>	<b>1491</b>	<b>1266</b>
<b>Percentage of theoretical total of 3721</b>		<b>79%</b>	<b>60%</b>	<b>34%</b>

Table 1 – Theoretical development capacity vs actual development for existing zoned ODP areas

8. PC 69 concludes that:

“of the 3721 theoretical dwellings provided for within the existing residential zoned ODP areas 1- 8 at Lincoln, 2957 allotments have been issued subdivision consent approval (i.e. a residual of only 764 allotments) ... Ultimately though, this confirms in numerical and percentage terms that the current supply of land for residential growth at Lincoln has been largely developed already”

9. The submitter agrees that there is limited residential development capacity available within Lincoln, and that including this area within the GRZ would alleviate this in the short term.

10. The submitter also notes that the ground conditions are suitable for residential development, and that there are appropriate services readily available. Attached with this submission are servicing and geotechnical statements from Davis Ogilvie.
11. The submitter believes that re-zoning this area accounts somewhat for the National Policy Statement on Urban Development 2020 (NPS-UD), which came into effect on 20 August 2020 and replaced the National Policy Statement for Urban Development Capacity 2016.
12. The intent of the NPS-UD is to place greater emphasis on overcoming imperfections in residential (and other land) development markets to help arrest declining housing affordability trends throughout New Zealand, especially those areas experiencing high rates of urban growth. The NPS-UD, like its predecessor, establishes minimum, not maximum margins for feasible residential and business land development capacity to exceed projected demand in the short, medium, and long term. It recognises the national significance of:
  - Having well-functioning urban environments; and
  - Providing sufficient development capacity to meet the different needs of people and communities
13. Further to this, the Ministry for the Environment notes that the NPS-UD is needed because:

“Some urban areas in New Zealand are growing quickly. To support productive and well-functioning cities, it is important that there are adequate opportunities for land to be developed to meet community business and housing needs....”

“The NPS-UD 2020 requires Councils to plan well for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes... **ensuring that plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth**” (my emphasis).

14. The key objectives and policies of the NPS-UD include:
  - Objective 1 seeks a well-functioning urban environment;
  - Objective 4 recognises that urban environments, including their amenity values, develop and change over time;
  - Objective 6 sets out that any local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and responsive, particularly in relation to proposal that would supply significant development capacity;
  - Policy 1 defines a well-functioning urban environment as an urban environment that, among other matters less relevant to this application, provides for good accessibility for all people between housing, jobs, community services, natural spaces, and open space;

- Policy 2 states that local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term and long term; and
  - Policy 6 states that when making planning decisions that affect urban environments, decision-makers have particular regard to matters including: that the planned urban built form in those RMA planning documents that have given effect to this NPS may involve significant changes in an area, including detracting from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generations
15. The NPS-UD defines an urban environment as being *“an area of land that is or is intended to be predominantly urban in character; and is or is intended to be part of a housing and labour market of at least 10,000 people”*. Although the 2019 census records Lincoln’s population as being around 7500 people, the Council has advised that Lincoln is part of the Greater Christchurch urban area, and therefore part of the urban environment (referenced in PC 69).
  16. The key method to implementing the above objectives and supporting policies is by development of a Future Development Strategy (FDS). This sets out how the Councils will provide for sufficient development capacity over the next 30 years to meet expected demand. Currently there is no FDS for the greater Christchurch Urban Area that meets the requirements of the NPS-UD 2020.
  17. However, the Urban Development Strategy – ‘Our Space’ has recently been updated to confirm what feasible development capacity is available to support future housing and business growth for the medium (next 10 years) and long term (10 to 30 years). However, this is now out of date as it does not address the requirements of the NPS-UD. It directed all new growth in the Selwyn District to Future Development Areas in south Rolleston, notwithstanding that there is very little remaining development capacity in Lincoln. Importantly, these Future Development Areas are indicative, and intended only to provide some direction to future RMA processes.
  18. The NPS-UD has immediate effect. It is a higher order document, and its requirements override those of lower order documents where there is a conflict, including Regional and District Plans. Therefore, the submitter considers that re-zoning this area strongly supports and is consistent with the direction of the NPS-UD.
  19. Overall, the submitter considers there to be no valid environmental, social, or economic reason for re-zoning this site General Residential. They consider that the use of the land for urban purposes represents a more efficient and sustainable use of the land resource; and is entirely appropriate in terms of achieving a consolidated urban form.

The decision we seek is that the following provisions **be amended as follows:**

20. That the site be zoned General Residential and that the Planning Maps be amended to reflect this as shown in Figure 2 below.

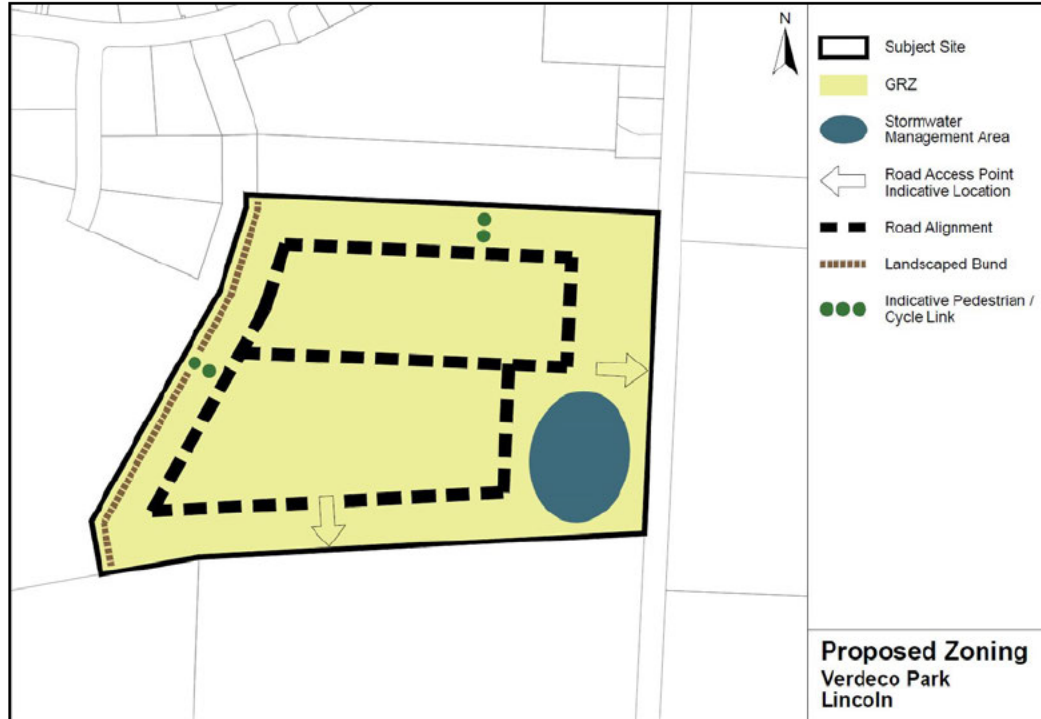


Figure 2 – Proposed Zoning

21. Part 3 – Area Specific Matters / Zones / Residential Zones / GRZ – General Residential Zone / GRZ-R18 be amended as shown below.

GRZ-R18 Community Facility	
<b>Activity Status: DIS</b> 1. Any community facility	<b>Activity status when compliance not achieved: N/A</b>
<b>Activity Status: PER</b> 1. <u>Any community facility</u>  <b>Where:</b> a. <u>The hours of operation are between 0700 and 2200.</u>  <u>And the activity complies with the following rule requirements:</u> <u>GRZ-REQ10 Landscaping</u> <u>GRZ-REQ15 Outdoor Storage</u>	<b>Activity status when compliance not achieved:</b> 2. <u>When compliance with any of GRZ-R18.1.a. is not achieved: DIS</u> 3. <u>When compliance with any rule requirement listed in this rule is not achieved: Refer to GRZ-Rule Requirements</u>

22. We also request any consequential amendments necessary to give effect to the above changes.

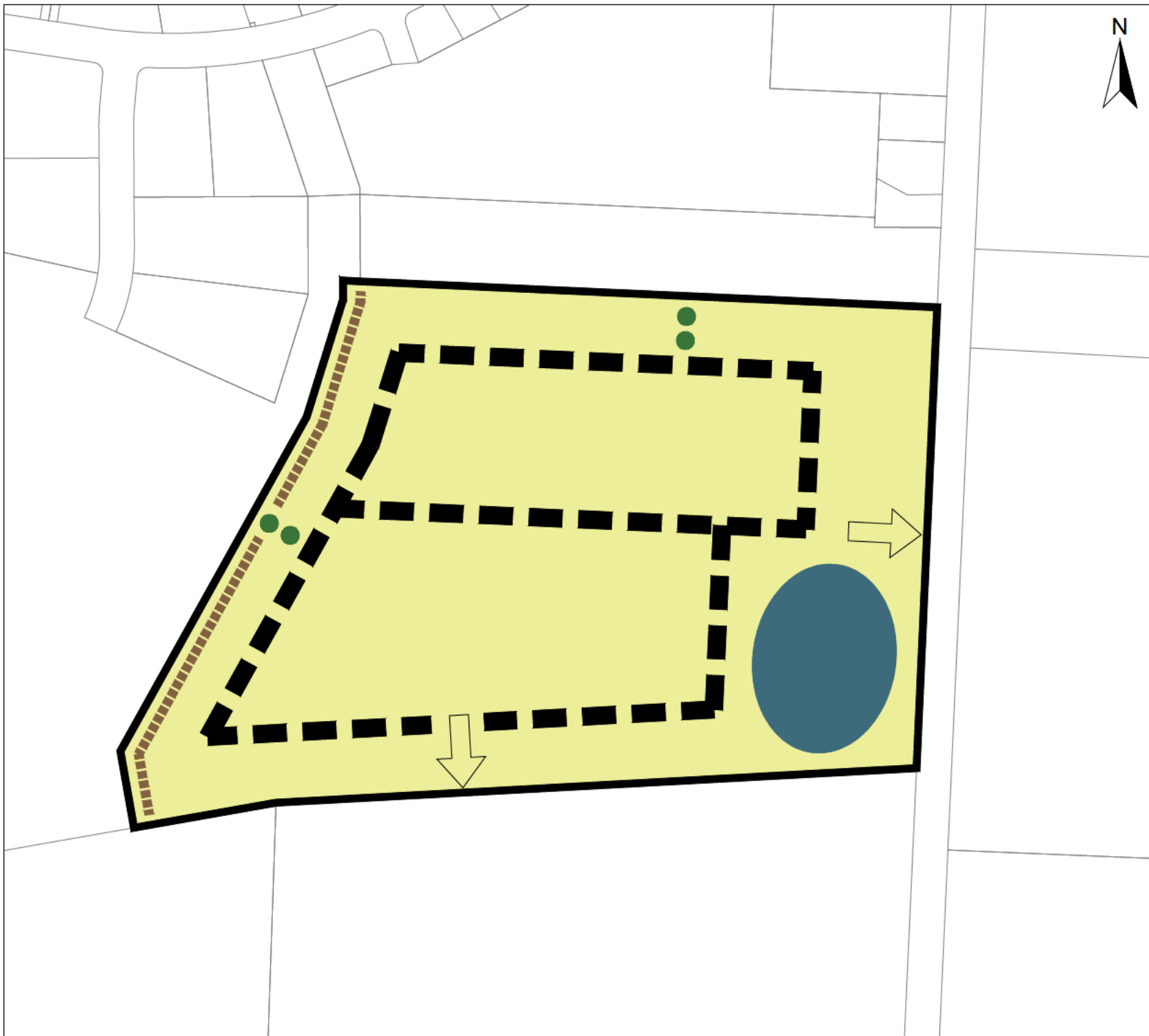
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**Attached:**

Proposed Zoning Plan

Servicing Memo

Geotechnical Memo



-  Subject Site
-  GRZ
-  Stormwater Management Area
-  Road Access Point Indicative Location
-  Road Alignment
-  Landscaped Bund
-  Indicative Pedestrian / Cycle Link

**Proposed Zoning**  
**Verdeco Park**  
**Lincoln**

**DAVIS OGILVIE & PARTNERS LIMITED**

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## MEMORANDUM

**To:** Selwyn District Council  
**From:** Sophie South  
**Date:** 9 December 2020  
**Subject:** SDC District Plan Review

### **3-WATERS SERVICING – VERDECO PARK ZONING, LINCOLN - SDC DISTRICT PLAN REVIEW SUBMISSION**

A change from Business to Residential zoning is proposed on an approximate 13 ha block on Springs Road, Lincoln, immediately adjacent to the Verdeco Park development. The following summarises 3-waters servicing for this site, to support a submission during the Selwyn District Council (SDC) Plan Change Review.

#### **Water**

High pressure water servicing for the development site has been designed based on a commercial land use<sup>1</sup>. High pressure water to the site could be supplied via the existing network located within the current Verdeco development, to the north and west of the site, and an extension of the Springs Rd network.

The overall Verdeco water supply design takes into account the SDC 5Waters Activity Management Plan (AMP) 2018 and Lincoln Master Plan. The SDC AMP identified a 200 mm main down Springs Rd and a 150 mm diameter connection into Verdeco. This 150 mm line forms the loop main within Verdeco Park development. A conceptual water servicing plan (Figure 1) would include:

- Extension of the 150 mm main from Verdeco Stage 6 boundary into the site
- Connection of the 150 mm main from Verdeco Stage 3 into the site
- Extension of the 200 mm main on Springs Rd into the development area

EPANET modelling for the commercial development is based on a demand of 11 L/s. This demand is equivalent to approximately 110 residential lots and indicates the serviceability of high pressure water.

Water supply would be designed to provide fire fighting supply and adequate pressures as specified in the SDC ECoP and SNZ PAS 4509:2008.

---

<sup>1</sup> Davis Ogilvie & Partners Ltd. Verdeco Park – Stage 1 Engineering Design Report. Garrison Developments Limited. February 2019.





**Figure 1: Conceptual Water Plan**

### Sewer

Sewer servicing for the development site has been designed based on a commercial land use. A pump station has been constructed to service the current Verdeco residential and rural-residential development. The connection from the pump station to the council main at the Springs Rd/Ellesmere Junction Rd intersection has been established.

The pump station was sized for 8.3 ha of commercial land<sup>2</sup> (maximum flow (MF) = 8.3 L/s). This is equivalent to the maximum flow generated from approximately 240 residential lots. Therefore the pump station has sufficient capacity for residential development on the site.

A network to service the lots will be designed in accordance with the SDC ECoP.

### Stormwater

Stormwater could be managed for both quantity and quality requirements within the development area. A stormwater treatment and storage area would be provided with a discharge into the western boundary drain, via the swale constructed to service Verdeco (Figure 2).



**Figure 2: Stormwater Discharge**

<sup>2</sup> Davis Ogilvie & Partners Ltd. Verdeco Park – Pump Station Design Report. Garrison Developments Limited. January 2019.

The site falls within the LII River Catchment. In order to mitigate water quantity effects, any stormwater discharge to the western boundary drain would be attenuated to pre-developed flows for storms up to and including the 2% AEP, 8 hour rainfall event.

In order to mitigate water quality effects, stormwater would be treated via a treatment train prior to discharge to the western boundary drain. A conceptual stormwater management plan would include:

- Reticulated stormwater system including sumps to remove gross pollutants
- Discharge to First Flush Basin for treatment of stormwater
- Discharge to Detention Basin for further treatment of stormwater and quantity management
- Discharge to ground where appropriate soil conditions allow
- Limited-rate discharge to western boundary drain
- Secondary flow paths provided

Test pits and infiltration testing were undertaken onsite during the design phase of Verdeco Park. This testing indicated potential infiltration rates in the range of 180 – 310 mm/hr in the development area.

Consent from Environment Canterbury would be required for operational and construction-phase stormwater discharge. The stormwater system would be designed as specified in the SDC ECoP and relevant consents.

### **Other Services**

Both the Orion power network and Enable telecommunications networks are installed within the current Verdeco development. The networks could be extended, from the existing Verdeco development, to service the development but is yet to be confirmed.

# GEOTECHNICAL DESK STUDY

37441 / 1506 SPRINGS ROAD, VERDECO PARK, LINCOLN  
/ NEXT LEVEL DEVELOPMENTS LTD.

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Davis Ogilvie & Partners Ltd

## QUALITY ASSURANCE

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**Title:** Geotechnical Desk Study - 1506 Springs Road, Verdeco Park, Lincoln  
(Lot 6004 DP 529226)

**Client:** Next Level Developments Ltd

**File Location:** T:\projects\37s\37441 - 1484-1506 Springs Road\Geotech\003  
Report\Commercial to residential report\Desk  
study\201210.hc.37441.geotechnical desk study for plan change.docx

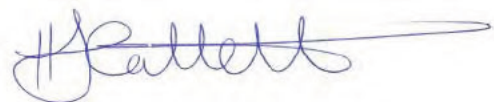
**Version:** 1

**Date:** 10 December 2020

**Project No** 37441

**Prepared By:** **Hamish Cattell**  
Engineering Geologist  
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NZ Geotechnical Society

**Signature:**



**Reviewed By:** **Joanna Lea Petheram**  
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**Signature:**



**Authorised By:** **Elliot Duke**  
**DIRECTOR**  
Chartered Professional Engineer  
BE Nat Res (hons), CMEngNZ,  
CPEng, Int PE (NZ)  
NZ Geotechnical Society

**Signature:**



## DISCLAIMER

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This engineering report has been prepared at the specific instruction of Next Level Developments Ltd. It addresses geotechnical conditions underlying the property at 1506 Springs Road, Verdeco Park, Lincoln (Lot 6004 DP 529226).

Davis Ogilvie did not perform a complete assessment of all possible conditions or circumstances that may exist at the site. Conditions may exist which were undetectable given the limited investigation of the site and have not been taken into account in the report.

Davis Ogilvie's opinions are based upon information that existed at the time of the production of this document. Assessments made in this report are based on the conditions found onsite and published sources detailing the recommended investigation methodologies described. No warranty is included—either expressed or implied—that the actual conditions will conform to the assessments contained in this report.

Davis Ogilvie has provided an opinion based on observations, site investigations, and analysis methodologies current at the time of reporting. The report cannot be used by any third party without the written approval of Davis Ogilvie. The report cannot be used if there are changes in the referenced guidelines, analysis methodologies, laws or regulations.

Only Next Level Developments Ltd and the Local and Regional Territorial Authorities are entitled to rely upon this engineering report. Davis Ogilvie & Partners Ltd accepts no liability to anyone other than Next Level Developments Ltd in any way in relation to this report and the content of it and any direct or indirect effect this engineering report may have. Davis Ogilvie & Partners Ltd does not contemplate anyone else relying on this report or that it will be used for any other purpose.

Information included in this report was obtained/created from maps and/or data extracted from the New Zealand Geotechnical Database (<https://www.nzgd.org.nz>), which were prepared and compiled for the Earthquake Commission (EQC) to assist in assessing insurance claims made under the Earthquake Commission Act 1993. The source maps and data were not intended for any other purpose. EQC and its engineers, Tonkin & Taylor, have no liability for any use of the maps and data or for the consequences of any person relying on them in any way.

Should anyone wish to discuss the content of this report with Davis Ogilvie & Partners Ltd, they are welcome to contact us on (03) 366 1653 or at Level 1, 24 Moorhouse Ave, Addington, Christchurch.



## EXECUTIVE SUMMARY

---

Davis Ogilvie & Partners Ltd. was commissioned by Shane Kennedy to carry out a geotechnical review of an undeveloped area in the south east corner of the Verdeco Park Subdivision. The 13.0 ha site is currently zoned under the Selwyn District Council (SDC) Plan as 'Industrial', however, a submission is being made on the publically notified Proposed Selwyn District Plan to change the zoning of the site to residential land use.

Based on the expected ground conditions from the limited testing onsite and testing nearby, as well as the low risk of natural hazards, we consider that this site is likely to be suitable for residential development.

Any application for plan change or subdivision consent will require additional geotechnical investigation to satisfy the testing requirements recommended by the Ministry of Business, Innovation and Employment (MBIE) and more detailed consideration of natural hazards as required by Section 106 of the Resource Management Act (1991).

We note the following considerations in regard to residential development of this area:

- From the limited available information, and knowledge of the nearby area, it is likely that the static Ultimate Bearing Capacity (UBC) will be in the order of 200 to 300 kPa. A conservative California Bearing Ratio (CBR) of 4 is likely to be adopted for pavement design.
- Subject to field verification testing, we would expect residential development of this area to adopt NZS 3604:2011 or Technical Category (TC) 1 waffle slab type foundations (where TC1 and 300 kPa UBC achieved), or otherwise a MBIE TC2 foundation option (such as TC2 waffle slabs) specifically engineer designed for 200 kPa UBC and to counter the liquefaction risk. The risk of static settlement as a result of compressible organic soils will need to be determined during the geotechnical investigation for subdivision consent.
- It is understood that residential development in this area would discharge stormwater to the existing stormwater management area. It is also expected that a sewer main would extend through the site and convey via gravity to the pump station (located within the stormwater management area).
- The site is mapped by Selwyn District Council with the potential for inundation. Future residential land development will be designed to address the inundation hazard. It is recommended that site levels are confirmed by a Registered Professional Surveyor.
- It is likely that there will be a requirement for geotechnical investigations of each lot at building consent stage to ensure that potential site-specific geotechnical issues are appropriately identified and addressed.

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## 1.0 INTRODUCTION

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Davis Ogilvie & Partners Ltd. (Davis Ogilvie) was commissioned by Shane Kennedy ('the client') to carry out a geotechnical review of an undeveloped area of the Verdeco Park Subdivision, legally known as Lot 6004 (CP 529226) ('the site'). The 13.0 ha site is currently zoned under the Selwyn District Council (SDC) Plan as 'Industrial' (Zone B2B / GIZ), however, the client is making a submission on the publically notified Proposed Selwyn District Plan to change the zoning of the site to residential land use. This desk study reviews the existing geotechnical information available for this area to accompany the submission.

## 2.0 SITE DESCRIPTION

---

The site located in the south-east of the Verdeco Park Subdivision, approximately 600 m south of the Lincoln University campus. The land is flat, having been used largely for agriculture, and contains an existing residential building and associated sheds central to the eastern boundary off Springs Road. The site is bound in the east by Springs Road, Verdeco Park reserves in the west and north, and undeveloped farmland with residences in the south, as shown in Figure 1 in Section 4.0.

## 3.0 PUBLISHED INFORMATION

---

A review of publically available information has been undertaken for the site and surrounding area. A summary is presented in the following sections.

### 2.1 MBIE Technical Category

The site is classed by the MBIE as "rural and unmapped"<sup>1</sup>.

The SDC 'Area of Low Geotechnical Risk' map shows the site is within the area where liquefaction assessment is required for subdivision<sup>2</sup>.

### 2.2 Geology and Hydrogeology

The published geology of the site has been identified as "Grey river alluvium beneath plains or low-level terraces" (Q1a)<sup>3</sup>.

---

<sup>1</sup> New Zealand Geotechnical Database - Map Layer MBIE Residential Foundation Technical Categories CGD5020 – 30 Jan 2014 – accessed December 2020.

<sup>2</sup> Selwyn District Council. *Area of Low Geotechnical Risk* as Defined by Ian McCahon, dated 16/09/2013. Accessed from: [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0004/113746/LowGeotechnicalRiskArea\\_Sept2013.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/113746/LowGeotechnicalRiskArea_Sept2013.pdf)

<sup>3</sup> Forsyth, P.J., Barrell, D.J.A., Jongens, R. (2008) (compilers), *Geology of the Christchurch Area*, Institute of Geological and Nuclear Sciences 1:250 000 geological map 16. 1 sheet. Lower Hutt, New Zealand. GNS Science. ISBN 987-0-478-19649-8



## 2.3 Site History

Historic aerial photographs<sup>4</sup> available from 1940 indicate that the site was a crop farm with a residential building in the east, adjacent to Springs Road, similar to the current site layout. The early imagery shows a small waterway depression bisecting the north-west corner of the site. Subsequent imagery highlights the locations of the (infilled) paleo-channel and branching alluvial geomorphologies<sup>5</sup>. A small pond with vegetation is evident central to the western boundary between 2010 and 2019. No significant change to the land surface at the site can be identified in the available imagery until the Verdeco Park development commenced in early 2019. During subdivision development, a construction site office with storage was located in the north-west of the site, earthworks stockpiles were stored in the northern half, and crops remained in the south to present day.

## 2.4 Flood Potential

According to the SDC Flooding Map, the undeveloped land surface is subject to localized flooding in the event of a 1 in 200 year annual recurrence interval rainfall event<sup>6</sup>. The maximum resulting inundation is approximately 0.5 m, concentrated to the former water channel crossing the north-west of the site.

## 2.5 Listed Land Use Register (LLUR) and Land Contamination

The ECan LLUR website<sup>7</sup> indicates that the subject block has been associated with specific land uses on the Hazardous Activities and Industries List (HAIL). The HAIL activities for Verdeco Park include “Landfill sites (G3)” and “any other land (I)” under the category “contaminated – rural-residential land use”.

## 4.0 GROUND CONDITIONS

---

### 3.1 Existing Geotechnical Data

Davis Ogilvie carried out geotechnical testing for the Verdeco Park Subdivision in 2018 and have since been involved with construction monitoring during development of the subdivision. The investigation determined that most lots within the subdivision were equivalent to Technical Category (TC) 1, with three small areas in Stages 1, 2 and 5 being assigned to TC2. The static Ultimate Bearing Capacity (UBC) was expected to range between 200 and 300 kPa.

---

<sup>4</sup> Aerial photography available from the ECan viewer at <http://canterburymaps.govt.nz/AdvancedViewer/>, accessed December 2020.

<sup>5</sup> See Google Earth past imagery dated 30/11/2017

<sup>6</sup> Selwyn's Flooding and Coastal Hazards, Flooding Map, available at: <https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/>

<sup>7</sup> Available at <http://www.llur.ecan.govt.nz/>

In regards to the subject area, the Davis Ogilvie (2018) report states “*The remaining land [then] (Lot 4 DP 12928) is currently zoned for commercial development and will require additional geotechnical investigation in the future.*” As a result, only minor geotechnical testing was undertaken in the area; however, detailed testing was undertaken on the adjacent stages to the north and west.

Test pits and cone penetration tests (CPT) with shallow refusal central to the west of the site revealed shallow gravel beneath a thin unit of sand and/or topsoil. CPT7 in the southwest of the site meet refusal at 1.7 m below EGL and as a result indicated low risk of liquefaction induced vertical settlement. In the north-east of the site, however, ‘CPT\_PS’ undertaken for installation of the pump station, encountered 6.1 m of silt and sand before encountering gravel and indicated low to moderate risk (TC2 land performance) of liquefaction-induced settlement. Dynamic Cone Penetration (DCP) tests indicate that the loose near surface material was in the order of 200 kPa UBC, while the shallow gravel deposits were in excess of 300 kPa UBC.

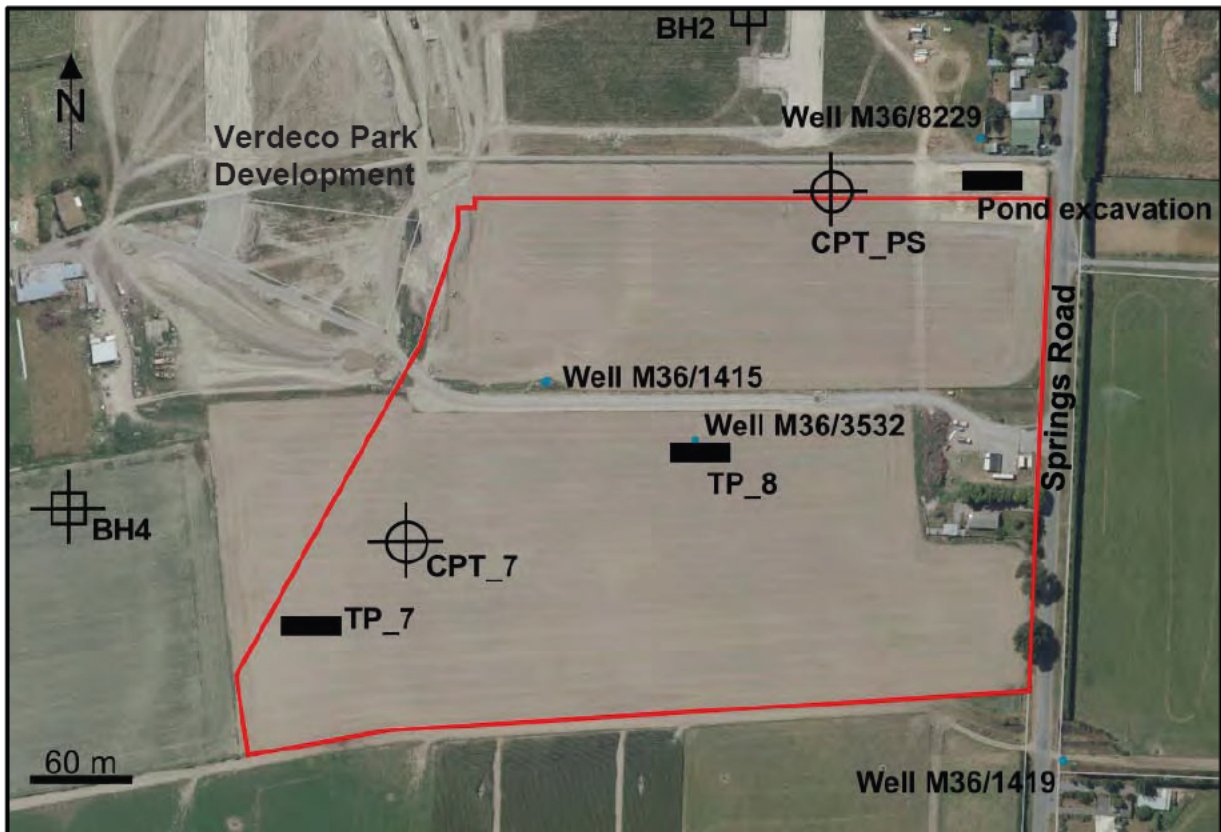


Figure 1: Aerial photograph of the site in 2019 annotated showing the approximate locations of selected tests and features referenced in this report.

Several ECan wells are situated on or near the site and indicate initial water levels of 2.3 to 5.3 m below ground level, as shown in Figure 1. A well bore log immediately north-east of the site (M36/8229) shows the soil profile at that location as consisting of a topsoil veneer underlain by gravel to at least 18.0 m below ground level. Sixty meters south-east of the site, well M36/1419 shows “yellow clay” to 5.8 m with a bed of gravel encountered between 2.4 – 5.2 m. Below 5.8 m, gravel was uniformly encountered to at least 16.0 m depth.

Boreholes (BH) were advanced north (BH2, 130 m north) and west (BH4, 180 m west) of the subject area during the Davis Ogilvie investigation. In BH2, beneath the surficial topsoil, beds of predominantly loose silt and sand were encountered to 6.0 m below EGL where very dense gravel was encountered. The gravel extended to the base of the borehole at 10.6 m below EGL. BH4 encountered 1.5 m of silt and sand beneath the topsoil unit. Gravel was encountered between 1.5 m and the termination depth at 15.2 m below EGL. Groundwater was measured at 4.25 m below EGL.

Construction of the stormwater detention pond in the reserve to the north-east of the site (east of CPT\_PS) was observed by Davis Ogilvie in 2019, as shown by the excavated natural soils in Figure 2. Excavations identified interbedded silt and sand to at least 3.7 m below the excavated ground level at that time (i.e., approx. 1.5 m below natural ground level). Groundwater was encountered at 2.4 m below the excavated ground level within gley soils.



**Figure 2: Photograph of a deep excavation in the pond area north of the subject area showing interbedded silt and sand deposits to at least 3.7 m below ground level**



### 3.2 Ground Profile Summary

A summary of the geotechnical testing on and near the subject area is presented in Table 1. Based on the limited testing undertaken on the western half of the site, we would expect that loose to dense sand will be encountered in the upper 1.0 m above a shallow gravel layer on the site. However, nearby testing indicates that there is likely to be spatial variation and that the northern, eastern and southeast areas of the site may be underlain by thicker (up to 6.0 m below EGL) sand and silt before the gravel is encountered. This may affect the risk of liquefaction-induced settlement across the site.

Similarly, groundwater could vary from around 2.0 m in the north to greater than 5.0 m below ground level in the south.

Overall, the ground conditions are expected to be similar to those encountered in the other stages of the Verdeco Park Subdivision which are already zoned for residential development and be within TC1 or TC2 limits for liquefaction-induced settlement.

**Table 1: Summary of Nearby Geotechnical Testing**

Reference (NZGD)	Distance	Type	Profile (m below EGL)	Soil type	Relative density	Groundwater (m below EGL)
TP 8 (TP_112799)	On site - central	Test pit	0.0 – 0.4	Topsoil	N/A	N/R
			0.4 – 0.9	Sand	Very loose to dense	
			0.9 – 1.7	Gravel	Very dense	
CPT 7 (CPT_113582)	On site – west	Cone penetration test	0.0 – 0.5	Topsoil	N/A	N/R
			0.5 – 0.8	Sand	Loose to dense	
			0.8 – 1.8	Gravel	Very dense	
TP 7 (TP_112798)	On site – west	Test pit	0.0 – 0.3	Topsoil	N/A	N/R
			0.3 – 0.5	Sand	Dense	
			0.5 – 1.7	Gravel	Very dense	
CPT_PS	North – pump station	Cone penetration test	0.0 – 0.5	Topsoil	N/A	1.7 m
			0.5 – 6.1	Silt/sand	Firm to hard/very loose to dense	
			6.1 – 6.4	Gravel	Very dense	
BH_2 (BH_113493)	130 m north	Machine borehole	0.0 – 0.4	Topsoil	N/A	N/R
			0.4 – 6.0	Sand/silt	Loose – medium dense (SPT N = 7 - 11)	
			6.0 – 10.6	Gravel	Very Dense (SPT N = 50 – 60)	
BH_4 (BH_113495)	180 m west	Machine borehole	0.0 – 0.4	Topsoil	N/A	4.25 m
			0.4 – 15.2	Gravel	Dense to very dense (SPT N = 36 – 60)	
N/A = Not Applicable N/R = Not Recorded						

## 5.0 PRELIMINARY NATURAL HAZARDS ASSESSMENT

---

Section 106 of the Resource Management Act (1991) requires that the site of a subdivision be assessed for potential material damage from all natural hazards including erosion, falling debris, subsidence, slippage, or inundation of the area proposed for residential development. The following sections provide a preliminary assessment of the main possible natural hazards that could affect the site, and are subject to additional geotechnical investigation.

### 5.1 Erosion, Slippage and Falling Debris

Due to the flat topography of the subdivision site and surrounding area, erosion, ground slippage and falling debris are not considered to pose any risk to the site. All surface water on the site should be managed to minimise potential erosion.

### 5.2 Subsidence

Subsidence on the site is possible from seismically-induced vertical settlements, and requires further geotechnical investigation to verify. Any potential settlements are, however, expected to be consistent with TC1 and TC2 performance criteria. Suitable foundation design or ground improvement may be required in any areas with TC2 land performance.

No organic soils have been encountered at Verdeco Park to date, but are known to occur north-east of the site at Te Whāriki subdivision. The likelihood of static settlement as a result of compressible soils will need to be assessed through further onsite testing.

### 5.3 Inundation

The site is shown on the SDC Flooding Map with potential inundation of up to 0.5 m following a 1:200 year annual recurrence interval event. Residential land development will be designed to manage any inundation hazard at the site. It is recommended that site levels are confirmed by a Registered Professional Surveyor and floor levels should be in accordance with SDC requirements.

### 5.4 Summary

We consider that the site is likely to be suitable for subdivision and residential development under Section 106 of the RMA as the above hazards are expected to be able to be mitigated or managed to an acceptable level and are unlikely to prevent residential development.

## 6.0 DEVELOPMENT CONSIDERATIONS

---

In summary, based on the expected ground conditions from the limited testing onsite and testing nearby, as well as the low risk of natural hazards discussed above, we consider that this site is likely to be suitable for residential development.

Any application for plan change or subdivision consent will require additional geotechnical investigation to satisfy the testing requirements recommended by the Ministry of Business, Innovation and Employment (MBIE) and more detailed consideration of natural hazards as required by Section 106 of the Resource Management Act (1991).

Additional investigation would be expected to include several CPTs to determine the depth of the gravel on the eastern and southern areas of the site, as well as enable liquefaction analysis. Additional test pits and DCPs will also be required to confirm the shallow ground conditions and determine likely bearing capacity to aid residential foundation design.

We note the following considerations in regard to residential development of this area:

- Limited bearing capacity tests for foundation or pavement design have been undertaken. From the limited available information, and knowledge of the nearby area, it is likely that UBC will be in the order of 200 to 300 kPa. A conservative CBR of 4 is likely to be adopted for pavement design.
- Given the above assumptions and subject to field verification testing, we would expect residential development of this area to adopt NZS 3604:2011 or TC1 waffle slab type foundations (where TC1 and 300 kPa UBC achieved), or otherwise a MBIE TC2 foundation option<sup>8</sup> (such as TC2 waffle slabs) specifically engineer designed for 200 kPa UBC and to counter the liquefaction risk. The risk of static settlement as a result of compressible organic soils will need to be determined during the geotechnical investigation for subdivision consent.
- It is understood that residential development in this area would discharge stormwater to the existing stormwater management area. It is also expected that a sewer main would extend through the site and convey via gravity to the pump station (located within the stormwater management area).
- The site is mapped by SDC with the potential for inundation. Future residential land development will be designed to address the inundation hazard. It is recommended that site levels are confirmed by a Registered Professional Surveyor.
- It is likely that there will be a requirement for geotechnical investigations of each lot at building consent stage to ensure that potential site-specific geotechnical issues are appropriately identified and addressed.

---

<sup>8</sup> MBIE Repairing and rebuilding houses affected by the Canterbury earthquakes Part A: Technical guidance - <https://www.building.govt.nz/assets/Uploads/building-code-compliance/canterbury-rebuild/repairing-and-rebuilding-houses/canterbury-guidance-part-a.pdf>

# Proposed Selwyn District Plan



## Section 42A Report

Report on submissions and further submissions

Rezoning: Lincoln

Vicki Barker

20 December 2022



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## List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0024	Heather Jonson	
DPR-0032	Christchurch City Council	
DPR-0083	Neil Flux	
DPR-0056	Broadfield Estates Limited	
DPR-0083	Neil Flux	
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend, & Rick Fraser	STF
DPR-0150	Barry Moir	
DPR-0163	Mikyung Jang	
DPR-0164	Inwha Jung	
DPR-0176	Brent Macaulay & Becky Reid	
DPR-0191	Alistair King	
DPR-0202	T & K Hopper, B & R Jacques, B & F Mckeich, R & S Silcock, D & K Perrott, T Richardson & H Carmichael	Hopper & Others
DPR-0205	Lincoln University	
DPR-0209	Manmeet Singh	
DPR-0213	New Zealand Institute for Plant and Food Research Limited (Plant and Food) & Landcare Research (Landcare)	Plant & Food
DPR-0219	Lester & Dina Curry	
DPR-0245	Brendan Herries	
DPR-0246	Craig Robertson	
DPR-0273	Derek Hann	
DPR-0275	E Salins	
DPR-0342	AgResearch Limited	
DPR-0351	Next Level Developments Ltd - Shane Kennedy	
DPR-0352	Next Level Developments Ltd - Shane Kennedy	
DPR-0375	Waka Kotahi NZ Transport Agency	
DPR-0378	The Ministry of Education	
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0392	CSI Property Limited	
DPR-0396	Woolworths New Zealand Limited	
DPR-0431	Lance Roper	
DPR-0434	Lincoln University	
DPR-0435	Daire Limited, Alistair King	
DPR-0438	Robert Barker	
DPR-0446	Transpower New Zealand Limited	
DPR-0450	Lance Roper	
DPR-0496	BHL Trust	
DPR-0499	Phillip Long	
DPR-0501	Susan Hudson	
DPR-0502	Jennifer McLaughlin	
DPR-0520	Ron van Toor and Ruth Butler	
DPR-0519	Dee-Ann Bolton	
DPR-0528	Nicole and Ben Schon	
DPR-0531	M & A Wright	
DPR-0535	Sue Hobby	
DPR-0562	Richard Bolton	
DPR-0572	Cooke Family Trust	
DPR-0590	Margaret Elizabeth Barratt	

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

## Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CRC	Canterbury Regional Council
CRPS	Canterbury Regional Policy Statement 2013
DPR	District Plan Review
DSI	Detailed Site Investigation
EI Chapter	Energy and Infrastructure Chapter
GRZ	General Residential Zone
GRUZ	General Rural Zone
HAIL	Hazardous Activities and Industries List
IMP	Iwi Management Plan
IPI	Intensification Planning Instrument
LLRZ	Large Lot Residential Zone
MDRS	Medium Density Residential Standards
MRZ	Medium Density Residential Zone
MRZ (ILE)	Medium Density Residential Zone (Immediate Legal Effect)
MUL	Metropolitan Urban Limits
NCZ	Neighbourhood Centre Zone
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development
ODP	Outline Development Plan
Operative DP	Operative Selwyn District Plan
PC	Plan Change
PDP	Proposed Selwyn District Plan
PSI	Preliminary Site Investigation
RMA or Act	Resource Management Act 1991
RMA-EHS	Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021
RRS14	Rural Residential Strategy 2014
SDC	Selwyn District Council
UGO	Urban Growth Overlay
Variation 1	Variation 1 (Intensification Planning Instrument) to the Proposed Selwyn District Plan

## 1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to submissions seeking to rezone land in the Proposed Selwyn District Plan (PDP). The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 In preparing this report I have had regard to the [s42A report on Strategic Directions](#) prepared by Mr Robert Love, including the [Right of Reply Report](#), the [Overview s42A report](#) that addresses the higher order statutory planning and legal context, also prepared by Mr Love; the [s42A report on Urban Growth](#) prepared by Mr Ben Baird, including the [Right of Reply Report](#); and the [Rezoning Framework s42A report](#) also prepared by Mr Baird (updated version dated 1 July 2022). The recommendations are informed by both the technical information provided by Mat Collins (Transport), Derek Foy (Economics), Murray England (Infrastructure), Ian McCahon (Geotechnical), Rowan Freeman (Contaminated Land), and Hugh Nicholson (Urban Design) (see **Appendix 3**) and the evaluation undertaken by myself as the planning author.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2. Qualifications and experience

- 2.1 My full name is Vicki Ann Barker. I have been engaged by the Council as a consultant planner. My qualifications include a Bachelor of Science and a Masters of Planning Practice (Hons) from the University of Auckland.
- 2.2 I have 25 years' experience as a resource management planner, with this work including central government, local government and private consultancy experience. I am the Managing Director of Barker Planning, a consultancy based in Christchurch. Prior to establishing Barker Planning I was a Senior Policy Advisor in the Resource Management Practice Team at the Ministry for the Environment and was principally involved in earthquake recovery related policy matters, RMA reform, and RMA best practice advice. I have also held planning roles within local government, at multidisciplinary global engineering firms, and at a Christchurch based planning consultancy.
- 2.3 I was engaged as a consultant to the Canterbury Earthquake Recovery Authority (CERA) to assist with the Crown response to the Christchurch Replacement District Plan process. In this role I was involved in co-ordinating government department submissions, further submissions, and producing and presenting evidence on behalf of the Crown at the Christchurch Replacement District Plan Hearings.
- 2.4 I have been engaged by Selwyn District Council since 2017 assisting with the Proposed Selwyn District Plan Review. I was responsible for the drafting of the Noise and Special Purpose Dairy

Processing Zone Chapters, managed the Signs and Light Chapters as Topic Lead, and latterly was involved in drafting of the Light Chapter. I was also an interim Topic Lead in relation to the Transport Chapter. I also had input into the drafting of the emergency services, airfield and West Melton Aerodrome provisions of the Energy and Infrastructure (EI) Chapter, and recently prepared the s42A reports for the EI, Light and Noise Hearings. I have prepared the s42a report for the Rolleston Rezoning submissions in addition to this report.

- 2.5 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters addressed in this s42A report I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

### 3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to requests to rezone land in Lincoln.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to, or amend the provisions, including any changes to the Planning Maps. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted. **Appendix 2** also contains a table setting out any recommended spatial amendments to the PDP Planning Maps.

### 4. Statutory requirements and planning framework

#### ***Resource Management Act 1991***

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74, 75 and 77G, and its obligation to prepare, and have particular regard to (among other things) an evaluation report under sections 32 and 77J and any further evaluation required by section 32AA. The PDP must give effect to any national policy statement, the New Zealand Coastal Policy Statement, a national planning standard and the CRPS and must not be inconsistent with a water conservation order or a relevant regional plan. Regard is also to be given to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities and it must take into account the Iwi Management Plan (IMP).

#### ***Planning context***

- 4.2 As set out in the [‘Overview’ Section 32 Report](#), [‘Overview’ s42a Report](#), and the [Urban Growth Section 32 Report](#) there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. The planning documents that are of most relevance to the submission points addressed in this report are discussed in more detail within the [Rezoning Framework Report](#) and as such, are not repeated

within this report. As set out in Mr Baird's report<sup>1</sup>, the purpose of the Rezoning Framework Report is to provide the Hearing Panel with a summary and analysis of the higher order statutory and planning framework relevant to the consideration of rezoning requests and to provide a platform for subsequent s42A reporting officers to use in their assessment of specific rezoning request submission points. As an independent planning expert, I have had regard to Mr Baird's assessment, and I agree with his analysis of the relevant planning framework.

- 4.3 In addition, and of particular relevance to the submission points addressed in this s42A report, is the notification of Variation 1 to the PDP, which is the Council's Intensification Planning Instrument (IPI) prepared in response to the Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS). The IPI is to be processed in accordance with the Intensification Streamlined Planning Process (ISPP), alongside the completion of the PDP hearings process. As outlined in the supporting [Section 32 evaluation](#), the purpose of the RMA-EHS is to enable greater housing choice within five of the largest urban environments in New Zealand, including Selwyn district. This is to be achieved through the introduction of mandatory medium density residential standards (MDRS) within a new Medium Density Residential Zone (MRZ) in the Rolleston, Lincoln, and Prebbleton townships. The MDRS allows for the establishment of up to three residential units, each up to three storeys high (11 metres) on most sites without the need for a resource consent. Exemptions apply based on identified qualifying matters, such as heritage areas and protecting nationally significant infrastructure, but it is otherwise mandatory to apply MDRS to relevant residential zones.
- 4.4 Variation 1 to the PDP introduces a new MRZ on the following land:
- All the existing General Residential Zone (GRZ) in Rolleston, Lincoln and Prebbleton;
  - Land covered by the following Council-approved private plan changes (PC) to the Operative District Plan (Operative DP): PC68 and PC72 in Prebbleton, PC69 in Lincoln, and PC71, PC75, PC76 and PC78 in Rolleston;
  - The Housing Accords and Special Housing Area (HASHA) and COVID-19 Recovery (Fast-track Consenting) areas in Rolleston;
  - 47 hectares of rural land (on six different sites) within the Future Development Area (FUDA) that are in between existing residential and PC areas in Rolleston.
- 4.5 The MRZ has immediate legal effect from the date of notification of Variation 1 (20 August 2022) where it applies to existing GRZ within these townships. Where new MRZ land is proposed to be rezoned through Variation 1, the proposed MRZ does not have immediate legal effect.
- 4.6 The National Policy Statement for Highly Productive Land (NPS-HPL) came into force on 17 October 2022 to provide national direction on how highly productive land is protected from inappropriate subdivision and development.<sup>2</sup> The NPS-HPL has immediate legal effect and applies to land identified as LUC Class 1, 2 or 3, as mapped by the New Zealand Land Resource

<sup>1</sup> Paragraph 1.1, Rezoning Framework Report

<sup>2</sup> <https://environment.govt.nz/assets/publications/National-policy-statement-highly-productive-land-sept-22-dated.pdf>

Inventory (or any more detailed mapping that uses the LUC classification). The existing Canterbury Maps LUC data has been used as the basis for analysis against the NPS-HPL for the purposes of this report. This data applies until the maps containing the highly productive land of the Canterbury Region are prepared under Clause 3.5(1). Regional councils are required to map highly productive land in a general rural zone which is predominantly LUC 1, 2 or 3 land, and which forms a large and geographically cohesive area, by no later than 17 October 2025.

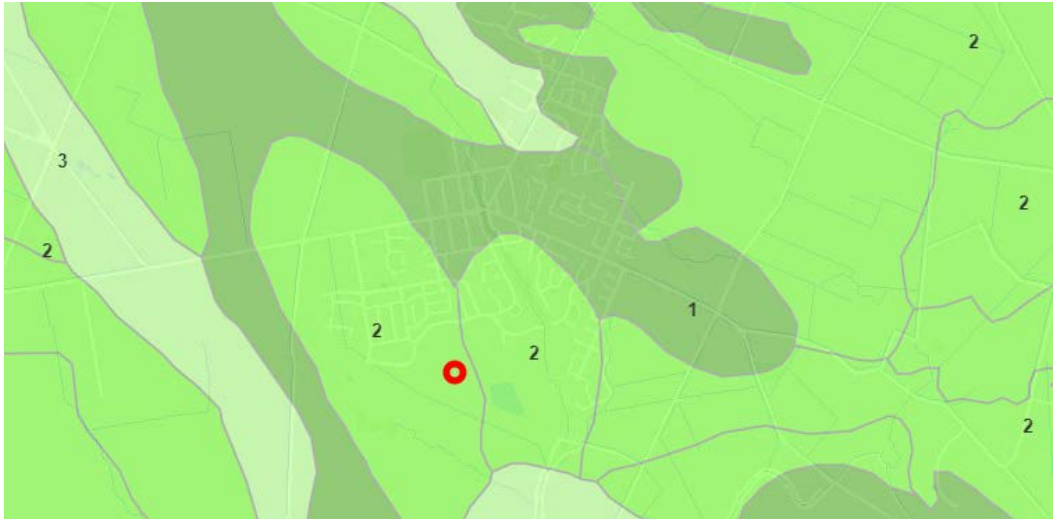
- 4.7 The NPS-HPL is specifically relevant to ‘urban rezoning’, which it defines as a change from a general rural zone to an ‘urban zone’ that is inclusive of the GRZ and LLRZ.<sup>3</sup> Clause 3.5(7) identifies that the NPS-HPL applies to all general rural zone land that is LUC 1, 2 and 3, but is not identified for future urban development (i.e. outside the UGO), or subject to a Council initiated, or an adopted notified PC to rezone land from general rural to urban or rural lifestyle.
- 4.8 The NPS-HPL objective requires that highly productive land is protected for use in land-based primary production. These outcomes are supported by policies that recognise highly productive land as a finite resource that needs to be managed in an integrated way (Policy 2). The urban rezoning of highly productive land (Policy 5), its use for rural lifestyle living<sup>4</sup> (Policy 6) and subdivision (Policy 7) are required to be avoided, except as provided in the NPS-HPL.
- 4.9 NPS-HPL Part 3 Clause 3.6 requires that Tier 1 and 2 territorial authorities can only allow the urban rezoning<sup>5</sup> 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. Clause 3.7 requires territorial authorities to avoid the rezoning of highly productive land as rural lifestyle, except where the exemptions in Clause 3.10 are satisfied.
- 4.10 Most of the general rural land surrounding Lincoln is classed as LUC 1 or 2 soils as illustrated in **Figure 1** below. The NPS-HPL and LUC 1, 2 or 3 land is identified in the following evaluation only where the land is not within the UGO and/or is not already subject to the proposed MRZ.

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<sup>3</sup> NPS-HPL - Part 1: Preliminary provisions, 1.3 Interpretation - ‘Urban rezoning’

<sup>4</sup> Refer to the Rural Lifestyle Zone (RLZ) in the National Planning Standards 2019, 8. Zone Framework Standard, Table 13 Pg.37.

<sup>5</sup> NPS-HPL - 1.3 Interpretation, Urban rezoning means changing from the general rural or rural production zone to an urban zone.



**Figure 1: LUC Class 1, 2 and 3 soils in relation to Lincoln.** Source: Canterbury Maps

- 4.11 It is also noted that all recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report where relevant.

## 5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 5.2 It is recognised that there are a number of submissions on the notified PDP seeking to rezone land within Rolleston, Lincoln and Prebbleton townships to GRZ that are affected by Variation 1. Where there is insufficient scope within the rezoning submission to incorporate MDRS in a new relevant residential zone and no qualifying matter applies, accepting the submission on the PDP will not align with the RMA-EHS (regardless of its merits). As such, it is anticipated that these submitters will have lodged submissions on Variation 1 to the PDP seeking to rezone the subject land to MRZ through the ISPP instead. On this basis, the rezoning submissions that overlap with Variation 1 will only be given a high-level planning assessment in this s42A report, with a more detailed analysis to be undertaken as part of assessing submissions lodged on the IPI.
- 5.3 In accordance with Minute 19 of the Hearings Panel, all submitters requesting rezoning were requested to provide their expert evidence for the rezoning hearings, including a s32AA evaluation report, by 5 August 2022. Further submitters supporting or opposing any rezoning request were similarly requested to file their expert evidence by 2 September 2022. Evidence received within these timeframes, or as otherwise agreed by the Chair, has been considered in the preparation of this s42A report, except where the potential overlap of rezoning submissions with the notification of the IPI means that only a high-level planning assessment will be undertaken in this s42A report (as outlined above). Any evidence received outside of these timeframes may not have been taken into account in formulating recommendations. However, submitters do have an opportunity to file rebuttal evidence no later than 10 working



days prior to the commencement of the relevant hearing, following receipt of the Council's s42A report.

- 5.4 Ms Fiona Aston submitted a Memorandum to the Hearing Commissioner dated 29 August 2022 seeking to submit further expert evidence by 14 September 2022 in support of submission DPR-0136. The Memorandum states that the further evidence pertains to: geotechnical; site contamination; infrastructure; traffic matters; and an Outline Development Plan. Minute 26 issued by the Independent Commissioner granted an extension and required the evidence described in paragraph 3 of Ms Aston's Memoranda to be filed with Council no later than 14 September 2022.
- 5.5 Submitter DPR-0136 subsequently filed further evidence on 14 September 2022. Ms Aston's request seeking an extension for late evidence did not include evidence relating to highly productive land, however evidence on this matter was also submitted on 14 September 2022, as well as addendums to original evidence filed on 5 August 2022. This evidence has been considered in this report, but the Panel may consider the NPS-HPL evidence in particular to be out of scope.
- 5.6 Correspondence has been received from Jill Gordon and Ross Thomas dated 11 September 2022 setting out a summary of their position with respect to the requested rezoning of 1137 Springs Road sought by submitter DPR-0136. Ms Gordon and Mr Thomas are the owners of 1137 Springs Road and strongly oppose the proposed rezoning of their land to GIZ. They advise that it is improbable they will cooperate in any development. They also question the process taken by the submitters and their consultants in terms of the changes to the proposal since the original submission, and question whether the evidence is admissible. This is a procedural question for the Panel. The parties are not original or further submitters but it is considered warranted to bring their concerns to the Panel's attention as they are land owners directly affected by the submitter's proposal.

## 6. Consideration of submissions

### ***Matters addressed in this report***

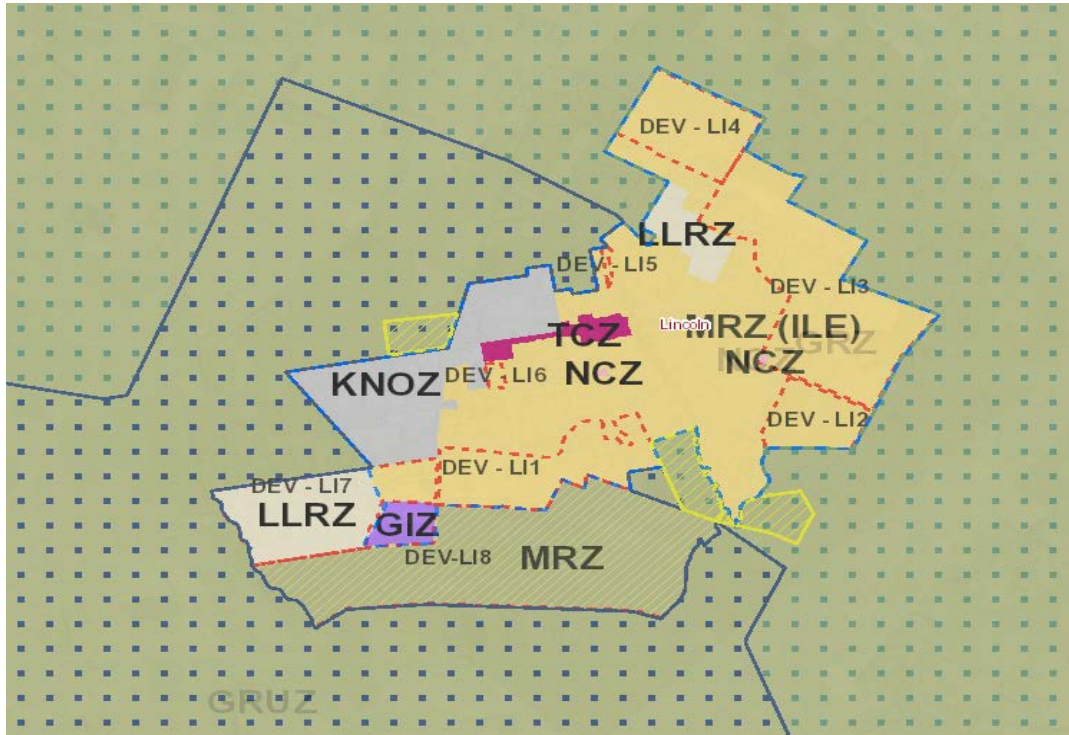
- 6.1 This report considers submissions that were received by the Council in relation to the zoning of land in Lincoln and forms part of the submissions seeking rezoning across the PDP. Provisions relating to subdivision and land use activities within these zones have been dealt with in separate s42A reports considered in earlier hearings. As such, the scope of this report is limited to the geographic extent and appropriateness of the zone that is subject to submission, unless a new zone and/or set of provisions is proposed as part of the rezoning request.

### ***Overview of Lincoln***

- 6.2 The proposed township boundaries are denoted by blue dashed lines on the PDP map below and consists of LLRZ, KNOZ, GIZ, NCZ, TCZ, MRZ (ILE) which has replaced GRZ, and MRZ. A LLRZ area sits outside but adjoining the south-western township boundary. The township is

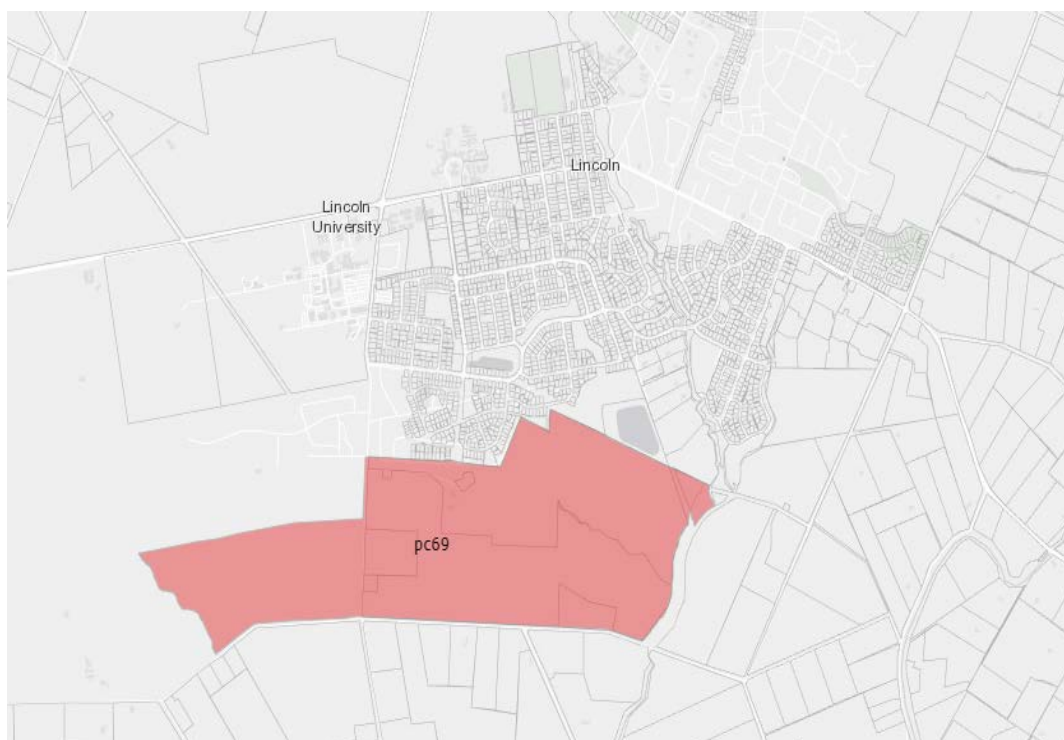
otherwise surrounded by GRUZ land. Springston is the nearest township approximately 2.2km to the west.

- 6.3 As mentioned at paragraph 4.3, Variation 1 to the PDP introduces a new MRZ and associated MDRS as required by the RMA-EHS. The new MRZ applies to that land in Lincoln detailed at paragraph 4.4, which includes existing GRZ in Lincoln and the PC69 area (discussed further below). The PDP Maps identify where the MRZ has immediate legal effect (MRZ(ILE)) as of 20 August 2022, and the areas where MRZ is subject to the Variation 1 process whereby Council must notify a decision by 20 August 2023.



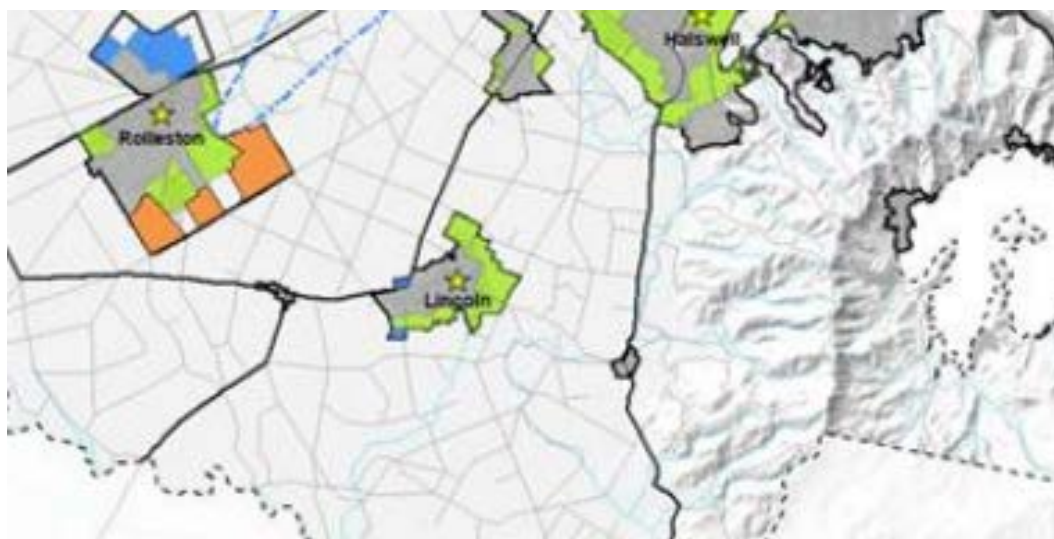
**Figure 2: PDP Variation 1 Zoning Map of the Lincoln Area.** Source: PDP Maps

- 6.4 The PC’s which have been through a public consultation process and have been decided by Council are proposed to be varied to align with the new MDRS. PC69 was approved on 8 June 2022 and hence is subject to a Council Variation. The decision to approve PC69 was appealed to the Environment Court on 4 August 2022 by Lincoln Voice Incorporated who oppose the decision in its entirety. The three key issues raised in the notice of appeal are the reliance on the NPS-UD to justify unplanned and non-integrated development, failure to give effect to the CRPS, and the loss of highly productive land.



**Figure 3: PC69 Area.** Source: Selwyn Plan Changes<sup>6</sup>

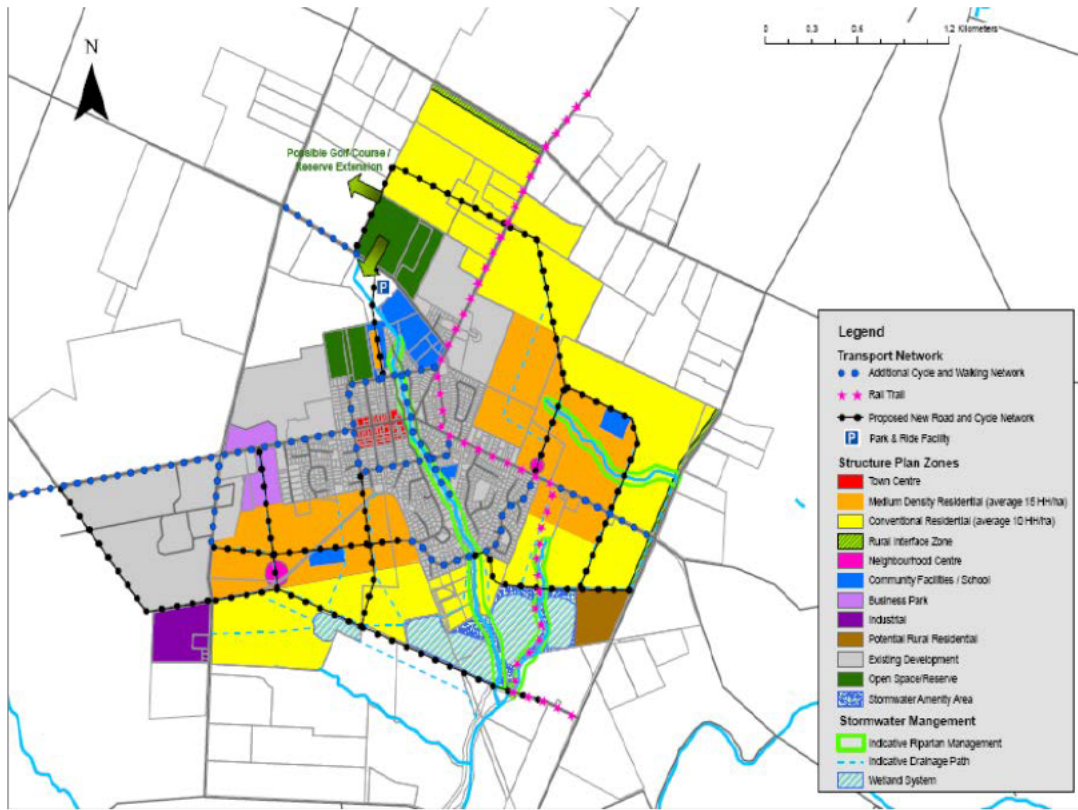
- 6.5 Canterbury Regional Policy Statement (CRPS) Map A shows the Greenfield Priority Areas - Residential (green) and Business (blue). No Future Development Areas (orange) have been identified for Lincoln.



**Figure 4: Map A.** Source: CRPS

- 6.6 The Lincoln Structure Plan (May 2008) is a high-level plan which provides an urban design vision for the Lincoln Township to 2041. The identified residential development area is more constrained than the PDP proposed MRZ, and does not include the PC69 area to the south and south-west of the township, or the LLRZ area to the south-west.

<sup>6</sup> <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes>



**Figure 5: Lincoln Structure Plan.** Source: Lincoln Structure Plan (May 2008)

6.7 The Rural Residential Strategy 2014 (RRS14) was developed to provide guidance and policy direction on how to best manage rural residential development (0.3ha to 2ha lots at an average density of 1-2 households per hectare). Four areas are identified within Lincoln as suitable for rural-residential development as follows:

Area	Legal Description (as per the RRS14)	Area (ha)	PDP Zoning
Area 10 - Verdeco	Pt Lot 1 & 2 DP 12928, Lot 2 DP 54824 and RS 39065	57.7 ha	LLRZ
Area 11 - Allendale Lane	Lots 120 and 121 DP 329124 and Lots 1-6 DP 371976	17.14ha	GRUZ, inside UGO
Area 12 - 828 Ellesmere Road	Part RS 10644	13.27ha	GRUZ, outside UGO
Area 13 - Moirs Lane	Lots 1-2 DP 445316	0.97ha	GRUZ, inside UGO



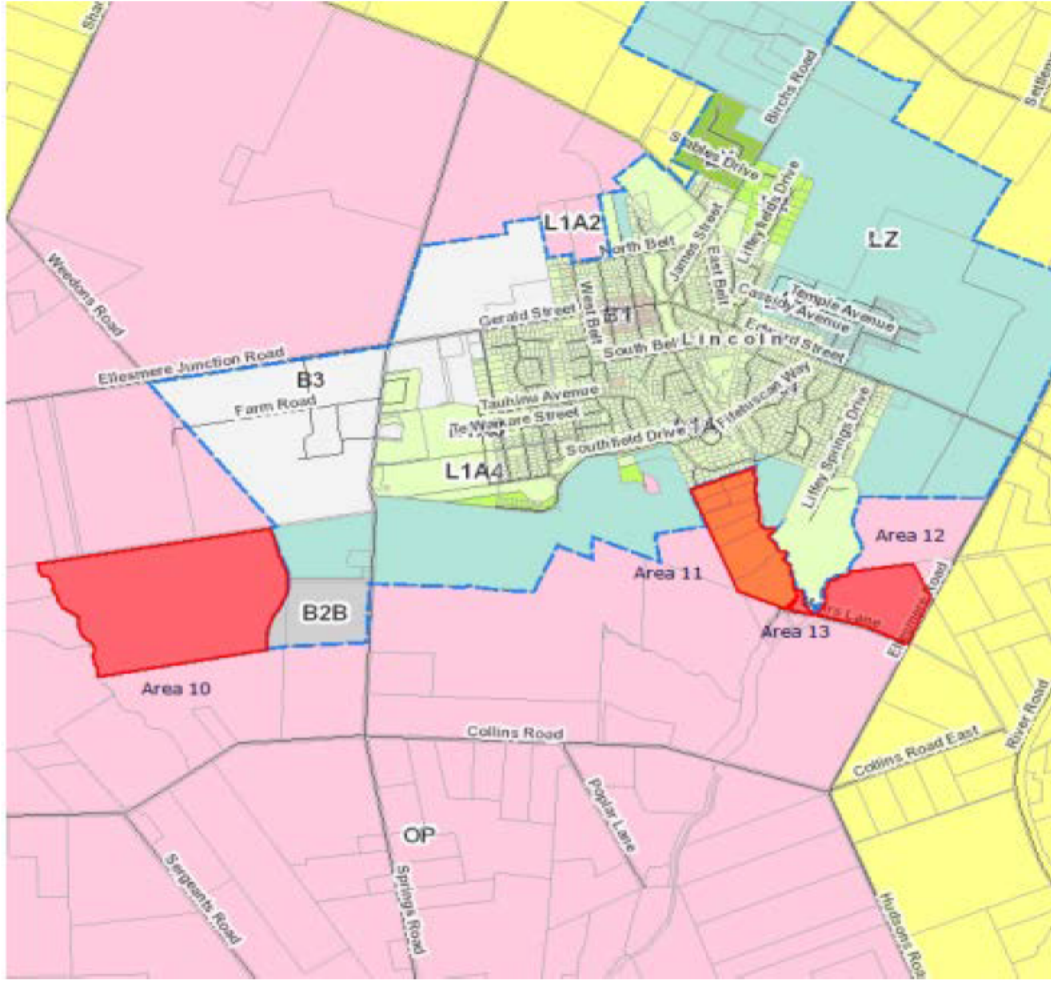


Figure 6: Lincoln - RRS14 Areas 10 to 13. Source: RRS14

6.8 Selwyn 2031 is a District Development Strategy which was developed to provide an overarching strategic framework for achieving sustainable growth across the district to 2031. Selwyn 2031 identified the need to rezone land in Lincoln (and Rolleston) to a new mixed density zone to accommodate 8,800 households and to amend the plan to provide for greenfield land ODP’s and zoning provisions for identified greenfield priority areas.

7 Rezone from GRZ to Recreational Amenities and Health Services

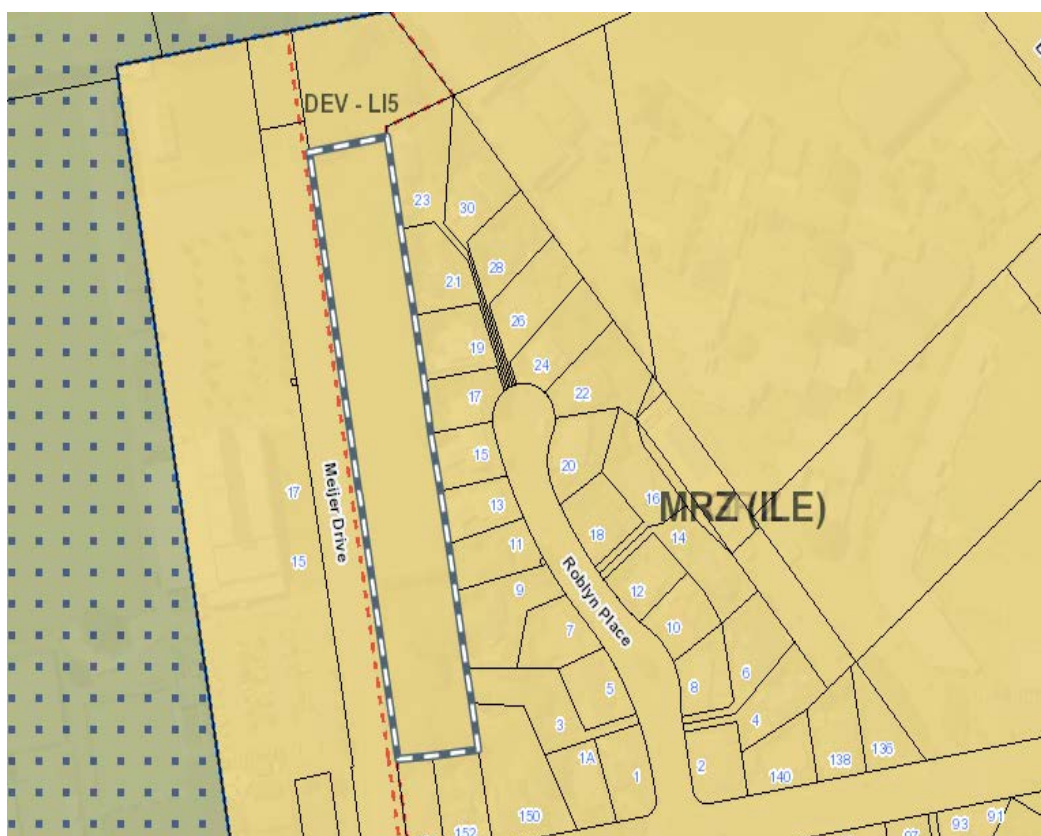
**Submissions**

7.1 Two submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0024	Heather Jonson	001	DEV L15	Oppose	Rezone DEV-LI5 from residential to recreational amenities.
DPR-0024	Heather Jonson	002	DEV L16	Oppose	Rezone DEV-LI6 from residential to provide for health and associated services.

### Analysis

- 7.2 Heather Jonson<sup>7</sup> seeks to rezone DEV-LI5 - Lincoln 5 Development Area from GRZ to recreational amenities. This area incorporates the balance of land not required for Local Purpose (Community and Recreation Facilities) Reserve as part of the designation for the Lincoln Events Centre (SDC-20). The land has an area of approximately 1ha and the PDP states that the area is proposed to be developed for medium density housing, consistent with the Lincoln Structure Plan. The PDP also states that due to the proximity of the Lincoln Recreation Reserve and the Lincoln Events Centre, the provision of separate open space is not warranted.
- 7.3 No submitter evidence has been provided in support of this submission point. Residential zoning is considered the most appropriate for this area consistent with the Lincoln Structure Plan and the PDP. Variation 1 to the PDP has superseded this submission point and the MRZ is now in immediate legal effect in the DEV-LI5 area. Therefore, I recommend that the submission point be rejected .



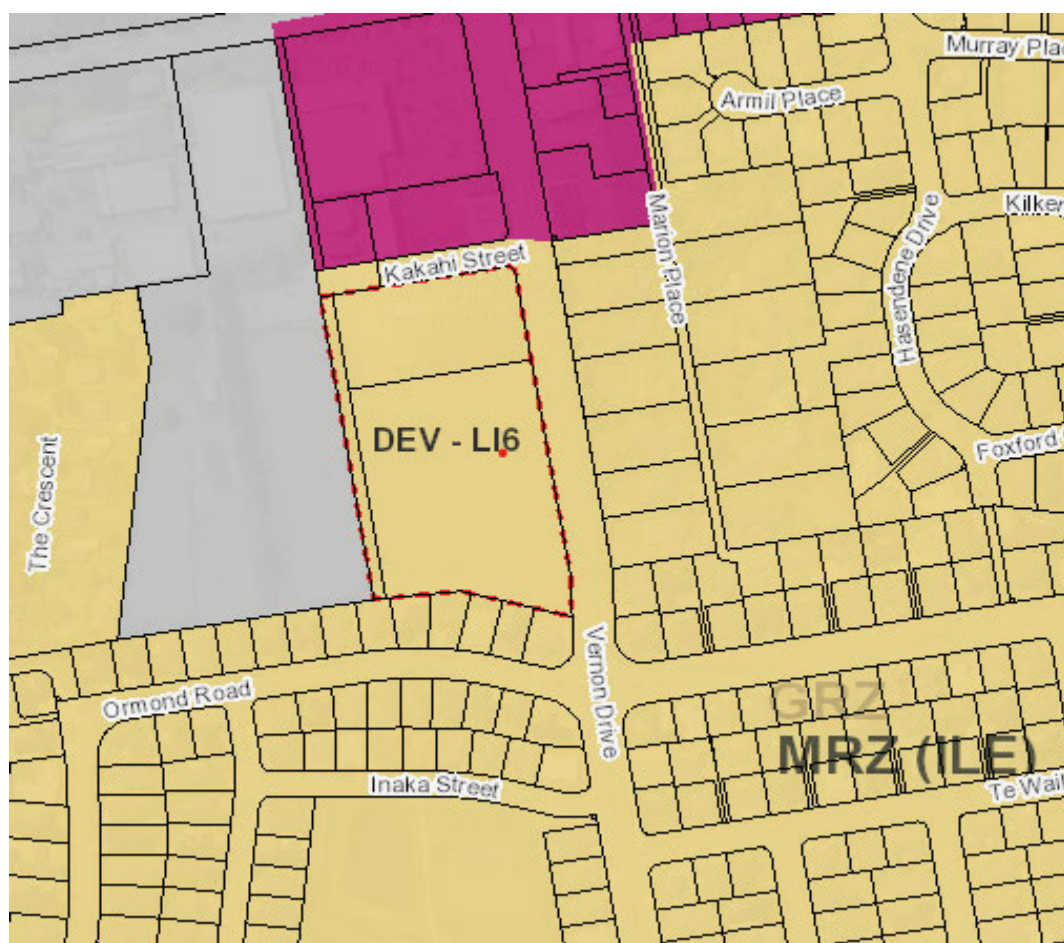
- 7.4 Heather Jonson<sup>8</sup> seeks to rezone DEV-LI6 - Lincoln 6 Development Area from GRZ to medical and associated services. This area is in close proximity to retail, the Town Centre and University and is recognised as suitable for higher density housing.
- 7.5 No submitter evidence has been provided in support of this submission point. It is of note that this area in part is subject to a submission from Broadfield Estates Limited<sup>9</sup> seeking to

<sup>7</sup> 0024.1-Heather Jonson

<sup>8</sup> 0024.2-Heather Jonson

<sup>9</sup> 0056.1 and 0056.2 Broadfield Estates Limited

amend the zoning at 12 Vernon Drive (Lot 1 DP 523433) which is the northern most lot fronting Kakahi Street from GRZ to TCZ, which is recommended to be accepted (refer to section 8 below for the relevant analysis of this submission). TCZ provides for community facilities (i.e. medical services) as a permitted activity and therefore Ms Jonson's relief is somewhat met in part in that there is the potential for medical and associated services to establish within this northern lot should the Broadfield submission be accepted. The remainder of the site (Lot 2 DP 523433) is proposed to remain as GRZ (which is now MRZ(ILE)) and resource consent has been granted to subdivide the site to create 41 comprehensive medium density lots (RC215006). Therefore, overall I recommend that the submission point be rejected on the basis of the recommendation in relation to DPR-0056, and given the recently approved subdivision consent aligns with MRZ which has immediate legal effect.



### **Recommendation**

- 7.6 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified and subject to the amendment recommended in section 8 below.
- 7.7 It is recommended that the submissions are rejected as shown in **Appendix 1**.
- 8 Amend from GRZ to TCZ at 12 Vernon Drive

### **Submissions**

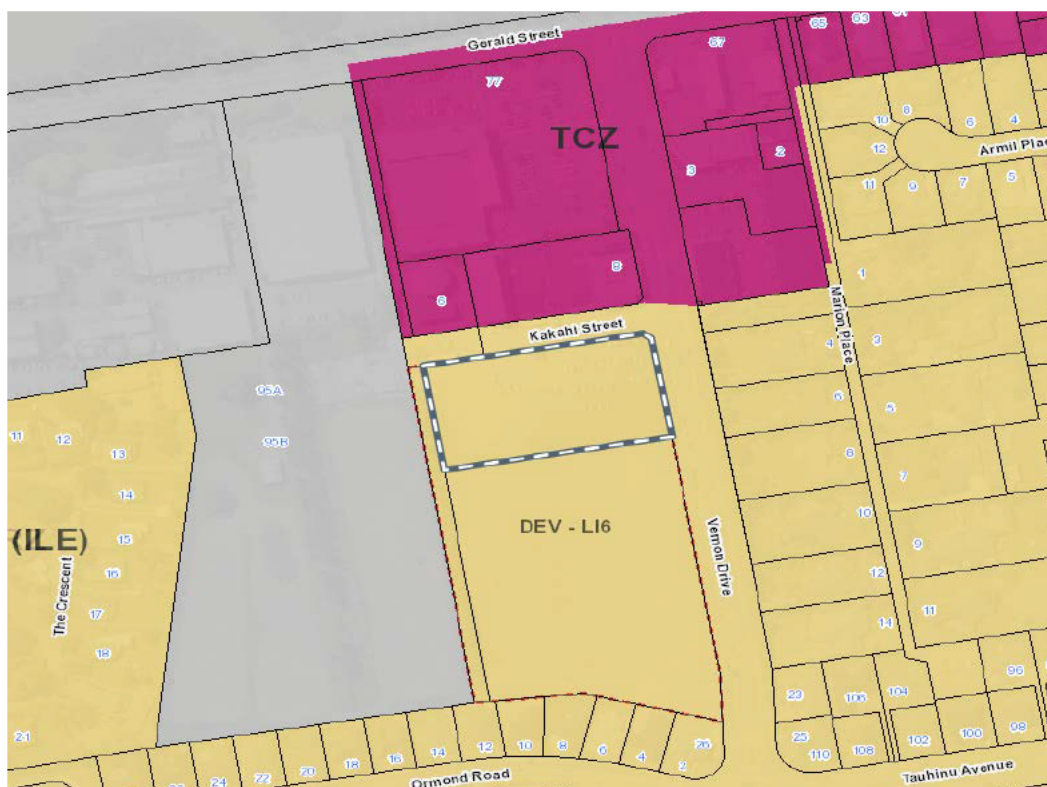


8.1 Two submissions points and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0056	Broadfield Estates Limited	001	Rezoning	Oppose	Amend zoning at 12 Vernon Drive, Lincoln (Lot 1 DP 523433) from GRZ to TCZ. Extend PREC5-Urban Fringe to include the subject property.
DPR-0056	Broadfield Estates Limited	002	DEV-L16	Oppose	Amend DEV-L16 provisions to: 1. exclude 12 Vernon Drive, Lincoln, comprising Lot 1 DP 523433; or 2. cater for the development of the subject property for commercial, visitor accommodation and/or purposes specified in the submission; or 3. delete the provisions relating to Lincoln 6 Development Area from the Plan.
DPR-0375	Waka Kotahi NZ Transport Agency	FS294	DEV	Oppose	The proposed Lincoln Development Area 6 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.

### Analysis

8.2 Broadfield Estates Limited<sup>10</sup> are seeking that the zoning at 12 Vernon Drive (Lot 1 DP 523433) be amended from GRZ to TCZ, and consequential amendments are made to exclude 12 Vernon Drive from DEV-LI6, and to include it in KAC PREC5. The site is now zoned MRZ(ILE) and is within DEV-LI6 in accordance with the PDP. The site has an area of 0.6 hectares and fronts Kakahi Street and Vernon Drive.



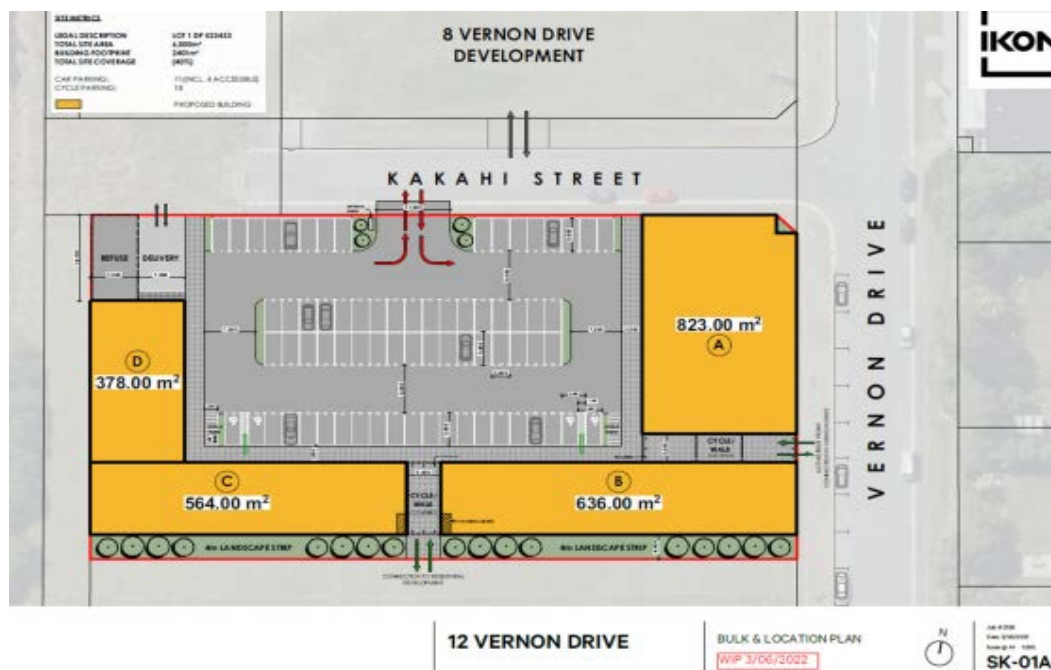
<sup>10</sup> 0056.1 and 0056.2-Broadfield Estates Limited



- 8.3 The site is located to the south of the existing Lincoln TCZ, which includes recently completed commercial development. The applicant applied for a resource consent to use the subject site for temporary car parking (RC205325), however the application was withdrawn. The site is currently being used for car parking and is void of any built development.
- 8.4 To the west is vacant KNOZ land which is owned by AgResearch. Existing residential development is located to the east on the opposite side of Vernon Drive. Resource consent was granted on 19 March 2021 to subdivide the adjoining site to the south (Lot 2 DP 523433), which is also within the DEV-LI6 area, to create 41 comprehensive medium density lots (RC215006). Copy of approved subdivision plan below.



- 8.5 The submitter has included an indicative development plan with their evidence to demonstrate potential development within the site, including built development totalling 2,401m<sup>2</sup> GFA which could be occupied by a range of permitted TCZ activities. Access is shown to both Vernon Drive and Kakahi Street, with internal car parking, and a 4m wide landscaping strip along the southern boundary adjacent to the recently approved residential subdivision to the south.



- 8.6 Submitter evidence has been provided in support of these submission points, which includes Transport, Economics and Planning evidence. The Transport and Economics evidence has been peer reviewed for Council.

#### *Transport*

- 8.7 Mr Nick Fuller, Senior Transport Engineer, Novo Group has produced transport evidence for the submitter. Mr Fuller considers that the transport effects can be further considered through the High Trip Generator (HTG) rule (TRAN-R8) of the PDP at the time of any resource consent application, and that an Integrated Transport Assessment (ITA) accompanying a resource consent application would likely also assess the Gerald Street/Vernon Drive intersection and the need for traffic signals. He also provides suggestions about pedestrian and cycle connectivity.
- 8.8 Mr Mat Collins, Transportation Planner and Engineer, Flow Transportation Specialists Ltd, has peer reviewed Mr Fuller's transport evidence on behalf of Council. Mr Collins notes that Vernon Drive is a collector road and Gerald Street to the north is an arterial road. He considers that applying TCZ to the site is likely to generate more peak hour vehicle movements compared with GRZ, but agrees that the transport effects could be considered further through the HTG rule in the PDP at the time of development, which may also include a requirement to signalise the Gerald Street/Vernon Drive intersection. Mr Collins also considers that the proposed changes to the KAC PREC5 ODP will ensure that the site will adequately respond to pedestrian and cyclist connectivity if the site is excluded from DEV-LI6. Mr Collins supports the rezoning request from a transport perspective.
- 8.9 I agree that TRAN-R8 in the PDP, once in legal effect, will enable assessment of the transport related effects of such a proposal by way of an ITA, as development of approximately 2,400m<sup>2</sup> would at least trigger a basic ITA if not a full ITA (depending on the activities proposed). It is anticipated that any rezoning and TRAN-R8 would have legal effect at the same time. The

s42a officer for the Transport Hearing recommends retention of TRAN-R8 and the associated policy (TRAN-P3) with some amendment. I also accept the advice of Mr Collins that the proposed changes to the KAC PREC5 ODP address pedestrian and cyclist connectivity. This would also be another matter considered by an ITA at the time of development.

#### *Economics*

- 8.10 Ms Natalie Hampson of Market Economics has produced economic evidence for the submitter. Ms Hampson considers that Lincoln is heading for a shortfall of TCZ capacity and that the TCZ is dominated by potential rather than actual vacant land where: redevelopment of existing buildings is required; demand for business land in Lincoln is growing strongly and the demand is not expected to be met due to the absence of readily available zoned greenfield land; and that 12 Vernon Drive is the only large vacant site adjoining the Lincoln KAC which will provide much needed development capacity.
- 8.11 Mr Derek Foy of Formative has peer reviewed Ms Hampson's economic evidence on behalf of Council. Mr Foy agrees 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. Mr Foy also considers that the loss in residential capacity is mitigated by residential activity being able to establish in a broader range of locations compared to TCZ, and that the strategic value of the site adjacent to existing TCZ activities outweighs the loss of residential zoned land. Mr Foy also refers to PC69 and the proposal for 2,000 residential sites, which is subject to Variation 1 and the proposed MRZ, which if approved will substantially increase the dwelling yield and mitigate the loss at this site. Mr Foy also agrees that the rezoning will provide greater functional and social amenity for the community, new business opportunity, and increased local employment. Mr Foy supports the rezoning request from an economics perspective. I rely on Mr Foy's economic peer review and conclusions.

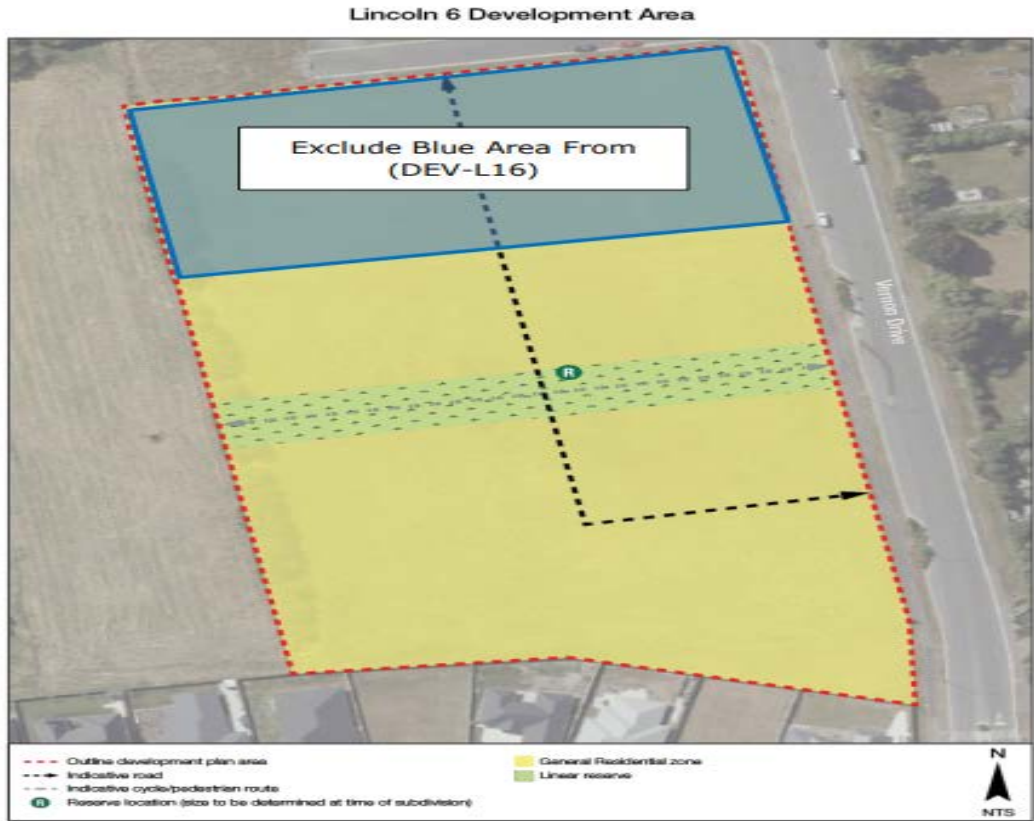
#### *Infrastructure*

- 8.12 Ms Clare Dale in her planning evidence for the applicant notes that 12 Vernon Drive is located within an existing urban area, that three waters connections are available, and that PC69 evidence showed there is additional capacity available. Given the urban location of the site near to existing commercial development and the PC69 evidence, infrastructure capacity is not expected to be of issue and can be specifically addressed at the time of any built development.

#### *DEV-LI6 and KAC PREC5 Changes*

- 8.13 If the site is rezoned it would need to be excluded from DEV-LI6 - Lincoln 6 Development Area as DEV-LI6 is related to residential development. The submitter proposes that KAC PREC5 - Lincoln Fringe be extended over the site instead. Removing the site from DEV-LI6 does sever the proposed road connection through the site to Kakahi Steet. To address this, Mr Fuller recommends that this becomes a pedestrian and cycle connection from the proposed residential area to the south and that a footpath is included along the Kakahi Street frontage, which Mr Collins supports. It is therefore recommended that the site be removed from DEV-

LI6 and that these changes be included within KAC PREC5 as indicated in the diagrams below. Amendments to the text in DEV-LI6 is also recommended to reflect the recommended changes and to omit detail that is not considered necessary.



**TCZ-PREC 4, 5: Lincoln Key Activity Centre (KAC) Precincts**







#### *Loss of residential zoned land*

8.14 Ms Dale in her planning evidence considers that based on medium density residential development the site could yield around 20 residential units conservatively and possibly up to 30 with consent. As the site is subject to Variation 1 and MRZ (ILE), the potential yield could be more than Ms Dale estimates across this 6,000m<sup>2</sup> site. However; based on the economic evidence, the loss of residential zoned land is considered to be mitigated by residential development capacity elsewhere, which will be increased by MRZ. It is also agreed that this site is strategically located adjacent to established TCZ, and based on the evidence of Ms Hampson, there is demand for such zoning. Ms Dale also notes that residential units are permitted in TCZ at first floor level and therefore it is viable that first and second floor apartments could potentially also offset the loss of residential zoned land. This is considered feasible, but less likely, and would undermine the commercial demand and capacity. PC69 is subject to appeal so cannot be relied on, but the MRZ which has immediate legal effect will assist with mitigating the loss.

#### *Residential Amenity/Zone Boundary Treatment and Reverse Sensitivity*

8.15 12 Vernon Drive adjoins a residential zoned area to the south and the area on the opposite eastern side of Vernon Drive is also zoned residential. It is agreed with Ms Dale that the TCZ provisions in the PDP address the residential interface, including: TCZ-P3; TCZ-REQ3 (height in relation to boundary), TCZ-REQ4 (setbacks) etc., in conjunction with the district-wide provisions which manage light, noise, signs, earthworks, and transport.

- 8.16 The land to the west is zoned KNOZ and is owned by AgResearch Limited. The proposed TCZ is considered to be aligned with KNOZ and it is of note that AgResearch Limited have not submitted in relation to this matter. Therefore, no interface or reverse sensitivity effects are anticipated.

*Rezoning Framework*

- 8.17 As set out in the Rezoning Framework Report, business land re-zoning requests are balanced against a business land framework. The evidence of Ms Dale assesses the proposal against this framework. I agree with that assessment and therefore the assessment has not been repeated in this report.

- 8.18 On the basis of the above assessment, I recommend that the submission points are accepted for the following reasons:

8.18.1 The transport effects can be considered further through TRAN-R8 of the PDP at the time of land use development, which may also include a requirement to signalise the Gerald Street/Vernon Drive intersection;

8.18.2 The proposed changes to the KAC PREC5 ODP will ensure pedestrian and cyclist connectivity;

8.18.3 There is very little vacant TCZ land available in Lincoln and the 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;

8.18.4 The rezoning will provide greater functional and social amenity for the community, new business opportunity, and increased local employment;

8.18.5 The loss in residential capacity is mitigated by residential activity being able to establish in a broader range of locations compared to TCZ, the proposed MRZ (ILE) providing additional capacity, and the strategic value of the site being located adjacent to existing TCZ activities outweighing the loss of residential zoned land;

8.18.6 The site is located within an existing urban area, three waters connections are available, and the PC69 evidence showed there is additional infrastructure capacity available;

8.18.7 Amenity effects can be managed by the TCZ provisions and no reverse sensitivity effects have been identified.

***Recommendations and amendments***

- 8.19 I recommend, for the reasons given above, that the Hearings Panel:

- 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 TCZ-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.
- 8.20 The amendments recommended to the planning maps, DEV-LI6, TCZ-PREC5, and the DEV-LI6-Lincoln 6 Development Area text are set out in a consolidated manner in **Appendix 2**.
- 8.21 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

#### ***Section 32AA evaluation***

- 8.22 The expert evidence of Broadfields Estates Limited is accompanied by a s32AA assessment in the evidence of Ms Dale that concludes that the TCZ is the most appropriate method for achieving the objective of the proposal, and that the benefits will outweigh any costs, and the rezoning is an appropriate, efficient and effective means of achieving the purpose of the RMA. Having reviewed this assessment in the context of the outcomes sought by the higher order directions, I agree with these conclusions and adopt the submitter's s32AA evaluation.

## 9 Rezone from 'High Density' to 'Normal' Housing Development

### ***Submissions***

- 9.1 One submission point and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0083	Neil Flux	001	High Density Housing in Lincoln	Oppose	Rezone this area as 'normal' housing development.

### ***Analysis***

- 9.2 Neil Flux<sup>11</sup> is opposed to high density housing in Lincoln as he considers Lincoln is losing its identity. Mr Flux moved from Rolleston as it has overcrowded housing and similar developments in Wigram and Halswell have flooded the market. The submission mentions particular concern with land in Vernon Drive being earmarked for such housing, and anywhere in Lincoln.
- 9.3 No submitter evidence has been provided in support of this submission point. MRZ is now in immediate legal effect in the Lincoln Township in place of GRZ, including Vernon Drive, as directed by the RMA-EHS and therefore Variation 1 has superseded this submission point. Therefore, I recommend that this submission point be rejected.

### ***Recommendation***

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<sup>11</sup> 0083.1-Neil Flux

9.4 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

9.5 It is recommended that the submission is rejected as shown in **Appendix 1**.

## 10 Amend from GRUZ to GIZ and GRZ

### **Submissions**

10.1 Two submissions points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	001	Map	Oppose	Amend zoning at: 1137 Springs Road (Lot 1 DP 335366) 1153 Springs Road (Lot 2 DP 335366) 1/1153 Springs Road (Lot 1 DP 67090) 2/1153 Springs Road (Lot 2 DP 70736) By deleting GRUZ and either: 1. Rezone this land General Residential and any neighbouring or other land as appropriate including for sound resource management reasons and as in the interest of the Submitters (including potential land to the north/northwest, to Tancreds Road); or 2. Rezone this land and other neighbouring or other land as appropriate Large Lot Residential (LLRZ) SCA1 - min lot size 1000sqm, average 2000sqm; or Large Lot Residential SCA2 - min lot size 3000sqm, average 5000sqm (less preferred); or 3. Rezone the land and any neighbouring or other land as appropriate, General Industrial, 4. Rezone the land and any other land as appropriate a mix of the above.
DPR-0032	Christchurch City Council	FS094	Rezoning	Oppose	Oppose submission
DPR-0213	New Zealand Institute for Plant and Food Research Limited (Plant and Food) & Landcare Research (Landcare)	FS006	Rezoning	Oppose	Reject the submission point
DPR-0342	AgResearch Limited	FS001	Rezoning	Oppose	Disallow in full
DPR-0446	Transpower New Zealand Limited	FS007	Rezoning	Neither Support Nor Oppose	If the submission is allowed, ensure that the site can be subdivided and developed in a manner that complies with the relevant rules and therefore avoids sensitive activities in the National Grid Yard and does not compromise the National Grid.
DPR-0496	BHL Trust	FS001	Rezoning	Oppose	Do not allow a link/connection through Barton Fields Subdivision through an existing residential section



					<i>which is being proposed. As it is a breach of the landowners covenant on this Lot.</i>
DPR-0499	Phillip Long	FS001	Rezoning	Support in part	<i>As my land borders housing now on 2 sides I'd like it to be rezoned for potential development as well.</i>
DPR-0501	Susan Hudson	FS001	Rezoning	Support	<i>Support in full</i>
DPR-0502	Jennifer McLaughlin	FS001	Rezoning	Support	<i>Allowed</i>
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	013	DEV-L18	Oppose	<i>Insert 'DEV-L18' as a development area. This plan to be provided before the hearing. This to include an amended DEV-L14 to make provisions for access to the west and an outline development plan for the existing Barton Fields subdivision which includes provision for access from Barton Fields, potentially via the undeveloped 4ha lot within Barton Fields.</i>
DPR-0375	Waka Kotahi NZ Transport Agency	FS295	DEV	Oppose in part	<i>The proposed Lincoln Development Area NEW should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

### Analysis

- 10.2 STF<sup>12</sup> originally sought to rezone 1137, 1153, 1/1153 and 2/1153 Springs Road from GRUZ to GRZ, or LLRZ, or GIZ, or any combination of these zones. The submission also mentions other potential neighbouring land being rezoned and the insertion of an ODP with the provision for access from Barton Fields subdivision.
- 10.3 The submitter's relief has since been refined and they now seek to rezone from GRUZ to GIZ west of the high voltage transmission lines, and from GRUZ to GRZ east of the transmission lines, and to also include four lots fronting Tancreds Road. A transmission corridor reserve with a minimum width of 12m is proposed along the alignment of the high voltage transmission line which traverses the site. Separate 'provisional' ODP's have been prepared for the proposed GIZ<sup>13</sup> and GRZ<sup>14</sup> zones, including an ODP narrative.
- 10.4 The subject site has a total area of approximately 37ha as detailed below. The submitter's planning evidence of 14 September 2022 states that approximately 19.8ha is proposed to be rezoned GIZ, and 15.75ha GRZ (which is a total area of 35.55ha and not 37 ha).<sup>15</sup>

Address	Legal Description	Site Area (ha)
1137 Springs Road	Lot 1 DP 335366	5.369
1153 Springs Road	Lot 1 DP 67090	4.954
1/1153 Springs Road	Lot 2 DP 335366	5.415
2/1153 Springs Road	Lot 2 DP 70736	5.085
Corner Springs/Tancreds Roads	Lot 4 DP 26847	4.1075
Tancreds Road	Lot 3 DP 26847	4.11

<sup>12</sup> 0136.001 and 0136.013- Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser (STF)

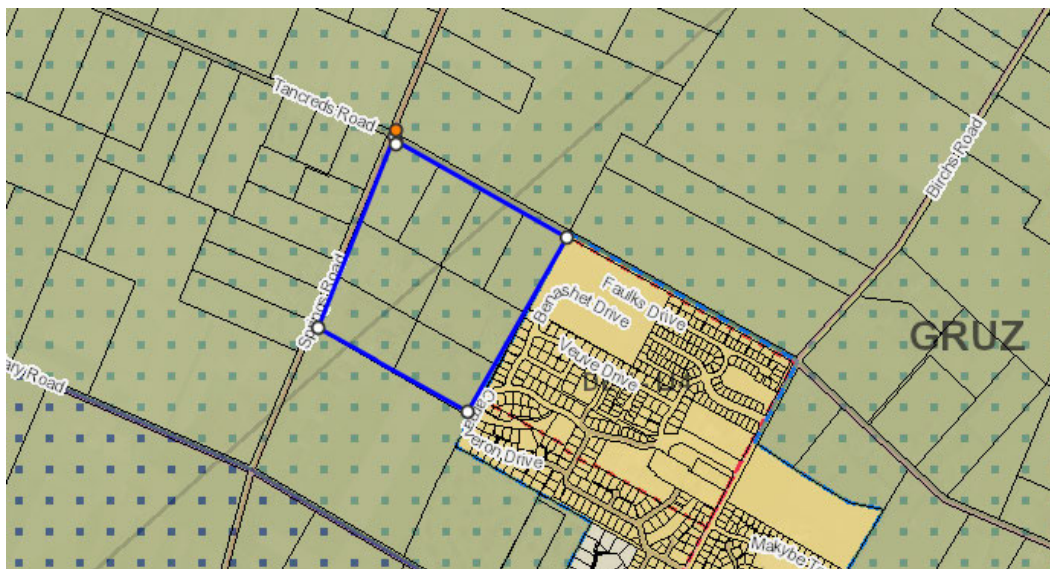
<sup>13</sup> [Proposed GIZ ODP](#)

<sup>14</sup> [Proposed GRZ ODP](#)

<sup>15</sup> The evidence across the submitters experts is inconsistent in terms of the land areas and the land area attributed to each zone.

Tancreds Road	Lot 2 DP 26847	4.1075
Tancreds Road	Lot 1 DP 26847	4.1088
<b>Total</b>		<b>37.2568</b>

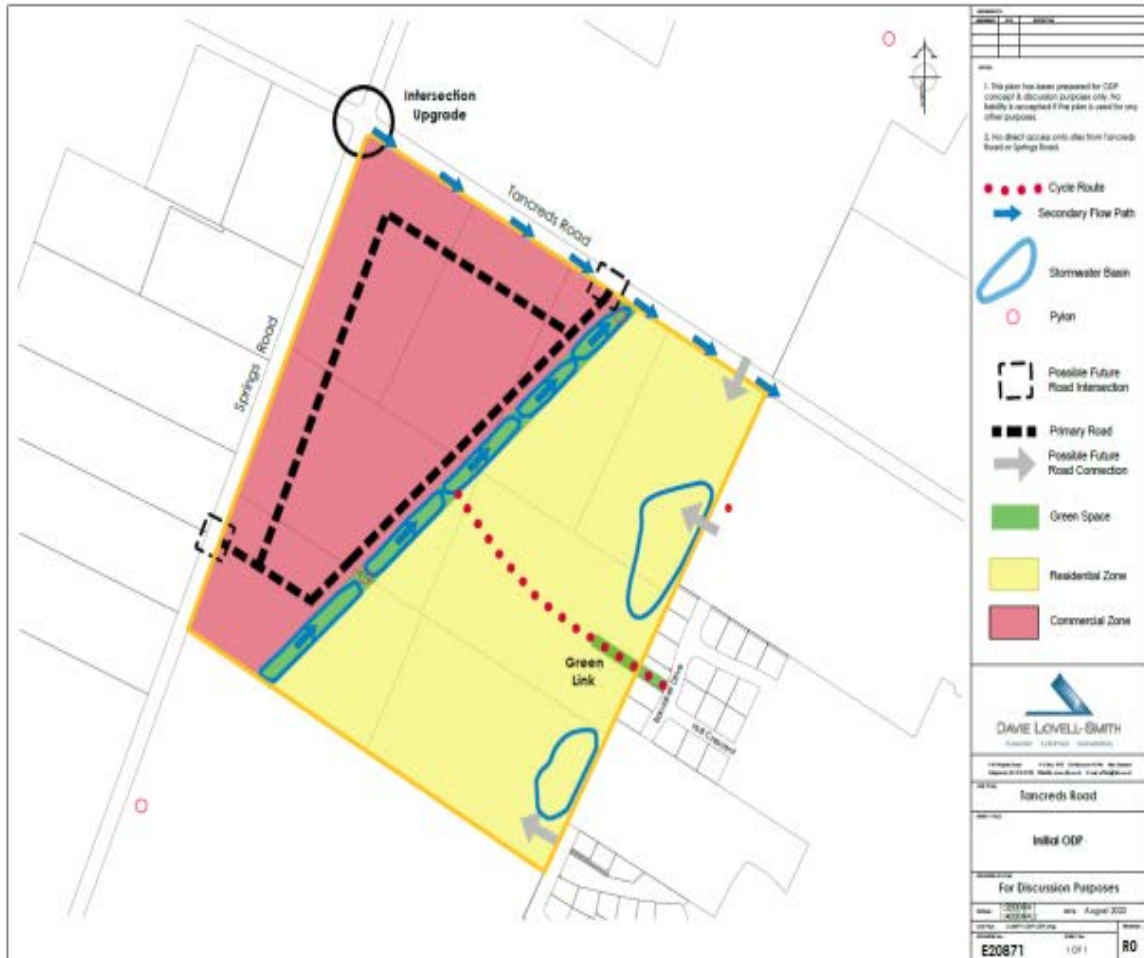
- 10.5 Under the PDP the site is zoned GRUZ and four lots are traversed by the Christchurch - Twizel A transmission line which runs diagonally through the subject site.



- 10.6 Submitter evidence has been received which includes Transport, Economics, Infrastructure, Geotechnical, Land Contamination, Versatile Soils, and Planning evidence. All of the technical submitter evidence has been peer reviewed by Council as it relates to GIZ, except for the Versatile Soils evidence as it was not anticipated to be submitted by the extended deadline of 14 September 2022 (refer to the procedural matters section of this report for further explanation). The peer reviews focused on the GIZ rezoning request only and not GRZ as GRZ is not a zone afforded by the RMA-EHS and planning analysis can address this component of the request.

#### *Transport*

- 10.7 Mr Chris Rossiter, Principal Transportation Engineer, Stantec, has produced transport evidence for the applicant, which includes an ITA. Mr Rossiter's assessment is based on the proposed GRZ enabling 300 households (average density of 15 households per ha) and the GIZ providing approximately 12ha of developable land. Access to the GRZ is proposed in three locations (grey arrows on the ODP below), and access to GIZ is proposed via both Springs Road and Tancreds Road. A Springs/Tancreds intersection upgrade is also proposed.



- 10.8 Mr Rossiter's analysis of the expected traffic generation and its distribution on the road network indicates that the rezoning would generate increases in traffic volumes on Springs Road between the proposed GIZ and Lincoln of up to 1,800 vehicles per day (vpd), and up to 1,500 vpd on Birchs Road south of Barton Fields Drive. Mr Rossiter considers that the resulting traffic volumes remain within the capacity of the two roads, but will contribute to an increase in delays at side roads.
- 10.9 Mr Rossiter considers that any increase in delays at intersections along Birchs Road are unlikely to be noticeable to drivers because of the urban environment and because peak hour volumes will remain relatively low. The greatest effect in his opinion will be at the Springs/Boundary Road intersection to the south, but also at the Springs/Tancred's Road intersection. The higher speed environment on this section of Springs Road means that there could be an increased incidence of injury crashes.
- 10.10 Mr Rossiter recommends the following mitigation measures:
- a reduction in the speed limit from 80 km/h to 50km/h on Springs Road, from north of Tancred's Road to Lincoln, to contribute to reducing the risk of injury crashes arising;
  - new accesses being formed on Tancred's and Springs Road;

- c. safety improvements at the Springs/Boundary Road and Springs/Tancreds Road intersections - roundabout or signalisation if sufficient road reserve is not available for a roundabout (at the Springs/Boundary Rd intersection).

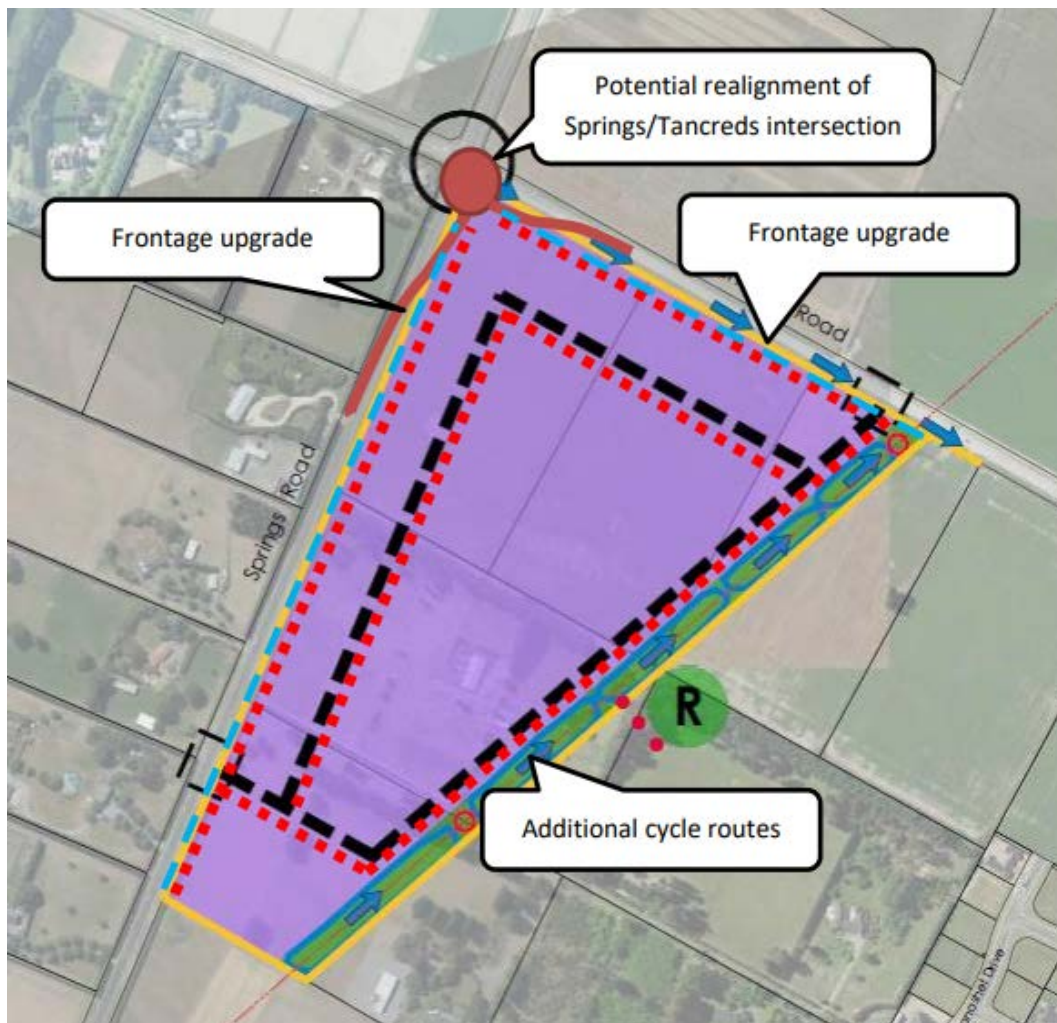
- 10.11 Mr Mat Collins, Flow Transportation, peer reviewed Mr Rossiter's transport evidence on behalf of Council. Mr Collins agrees that the proposed rezoning will likely lead to an increased incidence of crashes at the Springs/Tancreds and Springs/Boundary intersections if the current intersection forms are retained, and that they should be upgraded to roundabouts. Mr Rossiter's evidence notes that third party land would be required to construct a roundabout at the Springs/Boundary intersection, but that traffic signals could be constructed instead. Mr Collins does not support Mr Rossiter's view that these intersections could be upgraded to signalised intersections, as in Mr Collins's view, this would not be appropriate in terms of safety and legibility of the Springs Road corridor and it is unclear whether sufficient corridor width is even available.
- 10.12 Mr Collins considers the ODP could incorporate an upgrade to the Springs/Tancreds intersection by showing a realignment of the intersection within Lot 4 DP 26847, which is the Springs/Tancred corner lot which forms part of the subject site (owned by G & R Andrews). However; Ms Aston's evidence states that this landowner is not an active participant in the submission. Therefore, this land owner may not be willing to vest the additional land needed for a realigned intersection, and therefore the feasibility of such an upgrade at the Springs/Tancreds intersection is unconfirmed.
- 10.13 Mr Collins agrees with Mr Rossiter that a reduction in the speed limit along Springs Road would contribute to reducing the risk of injury crashes near the rezoned sites, however notes there is approximately 2km between the southern portion of the site frontage with Springs Road and the Lincoln township which is surrounded by GRUZ where the speed limit may be precluded from being reduced to 50 km/hr.
- 10.14 Mr Andrew Mazey, Council's Transportation Manager, was asked for comment on the feasibility of reducing the speed limit. Mr Mazey commented in email correspondence dated 29 November 2022 that *"Springs Road is an arterial road that connects Lincoln to Prebbleton and beyond to Christchurch. Until recent times it was 100 km/hr but was reduced to 80km/hr for safety benefits. Council has made the point previously when discussing the speed limits that it did not want to see travel times diminish further through lower speed limits on the rural sections of these main arterials like Springs and Shands Rd. While obviously speed limit reductions will generally support safety benefits, in this case a 50km/hr 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 needed to achieve this."* Mr Mazey also commented: *"I also note the discussion about the use of traffic signals. Traffic signals are an urban intersection solution where overall network and intersection approach speeds are lower. They are not for use in higher speed rural environments. So for the same reason a lower speed limit is not seen as viable, equally this then means neither are traffic signals. Should intersection upgrades be needed then roundabouts are the only option. This aligns*



*with the similar rural intersection upgrades Council has undertaken on Shands and Springs Rd using rural roundabouts that meet Waka Kotahi requirements.”*

10.15 Overall, Mr Collins does not support the rezoning request from a transport perspective based on uncertainty about the feasibility, timing, and responsibility for necessary intersection upgrades, and uncertainty about the feasibility of a reduction in the speed limit to address traffic safety effects. This view is supported by Mr Mazey’s comments about roundabouts being the only option (which have not been demonstrated as being feasible), and that it’s unlikely that a reduced speed limit of 50km/hr is feasible in this location.

10.16 However should the Panel support the rezoning, Mr Collins recommends that development be delayed until intersection upgrades are completed and support for lowered speed limits are legally established. He also suggests amendments to the proposed ODP to include frontage upgrades to Springs and Tancred Roads, and additional cycling routes within the ODP and along the site frontages (potential revisions to proposed ODP outlined below).



10.17 Based on the advice of Mr Collins and Mr Mazey regarding the unconfirmed feasibility of the proposed intersection upgrades (which would likely directly impact on Lot 4 DP 26847) and the likely impracticable reduction in the speed limit to 50km/hr on Springs Road, the proposed

rezoning cannot be supported from a transport perspective given the anticipated adverse traffic safety effects and lack of verified mitigation.

### *Economics*

- 10.18 The applicant has submitted economics evidence prepared by Mr Adam Thompson of Urban Economics Limited. Mr Thompson notes that Hornby and Rolleston are the main locations for regional, sub-regional and international industrial firms. Lincoln and Templeton both have small industrial areas of 11ha and 6ha respectively that are of a size to service the local market. Mr Thompson notes there is currently no activity occurring on the existing small GIZ area in Lincoln.
- 10.19 Based on 22.7ha of GIZ<sup>16</sup>, Mr Thompson calculates that Lincoln would have industrial land of 3.8ha per 1,000 population ratio, indicating it would be generally consistent with the normal size of a small industrial node. Mr Thompson considers that as at 2021 there is total demand for 13ha of industrial land in Lincoln, which is forecast to increase to 18ha by 2031. Mr Thompson therefore considers the proposal would ensure there is enough GIZ land available to meet demand in Lincoln over the short-term, which would result in a competitive land and development market.
- 10.20 Mr Thompson also considers the proposal would respond to the proposed rezoning of the existing GIZ in Lincoln to GRZ<sup>17</sup>, and ensure there is a sufficient quantity of industrial land available should the rezoning of the existing GIZ occur. He also considers the proposal would provide an efficient location for industrial businesses on the main entrance/exit road to Lincoln and that the location is more efficient than the existing GIZ.
- 10.21 Mr Thompson considers that the proposal has several significant economic benefits and only one minor economic cost (displacing a small amount of rural land which has limited productive potential) and recommends approval. While all of the proposed land could be rezoned for GIZ, in his view there are potential economic benefits from having a small residential buffer zone between the proposed GIZ and the existing residential zone to the east (now zoned MRZ(ILE)) to enable the developer to internalise and address any adverse amenity costs to future adjacent residents.
- 10.22 Mr Derek Foy of Formative has peer reviewed Mr Thompson's evidence on behalf of Council. Mr Foy accepts that Lincoln is currently not serviced by industrial activities in the town and that it would be efficient and appropriate to provide for some industrial zoned land in Lincoln for the community's needs. However, Mr Foy considers that the size of the Lincoln population is not an appropriate metric to use in isolation to assess demand for industrial land and that there is no evidential support to adopt the demand for 13ha of GIZ. Mr Foy considers that given the proximity to other GIZ land in Rolleston and Christchurch, and the non-local role of most industrial activity (most industrial activities such as warehouses, manufacturing, storage, transport depots etc. do not need to locate near a specific local population), that the demand would be much less than 13ha.

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<sup>16</sup> The submitters planning evidence refers to 19.8ha of GIZ

<sup>17</sup> This submission point (DPR-0352.1) is addressed in section 13 of this report

- 10.23 Mr Foy also notes that some of the activities identified in Mr Thompson's assessment are very space extensive activities that have established in an area because of the locational attributes of that place (i.e. proximity to rail and state highways), meaning the industrial zoned land per capita is of limited comparative relevance to Lincoln.
- 10.24 Mr Foy accepts that being on the Christchurch side of Lincoln and on a main road is efficient in terms of access, but there are other industrial areas in Rolleston and Christchurch that have better access, meaning Lincoln GIZ land is unlikely to play a major role in the wider sub-regional market.
- 10.25 Mr Foy also notes there is no assessment of the potential economic effects on the further submitters (Plant & Food and AgResearch). The agricultural research activities which directly adjoin and are immediately opposite the site are described as being time, labour, and capital intensive, with nationally significant implications, where interruption to those activities may have more than minor adverse economic effects.
- 10.26 No economic evidence is provided to support the request for residential activity and whether the site is needed to assist with growth. The significant residential capacity of the PC69 area will contribute to providing additional residential capacity in Lincoln, if approved
- 10.27 Overall, Mr Foy does not accept that the site is appropriate for industrial activity. I adopt the expert evidence of Mr Foy in this regard, and specifically note that the approximate 19ha of proposed GIZ is in significant excess of demand when combined with the existing GIZ. The rezoning request has been largely premised on the rezoning of the existing Lincoln GIZ land to GRZ being recommended. However the recommendation is to retain the existing GIZ at 1056 Springs Road (refer to section 13 of this report) which meets the estimated demand for GIZ in Lincoln.

#### *Infrastructure*

- 10.28 The applicant has submitted infrastructure evidence prepared by Mr Andrew Hall of Davie Lovell, which includes an Infrastructure Report dated September 2022.
- 10.29 With respect to stormwater Mr Hall notes that a portion of the site is underlain with deep gravels suitable for direct soakage of stormwater to ground, which is able to meet CRC discharge standards, but a discharge consent will be required. Over the remainder of the site there is a deep layer of silts that are not conducive to soakage. The stormwater from this area is proposed to be treated and then attenuated in stormwater management basins before being discharged to a waterway along Tancreds Road, or discharged via a 225mm pipe running through the adjacent urban area. Secondary flow over the site flows from the northwest and would be directed to Tancreds Road or the street and reserve network in the adjacent urban area. The stormwater management area proposed under the transmission line will act as a barrier for the residential area.
- 10.30 With respect to wastewater, a new pump station is proposed to be constructed at a suitable location to receive wastewater from a catchment that includes both the GIZ and GRZ. The

wastewater is proposed to be pumped to the existing SDC rising sewer on Springs Road and then to the Lincoln wastewater facility, before being pumped to the Pines Treatment Plant in Rolleston.

- 10.31 SDC has a water supply well close by in the Barton Fields development. Initial connection will be to the existing infrastructure. If additional water is required, then a new well would be installed as part of the development.
- 10.32 Mr Murray England, Asset Manager - Water Services, Selwyn District Council has peer reviewed the infrastructure related evidence. Mr England has commented that with respect to water capacity, upgrades are proposed to meet growth including additional water sources (bores), storage and pipeline infrastructure. The 2021 Long Term Plan includes budget for these planned capacity upgrades. To ensure growth is integrated with infrastructure, priority of water allocation needs to be given to those areas already zoned for development. As this area is outside of the UGO, consented water would need to be vested in Council. Mr England states *“there is potential for this zone change request which is outside of the Lincoln growth boundary to be recommended for decline due to water availability limitations.”* However, if CRC223745<sup>18</sup> is vested in Council, Mr England is satisfied that sufficient water could be made available to service this area.
- 10.33 Mr England also notes there is a water race flowing through and adjacent to the site. The Council water race closure process requires 80% of downstream users approval prior to consultation and the Council decision to close the race or otherwise. I note this matter has not been addressed in the submitter’s evidence. Mr England notes that the matter could be determined at the consent stage.
- 10.34 Mr England also notes that the discharge of stormwater to ground should be encouraged where appropriate. The closure of the water race would need to be approved prior to the water race pipeline being utilised for stormwater conveyance, and stormwater consent would be required from CRC. Overall Mr England considers there is a viable means to dispose of stormwater.
- 10.35 Mr England considers wastewater servicing is feasible and it would be subject to an engineering approval process.
- 10.36 Overall, potential water availability limitations have been identified and there could be issues with the closure of the water race and subsequent stormwater disposal; however on balance infrastructure provision is considered feasible. I adopt Mr England’s expert evidence in this regard.

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<sup>18</sup> CRC223745 is a consent held by Selwyn District Council to take and use groundwater from a new bore (BX23/1862) and three consented bores for community water supply in Lincoln.



### *Geotechnical*

- 10.37 The applicant has submitted geotechnical evidence prepared by Abilio Nogueira of KGA Geotechnical, which includes a Geotechnical Engineering Investigation Report. Mr Nogueira concludes that the site is suitable for the proposed rezoning in terms of geotechnical constraints and that identified geotechnical hazards *“can be managed using common engineering solutions”*.
- 10.38 Mr Ian McCahon, Geotech Consulting Ltd, peer reviewed Mr Nogueira’s evidence on behalf of Council. Mr McCahon considers that the report adequately characterises the geotechnical conditions and the extent of testing meets the recommendations of the Ministry of Business, Innovation and Employment (MBIE) Guidance for Plan Changes. Overall, Mr McCahon considers the evidence is sufficient to demonstrate that the proposed GIZ land is geotechnically suitable for development. I adopt Mr McCahon’s expert evidence in this regard.

### *Contaminated Land*

- 10.39 Ms Hollie Griffith, Momentum Environmental Ltd, has produced contaminated land evidence for the applicant, which includes a Preliminary Site Investigation (PSI) Report dated September 2022. Ms Griffith’s assessment has identified three areas where confirmed or likely Hazardous Activities and Industries List (HAIL) activities have been undertaken on the site where there may be a risk to human health from contaminated soils:
- a. Potential heavy metal contamination within burn areas at 1/1153 Springs Road (HAIL G5);
  - b. Potential heavy metal and/or asbestos contamination within a possible historical pit at 1137 Springs Road (HAIL G5);
  - c. Potential heavy metal and/or asbestos contamination associated with historical buildings at 1137 Springs Road (HAIL Class I).
- 10.40 A diesel aboveground storage tank identified on the site (HAIL A17) is considered highly unlikely to pose a risk to human health or the environment due to its modern era and no evidence of spills or leaks observed during the site inspection. The potential impacts of an on-site nut orchard have also been discounted due to the era of operation and knowledge of limited spraying occurring on the property. The potential risks associated with the migration of hazardous substances to the site from surrounding horticultural activities have also been discounted due to separation distances and dense shelterbelts present at the site.
- 10.41 Ms Griffith considers the identified HAIL activities/risks do not preclude eventual residential/commercial subdivision of the land and do not require any further investigation for the purposes of the rezoning request. Ms Griffith recommends that as each stage of the area is developed, the need for an updated PSI and/or site inspections should be considered, along with Detailed Site Investigations (DSI’s) on the identified risk areas prior to development occurring.

10.42 Rowan Freeman, Pattle Delamore peer reviewed Ms Griffiths evidence on behalf of Council. Mr Freeman agrees with the findings and conclusions of the PSI Report and with the statements of Ms Griffiths. It is also of note that resource consent would be required for any future change of use, subdivision and soil disturbance.

#### *Versatile Soils*

10.43 The applicant has submitted versatile soils evidence prepared by Mr Victor Mthamo, Reeftide Environmental and Projects Ltd. Refer to the Procedural Matters section of this report (section 5) for comment on the filing of this evidence and whether it is within scope. This evidence has been considered setting aside scope, however it has not been peer reviewed by an expert.

10.44 Mr Mthamo identifies that the site consists of LUC 1 and 3 soils, but in his opinion the use of LUC classes in defining soil versatility is only a first step, and where site specific information is available this should be taken into account. He states that this is confirmed by the proposed NPS-HPL<sup>19</sup> which recognises that the use of LUC classes is a starting point pending the availability of site-specific information when this becomes available from councils; and a High Court decision in *Canterbury Regional Council v Selwyn District Council* which recommended consideration of a wide range of factors beyond the LUC classification.

10.45 Mr Mthamo considers the effect of the proposed rezoning on the district and regional agricultural productivity potential is insignificant because:

- a. >53% of the site has potential wetness issues depending on the crops and may require mitigation (e.g. artificial drainage) as the soils are imperfectly drained;
- b. Stoniness is a significant issue on most of the site making it difficult to cultivate the land for productive purposes. For this reason the land is primarily suited or is used for light grazing;
- c. While there appears to be some irrigation water available, the consented rates may not be sufficient to ensure full productivity across the individual blocks making up the site;
- d. Statutory planning rules affect the use of nitrogen fertilisers to enhance productivity. Yield reductions as high as 50% are possible depending on the nitrogen reductions that might be required for the site.

10.46 Overall, Mr Mthamo considers drainage to be a major issue which makes the site soils less productive than assumed by the LUC classes. He also considers the reduction of highly productive land in the region and district would be 0.004% and 0.027% respectively, with a cumulative potential loss in productive soils in the district from 2018 to July 2022 (Plan Changes 49-82) to be 1.11% (based on the CRPS definition) or 0.73% (based on the proposed NPS-HPL definition).

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<sup>19</sup> The NPS-HPL was proposed and not in legal effect at the time of Mr Mthamo's evidence.

10.47 Mr Mthamo’s evidence was submitted prior to the NPS-HPL coming into legal effect on 17 October 2022. The NPS-HPL applies to the subject site GRUZ land and the site has LUC 1 and 3 soils. In the interim in the absence of any other mapping being available, the existing Canterbury Maps LUC soil information has been relied on. It has not been demonstrated in the evidence that the zoning is required to provide sufficient development capacity to meet demand for housing to give effect to the NPS-UD (3.6(1)(a)), or that there are no other reasonably practicable and feasible options for providing capacity (3.6(1)(b)). It has also not been shown that the benefits of rezoning outweigh the costs associated with the loss of highly productive land (3.6(1)(c)). Furthermore, the exemptions in the NPS-HPL (3.10) have not been specifically addressed, nor has the management of reverse sensitivity effects (3.13). In summary, it is considered that there has been insufficient assessment against the NPS-HPL to conclude that the proposed development is not inconsistent with the NPS-HPL.



#### *Reverse Sensitivity*

10.48 Plant & Food<sup>20</sup> are a further submitter and oppose the rezoning request as they have significant assets and operational interests in land at Lincoln, including the ‘Smith’s Block’ immediately adjoining the subject site to the south. Plant & Food undertake research activities of local, regional and national importance related to the sustainable production of high quality produce within the Smiths Block, and the farm is critical to ongoing operations. Plant & Food’s land holdings are shown with a green border (copied from their further submission).

<sup>20</sup>213.FS006 Plant & Food



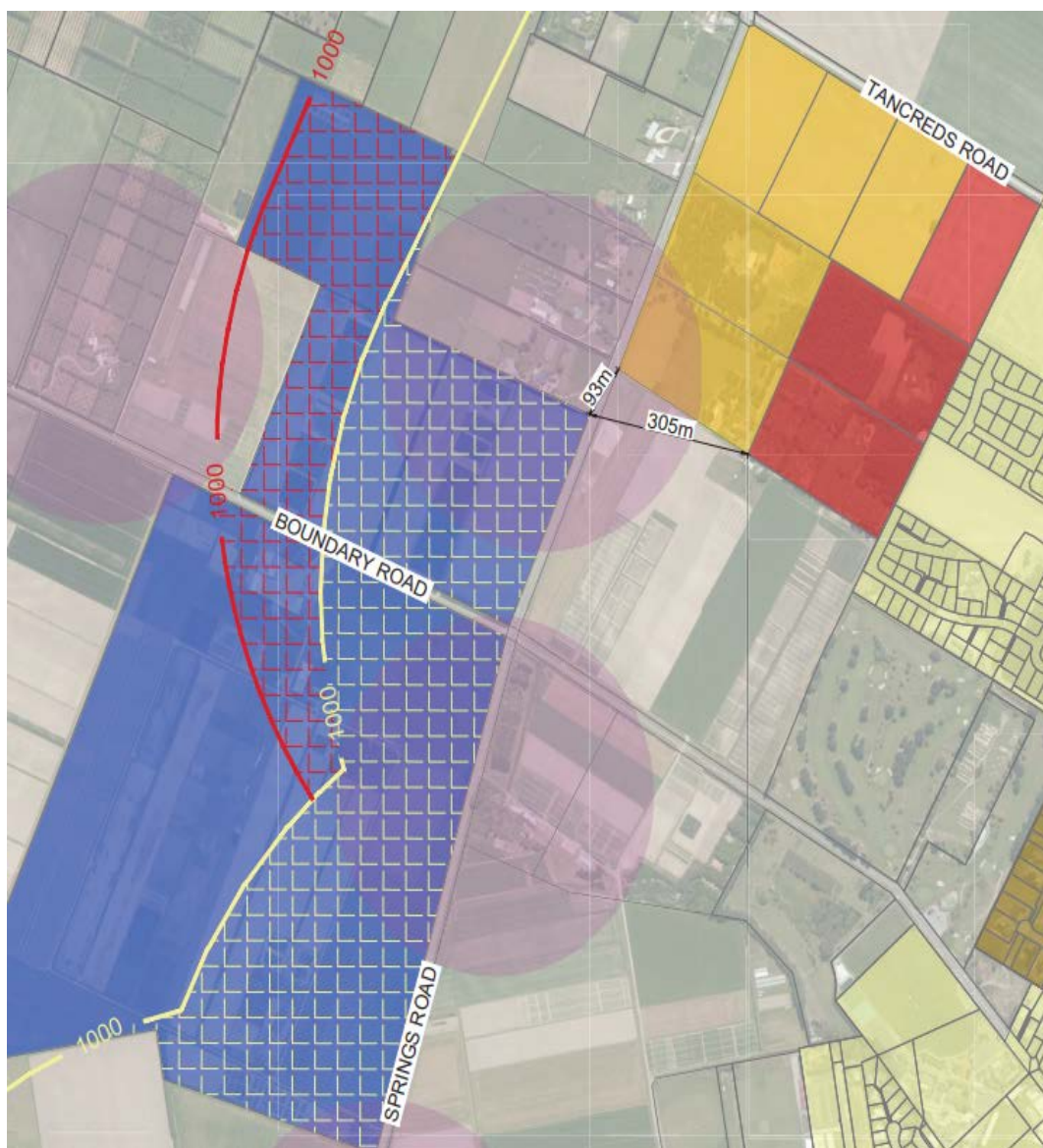
10.49 Plant & Food consider their operations are not 'standard' farm practices as stated by Ms Aston, and that the proposed rezoning will result in reverse sensitivity effects that are not able to be appropriately mitigated. Security is also of high concern where incompatible activities adjoin their research farms. Plant & Food state that they already field complaints about their operations even when in the GRUZ, and in their opinion the proposed rezoning will exacerbate such issues and impact on future approvals.

10.50 Plant & Food also note that: the subject site is located outside of the greenfield priority areas identified on Map A, as well as the UGO; the requested rezoning is inconsistent with the Business and Greenfield Frameworks and the objectives and policies of the PDP; and in their view, the costs outweigh the benefits.

10.51 AgResearch<sup>21</sup> is also a further submitter in opposition where the primary concern is reverse sensitivity effects. AgResearch has significant assets and operational interests in Selwyn including a 101.5ha Research Farm to the west, a minimum of 93m from the subject site. AgResearch's purpose is to use science to enhance the value, productivity, and profitability of New Zealand's pastoral, agri-food and agri-technology sector value chains to contribute to economic growth and beneficial environmental and social outcomes for New Zealand. The AgResearch Farm is shown in blue on the figure below in relation to the subject site shown in yellow and red (copied from the AgResearch evidence).

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<sup>21</sup>342.FS001 AgResearch



10.52 AgResearch estimate that approximately 47% of the farm is currently affected by the PDP 1,000m permitted setback rule for 'intensive primary production' activities in relation to any Residential Zone (GRUZ-REQ8) and the Canterbury Air Regional Plan 1,000m setback requirements, which would increase to 67% if the rezoning is approved. AgResearch consider that Ms Aston has not adequately assessed the potential reverse sensitivity effects on potential or anticipated activities at the Lincoln Research Farm contrary to the Greenfield Framework. They also consider that the proposal is inconsistent with the CRPS (Policies 6.3.1, 6.3.9), the UDS (6.17.3, 6.19.3, 6.25.3), Selwyn 2031, and the Lincoln Structure Plan.

10.53 I agree that reverse sensitivity effects have not been adequately assessed in the STF evidence and that there is the potential for more than minor reverse sensitivity effects with respect to both Plant & Food and AgResearch's established operations given the close proximity to both established operations and the nature of these activities. However; I do question whether the AgResearch operations would be defined as 'intensive primary production' and whether GRUZ-R18 and GRUZ-REQ8 which applies a 1km setback from a residential zone would apply

as detailed by AgResearch. It is considered that their operations would better fit the definition of ‘research activity’ which is permitted in accordance with GRUZ-R13 subject to GRUZ-REQ6 Hours of Operation only. Regardless, reverse sensitivity effects have not been fully assessed in the STF evidence.

#### *Access to Barton Fields*

10.54 The existing Barton Fields ODP (DEV-L14) does not include any connection from Barton Fields to the subject site (as the subject site is zoned GRUZ where residential development was not envisaged at the time of the Barton Fields development). The STF submission seeks amendment to the Barton Fields ODP to connect Barton Fields with the proposed residential zoning within the subject site.

10.55 BHL<sup>22</sup> are a further submitter in opposition who oppose any link or connection through the Barton Fields subdivision via the lots identified in the submission, or any others, as it is a breach of the land owners covenants. The further submission also states that a future link was not identified on the Barton Fields subdivision plans.

10.56 Ms Aston’s evidence dated 1 August 2022 states that 15 Benashet Drive provides a potential access link as this lot is owned by one of the submitters (the Stewart’s); however, that the proposed development is not dependent on securing access to Barton Fields. Ms Aston has provided a copy of the covenant pertaining to Lots 9 to 34 DP 537457 of the Barton Fields subdivision (attached as Appendix D to her evidence), and states that there is no covenant restricting an access link. This appears to be the case from reviewing the covenant, but it is also of note that Ms Aston has confirmed that future development is not dependent on such a link. Therefore, it is recommended that no such amendment be made to the ODP to provide for such a link, and based on the other issues identified with the proposed rezoning. However, should the Panel recommend that the subject site be rezoned, this is a matter that would need to be revisited and considered further.

#### *Rezoning Framework*

10.57 As set out in the Rezoning Framework Report, for rezoning requests outside of the UGO the first test is whether the proposal meets the NPS-UD Policy 8 significance criteria including: it contributes to a well-functioning urban environment; and is well connected along transport corridors. Well-functioning urban environment is defined as Policy 1 of the NPS-UD which outlines 6 factors (minimum). ‘Well-connected along transport corridors’ is not defined within the NPS-UD.

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<sup>22</sup>496.FS001 BHL



### Policy 8 Criteria

Criteria	The request, at a minimum:
Has a variety of homes that meet the needs in terms of type, price, and location	<ul style="list-style-type: none"> <li>• Demonstrates a range of typologies and site sizes or outlines why this is not appropriate.</li> <li>• Outlines the demographic need that is supported.</li> </ul>
If applicable, enables Māori to express their cultural traditions and norms	<ul style="list-style-type: none"> <li>• Outlines the cultural tradition and norms that is supported.</li> </ul>
Has a variety of sites that are suitable for different business sectors in terms of location and site size	<ul style="list-style-type: none"> <li>• Demonstrates where business locations and sizes are provided or outlines why this is not appropriate.</li> </ul>
Has good accessibility for all people between housing, jobs, community services, natural and open spaces, including by public or active transport	<ul style="list-style-type: none"> <li>• Demonstrates how it connects to current or planned or will support future public transport systems.</li> <li>• Demonstrates how it provides for active transport accessibility.</li> <li>• Demonstrates how it links to jobs, open spaces, and community services.</li> </ul>
Supports the competitive operation of land and development markets	<ul style="list-style-type: none"> <li>• Outlines how this supports competition.</li> </ul>
Supports the reduction in greenhouse gas emissions	<ul style="list-style-type: none"> <li>• Demonstrates how greenhouse gas emissions will be reduced.</li> </ul>
Resilient to likely current and future effects of climate change	<ul style="list-style-type: none"> <li>• Demonstrates what natural hazards it avoids or mitigates.</li> <li>• Outlines how it improves resilience.</li> </ul>
Well-connected along transport corridors	<ul style="list-style-type: none"> <li>• Demonstrates how it is connected to key strategic transport routes.</li> </ul>

10.58 Ms Aston has not addressed the Policy 8 significance criteria. A key issue identified in the peer review is that the proposed site access is anticipated to result in adverse traffic safety effects which are not able to be appropriately mitigated. Accordingly the site cannot be described as being 'well-connected' along transport corridors and therefore is arguably inconsistent with Policy 8.

10.59 The request also needs to be balanced against the Greenfield and Business Frameworks. An assessment against these frameworks is addressed in Ms Aston's evidence, however I do not fully agree with this assessment and therefore I have not relied on it and have undertaken an assessment below.

### Greenfield Framework

Criteria	Assessment:
<b>Does it maintain a consolidated and compact urban form?</b>	The rezoning would extend the urban form by extending beyond the township boundary to the west of Barton Fields.

<b>Does it support the township network?</b>	It has not been demonstrated that there is demand for additional residential land and which supports the township network.
<b>If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?</b>	The site is not within the UGO.
<b>Does not effect the safe, efficient, and effective functioning of the strategic transport network?</b>	The transport peer review has identified traffic safety effects with respect to the strategic transport network which have not been appropriately mitigated.
<b>Does not foreclose opportunity of planned strategic transport requirements?</b>	Potential speed limit reductions on Springs Road to facilitate the development are considered likely to be impracticable.
<b>Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or Area of Significance to Māori?</b>	The site is outside of these areas.
<b>Does not locate noise sensitive activities within the 50 db Ldn Air Noise Contours</b>	The site is outside of the 50 dB Air Noise Contour relevant to Christchurch International Airport.
<b>The loss of highly productive land</b>	The site has LUC 1 and 3 soils and will result in a loss of highly productive land, which the applicant argues is not as productive as the land class would indicate. However, the assessment against the NPS-HPL is considered insufficient to draw this conclusion.
<b>Achieves the built form and amenity values of the zone sought</b>	This can be achieved through an ODP.
<b>Protects any heritage site and setting, and notable tree within the re-zoning area</b>	No heritage features or notable trees identified.
<b>Preserves the rural amenity at the interface through landscape, density, or other development controls</b>	The site directly adjoins a Plant & Food Farm and is near to an AgResearch Farm where reverse sensitivity could be an issue that is not able to be mitigated.
<b>Does not significantly impact existing or anticipated adjoining rural, dairy processing, industrial, inland port, or knowledge zones</b>	The site directly adjoins a Plant & Food Farm and is near to an AgResearch Farm where reverse sensitivity could be an issue that is not able to be mitigated.
<b>Does not significantly impact the operation of important infrastructure, including strategic transport network</b>	No important infrastructure is identified, however the site directly adjoins Springs Road which is an arterial road and part of the strategic transport network. The Transport peer review has identified significant safety concerns associated with the strategic transport network.



<b>How it aligns with existing or planned infrastructure, including public transport services, and connecting with water, wastewater, and stormwater networks where available</b>	Water provision and the closure of the water race could be a limitation; however this could potentially be overcome.
<b>Ensuring waste collection and disposal services are available or planned</b>	Could feasibly be provided.
<b>Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services</b>	Connectivity can be achieved with additional linkages.
<b>Promotes walking, cycling and public transport access</b>	Walking and cycling can be promoted with additional linkages. Bus services are available.
<b>The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha</b>	A minimum density of 15hh/ha is proposed.
<b>The request proposes a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district</b>	The proposed zoning can accommodate a range of housing types, sizes and densities.
<b>An ODP is prepared</b>	An ODP has been prepared.

### Business Framework

<b>Criteria</b>	<b>Assessment:</b>
<b>Provides a diverse range of services and opportunities.</b>	The economic peer review has concluded that there is not the demand for the amount of GIZ land proposed. There is also 12ha of GIZ land already available in Lincoln, which is not recommended to be rezoned residential.
<b>The request responds to the demographic changes and social and affordable needs of the district.</b>	The economic peer review concludes that the proposed GIZ land is not needed.
<b>Provides for the needs of the catchment that the activities serves</b>	The economic peer review concludes that the proposed GIZ land is not needed.
<b>Is consistent with the Activity Centre Network.</b>	The economic peer review concludes that the proposed GIZ land is not needed and is therefore inconsistent with the existing Activity Centre Network.
<b>The location, dimensions, and characteristics of the land are appropriate to support activities sought in the zone.</b>	The land is not appropriately located due to traffic safety, economic, and reverse sensitivity effects.
<b>An ODP is prepared.</b>	An ODP has been prepared.
<b>Does not effect the safe, efficient, and effective functioning of the strategic transport network?</b>	The transport peer review has identified traffic safety issues with respect to the strategic transport network.

<b>Achieves the built form and amenity values of the zone sought</b>	This can be achieved through an ODP.
<b>Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services</b>	Connectivity can be achieved with additional linkages.
<b>Promotes walking, cycling and public transport access</b>	Walking and cycling can be promoted with additional linkages.
<b>Does it maintain a consolidated and compact urban form?</b>	The rezoning would extend the urban form by extending beyond the township boundary to the west of Barton Fields and the proposed GIZ would introduce additional GIZ land further removed from the Lincoln township.
<b>Is not completely located in an identified High Hazard Area, Outstanding Natural Landscape, Visual Amenity Landscape, Significant Natural Area, or a Site or Area of Significance to Māori?</b>	The site is outside of these areas.
<b>The loss of highly productive land</b>	The site has LUC 1 and 3 soils and will result in a loss of highly productive land, which the applicant argues is not as productive as the land class would indicate. However, the assessment against the NPS-HPL is considered insufficient to draw this conclusion.
<b>Preserves the rural amenity at the interface through landscape, density, or other development controls</b>	The site directly adjoins a Plant & Food Farm and is near to an AgResearch Farm where reverse sensitivity could be an issue that is not able to be mitigated. .

10.60 On the basis of the above assessment I recommend that the submission points be rejected for the following reasons:

10.60.1 The adverse traffic safety effects, which have not been demonstrated as being practicable to mitigate;

10.60.2 The adverse economic effects including: a lack of evidential basis to support the demand for 13 ha of GIZ or the need for additional residential development to assist with growth; other industrial areas have better access meaning the site is unlikely to play a major role in the wider sub-regional market; and the potential economic impact on the neighbouring agricultural research activities;

10.60.3 The impact on LUC 1 and 3 soils and the insufficient assessment against the NPS-HPL;

10.60.4 Potential reverse sensitivity effects with respect to the Plant & Food and AgResearch Farms and their operations, which have not been demonstrated as being able to be appropriately mitigated;

10.60.5 Inconsistency with the NPS-UD Policy 8 significance criteria and with the Greenfield and Business Frameworks in several respects.

**Recommendation**

10.61 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

10.62 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 11 Zoning around Lincoln Township

**Submissions**

11.1 One submission point and two further submission points were received in relation to this subtopic.

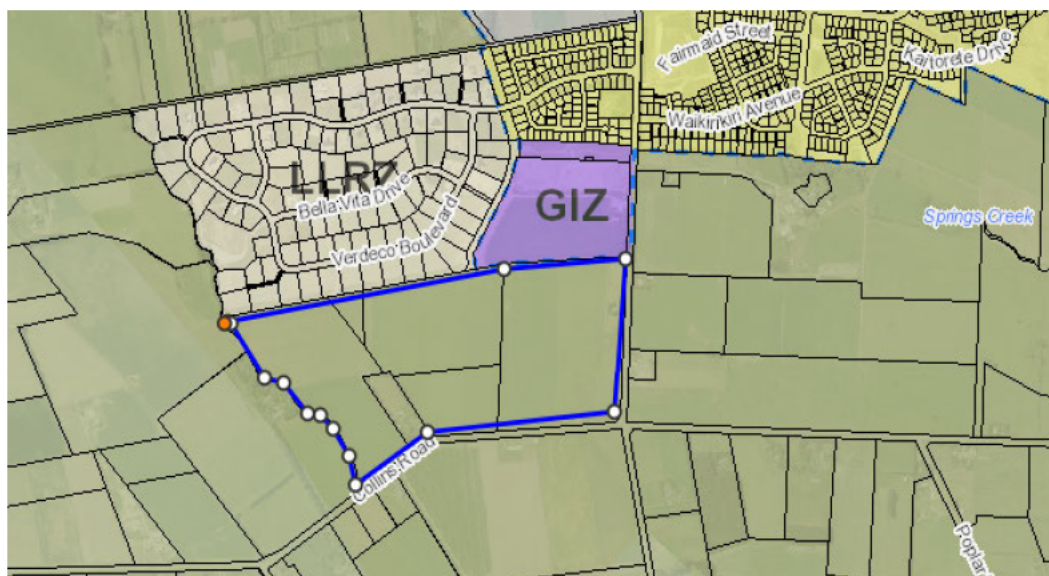
Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0150	Barry Moir	002	Oppose in Part	Request that Council consider the Lincoln boundary as suitable for residential or large lot residential zoning and that land down to Collins Road be considered as industrial, if not rural residential.
DPR-0032	Christchurch City Council	FS097	Oppose	Oppose submission.
DPR-0209	Manmeet Singh	FS074	Support in Part	Accept submissions in part

**Analysis**

11.2 Barry Moir<sup>23</sup> considers that historical land use has changed and pressure from township growth has made traditional uses more difficult to sustain, exacerbated by compliance issues. Mr Moir requests that Council consider the Lincoln boundary as suitable for GRZ or LLRZ, and that land down to Collins Road be considered as GIZ, if not rural residential. The area marked below is assumed to be the area Mr Moir is referring to.

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<sup>23</sup> 0150.2-Barry Moir



11.3 The Lincoln boundary has been identified as suitable for MRZ or LLRZ as is reflected in the current zoning. There is also an area of LLRZ to the south-west outside of the township boundary. Further GIZ or LLRZ land in the vicinity of Collins Road has not been justified by evidence, is outside of the UGO, and has not been identified in the RRS14 as suitable for rural residential development. Variation 1 to the PDP has also superseded this submission point and the MRZ is now in immediate legal effect in the township. Therefore, I recommend that the submission point be rejected.

#### **Recommendation**

11.4 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

11.5 It is recommended that the submission is rejected as shown in **Appendix 1**.

## 12 Amend from GRUZ to GRZ

#### **Submissions**

12.1 Seventeen submissions points and fifty one further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0163	Mikyung Jang	001	Urban Growth Overlay	Support	Amend GRUZ at 33 Allendale Lane (Lot 121 DP 329124 BLK V Halswell SD), Lincoln to a residential category with alternative access to Allendale Lane.
DPR-0032	Christchurch City Council	FS101	Rezoning	Oppose	Oppose submission
DPR-0209	Manmeet Singh	FS075	Rezoning	Support	Accept the submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS303	Rezoning	Support	Adopt



DPR-0392	CSI Property Limited	FS023	Rezoning	Oppose	Reject
DPR-0164	Inwha Jung	001	Urban Growth Overlay	Support	Amend GRUZ at 33 Allendale Lane, Lincoln to a residential category with alternative access to Allendale Lane.
DPR-0032	Christchurch City Council	FS102	Rezoning	Oppose	Oppose submission
DPR-0209	Manmeet Singh	FS077	Rezoning	Support	Accept the submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS302	Rezoning	Support	Adopt
DPR-0392	CSI Property Limited	FS022	Rezoning	Oppose	Reject
DPR-0176	Brent Macaulay & Becky Reid	001		Oppose	Rezone the 33.7ha site comprising the land parcels legally described below General Residential, and any neighbouring or other land as appropriate including for sound resource management reasons and as is in the interests of the submitter: Lot 2 DP 323286 Lot 1 DP 323286 Lot 3 DP 33959 Lot 4 DP 26021 Lot 3 DP 26021
DPR-0032	Christchurch City Council	FS104	Rezoning	Oppose	Oppose submission
DPR-0246	Craig Robertson	FS002	Rezoning	Support in Part	Support the submission subject to the rezoning proposal providing for appropriate integration and connectivity with residential development of my land.
DPR-0176	Brent Macaulay & Becky Reid	011		Oppose	Add a Development Area ODP to cover the site (Lot 1 DP 323286, Lot 2 DP 323286, Lot 3 DP 33959, Lot 3 DP 26021, Lot 4 DP 26021)
DPR-0032	Christchurch City Council	FS105	DEV-LI	Oppose	Oppose submission
DPR-0246	Craig Robertson	FS012	DEV-LI	Support in Part	Support the submission subject to the rezoning proposal providing for appropriate integration and connectivity with residential development of my land.
DPR-0176	Brent Macaulay & Becky Reid	012		Oppose	Amend DEV-LI3 Development Area ODP to make provision for access to the north (i.e. to Lot 1 DP 323286, Lot 2 DP 323286, Lot 3 DP 33959, Lot 3 DP 26021, Lot 4 DP 26021).
DPR-0032	Christchurch City Council	FS106	DEV-LI	Oppose	Oppose submission
DPR-0246	Craig Robertson	FS013	DEV-LI	Support in Part	Support the submission subject to the rezoning proposal providing for appropriate integration and connectivity with residential development of my land.
DPR-0202	T & K Hopper, B & R Jacques, B & F McKeich, R & S Silcock, D & K Perrott, T	001	Map	Oppose	Rezone the properties in Allendale Lane that are subject to the Urban Growth Overlay to a Residential Zone, namely: Lot 1 DP 371976 Lot 2 DP 371976

	Richardson & H Carmichael				Lot 3 DP 371976 Lot 4 DP 371976 Lot 5 DP 371976 Lot 6 DP 371976 Lot 120 DP 329124 Lot 121 DP 329124
DPR-0032	Christchurch City Council	FS113	Rezoning	Oppose	Oppose submission
DPR-0209	Manmeet Singh	FS079	Rezoning	Support	Accept the submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS301	Rezoning	Support	Adopt
DPR-0392	CSI Property Limited	FS021	Rezoning	Oppose	Reject
DPR-0209	Manmeet Singh	001	Map	Oppose	Rezone the following land General Residential, together with any neighbouring or other land as appropriate including for sound resource management reasons: Lot 1 DP 371976 Lot 2 DP 371976 Lot 3 DP 371976 Lot 4 DP 371976 Lot 5 DP 371976 Lot 6 DP 371976 Lot 120 DP 329124 Lot 121 DP 329124
DPR-0032	Christchurch City Council	FS116	Rezoning	Oppose	Oppose submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS300	Rezoning	Support	Adopt
DPR-0392	CSI Property Limited	FS020	Rezoning	Oppose	Reject
DPR-0209	Manmeet Singh	002	DEV	Oppose	Insert a new Outline Development Plan to DEV-LI covering all of: Lot 1 DP 371976 Lot 2 DP 371976 Lot 3 DP 371976 Lot 4 DP 371976 Lot 5 DP 371976 Lot 6 DP 371976 Lot 120 DP 329124 Lot 121 DP 329124 and any neighbouring or other land as appropriate including for sound resource management reasons and as is in the interests of the Submitter
DPR-0032	Christchurch City Council	FS117	New	Oppose	Oppose submission
DPR-0219	Lester & Dina Curry	002	Map	Oppose in Part	Rezone land around the Lincoln township, inside the boundaries of Springs Road, Carters Road, Lincoln Tai Tapu Road, Perrymans Road, Tancreds Road, to provide for more residential development.

DPR-0032	Christchurch City Council	FS118	New	Oppose	Oppose submission
DPR-0246	Craig Robertson	001	Map	Oppose	Amend zoning at 481 Birchs Road (Lot DP 58865), Prebbleton and surrounding neighbours as appropriate and in the interest of the submitter from General Rural Zoning to General Residential or Large Lot Residential of up to 1.5ha in lot size.
DPR-0032	Christchurch City Council	FS120	Rezoning	Oppose	Oppose submission
DPR-0273	Derek Hann	001	Map	Support	Amend the zoning of LOT 2 DP 83562 from GRUZ to residential.
DPR-0032	Christchurch City Council	FS124	Rezoning	Oppose	Oppose submission
DPR-0275	E Salins	001	Map	Support	Requests this redesignation be approved (staff note: this appears to be requesting the rezoning of 624 Ellesmere Road, Lincoln from General Rural Zone to General Residential Zone as per the neighbouring land).
DPR-0032	Christchurch City Council	FS125	Rezoning	Oppose	Oppose submission
DPR-0351	Next Level Developments	004	Map	Neither Support Nor Oppose	Rezone identified sites, including 407, 447, 467 and 487 Tancreds Road to GRZ.
DPR-0176	Brent Macaulay & Becky Reid	FS001	Rezoning	Support in Part	Support the submission subject to the submitter being fully consulted on the rezoning proposal and any changes thereto, which includes our land; and the rezoning being consistent with our interests.
DPR-0246	Craig Robertson	FS001	Rezoning	Support in Part	Support the submission subject to amendments to the rezoning proposal including rezoning plan to ensure integration and connectivity with residential development of my land.
DPR-0392	CSI Property Limited	001	Map	Oppose	Amend the planning maps so as to rezone the following properties from GRUZ to GRZ: Lot 1 DP4864 Lot 2 DP 455360
DPR-0032	Christchurch City Council	FS143	Rezoning	Oppose	Oppose submission.
DPR-0245	Brendan Herries	FS008	Rezoning	Support	Allow the expansion of the lincoln township south. Support overlay
DPR-0519	Dee-Ann Bolton	FS004	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan
DPR-0528	Nicole and Ben Schon	FS004	Rezoning	Oppose	Disallow. Keep 185 Collins Rd as GRUZ as outlined in the proposed district plan.
DPR-0562	Richard Bolton	FS006	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan
DPR-0589	Richard George Barratt	FS004	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan
DPR-0590	Margaret Elizabeth Barratt	FS004	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan
DPR-0392	CSI Property Limited	009	Map	Oppose	Amend the planning maps to rezone the following land from GRUZ to GRZ:

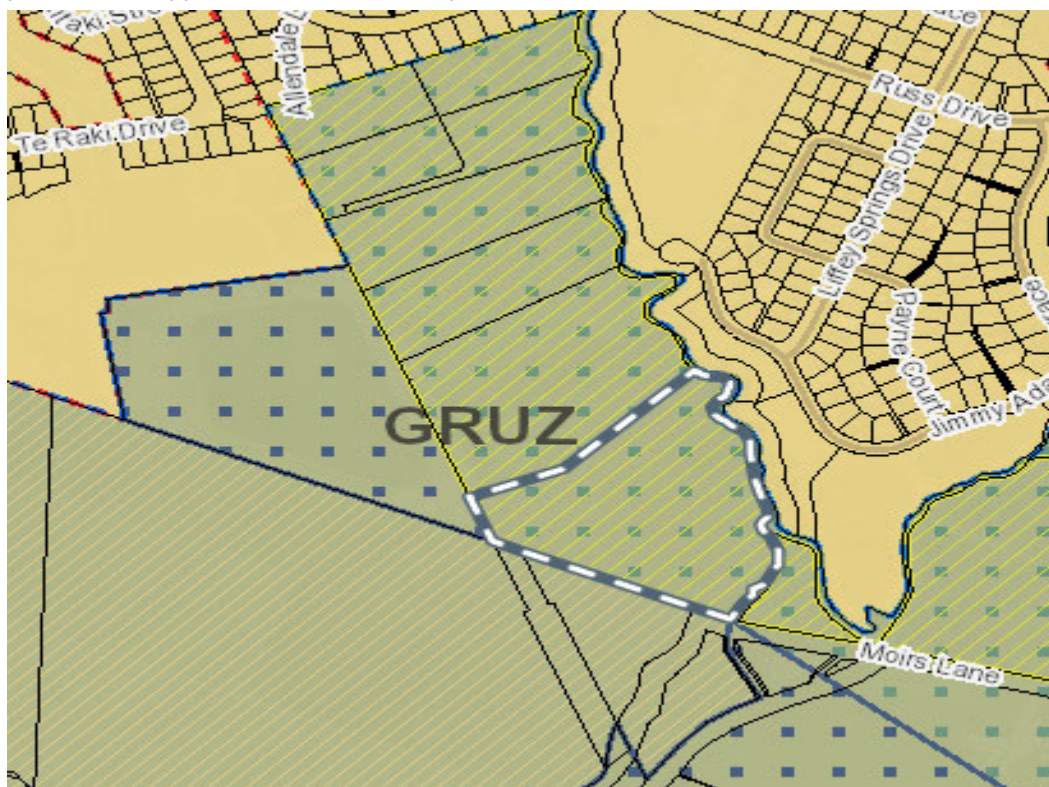


					Lot 2-7 DP 70466 Lot 2 DP 361975 Pt RS 2456 Lot 3 DP 2086 Pt Lot 4 DP 2086 Lot 1 DP 361975 Pt Lot 1 and 2 DP 2086
DPR-0032	Christchurch City Council	FS149	Rezoning	Oppose	Oppose submission.
DPR-0205	Lincoln University	FS009	Rezoning	Oppose	Disallow the submission
DPR-0302	Alison Smith, David Boyd & John Blanchard	FS002	Rezoning	Support in Part	Accept submission points in part
DPR-0434	Lincoln University	FS009	Rezoning	Oppose	Disallow the submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS014	Rezoning	Support in Part	Accept submission in part: Rezone land with frontage to Dunns Crossing Road (RS 25807 & RS 23644) GRZ subject to this being consistent with the relief sought by submission 493
DPR-0589	Richard George Barratt	FS006	Rezoning	Oppose	Reject the rezoning request as part of the district plan process, make any future decision based on the private plan change request 69
DPR-0431	Lance Roper	001	Map	Oppose	Amend the planning maps so as to rezone the following properties from GRUZ to an appropriate residential zone: PT RS 6377 Lot 1-7 DP 70466 Lot 2 DP 361975 Pt RS 2456 Lot 3 DP 2086 Pt Lot 4 DP 2086 Lot 1 DP 361975 Lot 1 and 2 DP 2086
DPR-0032	Christchurch City Council	FS162	Rezoning	Oppose	Oppose submission.
DPR-0245	Brendan Herries	FS002	Rezoning	Support	Allow the expansion of the lincoln township south. Support overlay
DPR-450	Lance Roper	001	Map	Oppose	Amend the planning maps so as to rezone the following properties from GRUZ to an appropriate residential zone: -Lot 1 DP 4864 -Lot 2 DP 455360
DPR-0032	Christchurch City Council	FS170	Rezoning	Oppose	Oppose submission.
DPR-0245	Brendan Herries	FS005	Rezoning	Support	Allow the expansion of the lincoln township south. Support overlay
DPR-0519	Dee-Ann Bolton	FS001	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan

DPR-0528	Nicole and Ben Schon	FS001	Rezoning	Oppose	Disallow. Keep 185 Collins Rd as GRUZ as outlined in the proposed district plan.
DPR-0560	Verity Allen	FS001	Rezoning	Oppose	For the land to maintain its GRUZ zone classification
DPR-0562	Richard Bolton	FS003	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan
DPR-0589	Richard George Barratt	FS001	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan
DPR-0590	Margaret Elizabeth Barratt	FS001	Rezoning	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan

### Analysis

- 12.2 Mikyung Jang<sup>24</sup> and Inwha Jung<sup>25</sup> seek to rezone 33 Allendale Lane (Lot 121 DP 329124) from GRUZ to GRZ, with alternative access to Allendale Lane. No submitter evidence has been provided in support of this submission point.



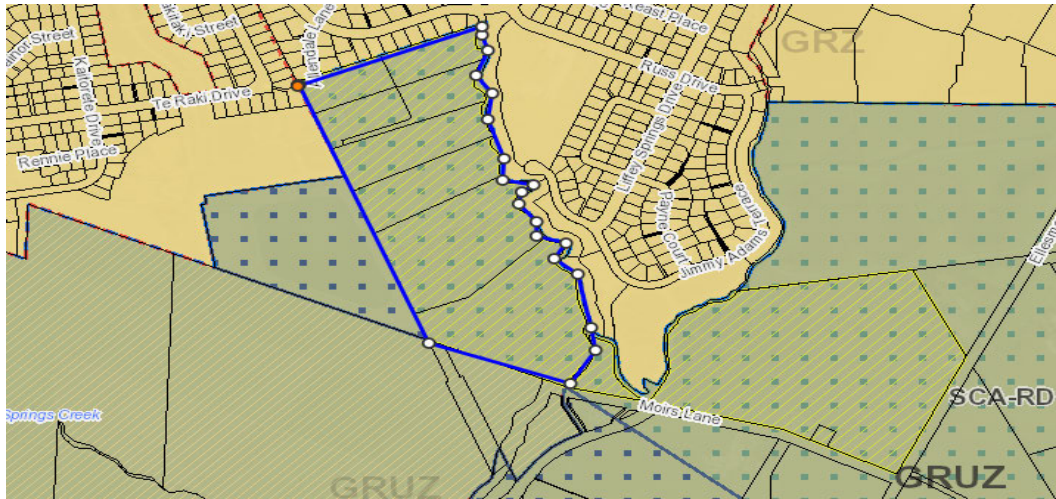
- 12.3 In addition, T & K Hopper, B & R Jacques, B & F McKeich, R & S Silcock, D & K Perrott, T Richardson & H Carmichael<sup>26</sup> (Hopper & Others), and Manmeet Singh<sup>27</sup>, are also seeking to rezone properties in Allendale Lane from GRUZ to GRZ. This rezoning request includes 7, 9, 11, 13, 17, 21, 27 and 33 Allendale Lane.

<sup>24</sup> 0163.01-Mikyung Jang

<sup>25</sup> 0164.01-Inwha Jung

<sup>26</sup> 0202.001-T & K Hopper, B & R Jacques, B & F McKeich, R & S Silcock, D & K Perrott, T Richardson & H Carmichael

<sup>27</sup> 0209.01-Manmeet Singh



12.4 Hopper & Others have not provided evidence, but Manmeet Singh has provided geotechnical, servicing, odour, infrastructure, transport and planning evidence, as well as an ODP (copied below). The ODP shows a road connection though to the PC69 area, an odour buffer area in relation to the adjacent Council wastewater treatment facility (red dashed line), an esplanade reserve adjacent to the Liffey Stream (green), and an indicative stormwater management area (purple).

**APPENDIX 1 OULINE DEVELOPMENT PLAN**

**DEV-LI2 - Lincoln 2 Allendale Lane Development Area**





- 12.5 The submitters planning evidence acknowledges that the submission seeks to rezone the GRUZ land to GRZ, and that Mr Singh will also submit on Variation 1 requesting MRZ. However, if MRZ is rejected via the Variation 1 process, the planning evidence seeks a fallback position of LLRZ to be considered as part of this rezoning request. The evidence states that it is unclear if the fallback position of LLRZ is within the scope of Variation 1. LLRZ is not within the scope of the Variation 1 as the RMA-EHS only allows for the intensification of land and not for the provision of other zones.
- 12.6 The scope of the submission is that the site be rezoned GRZ. The requested GRZ is not an available zone in Lincoln through the RMA-EHS process and is therefore recommended to be rejected. With respect to the fallback provision of LLRZ, there is a question of scope as the submission sought GRZ and not LLRZ, however LLRZ has been considered. The sites are within the UGO, but are outside of proposed MRZ and Variation 1. 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. The sites are identified within the RRS14 as being suitable for rural-residential (i.e. LLRZ), but this is a high-level analysis of suitability which was prepared some eight years ago. PC69 is located immediately to the south of the subject area and is subject to appeal.
- 12.7 The eight lot areas range from a minimum of approximately 1ha (7, 9, 11 and 13 Allendale Lane) at the northern end of the area to over 4ha (27 and 33 Allendale Lane) to the south of the area, adjacent to PC69. The total land area is approximately 17ha or 170,000m<sup>2</sup>. The smaller lot sizes to the north are commensurate with the Lincoln Structure Plan which has identified the northern half of the site as being suitable for conventional residential development. If rezoned LLRZ, subdivision is provided for to 3,000m<sup>2</sup> (minimum net site area) and 5,000m<sup>2</sup> (minimum average site area). Based on a total site area of approximately 17ha, this would enable a yield of approximately thirty four lots in total without factoring in other site constraints such as an odour buffer.

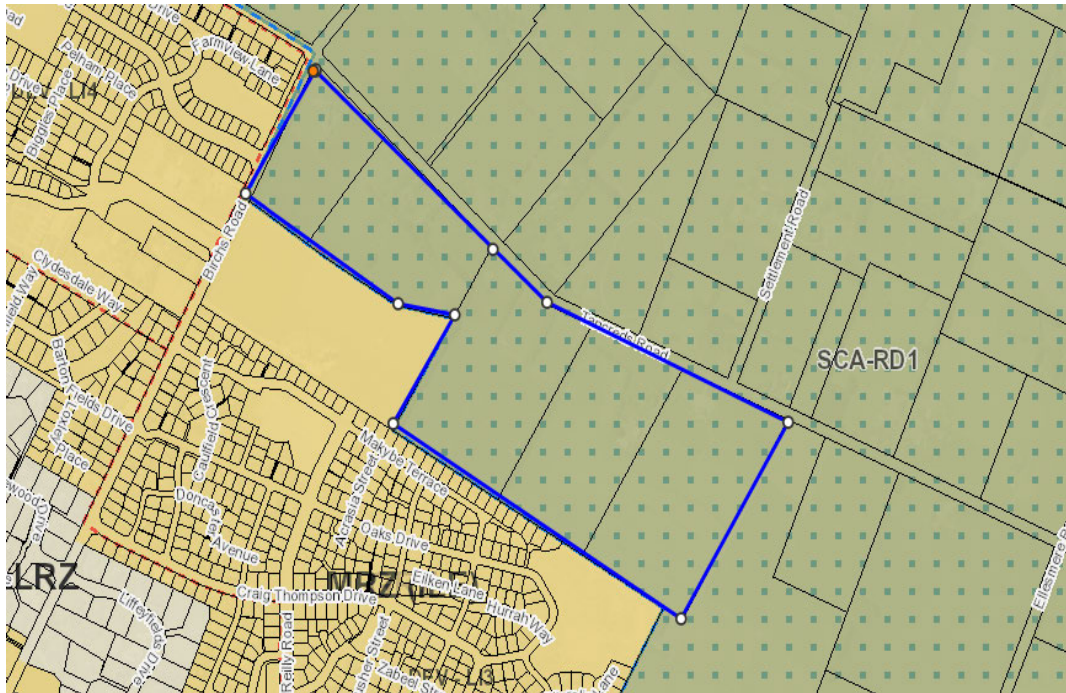


- 12.8 Mr Hugh Nicholson, Urban Designer has prepared an Urban Design and Landscape Review on behalf of Council. In Mr Nicholson's view the key issue associated with this area being rezoned is connectivity. Mr Nicholson considers that if PC69 is not approved the connectivity of the site is low, but could be improved by: providing a mid-site pedestrian and cycle connection from the local road access across the Liffey Stream to connect with the Jimmy Adams Terrace walkway and to provide direct access to the town centre; pedestrian/cycle access along the full length of the northern edge of the stormwater basin connecting the northern end into the existing track network on the eastern side of Liffey Stream; realigning the southern end of the local road to connect directly with Moirs Lane in the southern corner of the site to future-proof a connection. Overall, in Mr Nicholson's opinion if PC69 is approved the connectivity would be moderate/high, but in the absence of PC69 being approved it remains low.
- 12.9 The Transport evidence of Chris Rossiter for the applicant states that from a transport perspective the worst-case scenario would occur if the residential zone was developed without the additional connection to the PC69 road network and all new residential development utilised Allendale Lane, as this would contribute to noticeable effects to the existing residents on Allendale Lane. However overall, Mr Rossiter concludes that LLRZ can be supported from a transport perspective.
- 12.10 In the odour evidence of Ms Cathy Nieuwenhuijsen for the submitter, she expects less than minor potential odour effects, and that based on the limited information provided, the operational use appears to have limited potential to result in offsite odours which would indicate a buffer of around 50m may be required to mitigate against reverse sensitivity odour effects. However, Ms Nieuwenhuijsen accepts that knowledge of the actual and expected use of the Council wastewater pond is required to understand the odour potential and allow her to recommend a setback distance to mitigate against odour effects on proposed residences on Allendale Lane Land or reverse sensitivity effects.
- 12.11 Overall, on the basis of the connectivity issues identified by Mr Nicholson, the amenity effects on the residents of Allendale Lane as a result of increased traffic in the absence of PC69 and an alternative traffic connection being confirmed, and the lack of a firm recommendation regarding a setback suitable to mitigate odour effects, LLRZ is not recommended. The merits of MRZ will need to be pursued at the Variation 1 Hearing with site connectivity being a key issue.
- 12.12 Brent Macaulay & Becky Reid<sup>28</sup> are seeking that 401, 407, 447, 467 and 487 Tancreds Road be rezoned from GRUZ to GRZ. In addition, Next Level Developments<sup>29</sup> are seeking that 407, 447, 467 and 487 Tancreds Road be rezoned from GRUZ to GRZ. No submitter evidence has been provided in support of these submission points. This land is outside of the UGO and is not subject to Variation 1. The area is also outside of the Lincoln Structure Plan boundary. Furthermore, the area contains LUC 1 and 2 soils where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission points be rejected.

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<sup>28</sup> 0176.1, 0176.11, and 0176.12- Brent Macaulay & Becky Reid

<sup>29</sup>0351.4 Next Level Developments



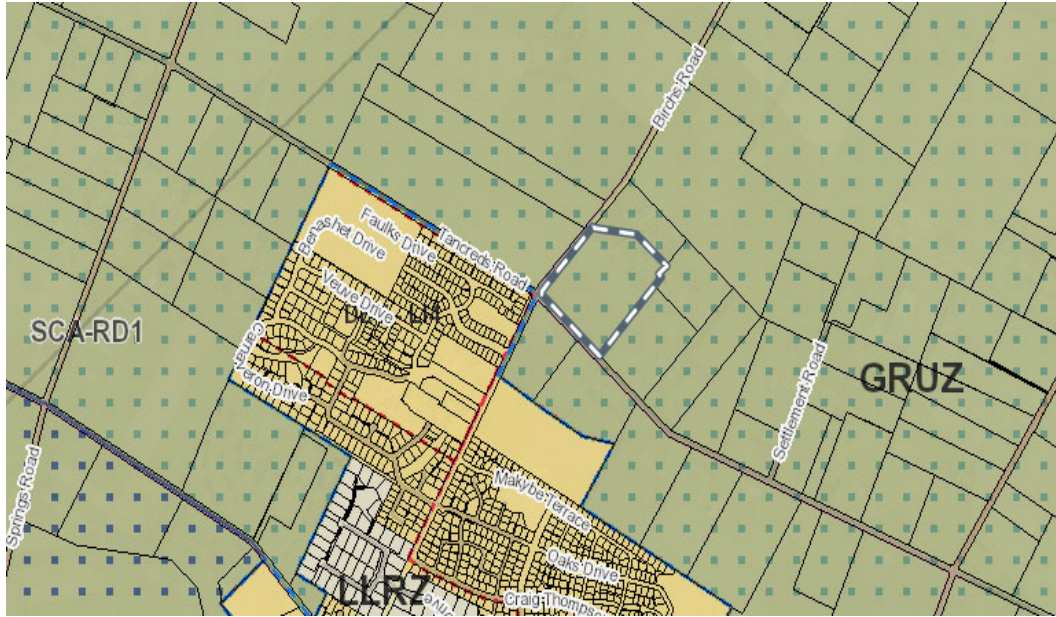
12.13 Lester & Dina Curry<sup>30</sup> are seeking that the land around the Lincoln township, inside the boundaries of Springs Road, Carters Road, Lincoln Tai Tapu Road, Perrymans Road, and Tancreds Road be rezoned to provide for more residential development. This area is zoned GRUZ and is outside of the UGO and no submitter evidence has been provided to support this request. Furthermore, the area contains LUC 1, 2 and 3 soils where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission point be rejected.

12.14 Craig Robertson<sup>31</sup> is seeking to rezone 481 Birchs Road and surrounding neighbours as appropriate from GRUZ to GRZ or LLRZ of up to 1.5ha in lot size. This area is outside of the UGO and no submitter evidence has been provided to support this request. The area is not identified as suitable for rural-residential development as per the RRS14. Furthermore, the area contains LUC 1 and 2 soil where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission point be rejected.

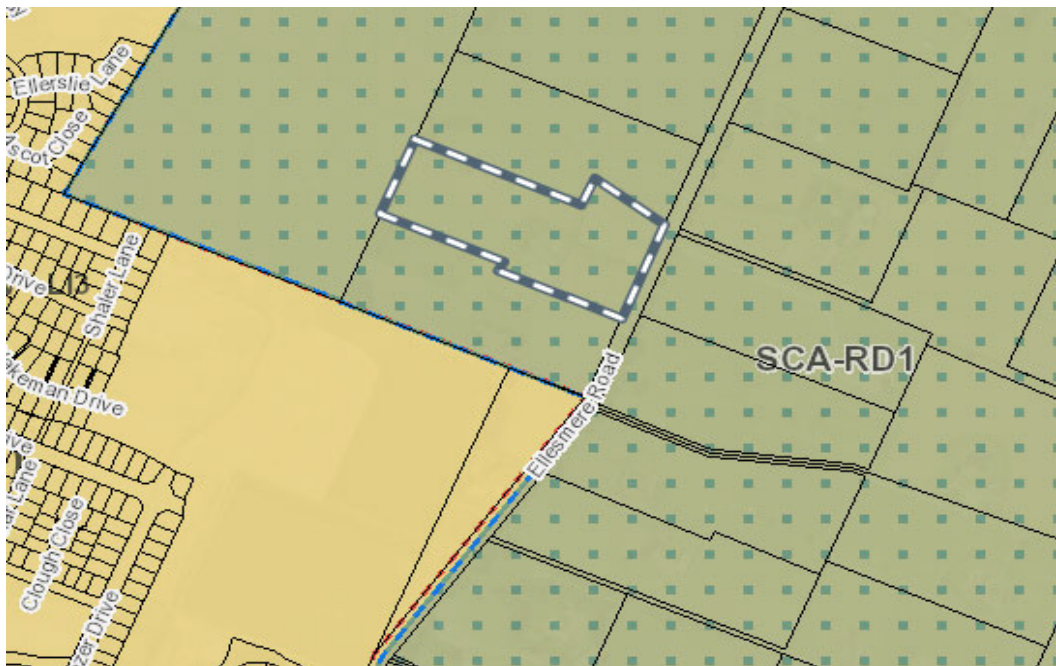
<sup>30</sup> 219.2 Lester & Dina Curry

<sup>31</sup> 0246.1-Craig Robertson





12.15 Derek Hann<sup>32</sup> is seeking to rezone 608 Ellesmere Road (Lot 2 DP 83562) from GRUZ to GRZ. This area is outside of the UGO and no submitter evidence has been provided to support this request. Furthermore, the area contains LUC 2 soil where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission point be rejected.



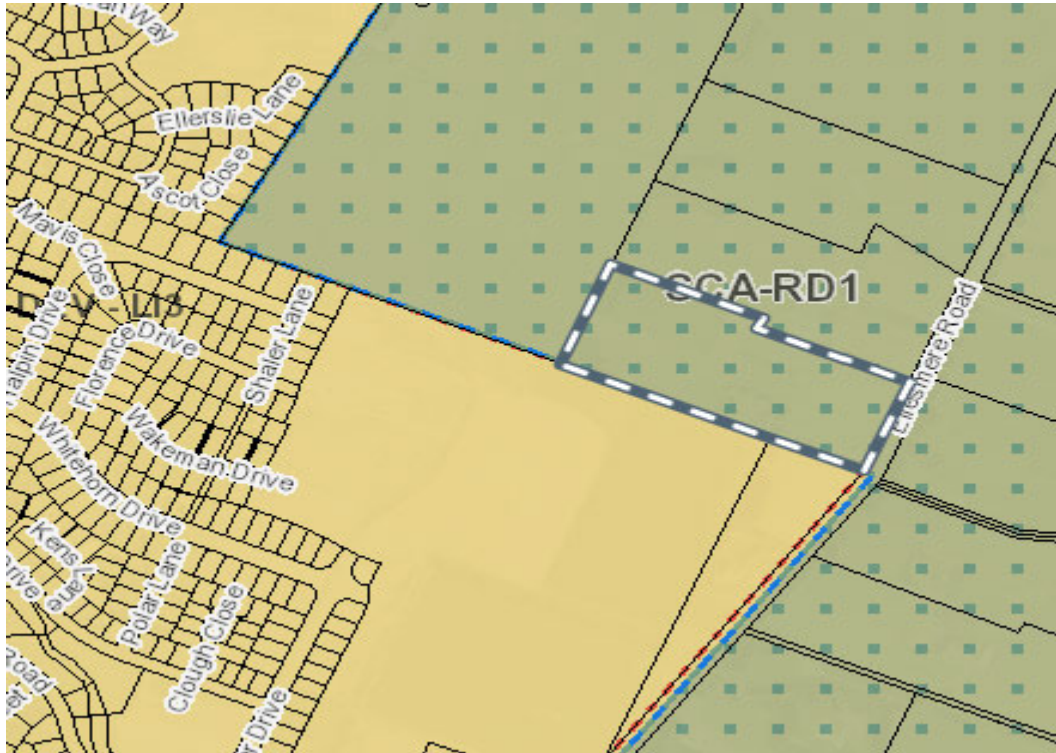
12.16 E Salins<sup>33</sup> is seeking that 624 Ellesmere Road be rezoned from GRUZ to GRZ. This area is outside of the UGO and no submitter evidence has been provided to support this request. Furthermore, the area contains LUC 2 soil where the NPS-HPL directs that the rezoning and

<sup>32</sup> 0273.1-Derek Hann

<sup>33</sup> 0275.1- E Salins



development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission point be rejected.



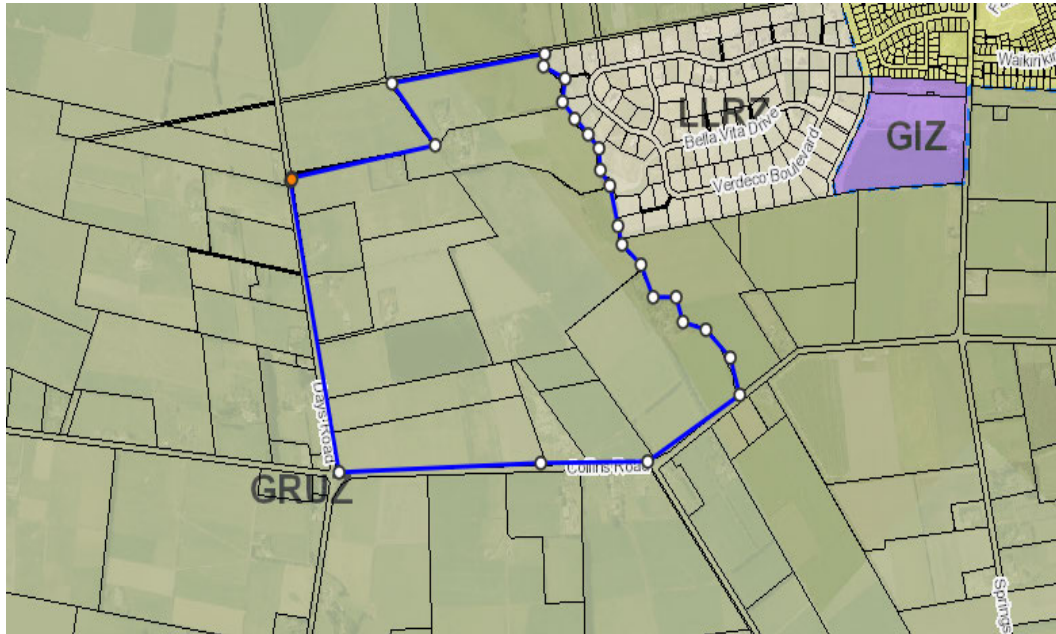
12.17 CSI Property Limited<sup>34</sup> and Lance Roper<sup>35</sup> are seeking to rezone 185 Collins Road (Lot 1 DP 4864 and Lot 2 DP 455360) from GRUZ to GRZ. This area is outside of the UGO and no submitter evidence has been provided to support this request. Furthermore, the area contains LUC 1, 2, and 3 soil where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission points be rejected.



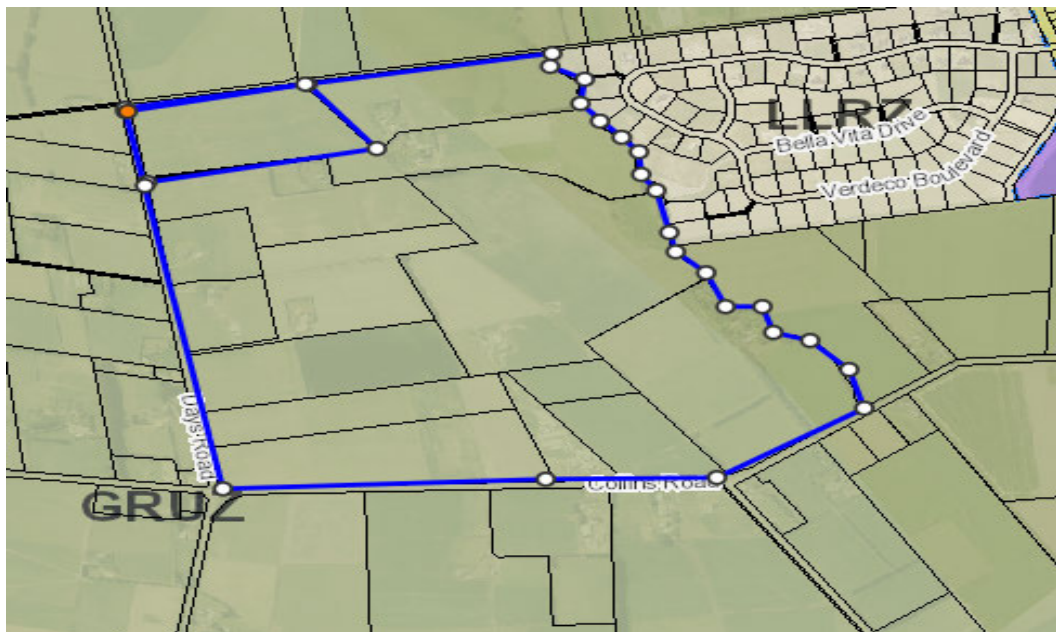
<sup>34</sup> 0392.1-CSI Property Limited

<sup>35</sup> 0450.1-Lance Roper

12.18 CSI Property Limited<sup>36</sup> are seeking to rezone land located at the northeast corner of Collins Road and Days Road from GRUZ to GRZ. This area is outside of the UGO and no submitter evidence has been provided to support this request. Furthermore, the area contains LUC 2 soil where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission point be rejected.



12.19 Lance Roper<sup>37</sup> also seeks to rezone the same land as CSI Property Limited, with the addition of the north-western corner lot. For the same reasons as in paragraph 12.18 I recommend that the submission points be rejected.



<sup>36</sup> 0392.009 - CSI Property Limited

<sup>37</sup> 0431.1-Lance Roper

**Recommendation**

12.20 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

12.21 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

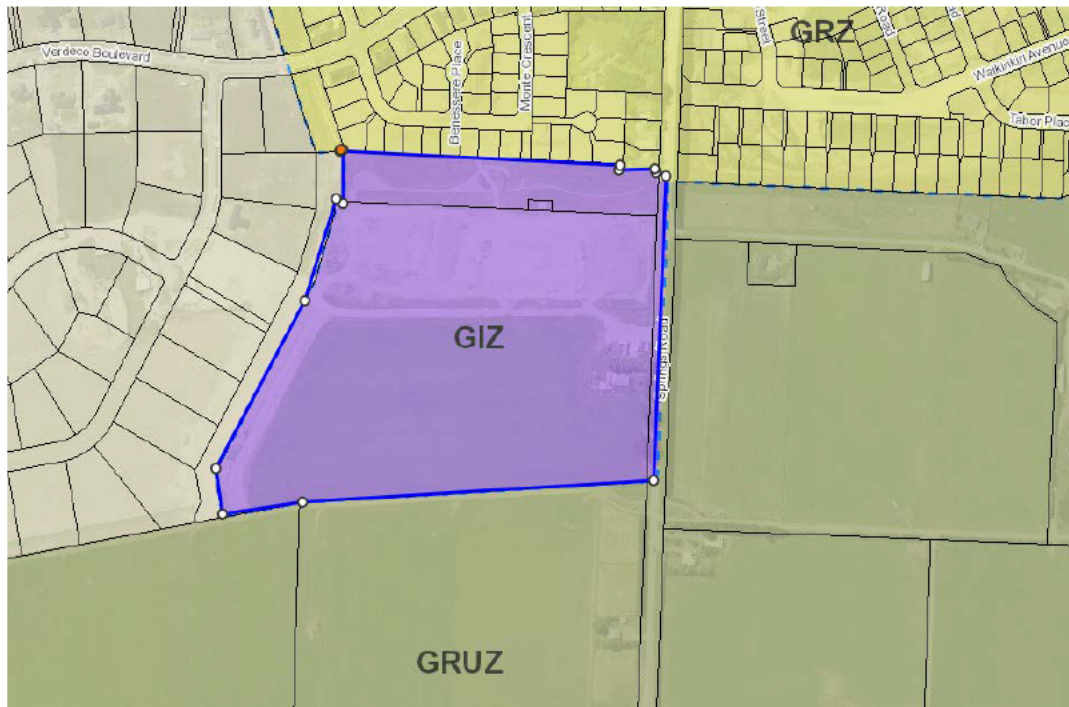
**13 Rezone from GIZ to GRZ**

**Submissions**

13.1 One submission point and one further submission point was received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0352	Next Level Developments	001	Map	Neither Support Nor Oppose	Rezone 11ha of 1506 Springs Road to GRZ.
DPR-0566	Arvida Group Limited	FS001	Rezoning	Support	Support.

13.2 Next Level Developments<sup>38</sup> are seeking that 11ha of land at 1506 Springs Road be rezoned from GIZ to GRZ. Transport and Planning evidence has been lodged by the submitter, including an ODP. The site is bordered to the west and north by the Verdeco Park development and Te Wharaki is to the north east. PC69 is located to the south and east.



<sup>38</sup> 0352.1 Next Level Developments



13.3 The requested GRZ is not a zone afforded by the RMA-EHS and therefore the submitters evidence has not been peer reviewed. Future residential zoning will need to be considered as part of the Variation 1 process.

13.4 It is also of note that the proposed alternative GIZ land at Springs Road is not supported as discussed in section 10. The economic evidence of Mr Foy is that some GIZ is required in Lincoln. There is an absence of a viable alternative to this GIZ site. Future MRZ will need to be considered subject to Variation 1 and it is of note that the submitter has submitted on Variation 1 seeking MRZ (V1-0091). Therefore, it is recommended that the submission point be rejected.

#### **Recommendation**

13.5 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

13.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 14 Amend from GRZ to NCZ and GRZ

#### **Submissions**

14.1 Two submissions points and fourteen further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0351	Next Level Developments Ltd – Shane Kennedy	001	Map	Neither Support Nor Oppose	Rezone portion of 555 Birchs Road to Neighbourhood Centre Zone with remaining area to be developed in accordance with General Residential Zone rules and the Lincoln 3 Development Area.
DPR-0396	Woolworths New Zealand Limited	FS005	Rezoning	Support	Allow in full
DPR-0535	Sue Hobby	FS001	Rezoning	Oppose in Part	Decline request for re zoning . Do not approve part of the land at 555 Birchs Rd to be zoned Neighbourhood Centre Zone; zone the whole area as GRZ
DPR-0572	Cooke Family Trust	FS001	Rezoning	Oppose	Do not approve part of the land at 555 Birchs Road to be zoned Neighbourhood Centre Zone.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	008	Map	Oppose	Amend the planning maps so as to zone as GRZ and NCZ, rather than GRUZ, so as to enable the equivalent outcomes as sought by private Plan Change 69: RS 38994 RS 40021 Pt RS 2456 Pt RS 2933 Pt RS 2951 Pt RS 5844 Pt Lot 1 DP 4157 Lot 8 DP 68631 Lot 1 DP 5095 Lot 2 DP 5095

					Pt Lot 2 DP 4157 Lot 1 DP 16247 Lot 2 DP 494430 Pt Lot 3 DP 4157 Lot 1 DP 55313 Lot 1 DP 20660 Lot 1 DP 494430 Lot 7 DP 68631
DPR-0032	Christchurch City Council	FS142	Rezoning	Oppose	Oppose submission.
DPR-0205	Lincoln University	FS011	Rezoning	Oppose in Part	Reject the submission if it is reliant on the Weedons Road (Potential Bypass Road)' illustrated on the outline development plan.
DPR-0209	Manmeet Singh	FS059	Rezoning	Support in Part	Accept in part.  Adopt the ODP with the proposed road layout and require the indicative road linking to Allendale properties the subject of my submission (209) to be mandatory.
DPR-0245	Brendan Herries	FS009	Rezoning	Support	Allow the expansion of the Lincoln township south. Support overlay
DPR-0378	The Ministry of Education	FS010	Rezoning	Neither Support Nor Oppose	That the Proposed Plan is consistent with the final decision on Private Plan Change 69
DPR-0434	Lincoln University	FS011	Rezoning	Oppose in Part	Reject the submission if it is reliant on the Weedons Road (Potential Bypass Road)' illustrated on the outline development plan.
DPR-0519	Dee-Ann Bolton	FS005	Rezoning	Oppose	Reject the rezoning request as part of the district plan process, make any future decision based on the process around Private Plan Change 69
DPR-0520	Ron van Toor and Ruth Butler	FS001	Rezoning	Oppose	Disallow the submission point in full until all these considerations are addressed. Then allow the expansion of Lincoln to occur within the constraints of those considerations.
DPR-0528	Nicole and Ben Schon	FS006	Rezoning	Oppose	Reject the rezoning request as part of the district plan process, make any future decision based on the process around Private Plan Change request 69.
DPR-0531	M & A Wright	FS001	Rezoning	Oppose	Disallow in full
DPR-0562	Richard Bolton	FS001	Rezoning	Oppose	Reject the rezoning request as part of the district plan process, make any future decisions based on the process around private plan change request 69
DPR-0590	Margaret Elizabeth Barratt	FS005	Rezoning	Oppose	Reject the rezoning request as part of the district plan process, make any future decisions based on the process around private plan change request 69

### Analysis

14.2 Next Level Developments<sup>39</sup> seek 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. It is intended that the land accommodate a supermarket

<sup>39</sup> 0351.1 Next Level Developments

and café. Amendment is also sought to the NCZ rules to provide for a supermarket with a GFA of no more than 3,600m<sup>2</sup> to a maximum height of 10m as a permitted activity (not subject to this report).

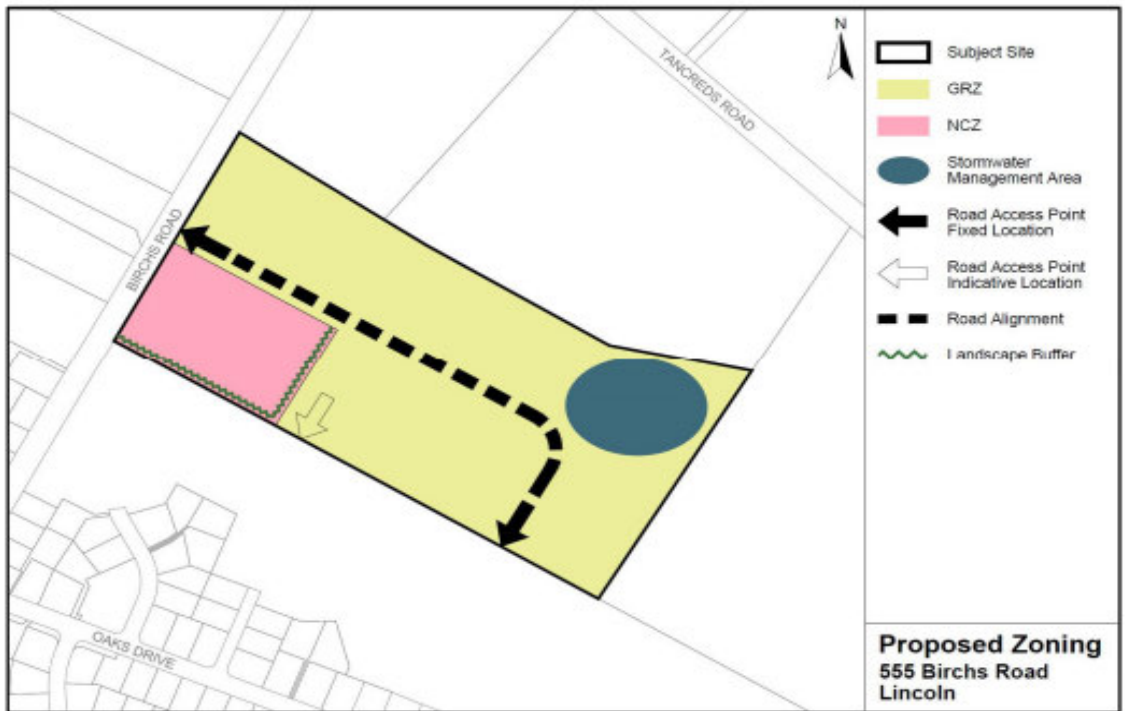
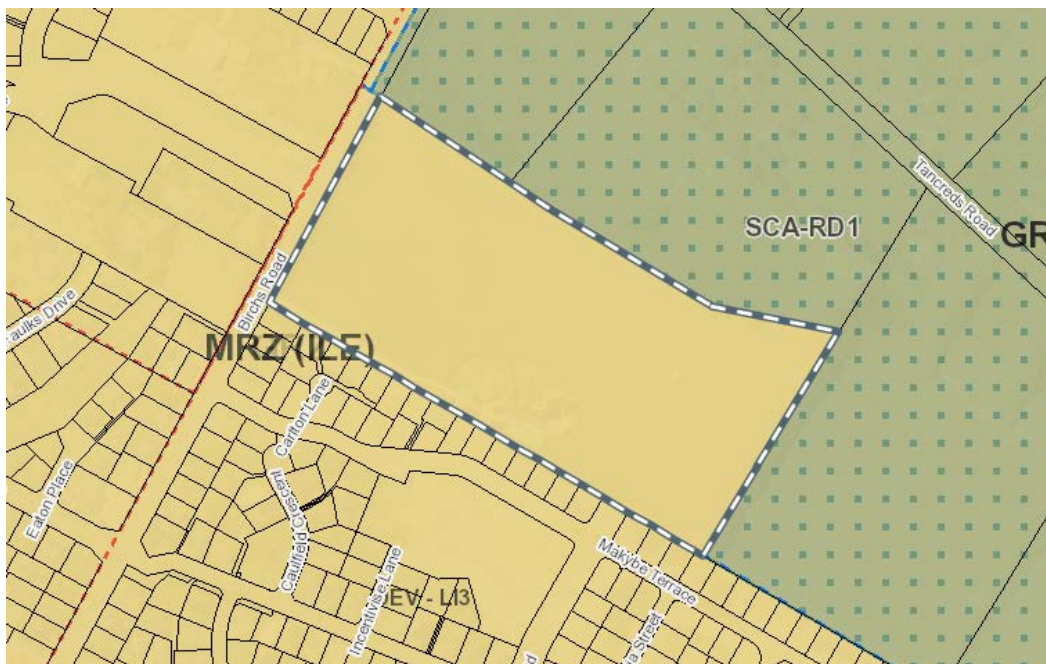


Figure 3 – Proposed Zoning Plan

14.3 The site is zoned MRZ(ILE) (formerly GRZ) under the PDP. No submitter evidence has been provided in support of this submission point. GRZ is not a zone supported by the RMA-EHS which directs that the site be rezoned MRZ, and given no submitter evidence has been provided to support an alternative zoning of NCZ in part, it is recommended that this submission point be rejected.





14.4 RIDL<sup>40</sup> are seeking zoning of the PC69 area as GRZ and NCZ. The scope of this submission seeking GRZ is not a zone supported by the RMA-EHS which directs that the site be rezoned MRZ. The PC69 area is within the UGO and is proposed to be zoned MRZ subject to Variation 1. The proposed MRZ should be evaluated through the hearing of submissions and evidence on Variation 1 that are scheduled to take place at a later date. Therefore, it is recommended that this submission point be rejected.

14.5 A letter was received from Chapman Tripp on behalf of RIDL dated 1 December 2022 outlining their legal analysis of the NPS-HPL relevant to this submission point. Chapman Tripp identify that the land contains LUC 1, 2 and 3 soil but that the NPS-HPL does not apply to the rezoning request as the land is subject to a PC to rezone and is identified for future urban development. It is agreed that the NPS-HPL does not apply given the land is subject to a PC to rezone and is identified for future urban development, however this matter will be considered as part of the Variation 1 process.

### **Recommendation**

14.6 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

14.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 15 Amend from GRUZ to LLRZ

### **Submissions**

15.1 Four submissions points and eight further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0191	Alastair King	001	Map	Oppose	Amend zoning from GRUZ to LLRZ at 719 Ellesmere Road (405 Lincoln Tai Tapu Road). Lot 4 DP 391803 Lot 1 DP 540165
DPR-0032	Christchurch City Council	FS109	Rezoning	Oppose	Oppose submission.
DPR-0435	Daire Limited, Alistair King	FS002	Rezoning	Support	Allow the submission and rezone the site.
DPR-0435	Daire Limited, Alistair King	001	Map	Oppose	Rezone Lot 4 DP 391803 and Lot 1 DP 540165 from GRUZ to LLRZ
DPR-0032	Christchurch City Council	FS164	Rezoning	Oppose	Oppose submission.
DPR-0191	Alastair King	FS001	Rezoning	Support	Allowed in full. Please rezone the site to LLRZ.
DPR-0438	Robert Barker	001	Map	Oppose	Amend the planning maps to rezone the following parcels from GRUZ to LLRZ: Lot 4 DP 391803 Lot 1 DP 540165
DPR-0032	Christchurch City Council	FS166	Rezoning	Oppose	Oppose submission.

<sup>40</sup> 384.8-RIDL

DPR-0191	Alastair King	FS002	Rezoning	Support	Allowed in full. Please rezone the site to LLRZ.
DPR-0435	Daire Limited, Alistair King	FS001	Rezoning	Support	Allow the submission and rezone the site
DPR-0438	Robert Barker	002	Map	Oppose	Insert an additional GRUZ-SCA area for Lot 4 DP 391803 and Lot 1 DP 540165 to allow for a minimum of 5,000m <sup>2</sup> allotments as a controlled activity
DPR-0032	Christchurch City Council	FS330	Rezoning	Oppose	That this submission be rejected.

### Analysis

15.2 Alastair King<sup>41</sup>, Daire Limited - Alastair King<sup>42</sup> and Robert Barker<sup>43</sup> seek to rezone 719 Ellesmere Road (405 Lincoln Tai Tapu Road) from GRUZ to LLRZ. Robert Barker<sup>44</sup> also seeks a minimum of 5,000m<sup>2</sup> allotments. The site is outside of the UGO and no submitter evidence has been provided in support of this submission point. The site is also outside of the Lincoln Structure Plan Area and is not identified as a rural residential area in the RRS14. Furthermore, the area contains LUC 1 and 2 soil where the NPS-HPL directs that the rezoning and development of highly productive land is to be avoided unless the consent authority can be satisfied that the exemptions in the NPS-HPL apply. Therefore, I recommend that the submission points be rejected.



<sup>41</sup> 0191.1-Alastair King

<sup>42</sup> 0435.1- Daire Limited, Alastair King

<sup>43</sup> 0438.1-Robert Barker

<sup>44</sup> 0438.2-Robert Barker

**Recommendation**

15.3 I recommend, for the reasons given above, that the Hearings Panel retain the zoning as notified.

15.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

**16 Amend from GRUZ/KNOZ to GRZ/KNOZ**

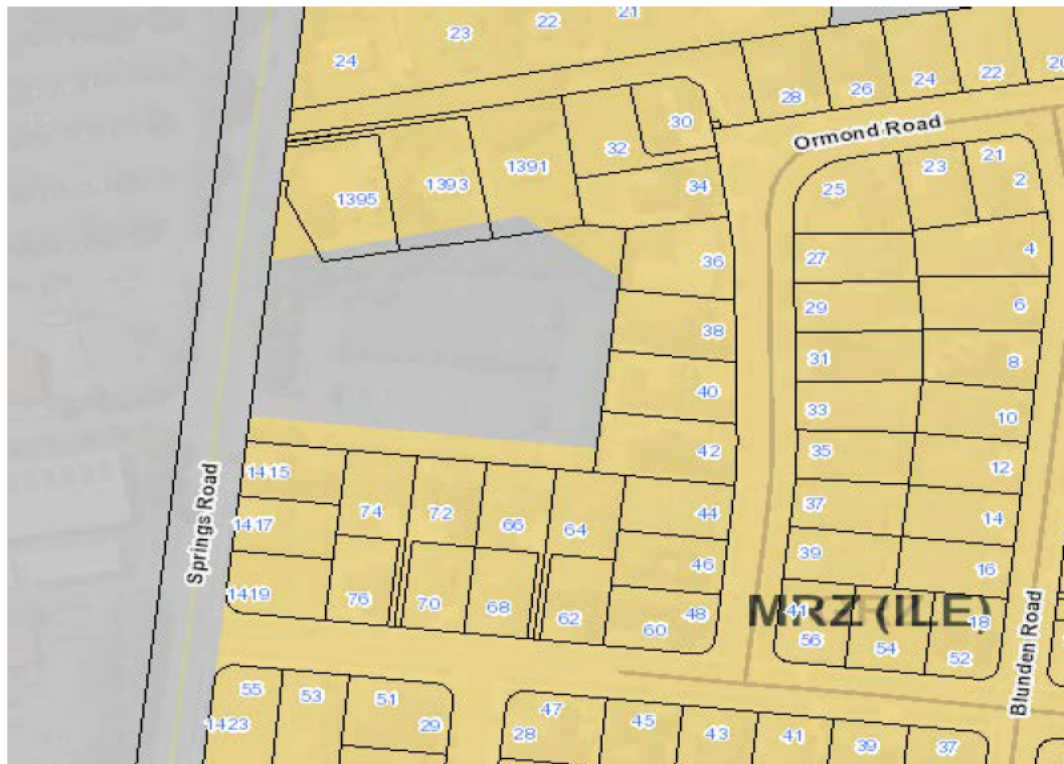
**Submissions**

16.1 One submissions point and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0205	Lincoln University	017	Map	Oppose in Part	Amend the Planning Map as follows: Zone all of the University car park (Lot 4 DP 538546) Special Purpose Knowledge Zone and the properties at 1395, 1393 and 1391 Springs Road (Lots 1, 2 and 3 DP 538546) General Residential.

**Analysis**

16.2 Lincoln University<sup>45</sup> seek that the zone boundaries are amended to align with the cadastral boundaries with respect to three properties at 1391, 1393 and 1395 Springs Road and that these sites are zoned GRZ, and the University car park site is zoned KNOZ.



<sup>45</sup> DPR0205.017-Lincoln University

16.3 The KNOZ extends over the cadastral boundaries of 1391, 1393 and 1395 Springs Road which are zoned MRZ(ILE) (formerly GRZ). No submitter evidence has been provided in support of this submission point. It is recommended that this amendment is made 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. This is considered to be more of a technical mapping error than a zoning issue.

#### ***Recommendations and amendments***

16.4 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend the planning maps to zone 1391, 1393 and 1395 MRZ(ILE) and the Lincoln University car park KNOZ as shown in **Appendix 2** to ensure the zone boundaries follow the cadastral boundaries.

16.5 The amendments recommended to the planning maps are set out in a consolidated manner in **Appendix 2**.

16.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.7 The scale of change does not require a s32AA evaluation.

## 17 Conclusion

17.1 For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.