

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** Clause 21 of the First Schedule of the  
Resource Management Act 1991

**AND**

**IN THE MATTER OF** Rolleston Industrial Developments Limited,  
Plan Change 69

**Applicant**

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**RECOMMENDATION BY COMMISSIONER DAVID CALDWELL**

**Dated 13 May 2022**

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**SUBJECT TO DECISION OF COUNCIL**

**Appearances:**

Council:

Mr Nick Boyes – Consultant Planner for Selwyn District Council  
Mr Tim Morris – Senior Civil Engineer and Technical Director at Tonkin & Taylor Limited  
Mr Chris Bender – Service Leader (Air Quality) at Pattle Delamore Partners  
Dr Greg Burrell – Director and Senior Scientist at Instream Consulting Limited  
Mr Murray England – Asset Manager – Water Services with Selwyn District Council  
Mr Hugh Nicholson – Consultant Urban Design and Landscape  
Mr Mat Collins – Associate in Transportation Planning at Flow Transportation Specialists  
Mr Mark Rykers – Manager Open Space and Strategy with Selwyn District Council  
Mr Andrew Mazey – Asset Manager Transportation with Selwyn District Council

Applicant:

Ms Jo Appleyard and Ms Lucy Forrester, Chapman Tripp – Counsel for Applicant  
Mr Tim Carter, Director and owner of Rolleston Industrial Developments Limited – company representative  
Mr Chris Jones – real estate  
Mr Gary Sellars, Director of Valuation and Consultancy at Colliers Valuation – valuation  
Mr Fraser Colegrave, Managing Director of Insight Economics – economics  
Mr Greg Akehurst, Director, Market Economics – economics  
Mr Mike Copeland, Consulting Economist at Brown, Copeland and Company Limited – economics  
Mr Paul Farrelly, Principal Consultant at Lumen – greenhouse gas emissions  
Mr Chris Thompson – geotechnical  
Mr Dave Smith, Technical Director of Transportation Planning at Abley – traffic modelling  
Mr Nick Fuller, Senior Transport Engineer at Novo Group Limited – transportation  
Ms Katherine McCusker, Farm Environment Consultant with Pattle Delamore Partners Limited – versatile soils  
Mr Tim McLeod, Senior Civil Engineer at Inovo Projects Limited – engineering  
Mr Eoghan O’Neil, Technical Director with Pattle Delamore Partners Limited – flooding and stormwater  
Ms Cathy Nieuwenhuijsen, Senior Air Quality Consultant at Golder Associates New Zealand Limited – odour  
Mr Donovan Van Kekem – odour  
Mr David Compton-Moen, Director at DCM Urban Design Limited – urban design and landscape  
Ms Nicole Lauenstein, Urban Designer and Architect, Director a + urban – urban design  
Mr Bas Veendrick, Technical Director Water Resources at Pattle Delamore Partners Limited – hydrology  
Mr Mark Taylor, Director Aquatic Ecology Limited – ecology  
Ms Laura Drummond, Technical Director – Ecology at Pattle Delamore Partners Limited – ecology  
Mr Jeremy Phillips, Senior Planner and Director with Novo Group Limited – planning

Submitters

Christchurch City Council (PC69-0197) / Canterbury Regional Council (PC69-0205):

- Mr Michael Wakefield, Simpson Grierson – Counsel for CCC/CRC
- Mr Marcus Langman, Independent Planning Consultant – planning
- Ms Philippa Aitchison-Earl, Senior Groundwater Scientist at CRC – groundwater

Associate Professor Timothy Curran (PC69-0232) and Associate Professor Peter Almond

Professor Keith Cameron and Barbara Cameron (PC69-0037)

Susan Prendergast and John Prendergast (PC69-0251)

Bruce Gemmell (PC69-0098), Patricia Coffin (PC69-0171) and Terry Hughes

Tracey MacLeod (PC69-0123)

David Page (PC69-0075)

Anita Wreford (PC69-0153)

David Painter and Robyn Painter (PC69-0122)

Sam Bridgman-Smith (PC69-0034)

Kathleen Liberty (PC69-0220)

Hamish Rennie (PC69-0240)

Hamish Rennie for Waihora Ellesmere Trust (PC69-0230)

Nancy Borrie (PC69-0187)

Lynette Beazer and Ronald Beazer (PC69-0252)

Alastair Ross (PC69-0161)

Britta Liberty for Verdeco Park Community (PC69-0217)

Tania Hefer and Charles Hefer (PC69-0121)

Gordon Hope (PC69-0050)

Roger McLenaghan (PC69-0067)

Manmeet Singh (PC69-0191):

- Ivan Thomson, Senior Planner with Aston Consultants – Planning
- Cathy Nieuwenhuijsen, Senior Air Quality Consultant at Golder Associates New Zealand Limited – Odour

Ralph Scott (PC69-0238)

Ann Judson Farr (PC69-0263)

Tyler Watson (PC69-0223)

## ABBREVIATIONS TABLE

<b>CARP</b>	Canterbury Air Regional Plan
<b>CCC</b>	Christchurch City Council
<b>CLWRP</b>	Canterbury Land and Water Regional Plan
<b>CRC</b>	Canterbury Regional Council/Environment Canterbury
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>FDAs</b>	Future Development Areas
<b>GCP</b>	Greater Christchurch Partnership
<b>HCA</b>	Greater Christchurch Housing Development Capacity Assessment 30 July 2021
<b>hh/ha</b>	Households per hectare
<b>LSP</b>	Lincoln Structure Plan
<b>LTP</b>	Long Term Plan
<b>LUC</b>	Land Use Capability
<b>LURP</b>	Land Use Recovery Plan
<b>MfE</b>	Ministry for the Environment
<b>MIMP</b>	Mahaanui Iwi Management Plan
<b>NPS-UD</b>	National Policy Statement on Urban Development
<b>ODP</b>	Outline Development Plan
<b>Our Space</b>	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōpapa Nohoanga
<b>PC69</b>	Private Plan Change 69
<b>PDP</b>	Proposed Selwyn District Plan
<b>PIB</b>	Projected Infrastructure Boundary
<b>Pines WWTP</b>	Pines Wastewater Treatment Plant
<b>pNPS-HPL</b>	Proposed National Policy Statement for Highly Productive Land
<b>RMA</b>	Resource Management Act 1991
<b>SCGM</b>	Selwyn Capacity for Growth Model
<b>SDC</b>	Selwyn District Council
<b>SDP</b>	Operative Selwyn District Plan
<b>SMA</b>	Stormwater Management Area
<b>UDS</b>	Urban Development Strategy
<b>UGO</b>	Urban Growth Overlay
<b>Waka Kotahi</b>	Waka Kotahi NZ Transport Agency

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## Introduction

1. I have been appointed by the SDC to conduct a hearing and make a Recommendation on PC69 to the Operative SDP.
2. The hearing was held at the Tai Tapu Community Centre on Monday 22 November 2021 through to Friday 26 November 2021 inclusive. The Applicant filed its closing submissions on 15 December 2021. The hearing was formally closed on 4 February 2022.
3. Following the closing of hearing and after the preparation of my draft Recommendation, Council staff raised an issue in relation to the administration of some of the components of the ODP. By way of Minute dated 3 May 2022 I identified the issues raised and that Council officers had provided two alternative methodologies to ensure that the outcomes sought by the Applicant's amendments were achieved in a manner which was enforceable and enduring. I note that did not change the upgrades proposed.
4. Given the significance of PC69 to both the Applicant and to the submitters, I considered it appropriate to provide the Applicant and the submitters with the opportunity to comment on what I considered to be a largely technical issue. I confirmed that I was of the view that it was appropriate for me to consider the options suggested by the officers, along with the Applicant's proposal, and therefore I provided the opportunity to the Applicant in particular (given the technical nature of the changes) and any submitter who wished to address the specific technical changes with the opportunity to comment. I also made it clear that I would not consider any correspondence or Memoranda which sought to address the merits or otherwise of PC69 or any matters beyond the narrow issues addressed. I provided the opportunity for any comments to be provided no later than 5.00pm Monday 9 May 2022. I was provided with a brief response from the Applicant and from 7 submitters. I address this matter further in my s32AA evaluation.
5. I have not included a specific summary of all of the documents considered, evidence provided and submissions made. All of that information is publicly available and has been uploaded to SDC's plan change site at [www.selwyn.govt.nz/pc69](http://www.selwyn.govt.nz/pc69). I refer to the relevant evidence, submissions and other documents, when addressing the particular issues and statutory provisions. I have carefully considered all of the documents, evidence and submissions when reaching my Recommendation.
6. PC69 is a private plan change initiated by Rolleston Industrial Developments Limited to rezone approximately 190 hectares of land immediately adjoining the southern boundary of Lincoln Township from Rural (Outer Plains) to three different zonings. As notified the three zones were Living Z, Living X and Business 1 (Local Centre). Other changes requested included amendment to the Township Volume Appendix 37 to add the full ODP. An amendment was sought to Rule 4.1.1 (Township Volume) to introduce Rule 4.1.1(B) setting minimum finished floor levels for the Living X Zone.

7. The ODP was intended to achieve an overall minimum density of 12hh/ha providing for the establishment of approximately 2,000 new households.
8. An amendment to Rule 4.9.32 (Township Volume) excluding the ODP area from the required 150 metre dwelling setback from the Lincoln Sewerage Treatment Plant was also sought. Any consequential amendments were also sought.
9. PC69 was formally received by SDC on 4 November 2020. By letter of 10 December 2020 SDC sought further information in accordance with clause 23 of Schedule 1 of the RMA. Following receipt of the further information, by way of an amended request, PC69 was accepted for public notification by SDC under clause 25(2)(b) of Schedule 1 to the RMA on 24 March 2021.
10. It was publicly notified on 28 April 2021. On SDC becoming aware of a minor error in the public notice, the request was re-notified to avoid potential issues, with the period for receiving submissions extended until 10 June 2021.
11. 255 submissions were received. The period for further submissions closed on 8 September 2021 and a total of 7 further submissions were lodged by that date. Mr Boyes advised that a late submission had been received from Ann Judson Fan (PC69-0263) on 18 June 2021. Mr Boyes advised that submission was included in those notified as part of the Summary of Submissions which allowed for further submissions to be made. The delegation as to whether to accept the late submission sits with me. I accept Mr Boyes' advice that while it was clearly late, no party would be unfairly prejudiced by accepting the submission. It raises similar issues to those raised in many other submissions and it was, as noted, included in the Summary. I confirm that having considered the relevant matters it is appropriate, pursuant to s37A, to extend the period to accept that submission.
12. By the commencement of the hearing, a number of amendments to the ODP had been proposed. These were introduced by Ms Appleyard in opening, and largely responded to matters raised in the submissions.
13. Mr Phillips summarised the amendments in his evidence.<sup>1</sup> Very much by way of summary, these entail:
- Deletion of the proposed Living X Zone for the eastern part of the site which is now denoted as an SMA and corresponding amendment originally proposed to Rule 4.1.1 as minimum floor levels no longer required and deleted;
  - Two additional Business 1 zoned centres in the eastern and western parts of the site;
  - ODP layer diagrams as proposed deleted with a single ODP and associated text relied on;
  - Additional wording in the ODP text to further detail development outcomes envisaged, including:

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<sup>1</sup> Statement of Evidence of Jeremy Phillips 4 November 2021 at para [26]

- More explicit definition of SMA and stormwater management requirements;
- Recognition of road network upgrades required as pre-requisite to development occurring;
- Requirement for frontage upgrades of Springs Road and Collins Road;
- Recognition of new educational facilities potentially being provided following a needs assessment;
- More explicit recognition of waterbodies and freshwater ecosystems and measures to protect and enhance;
- Amendments to the ODP plan were summarised as including:
  - Enlargement and amendments to the reserve corridor adjacent to Springs Creek and the heritage setting of Chudleigh;
  - Amended road, pedestrian and cycle connections to adjacent residential land and deletion of road link to/through Liffey Springs;
  - Gateway, roundabout and signals treatments on Springs Road at key intersections;
  - Additional pedestrian and cycling routes and green links through PC69 including east-west and north-south connections linking to adjacent land and existing pedestrian and cycling facilities; and
  - Two additional Business 1 zones.

14. A number of further changes were made during the course of the hearing with the final version of the ODP and requested changes being provided with Ms Appleyard's reply.

#### **Site Visit**

15. I undertook my site visit on 2 December 2021. I was escorted by Mr Bruce Van Duyn. We initially looked around the Homestead area, and particularly the springs and ponds at the northern edge of the site. Mr Greenslade was at the site. He identified some of the features around the Homestead. I advised him that I would undertake the site visit without his assistance.

16. I spent some time on the site. I walked along the boundary of the Te Whāriki subdivision. I walked along to a viewing platform which has been constructed in Te Whāriki overlooking the spring and pond in that location.

17. I traversed the surrounding roads. I drove along Collins Road to where it becomes a metal road. I was able to observe the south-eastern corner of the site, including some fenced springs. I then went along the western frontage of the site on Collins Road. I drove along Verdecò Boulevard through the Verdecò Park subdivision. I then drove down Southfield Drive into Te Whāriki and I



was able to view that road in particular and a number of the roads which connect to it. I was able to view the new school and Kaitorete Drive.

18. I went to Allendale Lane and through to the wastewater pond where I met SDC contractors. I viewed the site, the pond and went onto the roof of the pump building where it was possible to observe the wetlands and stormwater treatment areas in Te Whāriki. I also went along Liffey Spring Drive, drove past the various parks and open areas bordering the waterways. I also drove to Russ Drive back along Southfield Drive to Edward Street and along Ellesmere Road to Moirs Lane. I could access Moirs Lane as far as the bridge and gate and was able to observe the Lincoln wetlands. I then returned through Edward Street and Gerald Street to the roundabout at Springs Road and then through Prebbleton to the motorway.
19. It was a full site inspection but I considered that helpful in identifying a number of the matters raised in evidence and submissions.

### **The Site and Surrounding Environment**

20. The area of the land affected by PC69 comprises approximately 190 hectares. It is bounded by the Te Whāriki and Verdecos Park subdivisions to the north, Collins Road to the south, an ephemeral waterway known as the Western Boundary Drain to the west and the Ararira/LII River to the east. 170 hectares of the site is located to the east of Springs Road at 1491 Springs Road. The site has frontage and access to and from Springs Road and Collins Road. Springs Road is an arterial road which provides access to Ellesmere Junction Road, Gerald Street and through to Christchurch. The site also has access to Moirs Lane which is currently an unformed legal road linking to Ellesmere Road.
21. The site comprises predominantly a dairy farm. It includes the Springs' O'Callaghan Farmhouse known as Chudleigh and includes properties at 1521 and 1543 Springs Road and 36 and 208 Collins Road.
22. The owner/occupiers of 208 Collins Road M & A Wright (PC69-0239) have submitted in opposition. The property owner at 36 Collins Road, Theresa Kortegast (PC69-0266), is a further submitter. As identified by Mr Boyes, the current owners of the main part of the site have all submitted in support, being Gordon Hope (PC69-0050); Graeme Greenslade (PC69-0010); John and Leslie Greenslade (PC69-0163); and Megan Greenslade (PC69-0019).
23. In terms of the surrounding environment, I adopt Mr Boyes' description at paragraphs [22] – [31] of his s42A Report. Mr Boyes identified the notable features along the northern boundary of the plan change area including reserves and stormwater treatment areas associated with the adjoining Te Whāriki residential development and further east SDC Lincoln Sewage Treatment Plant which is designated in the SDP (SDC 153).
24. Mr Phillips concurred with Mr Boyes' description and noted that a more detailed description of the site and surrounding environment is otherwise provided in the landscape and visual impact assessment attached as Appendix Eb to the s32 Report included with the Request.

## Statutory Framework

25. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.<sup>2</sup> This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.<sup>3</sup>
26. The general requirements are:
- (a) The district plan (change) should accord with and assist the local authority to carry out its functions under s31 and to achieve the purpose of the RMA;<sup>4</sup>
  - (b) When preparing the district plan (change) the territorial authority must give effect to any National Policy Statement, a National Planning Standard, the New Zealand Coastal Policy Statement and the operative Regional Policy Statement.<sup>5</sup>
  - (c) When preparing its district plan (change) the territorial authority shall:
    - (i) Have regard to any proposed Regional Policy Statement;<sup>6</sup>
    - (ii) Give effect to any operative Regional Policy Statement;<sup>7</sup>
  - (d) The district plan (change) must not be inconsistent with an operative Regional Plan for any matter specified in s30(1) or a Water Conservation Order,<sup>8</sup> and must have regard to any proposed Regional Plan on any matter of regional significance;<sup>9</sup>
  - (e) The territorial authority must also have regard to any relevant management plans and strategies under other Acts, and must take into account any relevant planning document recognised by an iwi authority and lodged with a territorial authority, to the extent that its contents has a bearing on the resource management issues of the district;<sup>10</sup>
  - (f) The policies are to implement the objectives, and the rules are to implement the policies;<sup>11</sup>
  - (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.<sup>12</sup>
27. Section 32 requires that:
- (a) Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for

<sup>2</sup> *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

<sup>3</sup> *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

<sup>4</sup> s74(1)(a) and (b) of the RMA

<sup>5</sup> s75(3)(a), (ba) and (c) of the RMA

<sup>6</sup> s74(2)(a)(i) of the RMA

<sup>7</sup> s75(3)(c) of the RMA

<sup>8</sup> s75(4) of the RMA

<sup>9</sup> s74(2)(a)(ii) of the RMA

<sup>10</sup> s74(2)(b)(i) and s74(2A) of the RMA

<sup>11</sup> s75(1)(b) and (c) of the RMA

<sup>12</sup> s76(3) of the RMA

achieving the objectives of the district plan taking into account the benefits and costs of the proposed policies and methods, and the risk of acting or not acting if there is uncertain or insufficient information;

- (b) If a National Environmental Standard applies, and the proposed rule imposes a greater prohibition or restriction than that, then whether the greater prohibition or restriction is justified in the circumstances;
- (c) The objectives of the proposal (here the stated purpose of the proposal) are to be the most appropriate way to achieve the purpose of the RMA;<sup>13</sup>
- (d) The provisions in PC69 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.<sup>14</sup>

**Assessment of Actual or Potential Effects on the Environment, Matters Raised in Submissions, Matters Necessary to be Considered**

28. Mr Boyes identified and addressed the key matters either raised by submitters, or necessary to be considered in ensuring that SDC's statutory functions and responsibilities are fulfilled, at paragraph [46] of the s42A Report. He identified those matters as:

- (a) Land Suitability (Geotech, Land Contamination, Versatile Soils and Flooding/Water Table);
- (b) Aquatic Ecology;
- (c) Infrastructure Servicing (Water, Wastewater and Stormwater);
- (d) Reverse Sensitivity;
- (e) Open Space Reserves;
- (f) Urban Design, Urban Form, Density and Character;
- (g) Transportation/Traffic; and
- (h) Other Matters (Effects on Community Facilities and Environmental Quality).

29. Mr Boyes also identified, in paragraph [296] of his Report, the concerns he had which led him, at that stage, to not being satisfied that PC69 would contribute to a well-functioning urban environment.

30. Mr Phillips, consistent with the approach taken by Mr Boyes, structured his evidence to address:

- (a) The proposal and site description;

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<sup>13</sup> s32(1)(a)

<sup>14</sup> s32(1)(b)

- (b) Assessment of issues, including those raised by submitters and in the Officers' Report;
- (c) Statutory analysis, including relevant statutory documents; and
- (d) Consideration of alternatives, costs and benefits.

31. Mr Phillips also advised that his evidence attempted to minimise repetition of the Officers' Report and instead to focus on points of difference. He advised that if a matter was not specifically dealt with in the evidence, it could be assumed that there was no dispute with the position set out in the Officers' Report.<sup>15</sup>

32. This Recommendation adopts a similar structure.

#### Land Suitability (Geotech, Land Contamination, Versatile Soils and Flooding/Water Table)

33. Mr Boyes considered there to be five primary matters to consider under this topic. These were identified as:

- (a) Geotechnical considerations;
- (b) Land contamination;
- (c) Versatile soils;
- (d) Flooding; and
- (e) Groundwater table/springs.<sup>16</sup>

#### Geotechnical Considerations

34. The Request included a geotechnical assessment prepared by Mr Chris Thompson of Coffey Services (NZ) Limited. This was peer reviewed by Mr Ian McCahon of Geotech Consulting Limited on behalf of SDC. Mr McCahon's peer review sought further information and an updated geotechnical assessment was provided on 28 January 2021. This was further reviewed by Mr McCahon. He concluded, on the basis of the information provided, that the bulk of the area was deemed to be equivalent to TC1 with some small areas of TC2. The further peer review stated:

*No geotechnical hazards that prevent this site being used for use in terms of RMA section 106 have been identified. The overall soil model and conclusions appear to be appropriate for the Plan Change area, and the additional information now included in the report enhances confidence in the conclusions.*

35. It concluded by stating: "It is noted that further testing is essential at subdivision consent stage".<sup>17</sup>

<sup>15</sup> Statement of Evidence of Jeremy Phillips 4 November 2021 at para [14]

<sup>16</sup> s42A Report 28 October 2021 at para [48]

<sup>17</sup> Geotechnical Report Peer Review 20 November 2020 and 22 February 2021 attached as Appendix A to s42A Report

36. Mr Chris Thompson provided evidence and attended the hearing. Mr Chris Thompson's evidence was brief and was largely based on his report which he did not repeat. He advised the site investigations and preliminary liquefaction assessment indicates that the site is predominantly TC1-like. Other geotechnical hazards (static settlement, erosion, slippage and inundation) were considered to be of low risk with appropriate future engineering design.
37. He noted the presence of potentially organic soils in the low-lying eastern portion of the site increases the risk of static settlement in that area. He noted that it was likely that area would be used for stormwater detention basins or similar greenspace, and as a result of that usage residential buildings are unlikely. He considered that the risk would be assessed further once the overall subdivision development plan was confirmed, but did not anticipate this to be limiting of development (for example, roads or footpaths and house sites) in that area with appropriate geotechnical design and construction.
38. Overall, he concluded the site was geotechnically suitable for plan change and future subdivision, and that further investigations and designs would be carried out at the subdivision consent stage.
39. During discussions at the hearing, Mr Chris Thompson explained some of the more technical aspects of the geotechnical report. He discussed his experience with similar artesian conditions including at Casebrook. We discussed lateral spread but he was satisfied that would not be an issue given what he considered to be a low liquefaction risk. He advised that there were small amounts of liquefaction in the September quakes but confirmed his view that most of the site was TC1 with some TC2 at various locations. He also discussed the Te Whāriki subdivision and some of the difficulties that had been experienced there in relation to roading in Stages 3 and 4 in particular. Overall he was satisfied that there were no s106 matters in issue.

#### *Findings*

40. On the basis of the evidence of Mr Chris Thompson, and the peer review carried out by Mr McMahon, I am satisfied that there are no geotechnical considerations that would impact on the rezoning of the plan change area.

#### Land Contamination

41. The Request included a Preliminary Site Investigation (PSI) prepared by Coffey Services (NZ) Limited. This was subsequently peer reviewed by Mr Stephen Gardner of the CRC's Contaminated Land Team. The initial peer review requested further information to identify potential HAIL activities across the plan change area. An updated PSI was provided on 21 December 2020.
42. The peer review, which was provided as Appendix B to the s42A Report, concluded that the updated PSI was adequate and had been undertaken in accordance with the Contaminated Land Management Guidelines 1 and 5. It further advised that the updated PSI had largely addressed previous concerns and any remaining questions regarding potential risks to human health would be addressed in subsequent PSI reports.

43. As noted by Mr Boyes, contaminated soils are managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). This applies at subdivision or change in use. Again as noted by Mr Boyes, the NESCS requires a Detailed Site Investigation (DSI) to be carried out when the use of the land changes or is proposed to be subdivided to identify the extent of the contaminants, and any Remedial Action Plan or Site Validation Reports are prepared if required.

*Finding*

44. On the basis of the information provided in the Request (updated) and Mr Gardner's peer review, I accept Mr Boyes' evidence that any risk to people's health and wellbeing can be effectively managed under the NESCS and that there is nothing at this stage which indicates the land is unsuitable for development as a result of known HAIL activity undertaken within the plan change area.

Versatile Soils

45. Versatile soils was a matter raised in a large number of the submissions.
46. The land within PC69 includes Class 1, Class 2 and Class 3 LUC soils. The s32 evaluation (Attachment 5 to the Request) addressed the loss of agricultural production in paragraphs [98] – [101]. It identified that there would be a loss in versatile soils but the quantum was not considered to be significant when assessed in the context of the wider rural area or in terms of the District generally.<sup>18</sup>
47. It further noted that the LUC classifications only form part of the overall soil versatility characterisation. It advised that one-third of the Request area was characterised as having poor soil drainage, whilst the entirety of the Request area had a higher risk of bypass flow. It stated that the avoidance of reduced use (i.e. grazing, irrigation) of poorly drained soils characterised by high bypass flow will improve water quality. Those traits were considered to balance the overall characterisation of the Request area versatility.<sup>19</sup> Overall it concluded that while the proposal would result in the loss of some versatile soils and associated agricultural production, any corresponding effects would not be significant or unacceptable.

*The Evidence*

48. Ms McCusker, an Environment Consultant, provided evidence on this issue on behalf of the Applicant. Ms McCusker holds a Bachelor of Agricultural Science degree and is a member of the New Zealand Institute of Primary Management with nearly 30 years experience working with farmers in the Selwyn District. Her experience includes helping farmers manage poorly drained soils to reduce nutrient loss and sediment runoff and improving farm sustainability.

<sup>18</sup> Attachment 5: s32 Evaluation at para [99]

<sup>19</sup> Attachment 5: s32 Evaluation at para [100]

49. Ms McCusker advised that she had reviewed and considered information on the quality of the soils for agricultural production as determined by the Landcare Research S-map database, soil information provided by an electromagnetic (EM) survey, auger and soil inspection, and LUC mapping. She confirmed that she had visited the site and undertook field observations.
50. She advised that an EM survey had been carried out by Agri-Optics on 18-19 July 2014 and this provided information for 79% of the property at 1491 Springs Road. She explained that the EM survey measures and maps the variability in apparent electrical conductivity within the soil profile using sensors and that those readings GPS to an accuracy of 2 cm and provide comprehensive data on soil characteristics, including soil texture and moisture.
51. She advised that the remainder of the soils on the property (21%, 38 ha) were assessed using S-map and a visual/physical inspection using a soil auger taken by Aaron Stafford in 2014 as part of a Lincoln University research project. She advised that during the auger and soil inspection mapping, coarse distinct soil mottles were identified in a number of samples and these provided additional evidence that the soils are regularly waterlogged.<sup>20</sup>
52. In terms of the EM and physical mapping, she advised that the area of Templeton soils is 4.6 ha or 2% of the property. She advised that the S-map shows 11 ha of Templeton soils, however approximately 5 ha of those had been disturbed by quarrying. She advised that the remaining 98% of the soils at the property are imperfectly or poorly drained with the most detailed mapping showing 83.1 ha (43%) has poorly drained soils that are vulnerable to waterlogging and has severe limitation for agricultural production, and 105.3 ha (55%) was likely to be Wakanui soil that is imperfectly drained and with areas of wet or waterlogged soil when surveyed in July 2014. This provided limitations for agricultural use.
53. For reasons outlined in her evidence, she considered that the LUC mapping is likely to be the least accurate source of soil information particularly as the farm had detailed soil information provided by EM mapping, auger and visual observations.
54. Ms McCusker discussed the farm environment plan for the property and referred to her discussions with Mr and Mrs Greenslade who farm the property. She advised they confirmed they actively manage and mitigate issues that arise from farming poorly drained soils that are vulnerable to phosphorus leaching and runoff, sediment loss and compaction. Ms McCusker provided her report as an attachment to her evidence which showed the areas identified as poorly drained. Ms McCusker advised that Mr and Mrs Greenslade had confirmed that those areas were very rarely cultivated so were not suitable for crops, and the soils must be carefully managed for dairy farming due to wetness. She advised that the careful management involves use of direct drilling and dry periods to avoid soil compaction and no winter crops are grown to avoid the risk of pugging.<sup>21</sup>

<sup>20</sup> Evidence of Katherine McCusker 4 November 2021 at para [11]

<sup>21</sup> Evidence of Katherine McCusker 4 November 2021 at para [16]

55. Ms McCusker advised that the current farming operation creates a risk of sediment, faecal coliforms and phosphorus runoff to the drains and creeks that flow into the Ararira/LII River, which has poor water quality and flows into Te Waihora (Lake Ellesmere). She noted that the property was located within the Selwyn Te Waihora Phosphorus Zone so needs to manage soil Olsen P and phosphate fertiliser use to reduce phosphorus runoff and leaching.
56. She considered that given only 4.6 ha of the property's soils were classified as having medium soil water holding capacity, are moderately well drained, and suitable for multiple land uses, they represented a very small part of the proposed development area. She advised that the most versatile soils in the Selwyn Te Waihora catchment are those that are classified as deep soils (1% of the catchment soils), followed by soils that have a medium water holding capacity and are moderately well drained and therefore suitable for multiple land uses with very few limitations. She advised that there are approximately 95,690 ha (34%) of the medium soils in the catchment. The 4.6 ha within that category was equivalent to 0.005% of medium soils in the Selwyn Te Waihora catchment.
57. In response to the submitters, she agreed that the loss of highly productive land is a concern but considered that most of those submissions referenced the pNFS-HPL and that the submitters had based their concerns on the SDC's Baseline Assessment and LUC maps of the area. Those identified 34 ha of the land as Class 1 but detailed information available showed that there was in fact only 4.6 ha of highly productive land that was not limited by poor or imperfectly drained soils. She considered PC69 would represent a minor loss of the overall Class 1 and Class 2 versatile soils.

*Submitter Evidence*

58. As noted, the loss of versatile/productive soils was a matter identified in a large number of submissions (circa 120). The issue also featured in much of the evidence provided by submitters.
59. In my first Minute<sup>22</sup> I made directions in relation to the pre-provision of evidence. Included in those directions was a direction that any submitter who intended to call expert evidence must provide briefs of evidence to the SDC in electronic form by no later than Thursday 11 November 2021. Professor Keith C Cameron (PC69-0037), and who also lodged a further submission on submission PC69-0067 (Roger McLenaghan), provided a written brief. Associate Professor Almond had been requested by submitter Dr Timothy Curran (PC69-0232) to provide expert commentary on his submission. He provided a statement of evidence in accordance with my directions which included confirmation that he had read and agreed to comply with the Environment Court's Code of Conduct for Expert Witnesses. Submitter Sam Bridgman-Smith (PC69-0034) provided a letter from Professor David Montgomery.
60. Given the importance of this topic, I will consider all of the evidence provided whether it is strictly independent expert evidence, evidence from submitters with expertise but who could not be said

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<sup>22</sup> Minute No 1 23 September 2021



to be strictly independent, and those submitters with knowledge of the soils and their use in the area.

*Submitter Evidence at Hearing*

61. I note that a number of submitters attending the hearing commented on versatile/productive soils but in the following paragraphs I summarise the evidence of those who had a focus on that issue.
62. Mr McLenaghan has been a Lincoln resident for almost 50 years. Prior to moving to Lincoln he lived on a cropping farm in Killinchy on Wakanui soils. He disagreed with a number of matters raised by Ms McCusker. He considered the mottles referred to by Ms McCusker were a legacy of past soil forming factors that occurred in the previous 10,000 to 3,000 years. He noted that the area of land was waterlogged due to the high lake level but since European settlement the lake had been lowered and a drainage network installed which made the Wakanui soil highly versatile and some of the best cropping soils in Canterbury. He advised that one of the paddocks on the site that was mapped as Wakanui had been planted in maize which would not germinate if the soil was waterlogged and colder. He noted that most of the soils on the east coast of the North Island and the South Island are summer dry, winter wet. He noted a number of other farms on the Flaxton (less well drained) soil including the vegetable cropping farm on Collins Road. He believed saying the Wakanui and Flaxton soils are not suitable was *"like saying to the market gardeners in Marshlands that their soil is unsuitable for growing vegetables"*.
63. Associate Professor Timothy Curran, who holds a PhD in Botany from the University of New England and a BSc (Hons) from the University of New South Wales, spoke to his submission. He is an Associate Professor of Ecology at Lincoln University. Associate Professor Curran set out his "expert credentials" but advised he was appearing as a submitter on the original proposal. In terms of versatile soils, he noted that the evidence would largely be provided by Associate Professor Peter Almond but he advised that he would "argue" that PC69 would result in the loss of a much greater area of versatile soils than the 4.6 ha suggested by Ms McCusker. He identified cumulative loss of the "finite and important resource" to housing development. He considered this resulted in a substantial reduction in the potential to grow food on highly productive lands in the District (or to use some of those lands for conservation and ecological restoration).
64. He identified several studies documenting the loss of versatile soils throughout New Zealand. He provided an example of the 'Our Land 2021' MfE document identifying that between 2002 and 2019 there was a 54% increase in the amount of highly productive land made unavailable to agriculture because it had a house on it. He also identified that that report spoke of the area of south-west Christchurch as being one of the six key areas nationwide where highly productive soil had been lost to urban development. He advised that there were other areas within Selwyn where urban expansion could occur without impacting on highly productive soils.
65. Associate Professor Almond holds a Bachelor of Science (Hons) from Massey University and a PhD in Soil Science from Lincoln University. Prior to his employment at Lincoln University, he worked for DSIR Soil Bureau and the New Zealand Forest Service as a soil surveyor. Associate

Professor Almond advised that he had read and was familiar with the Environment Court's Code of Conduct for Expert Witnesses and agreed to comply with it. He summarised the essence of his evidence as being that the S-map provided quality assured and accurate soil information; existing LUC information was obsolete; an evaluation of LUC using S-map data provided for this hearing by Manaaki Whenua Landcare Research indicates approximately 12 ha of Class 2 soils (moderately well-drained Templeton soils), 88 ha of Class 2W land (imperfectly drained Wakanui soils) and 98 ha of Class 3W land (poorly drained Flaxton, Temuka and Tai Tapu soils). He considered that the whole of the PC69 area includes land that would be considered under the pNPS-HPL as highly productive.

66. He also confirmed the analysis that he had undertaken of the frequency of cultivation on the dairy farm within the boundaries of PC69 and adjacent area based on Google Earth imagery. He advised that the dairy farm paddock on Wakanui soils were cultivated up to three times in the ten years between February 2011 and 2020, and the market garden area on Wakanui soils was cultivated 16 times. He remained of the view that PC69 would lead to a loss of at least 100 ha of highly productive land being moderately well and imperfectly drained Templeton and Wakanui soils. He provided sequential Google Earth imagery showing cultivation events from 2008 to 2020.
67. He concluded that in a "technocratic" sense, and from empirical evidence, highly productive soils occur in the area bounded by PC69. There are areas of poor draining soil that present problems for intensive agriculture. He considered the areas of highly versatile land lost if PC69 were approved ranges from 80 ha to 100 ha with the uncertainty reflected in the precision of the current soil maps.
68. Emeritus Professor Cameron holds a PhD in Soil Science from Reading University, UK (1981) and a Bachelor of Science in Soil Science from Aberdeen University, UK (1977). He holds the position of Emeritus Professor of Soil Science at Lincoln University. Professor Cameron did not refer to the Code of Conduct, and that is appropriate given that he is a submitter. He confirmed his opinion that the area of highly productive land in PC69 is greater than 4.6 ha. He confirmed his opinion that the cumulative effect of losing this highly productive land around Lincoln is very significant. He provided a marked up version of the S-map soil data from Ms McCusker's evidence, Figure 2A, and circled an area of circa 50 ha of highly productive land largely on the western part of the site. He gave examples of the importance of Wakanui soil and provided an article which referenced Mr Eric Watson from Wakanui near Ashburton breaking his own Guinness World Record for the highest average wheat yield of 17.398 tonnes per hectare. He considered that the scientific evidence provided established that the soils to the west of Springs Road represent approximately 50 ha of highly productive land.
69. In terms of the land to the east of Springs Road, he identified an area of Wakanui soils that could be better drained using agricultural field draining and advised that the existing drainage dip along the northern edge of Collins Road next to the PC69 area could be improved to enhance drainage. He also advised that farm drainage could be improved to increase soil aeration and therefore allow for it to be cultivated or carry stock and machinery. He was very clear that the area of highly

productive land and versatile soils, including both Templeton and Wakanui soils, cover 98 ha and represented greater than 50% of the land area of PC69. He noted that in terms of cumulative effects, in the past 25 years alone, 400 ha of highly productive land had been lost to housing around Lincoln. He advised that the approval of PC69 would increase the loss of highly productive land and versatile soils around Lincoln by 25%.

70. Mr Sam Bridgman-Smith, a local market gardener, appeared. He advised that he was appalled at the proposed idea to subdivide 190 ha from the south of Lincoln primarily due to the loss of high quality soil. He noted that the soil that he uses to grow crops is superb. He considered that the proposed subdivision would “permanently deprive future generations the opportunity to grow food in some of the best soils in the country”. He considered that Lincoln had a “huge asset” in the “wonderful soils” and a prime opportunity to generate more wealth year after year by providing the Canterbury region with horticultural produce. Mr Bridgman-Smith produced a letter from Professor Montgomery from the Earth and Space Sciences Department of the University of Washington. Professor Montgomery addressed the importance of fertile soils on a global basis, and noted the Our Land 2021 report from the MfE that only 15% of the country’s land was “good for food production”.
71. Mr Terence Hughes spoke on behalf of submitters B & V Gemmell (PC69-0098) and Patricia Coffin (PC69-0171). He commenced the presentation by advising that after reading preliminary presentations there were four issues where, while they may not have any expertise, were of considerable importance in relation to this issue. I note Mr Hughes holds a PhD in animal science from Lincoln University and an M AgSc from Massey University, but did not purport to give independent expert evidence. In the presentation he stated that although the soils make up most of the area historically developed with impeded drainage, the advent of hydraulic diggers and improvements to drainage and irrigation had largely reduced potential restrictions to agricultural land use of those soils.

*Assessment*

72. The evidence is clear that the PC69 site does incorporate versatile or highly productive soils. The issue of how much was in dispute. Ms McCusker considered it to be 4.6 ha. Associate Professor Almond identified that there were areas of poor draining soil that present problems for intensive agriculture. He estimated between 80 and 100 ha of highly versatile soil would be lost. Emeritus Professor Cameron considered the area to be approximately 98 ha and greater than 50% of the land area of PC69.
73. On balance, I consider the area of versatile soils is considerably greater than the 4.6 ha identified by Ms McCusker. I accept her evidence that there are likely to be limits on intensification on large areas of the land, particularly to the east of Springs Road. Intensification would be difficult even if such could be undertaken under the regional planning framework. Large parts of the site are poorly or imperfectly draining soils. The land is however being productively farmed at present. As Professor Cameron advised in his oral evidence, dairy farming is a very productive use of land.

74. There was considerable discussion in the submissions in relation to the pNPS-HPL. Mr Boyes identified that it is useful in that it signals the Government's intentions in respect to protecting highly productive land but properly noted that it did not have substantial weight at this point in time. He also noted that there was limited guidance as to how the outcomes sought therein are to be balanced with the NPS-UD in terms of prioritising the versatile soils over the pressing need for future urban development to meet housing objectives. He considered that PC69 would represent a moderate loss to the overall Class 1 and 2 versatile soil resource within the Region but that was mitigated to some extent by the soils being heavier and more poorly drained compared to other areas containing such soils around Lincoln, including those to the north west which had recently been developed for urban purposes.
75. It was his view that the land use classification of the soils making up the plan change area was not sufficient to lead to a conclusion that it was not suitable for residential development. He considered it to be one of the considerations when evaluating benefits, costs and risks at local, regional and national level of allowing PC69.
76. In his summary report produced at the hearing, Mr Boyes advised that notwithstanding that there is contention as to whether it is 4.6 ha to 80 ha minimum loss of versatile soils, it was appropriate to describe the soils of the site as an important natural resource.
77. For completeness, I note that Mr Phillips advised that he was reliant on the evidence of Ms McCusker in respect of this matter, and accounting for her summary statement which addresses those submissions, he preferred her evidence and maintained the opinion that the loss of any soil resources to the proposal would be acceptable and should not preclude the rezoning.

#### *Findings*

78. Having considered all of the evidence and submissions, it is clear the development of the PC69 land will result in the loss of an area of versatile/productive soils of between 4.6 ha to 80 , I consider it more likely to be at the higher end of that range. Such soils are an important natural resource. I agree with Mr Boyes the loss is *one* of the matters which needs to be weighed and carefully considered in the overall consideration of what is the most appropriate zoning for this land. I do not consider that the loss of those soils is, of itself, sufficient to render the rezoning of the land inappropriate.

#### Flooding

79. Flooding was again an issue identified in a large number of submissions. The concerns with flooding were both from a present perspective, and from a climate change perspective.
80. The Request included an Infrastructure Assessment prepared by Inovo Projects. This included a stormwater concept design report prepared by E2 Environmental Limited.

81. SDC engaged Mr Morris of Tonkin & Taylor Limited to review aspects of the information provided in the Request. The review included whether Tonkin & Taylor considered there to be impediments to the development of the land given the water table and/or flood risk.
82. Tonkin & Taylor's report of 14 October 2021 was provided as an appendix to the s42A Report. It advised that Mr Morris attended a site walkover accompanied by Mr Van Duyn from the Carter Group, Mr McLeod from Inovo Projects, and Mr Boyes. The report concluded that some areas within the site were likely to be suitable for urban development and some areas were not suitable for urban development in its present form, having regard to the potential for inundation. It concluded that some areas considered unsuitable for development may be made suitable for development by appropriate earthworks. The report expressed concerns in relation to modelling and sufficiency of the information provided.

*Applicant's Evidence*

83. Mr O'Neill provided evidence on flooding/stormwater at the hearing. In his summary Mr O'Neill advised that a number of concerns had been identified through his review of the stormwater and flood assessments carried out in preparation for the PC69 application. He noted that a number of those concerns had also been raised by submitters in the s42A Report.
84. One of the concerns related to the appropriateness of the modelling relied on. It was Mr O'Neill's opinion that the SDC flood hazard model which had been relied on for the stormwater and flood assessments was not fit for the purpose of delineating flood extents across much of the PC69 area. He considered such activities to be outside the intended scope of the model construction. It remained however a valuable source of flood information and indicative areas of flooding and overland flow.
85. Mr O'Neill advised that he could not support the proposed Living X Zone and noted that had now been removed from the PC69 ODP and additional wording had been added to ensure:

*Development within the ODP area shall be designed to account for the effects of floodplain filling and this may dictate subdivision construction methodology and minimum floor levels and mitigation to avoid effects from floodwater on third parties.*

86. Overall Mr O'Neill was of the view that a more detailed and validated site-specific modelling was required to appropriately locate the SMA infrastructure, to accurately predict flood depths across the plan change site, and to assess mitigation options for filling of areas subject to inundation and assess appropriate floor levels for future development within the site. He outlined what he considered the modelling would need to address and would need to incorporate new topography from the subdivisions to the north of the plan change area, and latest climate change predictions including rainfall and extreme tide predictions.
87. He concluded that the development of the Living Z Zone in the ODP was appropriate subject to further modelling being carried out prior to subdivision to appropriately locate the SMAs, appropriate floor levels for dwellings and assessing mitigation options. It was his view that it was appropriate for that modelling to be carried out prior to the consent application for subdivision

stage and prior to the consent application for stormwater discharge with CRC. He noted that through proposed changes to the ODP, those applications would be required to demonstrate to the consenting authority that proposed development met stormwater objectives and does not result in adverse effects on third parties. It was therefore his view that further modelling was not integral to the decision-making at the plan change stage.

*s42A Report*

88. Mr Morris, after reviewing Mr O'Neill's evidence (and that of other relevant experts), agreed with Mr O'Neill's view that the necessary modelling may be undertaken to inform the subdivision consent application. He noted Mr O'Neill's advice that the proposed Living Z area would be located above the 4 m RL contour and that the SMAs should be located between the 3.8 m RL and the 4 m RL contour.
89. Mr Morris considered that while Mr O'Neill's advice about the proposed extent of the Living Z Zone and the SMAs were not supported by modelling, his conclusions seemed reasonable as long as the site is appropriately engineered. Modelling would be required to determine appropriate engineering. He noted that the modelling and design work is likely to be iterative to arrive at an appropriate solution which may involve excavation and filling, compensatory and/or attenuation storage, and conveyance design.
90. Mr Morris agreed with Mr O'Neill's view that the previously proposed Living X area was not appropriate. Mr Morris was satisfied that suitable engineering solutions existed to adequately construct the development.
91. In his summary Mr Boyes noted that Mr Morris had assessed the Applicant's evidence and was satisfied that suitable engineering solutions exist to adequately construct this development. Mr Boyes noted that further assessment would be required prior to the subdivision process but he relied on Mr Morris' advice that feasible options/solutions are available to appropriately develop this land.

*Submitter Evidence*

92. A number of submitters raised concerns in relation to climate change/flooding. Ms Kathleen Liberty (K Liberty) (PC69-0220), while acknowledging she was not an expert witness, explained that her background included close analysis of statistical data, statistical modelling and analytic arguments. She considered that PC69 underestimated the effects of climate change and flooding in the proposed area, primarily due to the use of outdated data and underestimation of risk. She described this as one form of climate change denial.
93. K Liberty noted the substantially altered development plan which she considered tacitly acknowledged the flaws in the original application in regards to underestimating issues relating to stormwater and flooding. She noted the significant changes that were required to meet the requirements of the RFI and to respond to submitters.

94. K Liberty addressed Mr O'Neill's evidence which she summarised as stating that there are no models that are sufficiently up-to-date and robust to provide solid estimates of the impacts of climate change on flooding in the proposed 190 ha site during the development period and into the future. She noted that it was proposed that flooding and stormwater issues be considered at each stage of subdivision submitted for approval. She described that attitude as indicating an assumption that climate change issues would somehow be solved. K Liberty considered that the COP26 had publicised data that climate change is already here. She considered it relevant that construction of the southern stages of Te Whāriki along what would be part of the northern border of PC69 had already been delayed due to the need to mitigate a number of unexpected groundwater issues.
95. Ms Borrie (PC69-0187) provided evidence in relation to her submission. Ms Borrie was pleased to see that the Living X Zone had been removed but she still had concerns regarding potential flooding within parts of the remaining residential area. She expressed concern that some of the experts indicated they had not done in-depth investigation into the suitability of various aspects of the site for the intended purposes but that such would come at the subdivision consent stage. She advised that flooding is recognised in the area noting that the LI and LII Streams are linked to Te Waihora/Lake Ellesmere and that waterbody was subject to fluctuating lake levels as well as sporadic mechanical opening of the lake to the sea. She also noted there was an issue of sea level rise resulting from climate change
96. Ms Britta Liberty (PC69-0219) spoke to the Verdeco Park Community (PC69-0217) submission. She advised she was representing over 100 adults and their children in opposition to PC69 for various reasons including the ability of the land to cope during flooding events. Again Ms B Liberty expressed concern in relation to the lack of stormwater modelling and any indication as to finished site levels or planned earthworks.
97. Charles and Tania Hefer (PC69-0121) expressed concern about the high water table in parts of the proposed development area. It was their evidence that building in areas where the water table is 0.2 m below surface level is not beneficial for community resilience and exposes the community to natural disasters. They also addressed potential issues in relation to insurance.
98. B and V Gemmell, T Coffin, and T and M Hughes also advised that from their experience of living in the vicinity of the area a portion of the land was prone to flooding which had been exacerbated by restricted flows in the LII River in moderate but persistent rainfall. They were concerned that the extent to which the potential for flooding was increased by the proposed development remained unclear although mitigation planning for such events is sound.
99. Ms Appleyard in her submissions in reply identified that the issue of flooding was a matter of concern to a number of submitters. She advised that the Applicant, on the advice of Mr O'Neill, has not pursued the Living X Zone based on the potential flooding risks, and that Mr O'Neill otherwise considered that it was appropriate to leave the more site-specific flood modelling to the subdivision stage of the development "as is common practice". Ms Appleyard submitted that approach was appropriate given the plan change process is at a much higher level than the

specific design stage and that s106 of the RMA provides consent authorities with sufficient ability to decline subdivision consent if there is a significant risk from natural hazards (i.e. should that risk be identified as part of this further modelling that might make development otherwise inappropriate).

*Discussion*

100. This is clearly an important issue. Indeed the management of significant risks from natural hazards is a matter of national importance (s6(h)). It is to be recognised and provided for. The evidence for the Applicant, and particularly the evidence of Mr O'Neill, was, and as to be expected, from an expert witness, frank in relation to the lack of reliable modelling. Mr O'Neill was clear in his evidence that he could not support the Living X Zone, and as noted above, that is no longer being pursued. In my view that is clearly appropriate.
101. In discussions with Mr O'Neill, he advised me that there were two flooding mechanisms. That in the eastern part of the site it was essentially because it was in a floodplain. For the remainder of the site, it was more a conveyance issue. He also identified that the SDC model could potentially over-estimate flooding and overland flow paths. That was one of the reasons why Mr O'Neill considered that the full modelling and assessment should be undertaken at subdivision stage.
102. In my discussions with Mr O'Neill, I explored the risk in terms of the remainder of the site, excluding the Living X Zone. He noted that a number of the channels that appeared on the site were related to the breakouts from the Waimakauri River. He noted that the model identified the breakouts including 1:200 and 1:500 year. He noted that the western area of the site was the highest part but there was a drain along that. He agreed there was a degree of uncertainty in that area but advised that there were considerably more options there for compensation and mitigation than there are in the eastern site.
103. I queried whether leaving the detailed assessment to subdivision stage was appropriate. In his view, with a plan change he was looking at whether or not the issues could, with a degree of confidence, be dealt with. He considered there were significantly more options for mitigation with the removal of the Living X area. He was confident that in the higher areas, any surface water issues could be resolved and mitigated without causing issues for third parties. Overall, he considered that apart from the Living X area which had been removed, any s106 matters could be appropriately managed.
104. He confirmed that in his view there was sufficient information for him to be satisfied that while more work needs to be done, there are sufficient controls in place to ensure that proper assessment would occur prior to subdivision. He confirmed that no subdivision consent could be granted without the stormwater discharge consent from CRC. It was at that stage when issues would be properly and fully addressed.
105. Mr Boyes was ultimately satisfied, on the basis of Mr Morris' evidence in particular, that there were feasible options/solutions available to appropriately develop this land. Mr Phillips, in reliance



on the evidence of Mr O'Neill, considered the site to be suitable for development consistent with the amended zoning proposed in PC69, including the removal of the Living X zoning.

#### *Finding*

106. I have considered all of the information provided by the submitters, the expert evidence on behalf of the Applicant, and the expert evidence provided by the reporting officers. In my view it would be entirely inappropriate to rezone land for residential development unless there was a degree of certainty that flooding issues can be appropriately addressed through the subdivision and other consenting phases so that both the future residents of the site, and those who could potentially be affected by displacement, can be properly protected. Ultimately the relevant experts were satisfied that there were adequate methods for avoiding, mitigating or remedying flood hazard. That evidence was acknowledged by Mr Boyes and Mr Phillips.
107. Overall, I am satisfied that I have sufficient information to consider the flood hazard in so far as it is relevant at this stage. On the basis of the expert evidence in particular, I am satisfied that the flood hazard has been properly considered, that there are available methods for avoiding, remedying or mitigating the flood hazard, and that it will be subject to full scrutiny through both stormwater discharge consenting and subdivision.

#### Groundwater Table/Springs

108. The Infrastructure Report attached as Appendix A to the Request identified that the CRC GIS database shows 12 wells within the plan change site. It noted that the highest measured depth to groundwater in shallow wells near the site varies between 0.2 and 0.42 m below ground level. The report noted that the groundwater table level will influence the depth of stormwater management systems, particularly in the lower lying land on the eastern portion of the site where the groundwater levels are influenced by the water level in the Ararira/LII River. It identified a number of artesian springs and associated land drains were located across the site.
109. Mr Boyes identified that high groundwater level can introduce difficulties and complexity during construction and can influence the strength and durability of various infrastructure assets over their lifetime.
110. Ms van der Westhuizen, a Development Engineering Manager with SDC, provided a Memorandum which was attached as Appendix D to the s42A Report. She identified two issues with the neighbouring subdivisions (Te Whāriki and Verdeco Park). In terms of Verdeco Park, she noted that was situated in a historically very wet area which was prone to flooding due to the presence of overland flows, springs and existing drains, and those factors, combined with radically varying soil profiles throughout the subdivision, presented a complex problem. In terms of Te Whāriki, the Memorandum identified there had been ongoing redesign of the pavement structure needed and there was an extended defects liability period for the roads.
111. The s42A Report attached a report prepared by Mr Morris of Tonkin & Taylor of 14 October 2021. This also addressed springs/high groundwater level. It noted that the springs illustrated in the

ODP appear to be located in areas shown as either proposed reserve location and/or set aside for stormwater management. It noted groundwater levels change over time and it is not clear that the allocations on the ODP align with low, average or high water levels, and that some springs only emerge in particular wet years and disappear in dry years. Mr Morris' report identified the difficulties and complexity that high groundwater levels can introduce during construction and can influence the strength and durability of various infrastructure assets. The report acknowledged, in principle, groundwater issues may be addressed by appropriate design and construction including: appropriate siting of dwellings; reserves and stormwater management infrastructure; appropriate cut and fill activities; suitable drainage. It also recorded that the high groundwater table had provided construction stage challenges to the adjacent Te Whāriki development.

*Evidence*

112. Mr Veendrick provided evidence for the Applicant on the two key potential hydrological effects in relation to spring flows resulting from the rezoning being:
- (a) The potential for a decrease in groundwater recharge contributing to spring flow due to the increase in impervious areas;
  - (b) The potential for redirecting/short-circuiting groundwater flow paths away from springs as a result of hardfill, drains and service trenches.
113. Overall, he concluded that the change in groundwater recharge due to the subdivision development contributing to spring flow as a result of the plan change was relatively small and unlikely to be an issue of concern. He considered it likely that the groundwater recharge from the current rural development footprint was relatively small and in turn the changes to that recharge due to developing of the site were likely to result in only minor changes in spring flow.
114. He identified potential issues including the potential to redirect/short-circuit flow paths away from the springs as a result of the construction of drains, service trenches, roads and similar. He discussed and provided, as an example, service trenches being backfilled with gravels and hardfill which he advised can be much more permeable than the surrounding strata. In those circumstances, if shallow groundwater is intercepted, they may act as a preferential groundwater flow path lowering the groundwater pressure and/or diverting water away. Mr Veendrick advised that he understood from the evidence of Mr McLeod that construction methodologies are available to avoid those potential issues. He recommended piezometers be installed to determine the groundwater level range and maximum groundwater levels on the site. He noted the changes to the ODP text which include:
- (a) A requirement to undertake a detailed groundwater level investigation across the site; and
  - (b) A requirement to specify construction measures to ensure that shallow groundwater is not diverted away from its natural flow path for those areas where the shallow groundwater is likely to be intercepted by service trenches and hardfill areas. Those include measures to address potential loss of spring flow due to penetration of the confining layer.

115. Mr Veendrick recommended some additions to the ODP text under waterbodies and freshwater systems to add the following wording: *“This includes groundwater level, spring water level and spring flow monitoring”*. He advised that would enable the collection of data which could be used to identify the most appropriate management measures to avoid adverse hydrological effects.
116. Overall he concluded that potential hydrological effects in relation to spring flows was the key issue. He considered that issue can be mitigated through the appropriate design and construction of underground services. He concluded that appropriate mitigation measures are available to ensure spring flows are not adversely affected. He noted the updated ODP avoids development in areas of shallow groundwater and a significantly increased buffer distance of 100 m between the developed areas and the springs is proposed. This further reduces the risk of any potential adverse hydrological effects on spring flows.
117. Mr McLeod addressed the prevention of the interception of groundwater from a civil engineering perspective. He advised that service trenches and hardfill areas constructed as part of urban development can be much more permeable than the surrounding soils and that can result in interception of groundwater and therefore reduce spring flows. He identified that penetration of the confining layer and/or interception of groundwater, particularly in areas of high groundwater or in close proximity to identified springs, can be avoided during construction by various methods. These included: ensuring service trenches are kept shallow; backfill excavated trenches using low permeability soils or constructing ‘water stops’ at intervals to prevent short-circuiting of the groundwater; using directional drilling or mole-ploughing for laying of pipelines and cables; using low pressure pumped sewer systems to avoid deep excavation; using open swales or partially drowned piped systems to avoid deep trenches for stormwater drainage; and incorporating service crossings into bridge or culvert design.
118. He advised that the types of design and construction methodologies he had discussed were becoming common practice in areas of Christchurch that have similar ground conditions with high groundwater and springs.
119. Ms Aitison-Earl’s evidence on behalf of CCC and CRC addressed the groundwater science issues relative to the proposed plan change, including the potential impacts of development from excavation and construction which could lead to reduced recharge and increased stormwater discharge on the local groundwater and springs. Her key conclusions were that development of the site would potentially result in: reduced spring flow; impacts on recharge of groundwater; potential for contaminants entering those sources (such as heavy metals and hydrocarbons); that there was a high risk of groundwater contamination in the event of a leak from any reticulated network developed on the site which raised concerns regarding unsafe drinking water should faecal contamination occur; and that the higher groundwater table at the PC69 site presented a challenge for the proposed residential zoning, even with a reticulated network, due to the likely direct contact with groundwater in some places.
120. At the hearing, she advised that she agreed with many aspects of the groundwater evidence presented. She agreed with Mr Veendrick’s evidence that the head springs will most likely receive

recharge from outside of the PC69 site, to the north-west. It was however her opinion that the springs further east will still likely be impacted by the development on the PC69 site as well as other springs outside of PC69 that contribute to the Ararira/LII.

121. She advised there was little information on the total discharge from the springs but that gauging in October of 1983 indicates that Springs Creek is a major contributor to the flow in the Ararira/LII River. She also advised that the geochemistry of the headwater springs of the Ararira/LII River was assessed by Scott and Hanson (2017) who concluded that the springs 'skimmed off' the local shallow groundwater which was more contaminated in nutrients compared to deeper groundwater, making the headwater springs a significant source of nitrate to the stream.
122. Ms Aitchison-Earl's experience was that shallow groundwater and artesian conditions can pose challenges for construction, dewatering, future earthworks, stormwater discharges and wastewater infrastructure if it is rezoned for development. One of the matters she considered to be of particular concern was whether any earthworks or construction penetrate the confining layer and create an artificial spring. This would lessen discharge to existing streams which may have ecosystems and values associated with them. She provided an example in the Styx catchment which had an area with similar bubbling artesian springs where Cone Penetration Testing (CPT) near the Main North Road and bridge piling penetrated the confining layer allowing groundwater to discharge to the surface. She advised that the CPT example was extremely hard to remediate, involving several attempts by various drilling companies to redrill and grout the casing.
123. Mr Veendrick, in his summary in response, agreed with Ms Aitchison-Earl's description of groundwater and the springs which was consistent with his description of hydrology. He agreed that there is potential for earthworks or construction to penetrate the confining layer, intercepting shallow groundwater (and water-bearing layers) and diverting flow away from existing springs. However he considered that risk was reduced by avoiding development in the eastern part of the site (below 4 m RL contour) where groundwater is close to the surface, and the increase of the buffer distance from 30 m to 100 m between the developed areas and the springs. Overall it was his opinion that the potential for redirecting shallow groundwater flow away from springs could be adequately mitigated through appropriate design and construction of underground services, and that the identification of those areas would be informed by the groundwater level monitoring he had recommended.
124. He also agreed that dewatering has the potential to temporarily reduce groundwater pressure and affect flow to springs. It was his view that may be required in areas with relatively shallow groundwater which were relatively close to the springs, and in those situations a typical approach would be to discharge the water back to surface water where the springs naturally discharge to result in no net loss of flow. He agreed that increased impervious areas decreasing the amount of local land surface recharge was a potential effect of the rezoning but confirmed his opinion that the change in groundwater recharge contributing to spring flows as a result of the plan change is relatively small and unlikely to be an issue due to the much larger spring recharge area coming via groundwater throughflow from the north-west.

*Assessment*

125. In terms of the hydrology of the site, its description, and issues relating to high groundwater and potential impact on the springs, I had the benefit of thorough expert evidence from Mr Veendrick and Ms Aitchison-Earl. I also had the benefit of expert evidence and commentary from Mr Morris and Mr McLeod particularly in relation to construction methodologies to avoid potential issues.
126. There was considerable commonality between those witnesses in relation to the high groundwater and the importance of the springs. There was also agreement that there is potential for earthworks or construction to penetrate the confining layer, intercepting shallow groundwater and diverting flow away from existing springs.
127. There was also agreement that a potential effect of the rezoning was the increase in impervious areas decreasing the amount of local land surface recharge. Mr Veendrick considered that the change in groundwater recharge contributing to spring flows as a result of the plan change would be relatively small and unlikely to be an issue due to the much larger spring recharge area coming in via the groundwater throughflow from the north-west. As noted, Ms Aitchison-Earl, while acknowledging the throughflow from the north-west, remained concerned.
128. Ultimately, the real issue between the Applicant's evidence and Ms Aitchison -Earl was whether the risk of adverse hydrological effects could be appropriately avoided, remedied or mitigated. Mr Veendrick, informed by Mr McLeod's evidence, considered that construction methodologies were available to avoid the potential adverse hydrological effects.
129. Overall he considered that the potential hydrological effects could be mitigated through appropriate design and construction of underground services. He noted the updated ODP which avoids development in areas of shallow groundwater and provides for a significantly increased buffer distance of 100 m between the development areas and the springs.
130. Ms Aitchison-Earl accepted that there are engineering solutions to many of the issues but by reference to the event in the Styx catchment, she advised that while they did manage to fix it, it took some time. Ms Aitchison-Earl accepted the appropriateness of the additional wording on the ODP in relation to springs. She also acknowledged that the investigation monitoring programme would provide more information. She considered the 100 m setbacks were beneficial but it would depend on what could be done within those setbacks.
131. During discussions with Mr Morris, he was supportive of the modelling and investigation process. He considered that would enable issues to be properly identified and more clearly addressed at the subdivision stage. Mr Morris confirmed that there were technically feasible solutions to address the issues identified, including those outlined by Mr Veendrick and Mr McLeod. He confirmed that interference with groundwater from trenching was an issue but considered that good design and engaged contractors are important in addressing that. He advised that measures to address diversion from trenching were technically feasible.

### *Findings*

132. Overall, on balance, and having considered the evidence in relation to hydrology and the related engineering evidence, their concerns can be properly considered and addressed through the subdivision stage. The engineering evidence was clear that there are technically feasible solutions. The changes made by the Applicant to the ODP prior to and through the hearing, in my view, provide the appropriate means for ensuring that adverse effects on groundwater and key spring heads are properly considered and addressed. The removal of the Living X Zone removes significant risks. The investigation and monitoring will provide important and relevant information for the design and construction of the ultimate subdivision. I am satisfied on the evidence that the requirements will ensure the developer has sufficient information, and that there are feasible engineering options to address issues at the subdivision stage.

### Aquatic/Freshwater Ecology

133. The Request included an assessment of the aquatic ecology of the site prepared by Mr Taylor of Aquatic Ecology Limited (AEL). That was peer reviewed by Dr Burrell of Instream Consulting Limited for SDC.
134. As noted by Mr Boyes, the potential impact of residential development of the PC69 site on the waterways both within and downstream of the plan change area was a concern raised in a number of submissions in opposition. He identified that the two key submitter concerns from an ecological perspective were the direct impact of habitat loss and the indirect impact of habitat fragmentation, the latter of which he considered to be a significant issue in urban environments.

### *Applicant's Evidence*

135. Mr Taylor's primary brief of evidence went into some detail in response to the s42A Report and Dr Burrell's peer review. He noted the initial report was a desktop analysis, with further survey work to follow. He considered it clear from the desktop study that there were waterbodies in the proposed development area which required further investigation and that they are sensitive to catchment change. He advised that the "conservative statement" quoted by Mr Boyes was from the desktop report without the later field work which was undertaken in January 2021, and reflected the unknown nature of the wetlands identified from the aerial imagery at that time.
136. Mr Taylor addressed setbacks. He agreed with Dr Burrell's statement that a defensible buffer is difficult to state without detailed information on soil, hydrology and vegetation. He advised that detailed local information would become available at the AEE (resource consent) level, and this information would be integrated into a wetland management plan, including planting plans, species lists appropriate for the soil, and, once green space boundaries were determined, ecological buffers and setbacks could be further advised.
137. Mr Taylor's evidence addressed, in some detail, the further steps that had been undertaken following the Request. He confirmed that in February 2021 AEL visited every spring location in the site indicated on Canterbury Maps.

138. He provided, as Figure 1 to his evidence, the distribution of ground-verified Canterbury Maps spring locations containing water or wetland indicators overlaid on the ODP. Figure 1 also included ringed areas which were representative of the principal spring fields. He confirmed the ground-truthing exercise demonstrated that the wetlands fell into two large areas of planned green space around the headwaters of Springs Creek, where a recreational reserve is proposed, and to the south-east of the site near the headwaters of the waterways draining to Collins Road, and the reserve and stormwater/reserve area further east. He advised that the ODP had been revised to avoid clear conflicts between developments and verified spring locations.
139. In respect to Dr Burrell's query as to why the MfE wetland delineation guidelines were not used for the wetland survey, he advised that a principal objective, in addition to ground-truthing the location of the wetlands, was to check for the presence or absence of endangered Canterbury mudfish and there was therefore a degree of focus at fishing as many of the wetlands as possible. In short, he concluded that the wetlands were easy to identify due to the sharp boundary between dry land vegetation and hydrophytes. He also advised that if a future wetland delineation confirms natural wetlands on-site, a buffer of 100 m must exist between the wetland delineation terminus and any buildings or planned earthworks and/or reserve boundary. He agreed with Dr Burrell that wetland delineation needs to occur for the purpose of pegging the green space boundaries. With the springs and wetlands being clustered together, he was confident those boundaries could be adjusted, if necessary, to accommodate the delineated wetland boundaries and their buffers.
140. With the recent changes to the ODP he was satisfied that the ground-truthed springs and waterways fall into proposed green space, stormwater or flood management areas, with a few exceptions. He noted that with those springs near or just outside the boundary of the reserves it was now proposed to have setbacks extended well beyond the SDP minimum to an offset of 100 m from the ecological transect delineation of where the wetland ceases as determined by the recent MfE guidelines. He noted that many of the wetlands away from the reserve boundaries would have buffers well in excess of 100 m, particularly in the SMA near the LII River.
141. He further considered that with environmental monitoring, native planting to support riparian instream ecology and the maintenance of groundwater influx, it should be possible to improve the somewhat degraded state of the spring wetlands in the development area.
142. Ms Drummond was engaged by the Applicant to comment on the potential mitigation options that can be provided to minimise impacts of the proposed land use change to spring-fed waterways, spring heads and wetland habitat associated with the springheads located on the site. She advised that agricultural land use had resulted in highly modified site conditions. She noted that Springs Creek and isolated spring heads have been fenced to exclude stock, with water flow from the spring heads channelised to drain the land with minimal remaining native riparian vegetation. She advised that drainage of the land for agriculture use had resulted in the past wetland extent in the eastern low-lying area being cleared for pasture. She considered the spring heads and associated riparian vegetation that has wetland characteristics require a suitable buffer for ecological protection. Overall she considered that when comparing past and current agricultural

land use at the site, a residential development had the potential to result in a net ecological benefit to aquatic ecological values.

143. She noted that to achieve increased wetland extent and values, increased biodiversity values, and provide potential for increased filtration of contaminants to downgradient waterbodies (LII and Te Waihora/Lake Ellesmere), the ODP had been updated to provide for:
- (a) Larger buffer distances (reserve space) to spring heads, Springs Creek and channelised drains;
  - (b) Increased wetland reserve land in the eastern low-lying area of the site; and
  - (c) SMAs to be moved away from the flood-prone eastern boundary and spring field, as had been discussed in the evidence of Mr O'Neill.
144. To provide further controls on maintaining and enhancing the current ecological values of aquatic features, an Ecological Management Plan (EMP) is included as a requirement within the ODP text. She advised that the EMP would require an assessment to be undertaken. That would need to address plans for spring head restoration, Springs Creek riparian management, aquatic buffer distances, waterway crossing management, wetland delineation following MfE guidelines and wetland restoration and enhancement options within the proposed space. Ongoing maintenance and monitoring would also be required.
145. Ms Drummond agreed that the springs within the site are of high ecological value and need to be protected as part of the plan change. She also agreed with Dr Burrell that the spring flows are highly sensitive to urban development but considered that with careful design at the time of subdivision, including mitigation in areas of shallow groundwater to avoid redirecting groundwater flow paths away from the springs, and appropriate setback distances for earthworks and development, the ecological values in the springs can be maintained. She considered that with the modifications now included in the amended ODP, the proposed land use change provided an opportunity to restore the current condition of the waterways, springs and associated wetlands located on the site, which were within an active dairy and sheep farming operation.
146. She advised that further discussions with Dr Burrell since her primary evidence was submitted had resulted in the proposed update to the ODP regarding spring head setbacks and it was now proposed that a 100 m setback from the spring heads verified by AEL would be adopted.

*s42A Report*

147. Dr Burrell summarised the ecological values and issues, and commented on the updated ODP. He considered that overall the changes provide greater protection to all waterbodies on the site and he was broadly supportive of them. He particularly supported the proposed buffer zones between waterbodies and earthworks and buildings, and considered the 100 m buffer zone from springs to be appropriate given the significance of the site. He advised that would effectively join up the springs into two larger spring zones, and this provided the opportunity to protect and



enhance the ecological values at a greater scale, providing greater overall ecological benefit. He made some minor suggested changes.

148. While overall he was pleased with the positive changes to the proposed ODP, he had some residual concerns regarding potential construction impacts on springs and regarding how wetlands would be managed.
149. Dr Burrell addressed the evidence of Ms Aitchison-Earl raising concerns about shallow groundwater levels and the lack of groundwater monitoring. Based on her evidence, he was unclear just how shallow groundwater levels are on the site and therefore the risk and practicality of mitigating effects using engineering methods.
150. Dr Burrell addressed potential mitigation measures and overall advised that he was "not sure" that the high level of confidence that the development could avoid adverse effects had been reached, but noted that was a matter for the relevant groundwater and engineering experts to confirm.

#### *Submitters*

151. A number of submitters also raised concerns with effects on aquatic ecology and wider effects on waterways including from sedimentation. Mr Rennie, the Chair of the Waihora Ellesmere Trust, spoke both to the Trust's submission (PC69-0230) and in his individual capacity (PC69-0240). That submission identified the LI (Liffey) Creek and Ararira/LII River as tributaries to Lake Ellesmere/Te Waihora, as are the springs, streams and drains flowing into them. The submission expressed a concern that changes in nature of the land use in the catchment affects the ecological health of these tributaries and the waterbodies into which they flow. It identified the potential for adverse effects including sedimentation, contaminants, light and noise, on the environment within and beyond the area covered by PC69 were of a scale that the Trust was concerned it may well adversely affect the fauna and flora and other species that are important to ecological health of the tributaries and the lake itself.
152. Susan and John Prendergast (PC69-0251) identified the presence of Long Fin Eel and Inanga in the existing waterways. Associate Professor Curran expressed a concern in relation to the loss of the ability to undertake ecological restoration.

#### *Assessment*

153. It is clear from the ecological evidence that the springs within the site are of high ecological value. There was significant agreement between the ecologists that the springs within the site are of high ecological value and need to be protected as part of the plan change. Ms Drummond agreed that the spring flows are highly sensitive to urban development but considered that with careful design at time of subdivision, including mitigation to avoid redirecting groundwater away from springs and appropriate setback distances for earthworks and development, the ecological values of the spring can be maintained. Ms Drummond expressly agreed with Dr Burrell's original assessment that PC69 would reduce the value and extent of wetlands and springs but only in so

far as that related to the originally submitted ODP. In her opinion, the modifications now included in the proposed plan change provides an opportunity for net ecological betterment compared to the current condition and extent of the waterways, springs and associated wetlands.

154. I consider the comparison of the potential rezoning with the existing agricultural use under the rural zoning is of course critical in my assessment. In relation to the ecological matters, Ms Drummond identified the degraded existing environment and opportunities this plan change provided for protection and enhancement. Dr Burrell advised that if the development did not go ahead, and the land remained in its present agricultural use, given the already degraded state, that would remain. That is, if there is no land use change, or potentially a purchase and change of ownership with different goals, it would remain the same. In that context, he advised that it was undeniably a value if the land use change protected and enhanced the springs, wetlands, waterways and the ecological values.
155. Mr Rennie for the Waihora Ellesmere Trust submitted that restoration would have to be undertaken anyway. Dr Burrell advised that his understanding was that the various statutory documents that have been approved were focused on protection but did not go so far as requiring restoration. Mr Boyes confirmed that none of the statutory changes placed a requirement for restoration on landowners.
156. I have carefully considered all of the ecological evidence which I consider to be thorough and helpful. My site visit allowed me to view a number of the springs, particularly those around the Homestead. I was also able to identify other springs from a distance.
157. In my view, given the significance of the springs and their ecosystems, without the further work which has been undertaken by the Applicant, and changes which have been made to the ODP, this issue would have been a significant impediment to the rezoning sought.
158. The ODP specifically references Springs Creek and the potential for high ecological values to be re-established at the site through restoration and enhancement. It lists protected reserve space, native planting, naturalisation and instream enhancement of Springs Creek, the spring-fed drains within the site and increased biodiversity connections within the wider catchment. It expressly records that development shall protect and enhance this natural feature and other waterbodies and freshwater ecosystems within the ODP area and incorporate those features into the wider green and blue network.
159. The amended ODP includes specific measures to be addressed at the time of subdivision to protect and enhance freshwater values and ecosystems including the requirement for an assessment by a suitably qualified and experienced practitioner to provide results of detailed groundwater level investigations across the site, and to specify construction measures to ensure that shallow groundwater is not diverted away from its natural flow path for those areas where the shallow groundwater is likely to be intercepted by service trenches and hardfill areas. This is to include measures to address potential loss of spring flow due to the penetration of the confining

layer and shall avoid the pumping of water into downstream water courses to mitigate flow loss in springs.

160. An EMP is to be prepared again by a suitably qualified and experienced practitioner which at a minimum includes wetland delineation, plans specifying spring head restoration, Springs Creek riparian management, waterway crossing management and wetland restoration and enhancement options, and segregation of spring water and untreated stormwater.
161. Aquatic buffer distances are included, arguably the most significant of which is the 100 m setback for earthworks and buildings from the spring heads identified in Figure 1. The EMP is also to include the ongoing maintenance and monitoring requirements to be implemented, and a riparian planting plan.
162. The provision of a naturalisation of the diversion of the Lincoln main drain is expressly addressed.

#### *Finding*

163. Overall, having carefully considered the ecological evidence and related groundwater and engineering evidence, I consider that this rezoning provides for potentially significant benefits from an ecological perspective. While I acknowledge that there are some risks to groundwater flows, and consequential impacts on ecological values, I am satisfied on the evidence that those risks can be appropriately addressed at subdivision stage. When considering the most appropriate option, if the zoning is left as is, and assuming the existing use continues, the degraded state is likely to continue. The proposal, with the significant changes which have been made to the ODP, provides, in my view, a significant opportunity to achieve a real and measurable environmental gain in the protection and enhancement of the springs and waterways and their ecological values.

#### Infrastructure Servicing (Water, Wastewater and Stormwater)

164. A number of the submissions raised issues in relation to servicing. These included the adequacy of the existing reticulated networks to service a development of this scale and the impacts on the current users. Another issue of concern was that existing ratepayers would have to subsidise infrastructure development required to accommodate the additional housing. On that latter issue, Mr Boyes noted that upgrades will either need to be undertaken and funded by the developer, or where they are necessitated by growth beyond just this site, there are mechanisms available to SDC to recoup proportional costs from the developer, such as through the development contributions taken at the subdivision stage or through a developer agreement. He considered that the funding of any such infrastructure upgrades necessitated by the plan change were not an impediment to rezoning.
165. Mr Boyes also identified that CRC (PC69-0205) submitted that PC69 was inconsistent with Policy 6.3.5(2) of the CRPS because water supply and wastewater upgrades would be required to serve the development, but such upgrades were not included in SDC's LTP, nor would they be investigated by the Applicant until the subdivision stage. As was noted by Mr Boyes, that

submission went on to state that the CRPS Policy 6.3.5 seeks to ensure that new development does not occur until provision for appropriate infrastructure is in place meaning that any proposed or potential future upgrades to the SDC reticulated service networks should not be relied on, particularly in regard to any servicing requirements that will occur out of sequence.

166. Mr Boyes' opinion was that if new development was not to occur until provision for appropriate subdivision was in place, and that any proposed or potential future upgrade should not be relied on, then very little growth would be provided for. He advised that all development invariably requires some form of upgrades to the existing networks. In summary, he did not consider the absence of upgrades being identified in the LTP to be a barrier to rezoning the site as that did not preclude it from being undertaken. Overall Mr Boyes considered that SDC was best placed to consider the adequacy of the existing three waters network to accommodate the scale of development proposed.

*Applicant's Evidence*

167. Mr McLeod provided the infrastructure assessment accompanying the plan change request. In his evidence, and consistent with his assessment, he advised:

- The site can be developed with adequate "on-demand" potable water services to provide for the needs of future residential properties. This would be enhanced with the transfer of existing water-take consents to SDC;
- Upgrades to the water reticulation network will improve resilience of the water supply in the area;
- New wastewater pump stations serving catchments west and east of Springs Road will be required, with dedicated rising mains to the Allendale Road wastewater pump station from where it is pumped to the Pines WWTP;
- The existing trunk network conveying wastewater to the Pines WWTP does not require upgrades to service the plan change area;
- Power and communication network extension requirements would be carried out prior to subdivision occurring and there were no obvious reasons preventing such extensions.

168. Mr McLeod addressed water, wastewater and stormwater in further detail. In terms of water, he considered the capacity upgrades to the existing Lincoln water network can be completed to supply water for the proposed plan change area, including potential development of a new water supply bore(s) within or near to the plan change site. He also advised that existing take consents could be transferred to the SDC, subject to the ECan process, to assist in satisfying the water supply demand from the proposed development. He identified that additional connections to other parts of the Lincoln supply network could be determined at subdivision design stage.

169. In terms of wastewater, he advised the majority of the plan change area can be serviced by gravity wastewater network discharging to new pump stations located at the western and eastern boundaries of the site. Those which could not be serviced by gravity sewer, could utilise the local pressure sewer to discharge into the gravity network or rising main. He confirmed that direct connection from new pump stations to the Allendale pump station would be required for the ultimate development, although the existing wastewater pipe network in Springs Road could be used as a discharge point for initial stages of development.
170. Mr McLeod spent some time discussing stormwater. He advised that conveyance and treatment would be managed within two catchments, being areas east and west of Springs Road, with the eastern catchment being further split into north and south of Springs Creek. He advised that low permeability of the soils across most of the site was not conducive to discharge of water to ground and therefore the proposed discharge for each catchment would ultimately be to the Ararira/LII River. He discussed the SMAs proposed at the downstream end of each catchment with stormwater treatment and attenuation proposed to be provided in accordance with the Wetlands and Waterways Design Guide.
171. He referred to the conceptual design of SMAs provided by E2 Environmental Limited which detailed the design philosophy for the SMAs and presented conceptual sizing of first flush basins to retain 20 mm of rainfall in each catchment, treatment wetlands to treat the first flush. He advised that the wetland treatment areas of the SMA can be located in the area between the 20% AEP and 2% AEP flood levels provided that flooding over the wetland basin level is less than 0.5 m in depth, is from existing floodwaters and is ponded water only.
172. Mr O'Neill noted that a site-specific discharge consent for the development would be required. Prior to the lodging of that discharge consent application, specific flood modelling would need to be undertaken to identify the appropriate locations in the SMA infrastructure. He advised that no subdivision consent can be granted until there is a stormwater discharge consent in place and he therefore considered that there were sufficient controls in place to require modelling to be carried out as part of the subdivision master planning work prior to lodgement of any subdivision consent.
- s42A Report*
173. Mr England, in his summary at the hearing, advised that the amended ODP which provides for an SMA and a stormwater wetland/reserve and the removal of the proposed Living X Zone led to him being comfortable that the stormwater management process proposed by the Applicant is appropriate for the site. He considered there was a viable means to dispose of stormwater from the plan change area but recommended that a stormwater consent is obtained from ECan prior to resource consent being applied for from SDC.
174. In terms of water supply, Mr England described the current Lincoln water supply, the existing bores, and noted that several other wells were planned or drilled but not yet operational. Mr England discussed the water take consents held which limit the maximum rate of water take based on a range of controls. He advised that the maximum water take from the water supply

network is limited to 1,345,544 m<sup>3</sup>/per annum. He advised that over the past three years the maximum supply demand was 5,883.7 cubic metres per day and 973,254 cubic metres per year. He advised that this meant consented capacity for some growth was available.

175. He advised that in response to accelerated growth, hydraulic models had been used to plan future water infrastructure for a number of water supplies including Lincoln. He advised that Lincoln was expected to see significant growth over the next 30 years and capacity upgrades were proposed to meet that growth, including additional water sources, storage and pipeline infrastructure. He advised that the recently adopted 2021-31 LTP included budget for further development funded capacity upgrades on the Lincoln water supply.
176. He was concerned that as the township grows the consented allocation will be put under pressure and to ensure that growth was appropriately integrated with the provision of infrastructure, priority of water allocation needed to be given to those areas already zoned for development within the Lincoln growth boundary. As this plan change area is outside the "Lincoln growth boundary", he considered that consented water should vest in SDC. He noted that in the RFI response the Applicant confirmed that existing consents for water extraction were held and that the Applicant was willing to discuss the options at a further stage in the future, likely during subdivision design stage.
177. Mr England was satisfied that if the existing consents were vested in SDC, sufficient water would be available to service the plan change area.
178. Mr England also addressed wastewater. He advised that wastewater from Lincoln is piped to the Pines WWTP and that SDC had consulted on the expansion of that facility as part of the 2021-31 LTP. He advised that the Pines WWTP was designed to be progressively upgraded to accommodate 60,000 person equivalents (PE) of incoming flows, and the current connected population equivalent was approximately 42,000 – 45,000, with additional connections from Darfield and Leeston planned for the next 3-4 years. He advised that the upgrades are necessary to provide for additional treatment beyond 60,000 PE, and are planned and budgeted for within the 2021-31 LTP. He also discussed the wastewater conveyance noting that there was limited capacity within the existing Lincoln wastewater pipe network to accommodate proposed flows and a direct connection to the Allendale Lane pumping station would be required for the ultimate development.
179. In Mr England's summary presented at the hearing, he again discussed the Pines WWTP. He advised that the plan change area can be accommodated within the planned future growth upgrades.
180. Mr Langman was concerned that approving PC69 could undermine the timely delivery of other land already identified for planned urban development within the PIB that would be reliant on the remaining infrastructure capacity in the Pines WWTP until such time as upgrades are completed and the full range of consents are obtained.<sup>23</sup>

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<sup>23</sup> Statement of Evidence of Marcus Hayden Langman on behalf of CRC and CCC 11 November 2021 at para [110]

*Analysis*

181. I have carefully considered the expert evidence which has been provided in relation to infrastructure. I have received considerable assistance from the witnesses for the Applicant and from Mr England. I have also considered the concerns raised by a number of submitters in relation to funding and potential impacts on them and the community, and other direct impacts on them.
182. I am satisfied that there are no infrastructural constraints which would render the rezoning inappropriate. There are feasible options available for infrastructure provision to the land. Some of those will require further upgrades and consents to support the upgrades. Stormwater is a matter which was subject to considerable evidence and is of some complexity arising from the nature of the site. I accept that there is a viable means for the treatment and disposal of stormwater. The detail of that will of course need to be worked through in both obtaining the necessary stormwater consent, and through the subdivision process.
183. Water supply and the infrastructure to provide that will again be a matter which can be worked through at subdivision stage. Mr England was very clear that the water take consents on the site should be transferred to SDC. SDC's RFI requested further information in relation to the water take. It advised:

*Council's current consent capacity to abstract water may limit the ability to service the development. Please advise if there are any resource consents for water abstraction within the plan change area and if these will be transferred to Council.*

184. The RFI response identified three consents to take and use water. One of those was to take and use water from Springs Creek for spray irrigation. That is a take from surface water. The response to the request advised that that could not be transferred and would be surrendered if the plan change is successful. It also identified CRC001158 to take and use water and CRC152245 again to take and use water, both from bores. The response advised that the consents to take groundwater for irrigation purposes could possibly be transferred to SDC, and the Applicant is willing to discuss the options at a further state [sic] in the future, likely during subdivision design stage.
185. The transfer of those consents was not a matter which was referenced in the amended ODP nor in Ms Appleyard's closing submissions. Mr England, during discussions at the hearing, provided examples of transfers of consents including one at West Melton which was partially for farm use and partially for irrigation. He advised that there were no difficulties with that and no partial surrender was required. If the consents were transferred they would look at new bores. Mr England advised they had taken over farming bores in the past but a preference is for separate bores to be drilled.
186. I have some concerns with incorporating such a provision in an ODP if not volunteered by the Applicant. The groundwater consents are in the name of Mr JC and Mrs LC Greenslade who presently farm the land. The transfer is dependent on other processes but, given it is on the same site, that is not an issue. On the basis of Mr England's evidence, I consider it appropriate that a

reference be incorporated into the ODP for the two groundwater consents. I do not consider it appropriate to include what is presently considered to be a surface water consent.

187. In terms of wastewater, and particularly the Pines WWTP, I have discussed the capacity and upgrading of the Pines WWTP with Mr England at a number of other hearings. I again took the opportunity to explore with him the cumulative effects of the various plan changes which were proposed and whether that had been incorporated into his thinking on whether or not this plan change could be serviced. He spoke quite carefully about that. He advised that the nature of subdivisions of this size is that they do not all come on and all create demand at the same time. There is a bit of lead time because of the nature of the developments. He is very confident that with the processes underway, which in response to a question from me he described as planned and funded, capacity would be available. He also advised that some of the increases in capacity were already underway, including the installation of a third clarifier.
188. We discussed issues in relation to risk of the upgrading. He identified the consenting risk and also risks in the construction process if shortages of labour or building material were to arise. In that situation however, he considered those issues would also impact on development and construction sectors slowing development down.
189. Mr Boyes in discussions at the hearing advised that he had no concerns in relation to the likelihood of obtaining consents in the future, albeit there can be no guarantee. He advised there had been previous expansion and he also noted that SDC is moving from a 'just in time' approach to an approach of 'getting ahead of the game'. He noted the land was already there so there was no risk in the need to acquire further land, there were existing consents, the plant was in existence and was of a modular form. Further, he noted that Mr England had not identified any concerns and that expansion consents had previously been sought and obtained. He had no reason to believe that the same situation would not apply moving forward.
190. Mr Langman expressed concerns regarding the undermining of the timely delivery of other land already identified for urban growth. If that were so, then of course that would be a matter of some concern. However I was not provided with any evidence as to where that has or may occur. I have very clear evidence from Mr England, which was fully explored with him in discussions, that he is satisfied that there will be sufficient capacity.
191. Mr Langman also raised the "complicating factor" that the RM (Enabling Housing Supply and Other Matters) Amendment Bill was before the House which, should it proceed in its current form, could have a considerable impact on the uptake of infrastructure capacity.<sup>24</sup>
192. I spoke to Mr England about the Amendment Bill. He advised that the Bill has come as "a bit of a shock". It could add more demand. He advised that it was unclear as to what the uptake was likely to be but acknowledged that it could potentially be an issue.

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<sup>24</sup> Statement of Evidence of Marcus Hayden Langman on behalf of CRC and CCC 11 November 2021 at para [111]



193. I note that I raised this issue by way of a general Minute on the various private plan changes in Selwyn following the passing of the Bill. I sought information as to the impact of it and the possibility of reopening hearings. In response to that I received a number of Memoranda including from Mr Wakefield on behalf of CRC and CCC. Ultimately I decided that it was not a matter which I needed to reopen hearings on given the specified process for dealing with intensification through a variation. I also note that the Act is enabling and on the evidence I heard from Mr Carter in terms of costs of building 2 and 3-storey apartments as compared to single level dwellings, and from Mr Sellars and Mr Jones in terms of demand for that type of development, the impact of the Act is difficult to anticipate. As noted, there is a variation process for plan changes such as this.

#### *Finding*

194. Overall, I consider that the issues in relation to provision of infrastructure have been properly addressed and in terms of the Three Waters infrastructure, its provision is not an impediment to the rezoning. There is no evidence that it will impact on any planned development.

#### Reverse Sensitivity

195. The issue of reverse sensitivity primarily relates to the request that the plan change area is not subject to the 150 m setback from the Lincoln WWTP. Rule 4.9.32 of the SDP provides:

#### ***Setback from Lincoln Sewerage Treatment Plant***

*4.9.32 Any dwelling in the Living 1A and Living Z Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewerage Treatment Plant, as identified on Planning Maps 122 and 123.*

196. In response to the request for further information, an odour assessment prepared by Golder & Associates was provided. That recorded that since 2013 all wastewater is now pumped to the Pines WWTP at Rolleston, and the current sequential batch reactor (SBR) tanks and oxidation ponds are only available for emergency wastewater storage events. The information stated that in such events the dilution would be some 2 to 3.5 times greater than normal municipal wastewater and the storage would only be a matter of hours. The assessment stated that it was expected that there would be less than minor odour effects from the use of the tanks as short-term wastewater treatment in high rainfall events.

197. This issue was specifically addressed in five of the submissions lodged. These were: Olivia and Ben Thompson (PC69-0072); Jeanette Tucker (PC69-0102); Tania and Charles Hefer (PC69-0121); Canterbury District Health Board (PC69-0131); and Nancy Borrie (PC69-0187).

198. In the Officers' Report, Mr Boyes advised that Mr England did not wish to see the PC69 area developed so as to allow sensitive residential activity within the 150 m setback. It noted that CRC210644 only permitted the discharge of treated wastewater up until 31 March 2013, but the treatment plant was still designated and SDC may need to reactivate treatment functions sometime in the future. He advised that this could include a pump station failure, noting that in such a scenario wastewater in a non-diluted state would be stored at Lincoln. Mr Bender, who

provided the odour effects assessment for the Officers' Report, agreed with the conclusion reached by Golder regarding adverse effects beyond the site boundary being unlikely in the event that the designated site is only being used for temporary storage of diluted wastewater but that other scenarios whereby untreated wastewater could be retained on the site had not been considered, including the failure of the wastewater infrastructure elsewhere in the network.

199. This became somewhat of an issue during the hearing. In her summary, Ms Nieuwenhuijsen properly advised that she had recently received further information. This was logged information on pond use for the last two years which was provided by Mr England on 22 November 2021. She advised that it appeared that the pond was used in an operational capacity rather than only for emergency use, with 11 occasions within 17 months where wastewater was discharged into the pond. She advised that prior to receipt of that information she had not understood the pond was used that way.
200. Ms Nieuwenhuijsen responded as best she could to that information. She noted that given the loading, it was considered unlikely that the pond would go anaerobic and therefore was unlikely to result in long-term odour discharges due to its use. She noted however that a low level of localised odour may occur during and just after periods where the pond is receiving undiluted wastewater that exceeds the pond's available oxygen. The odour potential would be reduced by the recently installed aerators which can provide additional oxygen to assist in meeting BOD<sub>5</sub> demand. She considered that given the events logged are typical in both frequency and volume of what is expected to occur, that is one week in the 17 months where the expected natural DO of the pond would be exceeded, a small setback distance to the houses from the pond edge in the order of 50 m may be appropriate to avoid localised odour at house locations. She advised that, depending on the level of aeration, such may not be required and that if the aerators provide sufficient oxygen in combination with the expected natural oxygen level, then short-term odour effects are expected to be minimised to the extent that a setback distance may not be required. She advised that prior to determining whether a setback is required, and if so, what distance this should be, it would be useful to understand the expected future use of the pond and the frequency of various events.
201. Mr Van Kekem provided the peer review on behalf of the Applicant. Again Mr Van Kekem's peer review was prepared before the further information became available. He agreed with Ms Nieuwenhuijsen's original evidence that the potential for offensive or objectionable odour effects to occur in PC69 as a result of the peak wet weather event as described in the Golder letter to be negligible and furthermore, the potential for offensive or objectionable odour effects from an emergency temporary wastewater storage event occurring within the 150 m buffer which extends into PC69 to be low.
202. In fairness to the Applicant, the submitters and the expert witnesses, I advised that I was more than happy for the air quality matters to be addressed after the opportunity had been provided for the parties to fully assess the new evidence. I was advised by Ms Appleyard that there had been discussions between Mr England and the Applicant and they had arrived at an agreed position which, so far as it concerns the planning documents, was for a 100 m setback from the edge of

the pond, together with a no complaints covenant applying within 150 m of the edge of the pond. I understand there were other agreements reached in relation to consenting and potential upgrade of the plant, but these were not put forward as matters to be included in the plan.

203. Mr Bender was satisfied that the 100 m setback was appropriate. He provided a summary statement where he outlined his understanding that the Lincoln WWTP previously operated as a sewage treatment plant for Lincoln and that Rule C4.9.32 required the 150 m setback to any dwelling to prevent reverse sensitivity effects on the plant from future developments. He advised his understanding was that since 2013 the Lincoln wastewater had been pumped to the Pines WWTP for treatment but that the Lincoln WWTP has continued to be used to accommodate the need for storage of untreated wastewater during high rainfall events and failure of wastewater infrastructure.
204. He referred to the information provided on 21 November 2021 regarding actual usage rates of the pond from wastewater overflow storage and that 11 events were identified where the pond had been used to divert wastewater between March 2020 and October 2021. He agreed with Ms Nieuwenhuijsen's updated evidence that provided the Lincoln WWTP is maintained in an aerobic state, the effects of odour generated from the site will have an acceptable level of effects off-site and that this should be the case for most discharges of wastewater to the Lincoln WWTP. He also agreed there was a potential for odour to be released from the deposit of fresh wastewater to the pond and that a setback should be applied to avoid reverse sensitivity effects. He noted that the 150 m setback was established for the pond when it was a fully functional wastewater treatment plant. Given the SDC's current use of the Lincoln WWTP which was intermittent and represented significant reductions in wastewater volumes, he agreed that a reduction in the original setback distance was reasonable and that the 100 m setback would be sufficient to avoid nuisance levels of odour on future land uses and therefore avoid reverse sensitivity effects.
205. Mr Boyes, in his original report, identified a concern with the protection of the Lincoln WWTP which was informed by the need for SDC to apply for new regional consents in relation to that plant, including an odour discharge consent. He noted those consents would require amendment should PC69 proceed in order to accommodate the additional buffer storage requirement. He was concerned that a change in the receiving environment had the potential to impact on how those consents were processed. He noted the amended proposal would reduce the development impacts of the current rule and that Mr England acknowledged that the use of the Lincoln WWTP is different than to when the 150 m setback was included in the SDP. He also recorded Mr Bender's satisfaction with the proposed changes resulting in acceptable levels of odour. Overall he considered that the changes proposed were sufficient to protect the Lincoln WWTP, which forms part of the Pines WWTP, which he considered to be a strategic asset under the CRPS. In his view, the amended proposal accorded with the relevant objectives and policies included in both the CRPS and the SDP in this regard.
206. I issued a Minute on 30 November 2021 which recorded that the agreement between the Applicant and SDC officers was in no way determinative and providing an opportunity for submitters to provide their comments in writing, by 5.00pm Wednesday 8 December 2021. I

received a response from Ms Hefer recording a strong objection to the proposition that a contractually agreed covenant can resolve the wastewater issue and considered the offering of the covenant in itself to be an acknowledgment that a 100 m setback does not go far enough to resolve the problem. Ms Hefer considered wastewater odour to be a health issue and was concerned in relation to the reliance on a no complaints covenant.

207. Mr Manmeet Singh advised that he was neutral on the agreement reached between the Applicant and SDC but wished to have the following matters considered:

- (a) The 150 m setback referred to by Ms Borrie relates to the previous operation of the wastewater plant and all odour experts were of the opinion that the setback can be reduced now that the wastewater is treated and disposed of at the Pines;
- (b) In respect of future activity that creates an adverse odour effect beyond the boundary this would require consent for discharge to air noting that expert evidence was presented by both the Applicant and Mr Singh that supported a significant lesser setback and even questioned whether a setback was needed at all.

208. He submitted that there was no evidence to confirm that a setback of greater than 50 m was necessary in relation to the future operation. While acknowledging that further information about future use of the pond may clarify the setback required, SDC had not articulated how future use of the pond might result in greater odour effects or require a greater setback.

209. Ms Borrie expressed a concern that the decision to reduce the minimum setback to 100 m from the edge of the pond at the Lincoln WWTP was made rather rapidly and there was no opportunity to see what scientific criteria or public health factors were taken into account. She advised that she still had very serious concerns regarding the wisdom of reducing the 150 m setback from the boundary of the area designated for the Lincoln WWTP as shown on the SDP to 100 m from the edge of the pond. Ms Borrie was concerned that if there were complaints regarding odour requiring upgrades or alterations then the cost would be borne by the Lincoln ratepayers and was also concerned about an absence of evidence regarding the prevailing wind direction which she considered would indicate that 30+% of the time the wind would be blowing over land at the southern edge.

*Discussion and Findings on the setback from the Lincoln WWTP*

210. I have carefully considered this issue and the evidence and submissions on it. The agreement between SDC and the Applicant is not of course binding on me. Both Mr England, and importantly Mr Bender, were satisfied that the 100 m setback from the edge of the pond was appropriate in relation to the PC69 land and the present and intended use of the Lincoln WWTP.

211. I consider Mr Boyes' summary on this issue was accurate. Overall, I am satisfied that the 100 m setback, supported by the no complaints covenant, is appropriate. It provides for the protection of that important infrastructure without imposing unnecessary restrictions on the development of

the PC69 site. I record that my recommendation in that regard relates only to the PC69 site. I address Mr Singh's submission subsequently.

*Other Reverse Sensitivity Issues*

212. A number of submitters raised concerns regarding potential reverse sensitivity. Lance Roper (PC69-0210) was concerned that land to the south of PC69 would remain rural and would continue to be a working farm and reverse sensitivity effects were likely to arise. He sought amendments to the plan change to include a 10 m vegetation buffer, fencing and bunding along Collins Road. Theresa Kortegast (PC69-0266) in her further submission queried whether a covenant or caveat should be placed on new homes to ensure there is no objection to agricultural works taking place on neighbouring property. M & A Wright (PC69-0239) the owners and occupiers of 208 Collins Road, opposed PC69 including due to their operation of a business from home which involves use of plant and equipment that may make noise during the day that residential residents may not like. If the plan change request was granted, they sought a substantial setback around the three sides of the property to keep housing development and residents further from their rural and business activities (amongst other matters).
213. I did not receive any evidence in relation to this particular aspect, other than of a very general nature. For properties on the other side of Collins Road, given the intervention of the road corridor, I consider the reverse sensitivity effects are likely to be minimal. In relation to those properties within the plan change site, I anticipate that such matters can be addressed through the subdivision process, likely by direct negotiation. I do not consider the risk of reverse sensitivity effects on rural use are such that they need to be more specifically addressed at the rezoning stage and are not an impediment to its rezoning.

Open Space Reserves

214. A number of submitters raised concerns in relation to a shortage of recreational open space and in particular sports playing fields within Lincoln.
215. The landscape and urban design assessment attached as Appendix E to the Request considered that a larger recreational reserve for active sports was not required because of the close proximity of the Lincoln University fields and Lincoln Domain and Events Centre.
216. I heard from several submitters who addressed the issue and provided evidence of the capacity issues they experienced within Lincoln, and addressing some of the assumptions which appeared to underline the view that a larger recreational reserve for active sports was not required. Lynette and Ronald Beazer (PC69-0252) submitted that the playing/sports fields were already at capacity and this could be compared with Rolleston which had opened a new sports centre and extended the aquatic centre.
217. Mr Alistair Ross (PC69-0161) submitted that there was no provision for new sports or school facilities. He submitted that PC69 appears to rely on using existing infrastructure. He noted that Lincoln Domain is very busy and rugby and netball clubs are at capacity by their own estimation

and there was no infrastructure for other major sports like football in Lincoln and most other sports required travel to Rolleston on already busy roads, competing for space with expanding Rolleston and West Melton.

218. Mr Ross spoke about these issues when he attended the hearing. He indicated a real concern that many of the greenspaces were at a district level and require a car to reach them. He noted that in terms of the Lincoln University sports fields, that was not a public space and was not easily reached from most of Lincoln. He advised that requests to Lincoln University to make football fields available had been turned down on several times. He advised that Lincoln Domain and Events Centre are excellent facilities and are well used but finding space and time for team practices is a challenge. He considered the dependence on district level facilities such as the proposed Weedons Ross Park to meet Lincoln's needs would only further exacerbate road safety issues.
219. The Verdeco Park Community submission (PC69-0217) which represented 84 members of the Verdeco Park community raised issues in relation to amenities and sought a requirement that the developer contributed to upgrading current amenities including public parks and playgrounds. The submitters Tania and Charles Hefer (PC69-0121) raised a general concern in relation to community facilities including a dog park, communal facilities (recreational areas), commercial facilities and similar. They noted that the ODP did not make provision for any of those facilities.
220. Mr Tyler Watson (PC69-0223) also submitted in relation to services and infrastructure. The submission was that the sheer size and scale of the intended subdivision meant that the current infrastructure will be insufficient to service it. It advised that the concerns relate not only to the immediate infrastructure but also the need to increase capacity required for things such as sports fields and various other facilities. If not declined, he sought that it be amended to include space for a new primary school, early childhood centres, sports fields and skate park. Mr Watson attended the hearing and provided helpful evidence.
221. Mr Rykers provided a supplementary report on greenspace/reserve provisions.<sup>25</sup> Having reviewed the ODP and having read the supporting information, in particular the landscape and urban design assessment, the ecological assessment and the Mahaanui Kurataiao Limited statement, he made a number of comments:

There is an extensive network of greenspace indicated on the ODP which includes four reserve areas located within a 500 m radius for most residents and consistent with the adopted distribution standard for neighbourhood reserves. The indicated sizes of between 3,000 m<sup>2</sup> and 6,000 m<sup>2</sup> would be sufficiently large enough to accommodate the necessary recreation space;

- Noted additional greenspace linkages indicated alongside waterways to protect natural springs on the site and this provided an opportunity to protect existing values and to

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<sup>25</sup> s42A Report 28 October 2021, Appendix H

enhance the ecological, recreation and cultural values of the site by naturalising those features. It also provided the opportunity to integrate greenspaces with the walking/cycling movement which was a desirable outcome;

- The greenspaces have been located to provide a connection with surrounding greenspace and ensure continuous linkages;
- Reserve in the western part provides an opportunity to develop a playground which could also help to service demand for the adjacent Verdeco Park subdivision. Mr Rykers agreed with the landscape and urban design assessment that a larger recreation reserve for active sports is not required and was also of the view that SDC had already planned to provide sufficient land in this locality to meet projected demand for sports activities over the next 30 years. He advised that modelling, including modelling of sports park demand against the additional population created through this development, indicates there would be more than adequate land within the catchment to service the proposed development.

222. I asked that Mr Rykers attend the hearing. The first issue I spoke to Mr Rykers about was the availability of the Lincoln University sports fields. I noted that a number of submitters had raised the difficulty with that and that access to those grounds was almost impossible. Mr Rykers advised that in his experience there were difficulties in getting to use the University's sports grounds and there had been numerous discussions with Lincoln University over the years on the potential for sharing facilities. He advised there has been some community use of the grounds. He advised when the SDC does modelling on sports park demand they do not take into account Lincoln University. The modelling excludes both the University and school grounds because of the limited availability.

223. We also discussed what the submitters considered to be a lack of sporting facilities in Lincoln itself. We discussed the concern that for most sporting activities that they wanted to undertake with their children they had to drive out of Lincoln. Mr Rykers advised that in Lincoln itself Lincoln Domain was pretty much at capacity although there had been some recent changes. He noted that in terms of netball, all of the teams in Selwyn had had their games at Lincoln Domain but more recently, with the opening of the Selwyn Sports Centre, the competition was now split between Lincoln and the Selwyn Sports Centre. He was aware that there was an issue in relation to space for football and cricket and training for rugby in Lincoln.

224. He advised that SDC had just recently approved a purchase of land adjoining the domain of a 5.6 ha block that extends from the Lincoln Events Centre out to Boundary Road. This would provide additional space for active sports. He also advised that SDC had purchased 22 ha in Birches Road on the periphery of Prebbleton and around a five minute drive from Lincoln and on the rail trail. That is to serve the Lincoln and Prebbleton communities as they expand and the first stage of that has been developed. Football was likely to be one of the key users there and two more cricket pitches.

225. He advised that SDC had been planning for growth for a considerable period of time since the Open Space Strategy 2015 and had been active in purchasing land. He advised it was very much on a catchment basis rather than a township basis. He advised that in regards to Lincoln, they look at Lincoln, Prebbleton and Broadlands. He advised the philosophy underlying the strategy was to create sports hubs as a more efficient way of delivering sports activities in terms of the sporting infrastructure. He advised that the major sports hub was in Foster Park in Rolleston and that SDC owns 100 ha on the Weedons Road/Levi Road corner which has been specifically purchased as a recreation and community sports space. He advised the guideline for the model was 3 ha per 1,000 head of population which is at the high end of the national benchmarking. He confirmed that the latest modelling included the PC69 growth. He confirmed that most of the sports field funding was from development contributions.

*Discussion and Findings*

226. Overall I consider that the reserves incorporated into the ODP are appropriate. The combination of the location of a number of the reserves with waterways provides, in my view, a real opportunity for benefits in terms of connectivity, recreational use, and riparian planting.
227. The ODP does enable playgrounds and similar, particularly in the area to the west of Springs Road.
228. In terms of the sports field issue, it is clear from some of the submitters' evidence that there are issues with capacity of playing fields and similar in the Lincoln area. Lincoln University fields are not generally available. I note Mr Rykers has advised that they are not included in the model.
229. The extension to the Domain discussed by Mr Rykers will help, in my view, in addressing the capacity concerns expressed by the submitters. The approach taken by SDC, which is in essence a catchment approach for recreational purposes, is one which it has applied for some time. Mr Rykers was clear on the benefits in terms of that approach. In any event, consideration of the appropriateness or otherwise of that approach is a matter which is well outside my jurisdiction in relation to PC69. I am satisfied that further provision does not need to be made for a sports field within the PC69 area.

Urban Design, Urban Form, Density and Character

230. A large number of submissions (circa 80) raised concerns with PC69 relating to scale of the growth and what was seen as a change to the village atmosphere of the existing Lincoln Township.
231. The Request included an updated urban design assessment prepared by Inovo Projects Limited and DCM Urban Design Limited and a landscape assessment prepared by DCM Urban Design Limited.
232. These reports were peer reviewed by Mr Hugh Nicholson on behalf of SDC. Mr Nicholson provided an urban design and landscape hearing report dated 26 October 2021. He also attended



the hearing and provided an updated summary. Mr Nicholson's original report advised that he had drawn strategic direction from the NPS-UD, the CRPS and the SDP. He discussed what he considered to be the relevant policies and directions in those documents, as well as Our Space which had been adopted by the GCP as a strategy to guide land use decisions. He also identified the LSP 2008 noting that the plan was intended to facilitate the integrated growth of Lincoln Township and to accommodate an additional 3,900 households. He advised that the LSP informed the development of a series of associated ODPs in the SDP and provided an integrated and strategic approach to residential growth in Lincoln. He noted that the PC69 site sits outside the greenfield priority areas identified in the LSP and the SDP.

233. Mr Nicholson then described Lincoln, noting that it had expanded rapidly since the Canterbury Earthquakes in 2010. He considered the centre of Lincoln to be located along Gerald Street between the New World supermarket at the western end and the Town Centre at the eastern end.
234. Mr Nicholson advised that the Lincoln Township included approximately 2,900 houses with a population of 8,100 residents in 2020. He noted that PC69 proposes an additional 2,000 houses which would increase the size of Lincoln by 169% to 4,900. He did not consider large-scale development to be necessarily bad but noted it was not incremental and the scale of development would potentially affect the character of Lincoln which in his view, made it more important that it contributes to an agreed and coherent overall result.<sup>26</sup> He considered urban growth of that scale would be more appropriately addressed through a comprehensive spatial planning exercise in order to allow alternative growth options to be assessed and discussed with the community to promote agreed and coherent outcomes.<sup>27</sup>
235. Mr Nicholson's original report raised concerns about walkability/accessibility and connectivity.
236. Mr Nicholson helpfully reviewed the summary of submissions and further submissions. He identified some of the submissions but advised that the listed submissions were intended as examples only and should not be regarded as a comprehensive list. In terms of loss of identity and change in character, he advised that was another common theme in submissions particularly with submitters mentioning the loss of the village feel or small town character. He expressed a concern that changes of the scale proposed were likely to threaten the perception that local people had of their own town through disruption of existing urban patterns and introduction of new elements.
237. He identified that a number of submissions were concerned that PC69 would lead to increased reliance on vehicle travel and again identified example submissions in his paragraph [12.6]. He considered there would likely be an increased reliance on private vehicles to access public services and community infrastructure, and commuter trips into Christchurch.

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<sup>26</sup> Urban Design and Landscape Hearing Report Hugh Anthony Nicholson 26 October 2021 at [8.3]

<sup>27</sup> Urban Design and Landscape Hearing Report Hugh Anthony Nicholson 26 October 2021 at [8.6]

*Applicant's Evidence*

238. Mr Compton-Moen provided a comprehensive statement of evidence in relation to urban design and landscape.<sup>28</sup>
239. Mr Compton-Moen addressed Lincoln's existing ODPs, urban form and future growth. He summarised the significant growth in Lincoln Township over the last 20 years with the gap between the University and the Town Centre long being filled, or linked by the development of the New World commercial area and Te Whāriki. He noted the Lincoln population was estimated at 8,920 in June 2021 which compared to a population of 2,142 in 2001 and an estimated population of 2,720 in 2006 which was the population used in development of the LSP 2008.
240. Mr Compton-Moen helpfully summarised each of the eight current ODPs including a summary of their present state of development.<sup>29</sup>
241. Mr Compton-Moen considered the proposed plan change area to naturally extend the existing residential development at Te Whāriki, Verdeco Park and Linney Springs to the south of the Lincoln Township. He considered that being at the edge of existing residential settlement, the continuation of residential dwellings at a similar density was likely to be seen as an anticipated natural extension when compared to the broader context.<sup>30</sup>
242. In relation to connectivity and walkability, Mr Compton-Moen considered those to be key principles of the ODP with a hierarchy of street types and connections provided throughout the area. He advised that the aim of the movement network was to provide a range of modal options for residents, to reduce car dependency for short local trips while recognising private vehicle use is necessary for longer trips. He advised that the ODP encourages connectivity using the shared pedestrian and cycle network throughout the plan change area, linking to existing networks within Te Whāriki to provide quick and easy access to Lincoln Town Centre, the University and New World. He provided as Figure 3 a diagram intending to illustrate that.
243. In his evidence he advised that the ODP design intentionally does not provide vehicle access to the north to promote a greater range of active modal options for residents, reducing car dependency for shorter trips, but recognising private vehicle use is necessary for longer trips. During discussions, he agreed the use of the word 'intentionally' may be a bit of an overstatement. He remained of the view that it was beneficial and that overall the plan change met the outcomes of Policy 4.2.10 of the SDP being close to schools, shops (currently and proposed), and recreational facilities. He noted that medical facilities are located within the Town Centre and can otherwise establish within the proposed Business 1 Zones or the Living Z Zone subject to resource consent.<sup>31</sup>

<sup>28</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021

<sup>29</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021 at para [13]

<sup>30</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021 at para [14]

<sup>31</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021 at para [23]

244. Mr Compton-Moen confirmed that he was supportive of the 12hh/ha housing density, noting that it was a minimum and a positive change from the 10hh/ha previously proposed in the Lincoln Living Z Zone. He acknowledged that the rezoning would result in a noticeable change but considered it to be acceptable, and to a large degree anticipated.<sup>32</sup>
245. Mr Compton-Moen addressed the green and blue network design. He advised it was likely the spaces would be connected to form a continuous green network linking through to the LII.<sup>33</sup> He advised that the green network proposed builds on the existing network through Te Whānaki and the Springs Creek corridor to provide a green strip running through the eastern half of the plan change area which he considered would provide amenity to a large number of future residents. He confirmed that an additional four neighbourhood reserves were proposed and the majority of residents would be within a 5 minute walk or 500 m radius of the spaces. He noted a linking to existing residential development through green links.
246. Mr Compton-Moen addressed the landscape character effects noting the modification of character from a more open and agricultural to a more suburban character where infrastructure and amenities are concentrated. He advised the higher density development is to be concentrated towards the centre of the site with lower density dwellings towards the boundary allowing for blue and green networks to provide a buffer between the existing rural and proposed suburban land types.<sup>34</sup>
247. He considered the existing amenity would be enhanced and retained through planting and development of green corridors along Springs Creek and LII River, and the blue and green corridors enhanced amenity and connectivity and enabled access to areas currently not accessible.
248. Mr Compton-Moen addressed the mitigation measures proposed. He summarised these in his paragraph [35]. They included: diversity of house and lot size and location of density; retention and protection of heritage and cultural elements including the Homestead and Springs Creek from inappropriate development; creating streets with a high level of amenity and encouraging the use of low impact design techniques including grass swales and detention basins similar to those at Te Whānaki; well-connected walking and cycling network combining with green/blue network; provision of a quantity of greenspace and facilities appropriate for future population; and providing landscape, green corridor setbacks and hydrological requirements along either side of Springs Creek and LII River which could be used for amenity, stormwater and recreation purposes. He advised that any design should ensure untreated stormwater is kept separate from natural waterways prior to treatment and provide sufficient space near waterways and wetlands to enable habitat protection as well as providing access.
249. Mr Compton-Moen responded to the s42A Report. He agreed with Mr Nicholson that developing Lincoln South may benefit from a more comprehensive spatial planning exercise but he

<sup>32</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021 at para [25]

<sup>33</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021 at para [26]

<sup>34</sup> Statement of Evidence of David Compton-Moen (Urban Design and Landscape) 4 November 2021 at para [29]

considered there was no evidence that that would result in a different urban design outcome. He advised that one of the advantages with this proposal was that the area was large, contiguous and primarily in single ownership, allowing for a more integrated and coherent approach. Overall he considered that Lincoln South provides an integrated development with a mix of residential, business, community and utilities that meet the requirements of Policy B4.3.59. He considered it had good levels of walkability through linkages and the two additional neighbourhood centres would be within a walking distance for all residents within the ODP.

250. In terms of connectivity, he remained of the view that it was appropriately addressed. In terms of the "loss of small semi-rural town character", he considered that such a loss was a perceived loss based on intangibles and difficult to measure but that a number of aspects likely to contribute to that character will not be affected.
251. Overall he concluded that in terms of creating well-functioning urban environments as per Policy 1 of the NPS-UD, the ODP addresses each of the SDC's objectives and policies in B4: Growth of Townships to ensure a high level of amenity, connectivity and accessibility, and in that regard he considered the proposal was consistent with the NPS-UD.
252. Ms Lauenstein was engaged by the Applicant to provide a peer review of the urban design assessment prepared by Mr Compton-Moen. She provided a brief of evidence focused on matters relating to the urban form of Lincoln, urban growth, and walkability. She advised that it did not consider the urban form implications for Greater Christchurch
253. She discussed strategic directions and agreed with Mr Nicholson's description at paragraphs [5.2] to [5.10] of the strategic directions with regard to the NPS-UD, the CRPS, the need for high quality connections, including walking, cycling and public transport and environmental sustainability, and to ensure that the growth of existing townships has a compact form and a high level of connectivity both within the development and with adjoining land areas (SDP). She also considered the NZ Urban Design Protocol 2005 and the LSP 2008. She considered that all but one of the documents provide direction on overarching urban design matters such as density, urban form and walkability, sustainability, etc, but they were generic in nature and apply to all urban residential development at either national, regional or district level. The only document she considered provided more specific and local information with regard to urban spatial structure and form was the LSP.
254. Ms Lauenstein described the development of Lincoln from its start as a small settlement centred around a high amenity environment provided by the Liffey Stream serviced by a small rural community. She noted that with the introduction of the University campus it quickly grew into a township with a centre growing westward towards Gerald Street. She considered it was the University and its land based rural focus that has given Lincoln its identity beyond the picturesque landscape setting.<sup>35</sup>

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<sup>35</sup> Statement of Evidence of Nicole Lauenstein (Urban Design) 4 November 2021 at para [22]

255. She advised that the ongoing expansion extended Lincoln mostly to the north-east, east and south-east with the Town Centre expansion lagging somewhat behind and the western edge remaining largely unchanged due to the influence of the University/Landcare Research and underlying land ownership structures. She considered this started to create a slightly imbalanced urban form.
256. She advised that the LSP 2008 introduced the bigger vision for Lincoln providing development via ODP areas and a more cohesive and consolidated form.
257. Ms Lauenstein addressed the current urban growth in Lincoln noting that the Landcare Research and University lands were not available for future residential expansion and the urban form of Lincoln would therefore remain less compact and slightly incohesive and unconsolidated in that area.<sup>36</sup> She considered that spatially the University campus, including its residential facilities, is starting to form the western edge of the township and the most recent development at Te Whāriki and Verdeco Park have reconnected the University with the township resulting in it becoming a closer and more connected education facility.
258. She advised that growth to the north along Birches Road was possible and had been the direction of growth for the last 10 years but at some stage the distance to the township will make this less suitable. She advised that the same had occurred along the eastern edge of Lincoln in Rosemerryn, Liffey Springs and Ararira Springs to the south-east, where development is nearly reaching the full extent of the structure plan area. Again, further development in that direction would become less suitable due to increasing distances to the Town Centre.
259. With regard to consolidated urban form, she considered PC69 to be a logical sequence of urban development for Lincoln which fitted within the overall direction of growth initiated by the LSP 2008. The growth of the township westward towards Gerald Street makes the southern extension of the township a very feasible option as the distances between PC69 and the Town Centre are reasonably short.<sup>37</sup>
260. She considered the timing of PC69 to be appropriate within the context of the urban growth rate which has accelerated post earthquakes and to some extent superseded the planned sequence of growth as anticipated by the structure plan in 2008.
261. She considered PC69 gave careful consideration to the movement hierarchy, spatial layout, existing and proposed green and blue networks, and heritage protection to ensure development retains an open character akin to the existing environment of Lincoln.
262. In terms of the benefits of larger ODPs, Ms Lauenstein considered the larger area creates certainty around location and availability of additional commercial nodes, certainty around a pedestrian and cycle network integrated with a high amenity green network, and certainty around

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<sup>36</sup> Statement of Evidence of Nicole Lauenstein (Urban Design) 4 November 2021 at para [29]

<sup>37</sup> Statement of Evidence of Nicole Lauenstein (Urban Design) 4 November 2021 at para [33]

the status and protection of the local springs and waterways by integrating them purposefully and carefully into the wider green network.<sup>38</sup>

263. Ms Lauenstein addressed well-functioning urban environments within the Lincoln context. She considered the density was appropriate and that density was supported by three smaller commercial nodes and several green spaces. She considered it avoided creating future impediments to connectivity and urban growth and that it supported well-functioning urban environments in accordance with the NPS-UD. She put some weight on the organising of residential layout around a strong pedestrian and cycling focused green network which was very much in character with Lincoln. In terms of connectivity, walkability and accessibility, she noted the residential layout around a strong pedestrian and cycling focused green network, and she considered that would encourage the use of active transport modes and create a less car dominated environment, and that there were several direct pedestrian and cycle links to Te Whāriki and via roads and green spaces further to the Town Centre which are approximately 1.2 to 2.5 km away.
264. She considered the fact that Te Whāriki and Verdecos Park do not offer possibilities for vehicular connections encouraged PC69 to utilise this limitation to its benefit by responding with a different development concept to the traditional subdivision. She considered lack of direct vehicular connectivity to the north to be a positive aspect, promoting alternative active modes of transport which in a town such as Lincoln are very appropriate. That hierarchy would create a better living environment than a car dominated one.
265. Ms Lauenstein noted the key issues raised by the submissions were identified by Mr Nicholson. In terms of change of character, she advised that taken in its 'purity' the introduction of new elements always introduces change, and change always disrupts. It was her opinion that not all disruption is necessarily negative and if that was taken to its natural conclusion it would preclude any development that introduced change. It was her view that the discussion is not one of should there be development occurring but a discussion about development location, character, scale of development and planning mechanisms and implementation.<sup>39</sup>
266. Ms Lauenstein's evidence addressed the key urban design matters. In terms of scale and character, Ms Lauenstein was of the view that village character and high amenity are not a result of specific density or lot sizes and are only loosely linked to the actual size of the township. Ms Lauenstein discussed the factors contributing to the specific character of townships and considered PC69 built on the existing landscape characteristics by taking cues from several key elements that are already existing and using those to create a connected green and blue network providing for green spaces and high amenity green pedestrian and cycle links. The linkages and reserves contributed to the sense of openness and small town feel, village type character as well as contributing to a well-functioning urban environment. She considered PC69 assisted in linking

<sup>38</sup> Statement of Evidence of Nicole Lauenstein (Urban Design) 4 November 2021 at para [39]

<sup>39</sup> Statement of Evidence of Nicole Lauenstein (Urban Design) 4 November 2021 at para [54]

the township with the University and that it would be perceived as a natural extension of the township by wrapping around the southern boundary of Te Whāriki and Verdeco Park.

267. She advised that while PC69 does alter the size of the residential areas of the township it did not significantly impact on the character of the Town Centre or any local destinations. In terms of the scale, she considered both the scale and the largely single ownership were key advantages enabling a more integrated and coherent approach providing certainty in relation to character, connectivity and other matters.
268. She considered the potential to overwhelm due to the large scale could be overcome by good staging which was common practice for larger ODPs. She agreed with Mr Nicholson and Mr Compton-Moen in relation to the concern about the development turning its back on Springs Road. The need for slow speed environments and direct access off Springs Road should be considered from the gateway at the Collins Road/Springs Road intersection onward. She considered this would introduce a more urban street scape with stronger affinity with the adjacent residential properties.
269. In her summary presentation at the hearing, Ms Lauenstein advised that she had met with Mr Nicholson and agreed on improvements to the internal layout but that differences of opinion in relation to connectivity and accessibility remained. She identified that the other non-ODP related points of disagreement related to the most appropriate planning mechanism and visual amenity for existing and future residents along the southern boundary of the Verdeco Park and Te Whāriki developments.
270. Ms Lauenstein spent some time discussing the concepts of accessibility and connectivity, advising that accessibility translates to community services and educational, commercial, communal and recreational facilities being accessible within the plan change area and within the Town Centre and wider township. She noted the NPS-UD did not state accessibility needed to be via car and indeed to the contrary, highlighted the importance of accessibility by active transport modes such as walking and cycling.
271. In relation to connectivity, she again explained that was the physical connection between daily frequented destinations within the plan change site and outside. Again, connectivity is to be provided by all modes of transport but it is often mistaken as vehicular or road connectivity.
272. In terms of walkability and cyclability, she noted this was often reduced to mere distance travelled, but she advised it was much more complex than that and set out a number of relevant factors.
273. She advised of her view that PC69 takes a different approach to almost all residential environments in New Zealand which are designed for the private vehicle as it prioritised cycling and pedestrian activity. She considered that the PC69 site lends itself to the prioritisation of cycling and pedestrian activity and that the inconvenience to car travel by having to use an indirect route via Springs Road to the Town Centre was beneficial. She again noted that to support the new community the plan change area also provided local commercial centres at an appropriate scale which were located within a maximum of a 500 m radius from any dwelling in PC69 and that

it could accommodate a future primary school, early learning centres and other important community facilities if required.

274. As to the most appropriate mechanism, plan change or another strategic spatial planning exercise or structure plan, she advised that structure plans are a valuable tool to inform the strategic direction and spatial structure and they can identify a vision and build upon a community identity. She advised that they are most effective when real change is required and noted that Rolleston was a good example of where the structure plan had created a new vision and direction with large green spaces, a new high school and key community facilities completely changing the spatial structure of the town.
275. She did not consider this to be the case in Lincoln as the LSP in her view never really provided a major change in direction as that was not needed. The underlying spatial structure of Lincoln had always been dominated by natural features, the roading approaches, and the clear hierarchy and importance of the main road and Town Centre.
276. In the context of Lincoln, a plan change such as PC69 was in her view a logical extension of the structure plan and a natural growth progression for the township following the existing underlying spatial layout. She considered the only discrepancy is the extent of growth anticipated by the original structure plan. She was also concerned that under the current circumstances with the need for housing, and the time it takes to undertake larger strategic exercises such as a structure plan, rendered a plan change appropriate. From an urban design perspective, she considered it provided all the information needed to a detailed level, facilitating well informed decisions and providing the benefit of a faster process.
277. Mr Nicholson confirmed at the hearing he was supportive of improvements to the internal layout of the ODP. The differences of opinion remained regarding the levels of external connectivity to Lincoln Township and accessibility to community services and he was supportive of the additional commercial areas, the establishment of a reduced speed limit through direct property access onto Springs Road, the replacement of the Living X with a wetland reserve which would enhance the ecological values and mahinga kai values, and the inclusion of a continuous east-west primary road to the west of Springs Road and a third north-south primary road extending from Collins Road to the east of Springs Road.
278. He remained concerned about walkability which he considered would be poor although assisted by the local shops for everyday use. Most of the existing public facilities would be more than 1.2 km from the northern boundary and he considered it unlikely that most people would walk from PC69 to access existing services regularly. He acknowledged that public services and facilities would be relatively easily accessible by bicycle but that vehicle access would not be simple or direct.
279. He explained that good accessibility does not necessarily correspond with good connectivity and remained of the opinion that the proposed street network in the ODP for the PC69 area would have poor connectivity with the existing Lincoln street network. He considered an acceptable



level of connectivity for PC69 would provide nine connections at approximately 400 m intervals including four primary street connections. He advised that changes of the scale proposed in PC69 were not necessarily 'bad' but they are likely to threaten the perception that local people have of their town, both in terms of disruption of the existing urban patterns and the introduction of new elements including buildings, spaces and social networks.

#### *Submitter Evidence*

280. I discussed with a number of submitters their concerns in relation to this. Ms B Liberty for the Verdeco Park Community (PC69-0217) described the Lincoln character as a semi-rural town with growth but people still know each other and it had that small-town feel. Mr Hope (PC69-0050) discussed the village concept. He described it as an English term not a New Zealand one. He referred to the Oxford Dictionary definition of village saying larger than a hamlet but smaller than a town. He noted the Webster Dictionary defined it as between 100 and a few thousand. He considered the village feel had already gone. Mr Scott (PC69-0238) discussed a number of issues but he was concerned about the present state of congestion and similar in Gerald Street and Edward Street. Mr Tyler Watson (PC69-0223) again had a range of concerns but noted the village feel. He advised that in the four years that he has lived there, there had been considerable change and he saw Lincoln as losing its rural identity.
281. Ms MacLeod (PC69-0123) resides in Liffey Springs. She discussed a number of issues that she had. She discussed the small rural towns in Selwyn and that they are villages with people retiring to them including farmers. She identified that SDC had the lowest crime rate in New Zealand and that in Lincoln she knew her neighbours, and knew many of the staff at the New World by name. She was concerned in terms of scale. She talked about caps on the houses being built. She was very concerned that the growth of the town would impact on the character. She considered the character and history of the town are important. Ms Judson Farr (PC69-0263) discussed the importance of the Liffey Springs environment and applauded SDC for creating a very special reserve. She was considerably relieved to find the linkage had been removed.
282. Mr Page (PC69-0075) again had a number of issues and three main ones. He advised that one of the fundamental concerns was the lifestyle and wellbeing of the residents in Verdeco Park and Te Whārūki could be impacted on. There could be amenity issues.
283. Ms Painter (PC69-0122) raised a number of issues including liveability. She referred to Our Space and that "Lincoln develops while retaining its village and university character" with a focus on primary production. She discussed the changes she had seen in Lincoln over the years. She advised that the general tenor of the ODP with amenity and open space planning addressed was acceptable. She considered that if this was being proposed in Rolleston she would not object at all. It is the impact external to the ODP area which concerned her.

#### *Assessment and Findings*

284. I have spent some time recording the expert evidence, and a selection of the views from submitters, as this is obviously an important issue. I acknowledge the concerns expressed by the

residents in relation to the village character and its loss. There has been a significant growth in Lincoln over the last 15 years in particular. As Mr Nicholson said during discussions at the hearing, Lincoln is a very different place today than it was 20 years ago and it will be a different place if PC69 goes ahead. He did not consider that to necessarily be a negative. He acknowledged some of the people in Lincoln would see that as a negative but there will be others who consider it to be positive. Again in discussions, Mr Nicholson advised that he did not see anything particularly in the strategic documents which identified the protection of Lincoln or its character and also noted that the NPS-UD anticipated change.

285. I have carefully considered the issues in relation to a change of character arising from the scale of the proposal. The scale of the proposal does raise issues and, particularly for long-term residents of Lincoln, may be difficult to accept. In my view, there are a number of factors in relation to PC69 which will assist in addressing those issues. I note that the development will occur over a number of years. Mr Carter has advised that the practicalities of development in terms of seasonality, labour availability, materials and similar in essence imposed a de facto capping at around 250 households a year. That minimises the immediate impacts of scale. The location of PC69 is in my view important. It does not have direct impacts on the character of the Town Centre.
286. As identified, Mr Nicholson's major concerns included connectivity and accessibility. He considered that PC69 provides a strong connection by way of pedestrian and cycling connections across the northern boundary. He did not however consider it was reasonable to expect that everybody would walk or cycle, for example young families may have difficulties in getting to the Town Centre.
287. Ms Lauenstein and Mr Compton-Moen both saw urban design benefits from the difficulties to connect through neighbouring subdivisions for motor vehicles. Ms Lauenstein considered this led to PC69 not being focused on the dominant use of motor vehicles.
288. I acknowledge Mr Nicholson's concerns in relation to connectivity. Focusing on vehicular access, I accept that the current roading network does create some issues in terms of connectivity due to the layout of the subdivisions to the north. However, the changes to the ODP, including the two additional commercial areas, address that concern to some degree. While those changes may perhaps be addressing matters of accessibility, in my view it remains very relevant that the cycling and pedestrian network is comprehensive and provides significant benefits in terms of the layout and integration with reserves and similar.
289. I acknowledge that there will be landscape and visual effects on those who reside in Verdeco Park, and potentially to a lesser degree those in Te Whāriki. I acknowledge there will be appreciable changes for residents of Lincoln. I also accept that the lack of connectivity by way of motor vehicles is not ideal. A focus on walkability and cycling is however appropriate. From a wider landscape and urban design perspective, in my view the ODP provides real opportunities for enhancement of waterways, spring protection and similar. Those matters obviously are

important from an ecological perspective but also, in my view, contribute to the potentially positive landscape and urban design outcomes.

290. Overall, I consider that the matters in relation to urban design, urban form, density, character and potential landscape effects have all been appropriately addressed through the Applicant's evidence and the iterative and responsive approach taken to the ODP. In my view that ODP will ensure that good environmental outcomes can be achieved through a good and comprehensive urban design. It will be well connected to the existing township through the comprehensive walking and cycling network and the commercial areas which enable the day-to-day needs of residents to be met.
291. Before leaving this topic, as identified the appropriate process for facilitating growth was addressed. I discussed that with Mr Nicholson and Ms Lauenstein in particular. They agreed there were benefits with spatial and strategic planning of growth. Mr Nicholson was of the view that there were other options for growth in Lincoln which could be properly explored. Ms Lauenstein did not share that view particularly given the University and its landholdings and the landholdings of the Crown research institutes (AgResearch, Manaaki Whenua (Landcare Research), and Plant and Food). It was her view, and one shared by Mr Compton-Moen, that PC69 was a natural extension to Lincoln and the outcome from a spatial planning process was likely to be the same.
292. There is no disagreement between the planners or the landscape/urban design witnesses in relation to the values of a spatial plan process. I agree that a spatial planning process would provide greater opportunities in terms of consideration of alternatives and is generally an appropriate way to address growth. In terms of this particular plan change however, I do not have a concern that PC69 will determine the future direction of growth for Lincoln. There are issues in relation to the University and the landholdings of the Crown Research Institutes that do have an impact on the direction of future growth.
293. The site has a direct physical connection to the existing township of some 3 km in length on the site's northern boundary. Given the nature of the site, its location and its surrounds, I do not consider rezoning this land would create issues in terms of precedent, to the degree that such are relevant on a plan change. For example, this plan change does not anticipate, or rely on further growth to the south of Lincoln to enhance its connectivity or compactness. Given the nature of the proposal and its location, and in the context of the clear evidence in terms of demand and capacity shortfalls in Lincoln, I do not consider it is necessary or indeed appropriate to await the outcome of a wider, and uncertain, strategic planning process.

#### Transportation/Traffic Effects on Roading Network

294. A large number of the submissions raised concerns in relation to potential traffic effects. These were summarised by Mr Boyes as including:
- (a) The existing safety issues at various intersections and the impact of additional traffic on existing safety levels;

- (b) The general increase in traffic in and around Lincoln, and the resulting impacts on safety and congestion around the Town Centre and the existing primary and high schools;
- (c) The existing roads are too narrow, or already congested, and not appropriate for increased traffic;
- (d) The impact of increased commuter traffic on Springs Road through Lincoln and Ellesmere Road heading towards Halswell and the lack of assessment of such effects;
- (e) The costs of upgrading roads, including potential costs to the existing ratepayers;
- (f) Lack of provision for adequate walking and cycling connections to Allendale Lane, Southfield Drive and/or Liffey Spring Drive to get to Ararira School; and
- (g) It did not include public transport and/or should provide public transport.

295. I accept that is an accurate summary of the issues raised in the submissions.

296. The Request included an Integrated Transport Assessment (ITA) prepared by Mr Fuller of Novo Group Limited which identified a number of capacity issues. He assessed traffic generation to be in the order of 1,400 vehicle movements per hour in the peak hours and 14,000 vehicle movements per day.

297. As pointed out by Mr Boyes, the ITA made reference to, and in places put some weight on, the potential for a southern bypass which was shown on the movement and connectivity ODP. Mr Mazey advised that SDC had undertaken a feasibility assessment of that link in 2014 and determined that it did not warrant further investigation due to a number of factors. Mr Mazey concluded that the bypass was not a viable option and any suggestion that it might proceed was misinformed.

298. Mr Collins prepared a peer review of the ITA and associated transportation matters on behalf of SDC.<sup>40</sup> The key matters he identified were:

- Safety and efficiency effects of PC69 on the Lincoln transport network, and what intersection and road upgrades are required to support it;
- Connectivity of the ODP within the site, and to the adjacent existing and future transport network; and
- Consideration of the Lincoln Structure Plan.

299. Mr Collins' peer review identified a number of concerns about the methodology used regarding peak hour travel effects on the Lincoln transport network and was concerned that there may have been a reasonably significant under-prediction in the pm peak and particularly in the am peak. He considered the traffic distribution for PC69 was not consistent with similar residential

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<sup>40</sup> s42A Report 28 October 2021, Appendix J

development zones within Lincoln and may therefore affect the performance of critical intersections such as Springs Road/Ellesmere Junction Road/Gerald Street.

300. The peer review expressed concern in relation to the rigor of assumptions informing the assessment of the Springs Road/Ellesmere Junction Road/Gerald Street intersection.
301. He concluded there had been insufficient consideration of the effects of PC69 on Springs Road between Lincoln and Prebbleton and between PC69 and Gerald Street.
302. The peer review identified a number of other issues and made several recommendations. It noted that PC69 would not be well-connected to the surrounding urban environments and would primarily rely on Springs Road and Ellesmere Road to connect with the existing Lincoln urban area. As a result of that, the peer review recorded that PC69 would have poor connectivity to adjoining urban areas, and lower active and public transport usage. Overall, the peer review concluded that the assessment of potential transport effects had not been adequately considered and Mr Collins was unable to support PC69 at that stage.

*Applicant's Evidence*

303. Mr Smith's evidence addressed modelling only. The interpretation of the modelling was left to Mr Fuller. He advised that his evidence largely responded to matters raised by Mr Collins. He accepted that there had been an error in the evening peak model, explained his use of Springs Road/Farm Road intersection as a proxy, and confirmed that he had revisited several assumptions and updated the modelling. Overall he considered the updated modelling addressed the technical concerns raised by Mr Collins and that the modelling had been undertaken in line with best practices and appropriately demonstrated the effects of the plan change on the Lincoln transport network.
304. At the hearing, Mr Smith advised that he had been asked to undertake a modelling sensitivity test which explored the impact of changing the PC69 trip rates per household using rates based on surveys collected in November 2021 in Lincoln. He advised the trip rates were 0.6 trips per household in the morning peak hour (8-9am) and 0.82 trips per household in the evening peak hour (5-6pm). The appendix to Mr Smith's summary included several corrections including a corrected Table 4.3 which was the intersection performance at key intersections in the morning peak.
305. Mr Smith explained several of the matters identified in his evidence. I discussed with Mr Smith the ODP changes. He considered that they did not impact on the modelling. In terms of the direct access which was now proposed, he advised that would result in a lower speed limit but he did not believe that would have an effect on the modelling as he considered that the effects did not really occur until it got to the roundabout near to the University. We discussed a number of matters including the growth and reliance on Christchurch. He advised that on the approach taken the modelling may be conservatively high in terms of potential impact on the Springs Road corridor.

306. Mr Fuller identified what he understood to be the unresolved transport matters between himself and Mr Collins. He listed these in paragraph [2] of his summary of evidence and addressed each of them in turn. In terms of traffic generation rates, he confirmed that was prepared on the basis of residential development generating 0.7 vehicle movements per dwelling per hour in the am and pm peaks. He noted that other traffic assessments, including those undertaken in Rolleston, had adopted a rate of 0.9 vehicles per dwelling per hour. Mr Fuller explained the traffic surveys which were undertaken at Millstream Drive in Lincoln to validate the use of a trip rate of 0.7 vehicles per dwelling in the peak hours. He advised they were undertaken on 10, 15 and 16 November 2021 for two hours on each of the morning and evening peaks. The results of that indicated that the am peak traffic generation is within the scope of the original assessment although the traffic generation for the pm peak is higher than assessed.
307. In terms of the additional traffic modelling which had been undertaken, he noted that indicated that in the am peak no intersection or access operates worse than Level of Service D which is in capacity and he considered to be acceptable. He noted that the modelling of the pm peak led to a marginal decrease in network performance which he considered to still be acceptable and noted that no intersection was predicted to operate worse than Level of Service D. He considered there was sufficient capacity in Springs Road south of Gerald Street to accommodate the plan change and for the side roads and accesses to operate satisfactorily.
308. He addressed the effects through the Prebbleton corridor. He noted that a range of traffic improvements were proposed within Prebbleton. He considered that indicated that schemes were already in place to promote Shands Road as an alternate road to Springs Road which in turn will be traffic calmed.
309. He considered that the traffic capacity on the Shands Road and Springs Road corridors through Prebbleton would be taken up as a result of any further growth in Rolleston, Lincoln, Prebbleton and Leeston. He noted that any growth in those locations would contribute to traffic on this corridor. He considered the diminished capacity of those corridors over time as a function of growth in this part of the District generally, rather than PC69. It was his view that addressing the traffic capacity through the corridor would be required irrespective of PC69. He noted that development contributions from PC69 would contribute funding towards the infrastructure upgrades required. He also advised that the volumes of traffic from PC69 through that corridor would progressively increase as development occurred meaning that SDC would have time to investigate and implement solutions. He noted the residents of PC69 would have the ability to choose viable alternative routes (Ellesmere Road and State Highway 75) to avoid congestion.
310. Mr Fuller considered that the plan change had sufficient accessibility via walking and cycling to/from the main commercial area at Vernon Drive noting that those could use links to Hollard Crescent, Papatohora Drive and Kaitorete Drive as well as the shared path on Springs Road. He advised that the Moirs Lane extension would also provide the ability to link to Jimmy Adams Terrace along with the path along the northern side of the boundary would funnel pedestrians and cyclists towards the linkages to Te Whāriki where they lead towards the existing commercial area. He considered that the internal transport network provided good connections to the housing within

the subdivision, community services and the proposed commercial centres and open spaces. He considered that access to jobs in Christchurch, Rolleston and Lincoln are achieved through the connections to the wider roading network. He considered that the plan change layout provided the potential for passenger transport. In terms of the lack of vehicle connections between the plan change site and the existing residential areas to the north, he did not consider that was critical from a transport perspective. Whilst it reduces permeability from a traffic perspective, it encourages trips by walking and cycling whilst reducing the potential for vehicles to rat-run through the adjacent residential developments. Overall, he was satisfied that the site provided acceptable transport links.

311. Mr Fuller addressed the timing and funding of infrastructure projects and overall considered that the transport effects were acceptable, subject to the identified road upgrades.

*Submitter Concerns*

312. A number of submitters raised issues with traffic, particularly in relation to the local network, Springs Road and Gerald Street. Ms B Liberty discussed the difficulties with crossing Springs Road and explained why the changes they had sought were necessary. A number of submitters also addressed concerns about Gerald Street with difficulties in both congestion at times and crossing the road at times. Submitters advised that concerns had been raised on many occasions and improvements in terms of crossing facilities and similar had not been undertaken along Gerald Street. CCC raised concerns in relation to impact on the wider network and Christchurch City.

*s42A Report – Evidence at Hearing*

313. Mr Mazey, while he did not provide a written report, attended the hearing to discuss those concerns. He advised that one of the issues was that Gerald Street had a dual role. It provided for the township but also served as an arterial route. He advised that progress had been made to adopt a Lincoln upgrade which would be comprehensive and was looking at approximately a \$20 million investment. This would include a 30 km/hr zone, upgrades of the roading, traffic calming and similar. He advised that the comprehensive approach had been undertaken and while that will have real benefits, it does mean that piecemeal changes are not included in the interim. In terms of other roads where issues have been raised around safety, he noted that the speed limits had largely been reduced from the 100 km/hr down to 80 km/hr and there had been some upgrades and improvements. He advised there were three key upgrades planned for Gerald Street from one end to the other. The plan was to create cycle spaces and there would also be dedicated cycle lanes from the township through to the University. Traffic signals are to be incorporated as part of the comprehensive plan to provide crossing areas, slowing the traffic down, and are very much focused on providing safer spaces for people to walk and cycle. He advised they were trying to juggle various priorities for funding.
314. Mr Mazey discussed the works and the focus on Springs Road and Shands Road in particular. In terms of Prebbleton and Springs Road, he noted that it was very congested and works had

been undertaken basically to divert traffic away from Prebbleton and Springs Road towards Shands Road and further works would be undertaken on Shands Road in the future.

315. Mr Collins in his updated summary identified that there had been a number of discussions and a number of matters had been resolved through the evidence and those discussions. He addressed the matters he considered remain in contention. In terms of the am peak vehicle trip generation, he advised that this could be addressed by either updated modelling for the am peak using a 0.82 veh/hr/dwelling trip rate, or a dwelling cap should be placed on PC69 generating no more than 1,400 veh/hr. He calculated that cap to be at around 1,710 dwellings.
316. In terms of the effects on the Prebbleton arterial, he noted that Mr Fuller and he agreed that there would be capacity issues from the Shands Road and Springs Road corridors through Prebbleton should all current plan changes proceed. He considered the effects of PC69 on Shands Road/Springs Road to be significant. He considered it was more appropriate for SDC to coordinate any upgrade of those corridors as capacity issues are as a result of multiple plan changes but he questioned whether SDC could reasonably be expected to fund and deliver capacity upgrades. He advised that the earlier delivery of the Moirs Lane connection may help delay some effects on Shands Road/Springs Road but he was unable to comment without further assessment, as to the degree that may act as a pressure release for the Prebbleton arterial, nor the effects on the Ellesmere Road/State Highway 75 corridor.
317. He recorded that Mr Fuller and he agreed that the form of the northern intersection of PC69 with Springs Road, either as a roundabout or traffic signals, should be determined as part of the subdivision application and liaising with the SDC's Asset Manager Transportation. He remained concerned in relation to transport links between PC69 and the surrounding urban areas which were due to the existing urban forms of adjacent land. He considered PC69 would have less than optimal connectivity to Lincoln for all transport users which would result in lower resilience and lower active and public transport usage. He considered this was not a critical flaw in itself but should be considered in conjunction with other concerns he had highlighted. Mr Collins advised that most of his concerns in relation to timing and responsibility for infrastructure upgrades had largely been addressed, as had his concerns in relation to costs of any possible road connection to Te Whāriki.
318. Mr Collins confirmed that he was satisfied with the modelling for the pm peak but remained concerned in relation to the am peak period. He discussed the survey undertaken and did not consider it provided robust evidence as to what trip rates should be required due to small survey size, unknown effect of COVID-19 Level 2 on current travel patterns, and likelihood that PC69 would have a higher commuting profile compared with the existing residential areas due to residential growth outstripping local employment growth.
319. As to the concerns Mr Collins had expressed in relation to safety and efficiency effects for pedestrians on Springs Road south of Gerald Street, he noted those had been addressed through the changes to the ODP.



320. He remained concerned about the effects on the Prebbleton arterials. He calculated the demand generated by PC69 in the am peak direction would be 800 veh/hr representing 25% of the proportion of total future demand. He advised that the total demand with the Rolleston plan changes and PC69 would be 150 to 173% over capacity. He did not agree that capacity improvements would be required for Prebbleton irrespective of PC69 as PC69 has a significant effect on the capacity exceedance. Given PC69's location outside of the FDAs identified in the CRPS he questioned whether it was reasonable for SDC to be expected to increase expenditure or reallocate committed funding in order to address unanticipated traffic growth through Prebbleton. He agreed that an alternative route enabled by the Moirs Lane/Ellesmere Road connection may delay the effect of PC69 but without further assessment he was unable to address that properly. He identified the timing of upgrades should be revised to be upon formation of a connection to Moirs Lane.

*Discussion and Findings*

321. I consider the transportation issues identified by the submitters and addressed in the evidence to be one of the critical issues. Those issues are relevant not only from a potential effects perspective but also from the perspective of well-functioning urban environments. The transportation issues arise both from the scale of PC69 and its vehicle generation, and the limits on integration and connectivity from a vehicular perspective to the adjacent subdivisions, particularly to Te Whāriki.

322. The Applicant accepted that a number of transport network upgrades would be required. It made a number of changes to the ODP to address those.

323. In her closing submissions, Ms Appleyard submitted that the Applicant had struck an appropriate balance in this case by recognising that infrastructure upgrades are likely to be required prior to development and providing certainty through the ODP text as to how this would be achieved.<sup>41</sup> Ms Appleyard advised that these included bringing forward the requirement to upgrade Ellesmere Road which was proposed to be required upon formation of a connection to Moirs Lane and prior to occupation of more than 1,354 households, and establishing a proposed park and ride facility to cater for at least 75 cars.

324. The other relevant changes to the ODP text included:

- The provision of a maximum 1,710 households beyond which an ITA would be required in association with any resource consent application;
- There are now three small local commercial centres in the eastern and western parts of the ODP area. The ODP specifically records that the road network is to cater for extensions to existing public transport routes/new route;

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<sup>41</sup> Closing Legal Submissions on behalf of Applicant 15 December 2021 at para [39]

- Along Springs Road and Collins Road direct vehicular access to private properties is to be provided;
- Traffic upgrades required to accommodate growth and traffic from the ODP area and the nature of those works, the timing requirements and anticipated funding responsibilities are set out in Table 1. Those upgrades are comprehensive.

325. I have carefully considered all of the expert evidence and the matters raised in the submissions and by submitters presenting. The additional traffic generated by PC69 will have impacts on the transportation networks and on residents of Lincoln and those accessing its facilities such as Lincoln University. SDC is addressing a number of the issues raised, particularly those relating to Gerald Street. Planning for that is well underway.

326. The ODP now records that transport network upgrades are required to accommodate growth in traffic from the ODP area and sets out clearly the nature of those works, the timing requirements and the anticipated funding responsibility. I record that the word 'anticipated' was included to ensure that there is no issue with the plan change provisions moving into matters properly addressed under the Local Government Act.

327. Matters such as the Springs Road/Ellesmere Junction Road/Gerald Street traffic signals, which have been of concern for some time, are now proposed to be addressed prior to occupation of any households within the ODP area with the anticipated funding mechanism being a private developer agreement. Again the connection with Moirs Lane and Ellesmere Road seal widening south of Edward Street should be developer funded with a proposed limitation of 1,354 households being occupied prior to completion of that work. Pedestrian and cycle crossings on Springs Road located on the Lincoln University Road frontage were also specified as needing to be undertaken prior to any occupation of houses and developer funded. That will go some way to addressing the concerns expressed by a number of submitters, and particularly those in Verdeco Park, in relation to the difficulties in crossing that road and will again encourage active transport modes.

328. In terms of Greater Christchurch and particularly effects in Christchurch City, I consider that with distance and with dispersal once traffic gets into Christchurch, the effects will be considerably less than minor. Mr Collins addressed that issue in discussions.

329. But for the changes that the Applicant has proposed and incorporated into the ODP, I am of the view that the transportation issues would have been a significant impediment to rezoning. Given those changes and the benefits that they provide, subject to my discussion as to the appropriate mechanism to ensure certainty, I am satisfied they have been appropriately addressed.

#### Other Matters (Effects on Community Facilities and Environmental Quality)

330. A number of submitters raised issues in relation to the effects on community facilities. I have addressed the issues in relation to the reserves aspect of the sports field earlier.

### *Schooling*

331. A number of submitters raised issues in relation to schooling, including the pressure on existing schools and the lack of provision for a new school site within the development area. Amongst those submitters was the Ministry of Education (PC69-0243) which submitted that the school network planning and investment in Lincoln in recent years had been guided by SDC advice on future development and the current school network was not generally designed to accommodate any development outside of those areas. Its submission advised that consultation had not occurred and requested that PC69 only be approved if the Applicant consults with the Ministry and sufficient provisions are made to accommodate additional school children, including amendments to the ODP.

332. Mr Phillips advised that there had been dialogue with representatives of the Ministry of Education and in his evidence recorded that he understood the Ministry sought a new assessment matter being:

*12.1.4.106 Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within Outline Development Plan Area 9.*

333. Mr Phillips was supportive of that assessment matter. He noted it would provide for consideration of the need for education facilities in the block, informed by the Ministry, at the time of subdivision consent. He also advised that the ODP narrative otherwise provides for consideration of school needs and section B2.3 of the SDP provides extensively for community facilities, including schools.

334. Mr Phillips noted that the Ministry also sought additional wording within Policy B4.3.63 to refer to the potential provision of educational facilities within the ODP area for PC69. He did not oppose that but nor did he consider it was necessary, noting that the wording contained within the ODP itself and policy support for new community facilities including educational facilities is already provided for in section B2.3 of the SDP.<sup>42</sup>

335. The Ministry of Education did not appear at the hearing. It provided a letter dated 18 November 2021 which was tabled at the hearing. That tabled letter advised the Ministry had reviewed the s42A Report and the evidence submitted on behalf of the Applicant. It identified a number of matters it wished to have addressed. It supported the amended wording to the ODP text to provide for new educational facilities in the PC69 site if required and the inclusion of the assessment matter 12.1.4.106. It requested additional wording to Policy B4.3.63.

### *Evaluation and Finding*

336. This is a matter which has been raised in a number of the private plan changes. It was one that was specifically addressed by a number of submitters on PC69.

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<sup>42</sup> Summary of Evidence of Jeremy Phillips 24 November 2021 at para [14]

337. I have considered all of the submissions and the evidence. In my view the changes made by the Applicant are appropriate. In relation to the request for the addition to Policy B4.3.63 to read:

*Outline Development Plan Area 9*

- *Potential provision of educational facilities;*

– while perhaps not necessary is, in my view, appropriate. It reinforces the importance of the potential provision of educational facilities. Given the scale of this plan change, and the potential impact on educational facilities, it assures that the provision of such will be assessed.

*Medical / Shopping / Emergency services*

338. A number of submissions also raised a concern that the Lincoln medical centre was already over-subscribed and could not adequately meet the needs of the existing population. Other submissions raised the need for an additional supermarket and adequate shopping areas. The impact on emergency services was also raised.

339. Mr Boyes considered that the community facilities and amenities identified by the submitters were not matters which could be addressed directly through the plan change. He noted that any development resulting from PC69 would occur in stages and that would provide an opportunity for such services to be provided in a more timely manner. He noted that if there was demand for medical and local shopping needs, the market will typically seek opportunities to meet this demand.<sup>43</sup>

340. He was concerned that the commercial area proposed by PC69 was small. He noted it was put forward on the basis that it would not result in retail distribution effects on the existing Town Centre but he was concerned it did not provide sufficient opportunity for development of a local centre to meet the convenience needs of the new community. He also noted that the Applicant's submission on the PDP included specific provision for a supermarket. The addition of two further commercial areas addressed Mr Boyes' concerns.

*Discussion and Findings*

341. The growth enabled by PC69 will undoubtedly have impacts on community facilities in terms of increased demand. I accept Mr Boyes' evidence report in relation to this matter. The development of PC69 in stages does provide an opportunity for services to be provided in a more timely manner. I also accept that given that demand, the market will typically seek opportunities to meet it. The two additional commercial areas will allow for a number of facilities including potentially day-care centres, medical centres, convenience stores and similar, albeit some of those will require resource consent.

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<sup>43</sup> s42A Report 28 October 2021 at para [178]

*Environmental Quality*

342. As identified by Mr Boyes, a number of submitters raised concerns about the impact the plan change would have on the amenity or environmental quality of the surrounding areas.
343. Mr Boyes summarised those as including:
- Increase in noise, dust and heavy traffic during construction and the adverse health effects arising;
  - The impact the plan change may have on the rural character of the area generally, or more specifically on the rural outlook of houses which were purchased for their semi-rural views, including the potential impact this may have on property prices and enjoyment of those homes;
  - Pollution and contamination of waterways, quality of potable water, rubbish, and health and safety; and
  - Increased density resulting in increased crime.
344. In terms of noise, dust and heavy traffic during construction, I am satisfied that such matters can be addressed through specific assessment at the time of subdivision, including through the NZ Standard for construction noise, management of dust in accordance with the CRC requirements, and through subdivision consent conditions addressing construction phase.
345. In terms of the impact on rural character generally and on the houses from Verdeco Park in particular, I have addressed that in the paragraphs addressing the urban design matters. I accept that those properties, and to a lesser degree those in the Te Whāriki subdivision, will have a change of outlook. The outlook will change from an open rural to a more compartmentalised residential. Appropriate mitigation steps can be incorporated at subdivision stage.
346. Mr Boyes in his s42A Report and in discussions was of the view that property owners who are on the edge of a township cannot expect their views to remain protected. I acknowledge that and acknowledge that some of the submitters who appeared had gone through a due diligence process and were reassured by the planning framework that those views would remain. However, plans change. A district plan has, in theory, a life of approximately ten years prior to review. In terms of property prices, I prefer the approach of focusing on the environmental effects as it is those which, ultimately, will lead to an impact on property prices, if any.
347. Matters such as pollution and contamination of waterways, quality of potable water, rubbish and health and safety are all matters which can be addressed through the subdivision process. I note the stormwater discharge will require CRC consent and matters such as potential pollution and contamination of waterways will be addressed through that process.
348. In relation to the increased density resulting in an increase in crime, I do not consider that a likely issue. I note Ms Carrick's submission (PC69-0250) requested decline for a number of reasons

including the lack of current policing in Selwyn and surrounding areas and that the addition of the further 2,000 unplanned households would add more stress to an underfunded system.

Submission of Mr Manmeet Singh (PC69-0191)

349. Mr Singh is a landowner in Allendale Lane. He has sought, under the PDP, rezoning of his land together with that of any neighbouring or other lands as appropriate including for sound resource management reasons. His submission on PC69 noted that those properties were adjacent to the north-eastern boundary of the PC69 site. Mr Singh sought the approval of PC69 either in its entirety or to the extent needed to provide for integrated access and other infrastructure to enable urban residential development to service his property and all the listed properties in Allendale Lane. He sought the rezoning of the properties in the Allendale Lane to Living Z and amendment of the PC69 ODP to include the land and to include a road link to Liffey Spring Drive. The submission expressly sought that PC69 showed it.
350. Mr Thomson provided expert evidence on Mr Singh's behalf. He advised the purpose of the submission was twofold: first to ensure that the PC69 ODP included provision for a future road that allows a future road connection with the Allendale properties, and to support the deletion of the 150 m setback from the Lincoln WWTP. He advised that the setback would severely restrict development potential on the Allendale Lane land and he considered both parts of the relief to be within scope of the submission as it supported the entire proposal which includes removing the setback line.
351. In paragraph [15] of his evidence, Mr Thomson advised that he had not commented further on the rezoning of the Allendale Lane properties because he considered it to be beyond scope and not on the plan change. Nor did he comment on the merits of PC69. Mr Thomson's evidence and answers to questions at the hearing focused on the access to the Allendale Lane properties by the road link across Liffey Stream and into Liffey Spring Drive. In relation to the road link, Mr Thomson was concerned about the removal of the access to the Allendale Lane site. He advised that as part of his submission to the PDP, Mr Singh commissioned a report on the effects that the proposed residential development in Allendale Lane would have on the road network, particularly on Allendale Lane, Liffey Spring Drive and Southfield Drive. He did not provide that to support the submission on this plan change because he did not consider it to be relevant in assessing the merits. He did note that it was technically feasible for all traffic to enter and exit the Allendale Lane site using Allendale Lane as an alternative route in and out of the proposed PC69 development. He did not agree with the removal of the indicative road and requested it be reinstated.
352. The other issue related to the 150 m setback provided in Rule C4.9.32. Mr Thomson provided a supplementary statement on that. He noted that the setback would impose significant costs for other parties and it should not be imposed unless the expert evidence confirmed that it is essential.

353. Ms Nieuwenhuijsen considered that even with the new information she had received on the use of the pond, that may not be needed or may be lesser. Ms Nieuwenhuijsen quite properly addressed this issue by way of summary statement. She understood that the Applicant and SDC had agreed a setback distance for PC69 of 100 m for housing as well as side agreements relating to no complaint covenants and SDC's future consent application for the pond use. She noted that they were acceptable for both of those parties. She advised that those agreements were made prior to any updated odour effects assessment following the recent information on current pond use and despite those agreements between SDC and the Applicant for PC69, her opinion remained that a lesser setback may be appropriate. She advised that any setback distance depends on the actual use of the pond and sufficient information to fully understand the current and expected future pond use is not currently available. Ms Nieuwenhuijsen was of the view that on current information, a 150 m setback was not expected to be required for the Allendale Lane land and any potential future setback distances for this land can be based on the avoiding reverse sensitivity effects, rather than any side agreements that are made independent to these assessments.

*Discussions and Findings*

354. As noted, Mr Thomson accepted that due to scope issues he would not comment upon the rezoning. I consider that there are scope issues. In any event, apart from Ms Nieuwenhuijsen's and Mr Thomson's evidence, I received no evidence in relation to any other effects including traffic generation or similar. In the context of an ODP which has been through considerable amendment, and which is very specifically focused on the land within its boundaries, and the wider potential effects of its development, I do not have sufficient information to recommend the land be rezoned. In the circumstances, I recommend that Mr Singh's submission be rejected.

355. In terms of the setback from the WWTP, in addition to potential scope issues given the specific nature of the Request, I do not consider I have sufficient information to determine the appropriateness or otherwise of that setback for the Allendale Lane land. As Ms Nieuwenhuijsen properly advised, while she is of the view that it is not necessary on the current usage, further assessment would be required. Whether the 150 m setback is appropriate, a 100 m setback is appropriate, or whether a reduced or indeed no setback, are matters which can be addressed in a more specific request should that eventuate.

356. In terms of the connection through Liffey Springs, that is no longer being sought. The indicative roading network does enable consideration of a potential connection through to the Allendale Lane properties.

Conclusion On Actual or Potential Effects on the Environment, Matters Raised in Submissions, Matters Necessary to be Considered

357. I consider that overall the Applicant has been very responsive to the issues raised. It has made a number of changes to the ODP and explanatory text. I consider those to be positive and in my

view necessary. I find that they will go some way to addressing a number of the concerns raised by submitters and by the reporting officers.

358. I acknowledge there are some effects which are not avoided. These include the loss of versatile soils, potential changes to Lincoln's character, and the increase in traffic volumes. As Mr Boyes stated in his updated conclusions and recommendations, they are the inevitable consequence of any future growth in Lincoln per se.
359. The changes made to the ODP through the hearing process, in my view, assist in addressing and mitigating effects on character and those arising from the increased traffic volumes. I consider the amendments including the deletion of the proposed Living X Zone and the inclusion of the SMA and wetland reserves, combined with the setbacks and the specific provisions addressing ecological management, are very positive. Overall in my view there is nothing in relation to the actual or potential effects on the environment that would lead to a conclusion that the most appropriate option is to decline PC69.

### **Statutory Analysis**

#### Functions of Territorial Authorities

360. Mr Boyes identified the functions of councils as set out in s31 of the RMA at paragraph [183] of his s42A Report.
361. By way of summary, SDC has the functions of the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District;<sup>44</sup> the establishment, implementation and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District;<sup>45</sup> and the control of any actual or potential effects of the use, development or protection of land, including for the specified purposes.<sup>46</sup>
362. Mr Boyes referred to the general framework related assessment provided with the application but was concerned that the matters identified in relation to matters I have addressed in the preceding paragraphs raised some significant concerns around the ability of PC69 as put forward to adequately consider and control the actual or potential adverse effects of the proposed development. At that stage, he considered it remained to be seen whether changes to the ODP and additional measures would be better able to address the identified issues and provide the opportunity for the plan change to be granted.<sup>47</sup> At the conclusion of the hearing, in light of the changes to the ODP and additional measures, Mr Boyes recommended the plan change could be approved.

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<sup>44</sup> s31(1)(a)

<sup>45</sup> s31(1)(aa)

<sup>46</sup> s31(1)(b)

<sup>47</sup> s42A Report 28 October 2021 at para [185]



363. Mr Phillips considered, given his conclusion that the adverse effects of the proposal would be acceptable and accounting for the adoption of the existing district plan provisions and the amended ODP (as the key regulatory methods for achieving integrated management of the effects of the proposal), the plan change would accord with the stated functions of the authorities in s31 of the RMA.

364. Overall, having considered the evidence, and having addressed the primary effects and related matters earlier in this Recommendation, I consider that the district plan does accord with and assist the SDC to carry out its functions under s31 and to achieve the purpose of the RMA. The adoption of the Living Z rules, and the ODP itself, will enable and facilitate the control of any actual and potential effects of the use, development or protection of land.

365. In relation to s31(1)(aa), I will address that issue in more detail in my subsequent discussions on the NPS-UD in particular.

#### Part 2 Matters

366. As noted by Mr Boyes, pursuant to s74(1)(b) any changes to the district plan must be in accordance with the provisions of the RMA. Mr Boyes considered that notwithstanding the notification of the PDP, the purpose of the RMA was currently reflected in the objectives and policies of the SDP which PC69 did not seek to change.

367. He identified that the nature of the PC69 area was such that matters of national importance were relevant. These were listed as:

- (a) The preservation of the natural character of wetlands, lakes and rivers and their margins (relevantly), and the protection of them from inappropriate subdivision, use and development;
- (c) The protection of areas of significant indigenous vegetation and significant habitats;
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;
- (f) The protection of historic heritage from inappropriate subdivision, use and development; and
- (h) The management of significant risks from natural hazards.

368. In terms of s6(a), I have addressed this issue in my earlier discussions particularly in relation to the springs and the various waterways on the site. In my view, the preservation of the natural character of the wetlands and the waterways and their margins and their protection from inappropriate subdivision, use and development is better achieved by this proposal. There has been considerable thought and emphasis put into their preservation and indeed enhancement of those wetlands, springs and waterways.

369. In terms of s6(c), again given the nature of the plan change area, and its use, the proposal assists in the protection of significant indigenous vegetation and significant habitats. Again, the buffer areas, setbacks, and riparian plantings will protect and potentially enhance those habitats.
370. In terms of s6(d) and the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers, again in my view and in so far as it is relevant to this proposal, the reserves network and shared pedestrian and cycling facilities will at least maintain and indeed will enhance public access to the rivers and other waterways.
371. In relation to s6(f) and the protection of historic heritage, Mr Boyes advised that the Springs O'Callaghan farmhouse (Chudleigh) which was constructed around 1877 is not listed as a heritage item in the SDP or by Heritage New Zealand. It is however identified as such within the PDP. Mr Boyes considered that the retention of the larger site area around Chudleigh accounts for its heritage values and settings, including the various springs. I agree with Mr Boyes' opinion that the retention of the building on a larger site accords with s6(f) and the protection of historic heritage from inappropriate subdivision, use and development.
372. Given my findings in relation to flooding addressed earlier and in light of the geotechnical evidence, I am satisfied the amended proposal addresses the management of significant risks from natural hazards.
373. I have had particular regard to the relevant s7 matters. These were identified by Mr Boyes as the efficient use and development of natural and physical resources (s7(b)), the efficiency of the end use of energy (s7(ba)), the maintenance and enhancement of amenity values (s7(c)), the maintenance and enhancement of the quality of the environment (s7(f)) and the effects of climate change (s7(i)).<sup>48</sup>
374. These have largely been considered in my earlier consideration of the effects and other matters raised in submissions, and also in my subsequent assessment under the NPS-UD. I note Mr Copeland's evidence addressed s7(b) in particular. He addressed that from the viewpoint of economic efficiency.
375. Mr Boyes, in his s42A Report, expressed concern in relation to the creation of large residential development without a corresponding increase in local employment and access to services and the resulting further increase in the existing pattern of commuter travel from Lincoln to other centres of employment (primarily being either Rolleston or Christchurch). He considered that had impacts in terms of climate change, the efficiency and use of energy in addition to the traditionally considered impacts on the road network in terms of both amenity values and traffic and safety efficiency related effects. He considered that gave weight to the recommendations made by a number of the submitters that the growth represented by PC69 would be better placed in an existing urban growth area such as Christchurch City or Rolleston.

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<sup>48</sup> s42A Report 28 October 2021 at para [190]

376. Ultimately, after considering the evidence presented, and the changes made to the ODP, Mr Boyes was satisfied that those matters had been appropriately addressed.

### **NPS-UD – Responsive Planning**

377. An issue which has arisen in a number of the proposed private plan changes is that of the relationship between the NPS-UD and the CRPS. I have addressed this issue in earlier Recommendations including PC67 and PC73. To summarise the issue, it is really the issue of whether the avoidance objective and policies in the CRPS, and implemented by Objective B4.3.3 and Policy B4.3.1 of the SDP, mean that the proposal must be declined or whether the NPS-UD responsive planning provisions offer a pathway whereby appropriate plan changes can be approved.

378. The CCC submission (PC69-0197) addressed the relationship between the NPS-UD and the CRPS. It recorded that the CRPS seeks that urban development is avoided in the area proposed by PC69. It cited Objective 6.2.1 which provides:

*Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that: .... 3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS.<sup>49</sup>*

379. It submitted further that under the RMA, district plans are required to give effect to any national policy statement and regional policy statement. If a proposed change to a district plan will, if accepted, fail to give effect to a regional policy statement, then a change should be sought to the RPS either in advance or at the same time. This submission further recorded that based on a review of the PC69 documentation, there had not been an accompanying plan change sought or proposed to the CRPS that would rectify any inconsistency or conflict with Objective 6.2.1 of the CRPS. *“Thus Plan Change 69 does not give effect to the CRPS and in our view must be declined”<sup>50</sup>*

380. CRC's submission (PC69-0205) also identified Chapter 6 of the CRPS. It submitted that the plan change site is not identified as a greenfield priority area for residential development and is located outside the PIB shown on Map A. It submitted that the plan change request is therefore considered to be inconsistent with Objective 6.2.1(3) which *“avoids urban development outside of existing urban areas or greenfield priority areas for development”*, and Policy 6.3.1(4) to *“ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless otherwise expressly provided for in the CRPS”*.

381. CRC sought the decline of the plan change in its entirety and “without prejudice” to that relief, if the plan change was not declined it sought changes to the plan change to address issues raised in its submission.

<sup>49</sup> CCC Submission 10 June 2021 at para [18]

<sup>50</sup> CCC Submission 10 June 2021 at para [20]

382. Mr Wakefield provided legal submissions for both CCC and CRC. He noted that CCC and CRC had also made submissions in opposition to PC67 and PC73. To avoid unnecessarily repeating the legal submissions previously presented, Mr Wakefield advised that these submissions had been prepared only to respond to certain points made by Counsel for the Applicant in its legal submissions on 22 November 2021. In all other respects, he relied on the submissions previously filed.
383. Ms Appleyard in opening legal submissions identified that one of the key issues to deciding this hearing was whether the plan change can be approved, despite Objective 6.2.1.3. Again Ms Appleyard was conscious that the topic had been covered at other plan change hearings but it was repeated for completeness as this hearing involves “different and potentially different counsel (sic)”. A brief summary timeline of the relevant planning instruments was provided.
384. Ms Appleyard summarised the question to be asked as: how is the CRPS to be interpreted in light of the NPS-UD where the CRPS contains an avoid policy with respect to development outside Map A, yet the later in time, and higher order, NPS-UD contains Objective 6 and Policy 8 which requires a responsive planning approach to out-of-sequence and unanticipated development.
385. Ms Appleyard submitted that a rigid interpretation of the word ‘avoid’ in the CRPS inherently prevents local authorities from being responsive in the way required by the NPS-UD, as it prevents them from even considering the merits of a plan change that might otherwise add significantly to development capacity and contribute to well-functioning urban environments (the criteria for Policy 8 NPS-UD) where these fall outside of greenfield priority areas.<sup>51</sup> Ms Appleyard submitted that the requirement of the NPS-UD to be responsive to development capacity meeting certain criteria even if it is unanticipated or out-of-sequence was clearly intended to target exactly this type of objective in the CRPS. She submitted that to say the ‘avoid’ policy in the CRPS prevents all developments that fall outside of Map A would be to act in a manner contrary to the specific direction of Policy 8.<sup>52</sup>
386. Ms Appleyard submitted that in reconciling the inconsistency it would be necessary, as a matter of interpretation, to attempt to try and reconcile the inconsistency between the two documents. If that was not possible, she submitted that the NPS-UD, as the later in time document, and the higher order document, would have impliedly repealed (or amended) the meaning of ‘avoid’ in the CRPS.<sup>53</sup>
387. Ms Appleyard submitted that implied repeal of the objective in the CRPS should be a last resort. She submitted that the two documents could be reconciled and read together and submitted that it is highly relevant that:

<sup>51</sup> Legal Submissions on behalf of Rolleston Industrial Developments Limited 22 November 2021 at para [28]

<sup>52</sup> Legal Submissions on behalf of Rolleston Industrial Developments Limited 22 November 2021 at para [29]

<sup>53</sup> Legal Submissions on behalf of Rolleston Industrial Developments Limited 22 November 2021 at para [31]

- (a) The NPS-UD provides a clear national level direction to enable development capacity and is therefore a higher order document than the CRPS in terms of the resource management hierarchy; and
- (b) The NPS-UD is the most recent in time planning document. Ms Appleyard submitted that while PC1 to the CRPS did in part give effect to the NPS-UD this was not in relation to Policy 8 where it was noted more work would be required to give full effect to the responsive planning framework established by the NPS-UD.

388. She submitted that in light of that, it was appropriate to “read down” or “soften” the interpretation of ‘avoid’ in the CRPS to give effect to the NPS-UD (at least until such time as the CRPS gave effect to the NPS-UD, which she submitted would require an amendment to the objective in the CRPS). She submitted this could be done by grafting a limited exception onto the objective where a development could meet the NPS-UD because it adds significantly to development capacity and contributes to a well-functioning urban environment. The objective in the CRPS should therefore be read as meaning “except if otherwise provided for in the NPS-UD, avoid ...”.

389. Ms Appleyard submitted further that SDC would not be giving effect to the NPS-UD “as soon as practicable” if it was to wait for CRC to develop the criteria and in the meantime to refuse to consider requests for rezoning which on the basis of evidence produced would add significantly to development capacity.

390. I note that both Counsel commented on a report prepared by Mr Paul Rogers for the SDC dated 13 September 2021. As I have noted in other plan change hearings, that Memorandum was not prepared to specifically address the submissions on this Request. Rather, it addressed the wider submissions which arose through the PDP hearings. Mr Rogers’ Memorandum included a discussion of the ‘social objective’ of the NPS-UD which he considered to be influential if not critical to the interpretive exercise. He noted Objective 2 which states:

*Planning decisions improve housing affordability by supporting competitive land and development markets.*

391. The Memorandum goes on to note that the responsive planning provisions came into force against a context of what is frequently described as a national housing supply crisis which impacts upon affordability of housing nationally. Mr Rogers’ Memorandum records that if Simpson Grierson’s approach (to the matter before the Panel on the PDP) was correct, then effectively within the Greater Christchurch area the responsive planning provisions in the NPS-UD would be placed on hold until such time as the CRPS is reviewed, next scheduled for 2024. He considered that given the NPS-UD seeks to ensure unanticipated and/or out-of-sequence developments are considered responsively, provided they add significant land development capacity and contribute to well-functioning urban environments, the NPS-UD specifically recognises and provides for an exception or legitimate departure from restrictive objectives such as Objective 6.2.1.

392. Ms Appleyard in her reply submissions identified that the approach taken to the plan change by Counsel for CCC and CRC was more developed than it was at previous hearings. She summarised what she understood the Councils' position to be as:

- (a) The responsive planning framework allows Councils to be responsive to plan changes such as this one and SDC was responsive to the plan change when it accepted it for processing;
- (b) Despite this, SDC is bound to give effect to the CRPS and must therefore decline the plan change as being outside Map A; and
- (c) If SDC was minded to grant this plan change, it should seek a change to the CRPS.<sup>54</sup>

393. She submitted that interpretation would fall into the absurd category as it was in essence suggesting that SDC could accept the plan change for processing, but was then prevented from granting. She advised that was not logical and would result in this hearing having been a complete waste of my, the Applicant's and submitters' time and resources which could not be the intention of Policy 8. Ms Appleyard submitted that Counsel for CCC and CRC had consistently ignored the important words within Policy 8 being "even if". She submitted those words to be directive that local authorities are to behave in a responsive way "even if" they hit a barrier such as what SDC considers to be hard line like Map A. She submitted this was a strong statutory direction to decision-makers to "keep going" even if they hit a constraint such as the line in Map A.

*Planning Evidence*

394. Mr Boyes, Mr Phillips and Mr Langman all addressed this issue from a planning perspective.

395. Mr Boyes considered it was debatable as to whether Policy 8 of the NPS-UD "resolves" the tension between the proposal and the avoidance objectives and policies of the CRPS. He agreed that Policy 8 provided an opportunity to allow consideration of an out-of-sequence proposal that meets the significant capacity threshold. He also advised that he would consider that as a higher order document, the NPS-UD should be considered as providing an "opportunity" that would otherwise be precluded by the CRPS and other planning documents. He considered that reflected the central government objectives to facilitate greater opportunities for urban growth and housing opportunities.

396. Mr Phillips considered that any conflict was resolved by the NPS-UD Policy 8 as a higher order and more recent provision that is plainly worded to provide for eligible plan changes that are unanticipated or out-of-sequence.<sup>55</sup>

397. Mr Langman again addressed Policy 8. In his view it was important to carefully consider the wording of Policy 8 and Clause 3.8, and the language used to express the policy. He noted that Policy 8 requires that policy decisions are "responsive to" plan changes, and that "particular regard" is to be had to development capacity. He considered that required careful consideration

<sup>54</sup> Closing Legal Submissions on behalf of Applicant 15 December 2021 at para [21]

<sup>55</sup> Summary of Evidence of Jeremy Phillips 24 November 2021 at para [27]

of a proposal, but did not override the much more directive duty under s75 of the RMA to 'give effect' to higher order documents. He considered this to be important when considering the requirement to give effect to both the NPS-UD and the CRPS. He advised that giving effect to the NPS-UD means that, as per the wording of Clause 3.8(2), decision-makers need to have particular regard to additional development capacity. However in doing so, they must also consider other relevant higher order policy direction which may require a different approach. Mr Langman addressed this issue in more detail in paragraphs [67] – [72]. He considered it possible to read and apply the NPS-UD and the CRPS in a manner that does not create tension or conflict. He considered the CRPS and its avoid framework in Chapter 6 to represent a method that achieves the requirements of the NPS-UD, while also providing for appropriate flexibility to allow for responsive decision-making.

398. It was his opinion that no tension or conflict exists between the NPS-UD and the CRPS. He considered reconciliation of the NPS-UD Policy 8 based on a plain reading of the NPS-UD does not absolve the need to comply with the directive elements of the CRPS. It was his view that if the Applicant was correct that there was a tension or conflict, then the proper approach would be either to (i) seek an amendment to the CRPS; or (ii) refer the matter to the Environment Court under s82(2) which provides relief where there is a disagreement about whether an RPS gives effect to a National Policy Statement. He did not consider it appropriate to simply set aside the directive provisions, particularly when the RMA provides a process that allows for determination of a perceived conflict or disputes.
399. After discussing *King Salmon*, Mr Langman recorded his view was that the action "being responsive to plan changes" and "having particular regard to significant development capacity" in the NPS-UD Policy 8 and Clause 3.8(2) fell within the less directive language set out in his paragraph 71(d) and is less directive than the action "to avoid" in the CRPS.

#### *Evaluation and Finding*

400. I have carefully considered all of the matters raised in the legal submissions which I have summarised above, informed by the relevant planning evidence. This is potentially a somewhat complex issue given that the District Plan must give effect to "any policy National Policy Statement and ... (d) any Regional Policy Statement".
401. In my view there are a number of provisions in the NPS-UD which are particularly relevant to the interpretation issue. As I have previously found, in my view the social context is relevant, particularly when there is a focus, albeit not a complete focus, on housing affordability and supply. Objective 2 seeks:

*Planning decisions improve housing affordability by supporting competitive land and development markets.*

402. Policy 2 provides:

*Tier 1, 2, and 3 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.*

403. Objective 3 provides (relevantly):

*Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

...

(c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

404. I consider the text of Policy 8 is very clear. This provides:

*Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

(a) *unanticipated by RMA planning documents; or*

(b) *out-of-sequence with planned land release.*

405. Subpart 2, Responsive Planning of the NPS-UD – provides:

**3.8 Unanticipated or out-of-sequence developments**

(1) *This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.*

(2) *Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*

(a) *would contribute to a well-functioning urban environment; and*

(b) *is well-connected along transport corridors; and*

(c) *meets the criteria set under subclause (3); and*

(3) *Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*

406. I note the criteria referred to in 3.8(3) has not been included.

407. I remain of the view that Policy 8 specifically identifies responsiveness in the context of plan changes. “Unanticipated” must be read to include circumstances where planning documents (and here the CRPS is reflected in the SDP) contain avoidance objectives. Development in areas outside those identified in Map A is clearly “unanticipated” and “out-of-sequence”. I consider there is some merit in Ms Appleyard’s submissions in relation to the importance of the words “even if”.

408. I have carefully considered Mr Wakefield’s thorough submission. I do not accept that the avoidance objective and policies in the CRPS, and the relevant objective and policies in the SDP



(Objective B4.3.3 and Policy B4.3.1) mean that the proposal must be declined. I acknowledge Mr Langman's evidence in relation to the directive nature of the wording in the CRPS as compared to what Mr Langman described as falling within the "less directive" language set out in his paragraph 71(d) and is less directive than the action "to avoid" expressed in the CRPS. I consider that approach does not give sufficient regard to the hierarchy of documents. In any event, the wording such as "have particular regard to" and similar is directive. I am directed to have particular regard to, as in giving it a full and reasoned assessment, and I would be unable to meet my duties in that regard if I were to find that the avoidance provisions of the CRPS in essence stopped me from doing so.

409. The companion plan changes to the CRPS approach does not in my view find any support in the NPS-UD and would significantly curtail the ability of SDC to act responsively.
410. Overall, it is my view, as I have previously found, that in light of the position the NPS-UD holds in the hierarchy of documents; that is the latter in time; that it was promulgated in the context of a housing crisis; and after carefully considering its text, its purpose and other contextual matters, it enables appropriate plan changes to be assessed on their merits, notwithstanding the avoidance objectives and policies of the CRPS.
411. My findings in this regard do not render the provisions of Chapter 6 of the CRPS irrelevant, nor does it lead to a finding that significant development capacity provides, in essence, a 'trump card'. Chapter 6 of the CRPS clearly remains an important part of the overall planning framework for Canterbury. But I do not accept the avoidance objective and policies mean that this request must be declined.

#### **NPS-UD – Assessment**

412. Mr Boyes addressed the NPS-UD in some detail in his s42A Report.<sup>56</sup>
413. His summary at paragraph [225] recorded his view that the development would significantly add to the development capacity of Greater Christchurch, that there was a potential risk of undersupply, and the effects resulting from such undersupply on the efficient functioning of the housing market outweigh the risks associated with oversupply where that additional supply can be serviced.
414. Mr Boyes cautioned however that making a significant contribution towards housing capacity was only part of the NPS-UD direction. He set out concerns he had as to whether the Applicant could sufficiently address matters in order for the proposal to contribute to a well-functioning urban environment as required by Policies 1 and 8. He considered that must occur before the threshold is met for particular regard being given to the development capacity. In any event, he considered a finding of significant development capacity does not in itself require approval of the plan change, rather it needs to be weighed up against other matters. These include the rationale as to why

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<sup>56</sup> s42A Report 28 October 2021 at paras [194] – [226]

development is directed to particular areas in the CRPS is relevant for determining the appropriateness of the proposal.<sup>57</sup>

415. Mr Phillips agreed with Mr Boyes' summary statement in its entirety but in relation to the concerns as to whether the proposal can contribute to well-functioning urban environments, it was his view that the experts called for the Applicant had demonstrated how those issues would be addressed. Mr Phillips provided, as Attachment 2, a tabular assessment of the relevant objectives and policies under the NPS-UD. He identified the principal issues he considered needed to be determined as:

- (a) Does Policy 8 apply, noting it and Subpart 2, Clause 3.8 provide for the consideration of proposals that are otherwise unanticipated or out-of-sequence. Specifically:
  - (i) Will the plan change add significantly to development capacity?
  - (ii) Will the plan change contribute to well-functioning urban environments?
  - (iii) Will development capacity enabled by the plan change be well-connected along transport corridors?
- (b) Is there at least sufficient development capacity to meet expected demand at all times as required of councils by Policy 2 and is there robust information relied on to inform that determination as required by Objective 7?
- (c) Further, can a decision on the proposal be integrated with infrastructure planning and funding, strategic over the medium and long term, and responsive as required by Objective 6?

416. He also identified whether the proposal will be consistent with Objective 8 that New Zealand's urban environments support reductions in greenhouse gas emissions.

417. I agree with Mr Phillips' summary of the principal issues. I will address the issues in a slightly different order.

Will the plan change add significantly to development capacity?

418. The submissions for both CCC (PC69-0197) and CRC (PC69-0205) raised the issue of whether the 2,000 households proposed met the threshold for significance. Mr Boyes addressed this in some detail in his s42A Report.<sup>58</sup> In summary, he considered that the proposed development would add significantly to development capacity of Greater Christchurch, that there was a potential risk of undersupply, and the effects resulting from such undersupply on the efficient functioning of the housing market outweigh the risks associated with oversupply where that additional supply can be serviced.<sup>59</sup> Mr Boyes went on to address the other matters which "must

<sup>57</sup> s42A Report 28 October 2021 at para [225]

<sup>58</sup> s42A Report 28 October 2021 at paras [212] – [226]

<sup>59</sup> s42A Report 28 October 2021 at para [225]

occur” before the threshold is met for particular regard being given to the development capacity provided by PC69.

419. Mr Langman accepted Mr Boyes’ assessment that the proposal provides for a quantum of development that could be considered significant.<sup>60</sup> Again he went on to discuss other factors which impact on significance.
420. Mr Phillips considered it clear, based on the evidence of Messrs Copeland, Akehurst and Colegrave, that the proposal would “add significantly to development capacity” when viewed at any scale within a Greater Christchurch context.<sup>61</sup>
421. Mr Langman in his summary presented at the hearing advised that while PC69 could be considered to add significant capacity for housing (in terms of quantum of dwellings), there were reasons why PC69 should not be considered under the responsive planning provisions.<sup>62</sup>
422. Mr Copeland considered the additional housing development capacity enabled by PC69 would be significant, whether in the context of Lincoln or at a wider Selwyn District level. He advised that the development of approximately 2,000 dwellings represented around 8% of the existing dwellings in the District. He advised that the Applicant expected that once the plan change was approved development of up to 2,000 dwellings would approximately occur over an eight year period with an average of up to 250 dwellings coming onto the market in each of the eight years (2023–2030 inclusive). By reference to the Growth Planning in Selwyn District Memorandum prepared by Mr Baird of 1 October 2021, Mr Copeland noted that that identifies Selwyn District sufficiency of housing capacity of -2,089 in the medium term (2020–2030) and -13,130 in the long term (2020–2050). Again by reference to Mr Baird’s Memorandum, he noted that the plan change requests at October 2021 lodged with the SDC provided for a total of 10,230 additional dwellings, including the up to 2,000 additional dwellings to be developed under PC69.
423. Mr Akehurst considered that the additional capacity provided by PC69 would help offset the limited existing residential capacity in the face of uncertainty in estimates of both demand and supply.<sup>63</sup>
424. Mr Colegrave considered that PC69 would provide a substantial direct boost in market supply to meet current and projected future shortfalls.

#### *Discussion and Findings*

425. There was clear agreement between those witnesses providing expert economic and planning evidence that the approximately 2,000 lots was providing significant development capacity. I accept that evidence.

<sup>60</sup> Statement of Evidence of Marcus Hayden Langman on behalf of CRC and CCC 11 November 2021 at para [74]

<sup>61</sup> Statement of Evidence of Jeremy Phillips 4 November 2021 at para [87]

<sup>62</sup> Summary of Evidence of Marcus Hayden Langman 24 November 2021 at para [3(a)]

<sup>63</sup> Summary of Evidence of Greg Akehurst 22 November 2021 at para [18]

426. The ODP as attached to Mr Phillips' evidence in chief contained some limitations in relation to the occupation of dwellings across the area pending the upgrade to Springs Road/Gerald Street/Ellesmere Junction Road intersection and that no more than 1,586 dwellings could be occupied prior to the connection to Ellesmere Road (via Moirs Lane) being constructed.
427. The final proposed ODP additionally provides for a maximum of 1,710 households beyond which an ITA shall be required and other limits on occupation of dwellings. For example, the establishment of a park and ride facility is required prior to occupation of any households within that part of the ODP area east of Springs Road.
428. I discussed the development process with Mr Carter and other witnesses. I understand there are several constraints on construction and development works, including seasonal matters and contractor resources. Given the nature of the development and the construction process, and given that the restrictions proffered relate to occupation rather than construction, I do not consider they undermine the significance of the capacity. I address these matters again in my s32AA assessment but for the avoidance of doubt, I confirm that my view remains the same if the restriction relates to the issue of a s224 completion certificate. The 1,710 household maximum beyond which an ITA will be required remains, in my view, significant.

Is there at least sufficient development capacity to meet expected demand at all times?

429. Policy 2 requires Tier 1, 2 and 3 local authorities, at all times, to provide at least sufficient development capacity to meet expected demand for housing and for business over the short term, medium term and long term. Policy 1(d) is to support, and limit as much as possible, adverse effects on, the competitive operation of land and development markets.
430. Clause 3.11 of the NPS-UD directs that when making plans, or changing plans, in ways that affect the development of urban environments, local authorities must:
- (b) *use evidence, particularly any relevant HBAs, about land and development markets, ... to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:*
    - ...
    - (ii) *meeting the requirements to provide at least sufficient development capacity.*
431. Clause 3.2 provides that every Tier 1, 2 and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:

- (a) In existing and new urban areas; and
- (b) For both standalone dwellings and attached dwellings; and
- (c) In the short term, medium term and long term.

432. Sufficient development capacity is defined as:

- (a) Plan enabled – that is, in relation to the short term, zoned in an operative district plan; in relation to medium term, zoned in an operative or proposed district plan; and in the long term, zoned or identified for future urban use or intensification in an FDS;<sup>64</sup>
- (b) Infrastructure ready – in the short term development infrastructure is adequate to support the development of the land; in the medium term, either there is adequate existing development infrastructure or funding for adequate infrastructure to support development is identified in a LTP; or, in the long term, identified in a local authority's infrastructure strategy;<sup>65</sup>
- (c) Feasible and reasonably expected to be realised.

*Applicant's Evidence*

433. Mr Jones described the Lincoln housing market. Mr Jones has over 20 years experience in real estate specifically in the Selwyn District and 12 years experience selling down residential subdivisions in the south and south-west of Canterbury. He identified a number of drivers for people moving to Lincoln.<sup>66</sup> He advised that Lincoln is considered to be much more accessible from Christchurch than other towns in the Selwyn District.<sup>67</sup>
434. He described the demand for residential land in Lincoln as “booming” and that it was the highest it has ever been. He considered this was leading to inflated section sale prices in excess of 100% over the last 12 months. He noted that over the last 8-10 years the smallest sections are the ones which go first with buyers looking more and more for residential sites around 400-500 m<sup>2</sup>.
435. He considered the key driver to the “huge spike” in the value of residential land in Lincoln recently is the lack of availability. He noted that while the high demand for residential sections was evident throughout Greater Christchurch, the market in Lincoln is particularly frantic. It was practically impossible to get a section in Lincoln at this point in time.
436. He discussed a number of factors and advised that there was now simply not enough residential land to keep up with current and future demand.<sup>68</sup>
437. He expressed concern in relation to increased prices, and advised that from his experience the land only needed to be zoned in order to help stabilise prices in the area. He advised that where significant parcels of land are zoned, builders, developers and home buyers do not feel as great a pressure to purchase properties at any price. This provides certainty and confidence to those parties which will help control price increases.

<sup>64</sup> NPS-UD 2020 Part 3 – Subclause 1, Clause 3.4(1)

<sup>65</sup> NPS-UD 2020 Part 3 – Subclause 1, Clause 3.4(3)

<sup>66</sup> Summary of Evidence of Chris Jones 22 November 2021 at para [4]

<sup>67</sup> Summary of Evidence of Chris Jones 22 November 2021 at para [4.5]

<sup>68</sup> Summary of Evidence of Chris Jones 22 November 2021 at para [8]

438. He also addressed the risks or problems from oversupply. He did not consider there were any. It was his view it was preferable that there was an oversupply of appropriately zoned land at all times so the market can determine when and if it is developed subject to demand.
439. Mr Sellars provided evidence on the current supply of residential sections in Lincoln and quantified the current imbalance of supply and demand which he considered had resulted in recent significant price escalations. Mr Sellars explained the research methodology. He advised that the research team at Colliers Valuation has physically inspected on the ground and identified all developed and undeveloped land in Lincoln to quantify the current number of vacant residential sections available and completed research on residential section land that had sold or is available for sale. He advised that all development land had been inspected and development potential quantified together with a review of all plan changes notified.
440. He advised that the average volume of vacant residential section sales in Lincoln has fluctuated during the last ten years. He noted there was a low of 55 sales in 2011 which was immediately following the Canterbury earthquake sequence, to 209 in 2013 and the settling at an average of at or around 227 sales per annum for the period 2014 – 2019. He advised that in 2020 there was a sharp increase in volume from 245 sales in 2019 to 349 sales. He advised that the new dwelling building consents in Lincoln had generally followed a similar trend line as the number of sales. He advised that there had been a sharp increase in building consents in 2021 which he considered was in line with the expected lag behind the peak volume of sales in 2020.<sup>69</sup>
441. Again Mr Sellars advised that the average residential sale price in Lincoln had followed a relatively regular upward trend from 2011 until 2020 and that there had been an exponential growth well in excess of 100% during the preceding 12 months.
442. Mr Sellars addressed the Lincoln supply. He considered the supply of vacant residential land had failed to keep pace with the ongoing level of demand and that in the Lincoln market there were virtually no vacant sections available for purchase. He advised that recent small releases of sections had resulted in a significant price escalation.
443. He advised that Lincoln had expanded significantly during the past ten years and it was now the second most dominant township in Selwyn District in terms of residential land activity. In the five years 2016-2020, 26.1% of all Selwyn District vacant residential land transactions occurred in Lincoln with the largest activity being in Rolleston at 58.3%. He also noted that there was market evidence that the shortage of available sections in Lincoln coupled with the increased prices has resulted in buyers looking further afield where there is both availability and cheaper section prices in the likes of Leeston and Southbridge.
444. He provided an analysis of the average vacant residential section sale price in Lincoln for the period 2011-2021. In 2011 the average vacant residential section sale price was \$204,664. His table showed that that was reasonably consistent through to 2020 where the average was \$238,334, whereas in 2021 it was \$520,000. Mr Sellars' tables and graphs clearly illustrated what

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<sup>69</sup> Summary of Evidence of Gary Sellars 22 November 2021 at para [3]

could be described as a reasonably flat growth between 2011 and 2020 with a sharp increase in 2021. He provided a price escalation comparison for Te Whāriki between August-October 2020 and September-October 2021. It showed increases of what appeared to be directly comparable sections by between 116% and 128%. He advised that price escalation had occurred between 85 and 95% in the Barton Fields subdivision and, even in a buoyant market, he considered that provided clear evidence of constrained supply.

445. He provided a detailed assessment of Lincoln supply categorising vacant sections under the headings 'developed', 'under development', 'plan change applications' and 'undeveloped piecemeal'. He addressed the present subdivisions including Flemington, Barton Fields, Greenstead, Rosemerryn, Te Whāriki and Verdecos Park, and analysed the potential for each of those. He concluded that there was virtually no vacant residential sections in Lincoln with the only significant future supply potential available being via PC69. He advised that it was difficult to quantify what level of supply is required in order for a normal rational market to exist but noted that in his experience it was preferable that there is an oversupply of appropriately zoned land at all times so the market can determine when and if it is developed into sections dependent upon demand. He considered that the current land market in Lincoln was exhibiting a dysfunctional market with virtually no current supply or choice with uncompetitive market practices being adopted by vendors and extreme price escalation, the only solution for which he saw as an immediate increase in supply.
446. During discussions at the hearing, I explored with Mr Sellars the factors driving the demand side of the equation. We discussed the quantitative easing and the lower interest rates and similar. Mr Sellars acknowledged that they were relevant factors but supply was in his view the principal concern.
447. I heard from three economists, Mr Copeland, Mr Akehurst and Mr Colegrave. I will discuss the economic benefits/costs subsequently. In the following paragraphs I address the supply/demand issue.
448. Mr Copeland's evidence in relation to this particular issue related to the population growth. He noted that in 2001 the population in the District was estimated to be 28,300 whereas the June 2021 estimate was 73,600 which implied an increase of 160% over the period of 2001 to 2021, compared to only 32% for New Zealand as a whole. He noted that the Statistics New Zealand medium population projections had the Selwyn District's population increasing to 106,500 in 2048 being an average increase of 1.4% per annum over the period 2021 to 2048 compared to the average rate of growth for New Zealand of 0.7% per annum. He noted that the HCA stated that on the basis of the recent growth in the District, the most appropriate population projection for Selwyn was Statistics New Zealand's high population projection which has the District's population increasing to 126,700 in 2048 – i.e. an average rate of increase of 2% per annum, nearly three times the average rate of growth for New Zealand as a whole.<sup>70</sup>

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<sup>70</sup> Statement of Evidence of Michael Copeland 4 November 2021 at para [38]

449. Mr Akehurst set out his expertise and advised that he had particular experience in assessing effects of growth on existing economies and on urban form and that he had carried out significant work in assessing requirements for housing and business land to assist councils in setting development and growth strategies and to meet their obligations under national directions, including the NPS-UD 2016 and the NPS-UD 2020.<sup>71</sup>
450. He advised that Selwyn was one of the fastest growing local authority areas in New Zealand – second only to Queenstown Lakes in percentage terms. He advised that in the post Christchurch earthquake environment significant growth that might otherwise have gravitated towards locations within Christchurch City had redirected to the Selwyn District towns in close proximity to Christchurch, notably, Rolleston, Lincoln and Prebbleton. He advised that Selwyn currently accommodates 12% of the Greater Christchurch households and over the next 30 years, 33% of total residential growth in Greater Christchurch will be accommodated in Selwyn.<sup>72</sup>
451. Mr Akehurst explained the SCGM growth projections.
452. Mr Akehurst addressed Mr Baird's Memorandum and advised that the key driver for Selwyn growth, as identified by Mr Baird in paragraph [41], is internal migration (85%) of which the vast majority comes from Christchurch City (70%). The key growth group is younger families seeking lower cost options than offered within Christchurch, while remaining within sensible commuting distance to the city.<sup>73</sup> He advised that it was clear from recent history that the growth in numbers over the past nine years far exceeds both Statistics New Zealand's high projections (2018-2021) and the projection sets utilised in the SCGM.<sup>74</sup> He advised that it was vital that the model relied upon to make capacity decisions encapsulates likely or reasonably anticipated growth futures. Given recent growth far exceeds modelled growth under any of the five scenarios developed for the model, he considered that SDC runs the risk of significantly undercounting future growth in the short to medium term, thereby undersupplying capacity to meet that future urban growth and failing to meet their obligations under the NPS-UD, as well as driving prices up.<sup>75</sup>
453. He considered that the uptake had exceeded modelled growth by a significant margin, referring to a Memo from Formative to SDC Re Residential Capacity 2021 – Draft, 08/07/21, which he appended as Appendix 1. He excluded the FDAs around Rolleston that are not yet plan enabled. On that basis he considered feasible capacity (of at most 4,578) would last 3.5 years before completely exhausted based on short term growth matching the average of the last five years (2017-2021) at 1,323 per year. He also advised that the capacity currently identified in Lincoln (some 1,467 dwellings in 2021) remains unchanged in the short, medium and long term (again by reference to the draft Memorandum from Formative). He considered this implied that there would be no additional capacity currently to be provided to meet the strong growth anticipated.

<sup>71</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [2]

<sup>72</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [17] citing '*Housing Demand and Need in Greater Christchurch*', prepared for Environment Canterbury, Livingston and Associates Ltd, July 2021

<sup>73</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [23]

<sup>74</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [24]

<sup>75</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [25]



454. He advised that the recent residential demand in Lincoln had seen capacity drop from 3,020 in 2016 to 1,461 in 2021, or by more than half, or an average of over 300 sections annually. He advised that SDC's own Growth Planning Memorandum showed that in Lincoln, the deficit occurs inside the medium term such that the area is undersupplied by more than 300 dwellings inside ten years.<sup>76</sup> He considered that the net result of that would be significant price rises as developers will be able to charge more in the face of significant supply constraints.<sup>77</sup>
455. Mr Akehurst addressed the capacity estimates in the SCGM in some detail. He explained the way the model works. He considered the SCGM provides an accurate initial estimate of future development capacity, from which it is possible to eliminate parcels that may be zoned but not available for development – such as designations, parks and reserves, and land that may have geotechnical issues such as slope hazards, earthquake liquefaction issues and other issues. He advised it provides a first-cut at capacity and as a basis for commercial feasibility analysis and uptake such that SDC can arrive at a 'reasonably expected to be realised' capacity figure as required under the NPS-UD.
456. He considered there were issues with the estimates of capacity included in the model and expressed a concern with those issues especially if they represent the tip of systemic errors in over-estimating capacity.<sup>78</sup> Mr Akehurst identified a number of matters of concern. He considered it important that when discussing capacity to meet urban growth demand – as required under the NPS-UD, that it is capacity within the urban portions of Selwyn that are included in the capacity assessment. He again referred to the Growth Planning Memorandum and particularly the statement that:

*The demographic projections show growth is largely driven by internal migration from Christchurch, mostly young families. These families are generally looking for affordable housing within close proximity to Christchurch in a township setting. The demand for housing that has been observed in Selwyn indicates a strong preference for stand alone houses. The outcomes in the housing market shows that demand is fairly homogenous and can be met within the 'one market' of Selwyn's townships.*

457. Mr Akehurst advised that a key driver of location decision-making of households is proximity to work and that the Greater Christchurch urban extent had been set with that in mind, meaning that townships within that extent operate as one large urban area. He considered that under the NPS-UD definition, and noting that Greater Christchurch is consistently defined by the local authorities as the urban environment, Darfield and Leeston did not qualify as part of the Christchurch urban environment. He advised for example that Leeston and Darfield will appeal to very different markets and capacity provided in Lincoln (or more importantly not provided) cannot be substituted for capacity location at Leeston. The same reasoning applied to Darfield and Leeston and they are very different markets due to distance from the urban edge. It was his view that this meant townships across Selwyn are definitely not one market.

<sup>76</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [30]

<sup>77</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [31]

<sup>78</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [38]

458. Mr Akehurst then identified a number of concerns with the allocation methods and data issues at parcel level. These included: inclusion of non-urban capacity measure of capacity; setbacks and reserves being included; inclusion of developed sites as capacity; inclusion of non-residential parcels; and development density assumptions. He concluded that given all of those issues, there was potentially a significant overstating of capacity within the model as it currently stands. It was his view that SDC should be seeking to encourage additional capacity provided by plan changes such as PC69 in order to avoid residential price rises brought about by scarcity leading to a deterioration in housing affordability.<sup>79</sup>
459. Mr Colegrave provided comprehensive evidence in relation to SDC's assessment of dwelling supply and demand. Table 1 in his evidence summarised the estimated feasible capacity and projected future demand for additional dwellings in Selwyn according to the latest HCA by applying three different capacity scenarios. Scenario 1 excluded Rolleston's FDAs. Scenario 2 included the FDAs at 12.5hh/ha and Scenario 3 included the FDAs at 15hh/ha. That table identified that when the FDAs in Rolleston were excluded the latest HCA reveals a significant shortfall in feasible district development capacity over both the medium and long term. With the FDAs included, medium term shortfall disappears leaving only long term deficits.
460. While the latest dwelling supply/demand figures implied no short term need to provide additional dwelling capacity to meet demand, Mr Colegrave considered there were several compelling reasons why this is unlikely to be the case. He noted that the capacity requirement set out in the NPS-UD are minima, not targets, and they must be achieved "at all times". Thus, even if a council appears to have "sufficient" capacity to meet demand, that does not negate the benefits of providing additional capacity. All things being equal, the greater the capacity provided, the greater the degree of land market competition and the more efficiently that market operates (for the benefit of the wider community).<sup>80</sup>
461. Mr Colegrave considered that SDC's estimates of future dwelling demand appeared to be very conservative. He noted that the HCA assumes short term demand for only 2,714 new dwellings over the next three years, and a medium term demand for 8,541 over the next ten years (both including 20% competitiveness margins) which equated to run rates of about 900 dwellings over the short term and 850 over the medium term. Mr Colegrave contrasted that with the latest building consent data published by Statistics New Zealand which showed that nearly 1,800 new dwellings were granted in Selwyn during the 12 months ended June 2021 which is double the assumed short run rate of only 900.
462. Mr Colegrave provided, in his Figure 2, a graph comparing recent building consent volumes against the HCA demand estimates. He considered that the HCA's forecast of short to medium term future growth defied recent trends and this almost invariably understates the true extent of future demand.<sup>81</sup> He advised that not only does the HCA for Selwyn adopt inexplicably low

<sup>79</sup> Statement of Evidence of Greg Akehurst 4 November 2021 at para [90]

<sup>80</sup> Statement of Evidence of Fraser Colegrave 4 November 2021 at para [27]

<sup>81</sup> Statement of Evidence of Fraser Colegrave 4 November 2021 at para [32]

estimates of demand (based on the latest Statistics New Zealand high population projection, which the District is currently exceeding by quite some margin), but its estimates of feasible capacity (to meet that demand) appear to be grossly overstated.<sup>82</sup> Mr Colegrave then went through the issues one by one.

463. Mr Colegrave also discussed the relationship between feasible capacity, which is reported in the HCA, and likely market supply (which is ultimately tasked with meeting increased demand over time). He considered feasible capacity to be an interesting metric but it should not be confused with market supply. He identified there were several reasons why feasible capacity may not form part of market supply, particularly over the short to medium term. These included developer intentions, tax implications, land banking and drip feeding, site constraints, operational capacity and financing. Mr Colegrave presented a revised dwelling supply/demand estimate table which he considered confirmed that when SDC's supply and demand estimates were revised to better reflect reality, there are significant shortfalls across all three timeframes and additional supply needs to be identified and rezoned as soon as possible (despite the findings of the HCA). If not, the likely prolonged supply shortfalls will place undue pressure on house prices which undermines affordability and limits the District's strong growth potential.
464. He noted that Mr Baird's Growth Capacity Report identified a significant shortfall in the Lincoln submarket, including a medium term shortfall of 313 and a long term shortfall of 3,806. He noted that the shortfall of more than 3,800 dwellings identified over the longer term was nearly double the capacity of this plan change and it is the only one mooted for Lincoln. He considered that there was clearly a need for additional capacity in this location.

#### *S42A Report*

465. Mr Baird's Memorandum of 1 October 2021 provided helpful discussion of Selwyn's capacity. He noted that the SCCM identifies vacant and potential infill capacity using parcel and building outlines and then applies the district plan site requirements (density) and bulk and location requirements to determine potential capacity. The model can either show zoning capacity or a modified capacity that adjusts the site requirements to a capacity based on recent take-up. He noted it did not count available sections for development but rather potential development. He advised that the results from the 2021 LTP capacity modelling were presented to SDC in December 2020 and showed a reduced capacity of around 4,000 potential dwellings in the three years from the 2017 Selwyn Capacity for Growth Model. He advised that the capacity was also tested for commercial feasibility both in terms of land development and dwelling development and whether a developer could be expected to make a sufficient return to entice them to undertake the development.<sup>83</sup>
466. He discussed the land feasibility model which set a profit requirement at 23% based on the average profits of the "Land Development and Subdivision" over the last three years. He footnoted that to *Statistics New Zealand (2021) Business Performance Benchmark 2017-2019*.

<sup>82</sup> Statement of Evidence of Fraser Colegrave 4 November 2021 at para [33]

<sup>83</sup> Ben Baird Memorandum 1 October 2021: Growth Planning in Selwyn District at para [57]

The Memorandum advised in tabular form, based on the 2021 capacity assessment, that total capacity was 12,208 (which included 5,756 from the FDA), and the demand 25,338 leaving a shortfall of 13,130. The Memorandum recorded that the medium term shortfall could be met through SDC's preferred response that is outlined in Our Space and the CRPS within the FDAs once rezoned, and a further response would come through the district plan review and potential intensification work. The medium term shortfall for Lincoln was recorded as 313 and in the long term 3,806. This is based on a capacity of 1,461 and a demand of 5,267.

*Submitter Evidence – CRC/CCC*

467. Mr Langman considered that sufficient development capacity had already been identified to meet the housing demands over the medium term and the proposed housing typologies did not go far enough to align with the housing needs stated in the 2021 HCA. He considered the 2021 HCA provided an assessment of expected housing demand and sufficiency of development capacity through to 2051. He advised that Table 3 showed that with the inclusion of the FDAs identified through Change 1, there is sufficient development capacity (including the required competitive margin) within Selwyn, Waimakariri and Christchurch, to meet the expected housing demand at least over the medium term (i.e. 2021–2031). He also noted that should the proposed Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill be enacted, this would significantly impact the potential for intensification, capacity within existing urban areas, and increase the ability of existing areas to meet demand through redevelopment.<sup>84</sup>
468. For completeness, Mr Colegrave and Mr Akehurst provided brief rebuttal of Mr Langman's evidence in relation to capacity.

*Discussion and Findings*

469. It appears to me that despite the application of the high growth scenario in the SCGM, the demand for new dwellings has significantly exceeded SDC's predictions. This raises a real risk of SDC not meeting Policy 2 of the NPS-UD or indeed fulfilling its function under s31(aa).
470. Mr Boyes in his summary of evidence presented at the hearing had concerns with what he described as Mr Langman's elevating the status of PC1. He advised that PC1 was effectively limited to include only the FDA already identified through the Our Space process, and that submissions on it seeking to add additional land were considered to be not on the plan change and therefore determined to be out of scope. As such there was no merit based assessment of any other land beyond the already identified FDA. Mr Boyes was concerned that there was a potential risk of undersupply arising from the areas identified in the CRPS. He considered that the effects resulting from such undersupply on the efficient functioning of a competitive housing market, outweighed the risks associated with oversupply, where land can be adequately serviced and meets the other statutory considerations. I accept Mr Boyes' evidence on this issue.

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<sup>84</sup> Statement of Evidence of Marcus Hayden Langman on behalf of CRC and CCC 11 November 2021 at para [66]

471. SDC and CRC have taken steps to address capacity through PC1. Areas within the FDAs identified in Rolleston are subject to plan change requests and recommendations have been made. I also note that other areas within it have been granted resource consent through the COVID-19 process, however PC1 did not address land other than that already identified in Our Space.

472. I consider the Applicant's evidence in relation to capacity/demand is compelling and indeed Mr Baird's Memorandum identifies shortfalls in the longer term. On the basis of that evidence I consider there is a real risk of the requirement to provide at least sufficient development capacity to meet demand at all times not being achieved. The risk of that outweighs any risks associated with oversupply

473. While lack of capacity is not the only driver for the price escalation in Lincoln in particular, the Applicant's evidence was clear that it is the primary one. The NPS-UD focuses on supply and relies heavily on the competitive operation of land and development markets to achieve, at least, a move towards to price stability and ultimately affordability.

Will the plan change contribute to well functioning urban environments?

474. Policy 8 of the NPS-UD sets out two prerequisites for unanticipated or out-of-sequence developments. Both must be achieved before the NPS-UD allows for a private plan change to be considered. They need to both:

- (a) Add significantly to development capacity (which I find this plan change does); and
- (b) Contribute to well-functioning urban environments.

475. Policy 6 provides that when making planning decisions that affect urban environments, decision-makers are to have particular regard to the following matters:

- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) *that the planned urban built form in those RMA planning documents may involved significant changes to an area, and those changes:*
  - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - (ii) *are not, of themselves, an adverse effect*
- (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) *the likely current and future effects of climate change.*

476. Clause 3.8(2) specifies that for unanticipated or out-of-sequence developments that provide significant development capacity, particular regard to the development capacity is to be had if that development capacity:

- (a) Contributes to a well-functioning urban environment;
- (b) Is well-connected along transport corridors; and
- (c) Meets the criteria set out in clause (3). No criteria has been set.

477. Policy 1 directs that planning decisions contribute to well-functioning urban environments that, as a minimum:

- (a) *Have or enable a variety of homes that:*
  - (i) *Meet the needs, in terms of type, price, and location of different households; and*
  - (ii) *Enable Māori to express their cultural traditions and norms; and*
- (b) *Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *Support, and limit as much as possible adverse effects on, the competitive operation of land and development markets; and*
- (e) *Support reductions in greenhouse gas emissions; and*
- (f) *Are resilient to likely current and future effects of climate change.*

*Policy 1(a)(i) and (i)*

478. Mr Phillips considered that the variety was achieved through the Living Z provisions which provide for this variety and the choice afforded through the supply of up to 2,000 households – including variety of homes, needs, types, price points and locations within the plan change area within Lincoln and within the Greater Christchurch market generally. He advised that the rules provided for a variety in residential densities. The low and medium density areas would provide for conventional standalone houses. In contrast the medium density comprehensive areas will provide for comprehensively designed and developed housing that offers smaller and more affordable housing through terraced, multi-unit or smaller scale apartment style developments or through other comprehensive housing forms. He noted the proposal enables the variety but other than by adopting the existing density rules, it did not specifically prescribe them. Mr Boyes also considered that the proposal will enable a variety of homes to meet the needs of different households. Mr Langman considered it did not go far enough in providing that variety.

479. Overall, I accept that PC69 does assist in providing a variety of homes in terms of type, price and location of different households, particularly given that there is a significant amount of intensification occurring in Christchurch City itself. Location is one of the key needs identified.
480. Mr Phillips considered that the proposal would enable Māori to express their cultural traditions and norms, to the extent relevant to the site.
481. There is nothing specifically addressing that issue. The Request included a report from Mahaanui Kurataiao Limited. That identified that subdivision and development can have adverse effects on rūnanga values but can also provide opportunity to enhance those values. The report recognised the setbacks from all waterbodies, creation of recreational reserves, remediating potentially contaminated land and creating stormwater management areas. It noted the protection of waterways was a significant concern and considered that the then proposed 10 m waterway setback was an appropriate mitigation measure when used in conjunction with naturalisation of the waterways and riparian planting of indigenous, locally sourced vegetation. Kaitiaki queried the suitability of lots within the flood management area which have now been removed.
482. The ODP recognises the importance of natural surface waterbodies and springs to mana whenua and states that the specific measures described in regards to waterbodies and fresh water ecosystems will support the cultural values associated with the ODP area. It also records that in terms of earthworks, an accidental discovery protocol will be implemented, in addition to appropriate erosion and sediment controls to assist in mitigating against the potential effects on wahi tapu and wahi taonga values generally. To the extent relevant to this particular site, I consider the proposal provides for that.

*Policy 1(b)*

483. I consider the three local commercial areas now proposed meets Policy 1(b).

*Policy 1(c)*

484. It was Mr Phillips' opinion that 1(c) did not specify what form the accessibility should take, it simply seeks good accessibility for all people. His assessment advised that in this context, the site had very good accessibility given its proximity to the Springs Road arterial route and the local roading network; provision for alternative transport modes; the variety of densities, commercial centres, green links and reserves, and proximity to schooling, and including good accessibility options by way of public or active transport.
485. As addressed earlier in this Recommendation, Mr Boyes considered the distance to employment opportunities meant that active transport opportunities are not practicable for the majority of residents.
486. Mr Langman, in addressing Policy 1(c) (and in relation to Policy 8 and Clause 3.8) that unanticipated or out-of-sequence plan changes must be well-connected along transport corridors, referred to the MfE guidance which states that ideally transport corridors should be connected via

a range of transport modes and proximate to amenities and services and, if possible, people should not need to rely solely on private vehicles to travel to other urban areas, or to access essential services like employment, and health or community services. He noted it states further that ideally, developments under this policy will be transit orientated with mixed land uses and densities. Mr Langman considered that PC69 did not achieve Policy 1(a) or 1(c) or that the plan change was currently well-connected to or along transport corridors.

487. Overall, I consider that 1(c) is met, albeit by a fine margin. The changes incorporated by the Applicant which I have addressed earlier in this Recommendation assist, as far as possible, in addressing the accessibility and connectivity issues. These changes include the additional commercial areas, and the requirement for a park and ride area to be established. Internally, the green links and reserves and the pedestrian and cycling routes provide significant benefits. Certainly cycling access to shopping, the University, and the other employers in Lincoln, is reasonably well facilitated. While the issue of the need for commuting to Greater Christchurch and/or Rolleston for employment opportunities remains, Lincoln is a Key Activity Centre and does provide employment opportunities through the Lincoln Crown Research Institutes, the University and the expanding commercial area. I have addressed the issues on the wider transportation network earlier in this Recommendation.

*Policy 1(d)*

488. I have addressed this issue in my earlier discussions on capacity and summarised the expert evidence on that issue. I consider this proposal can clearly be seen as supporting and limiting, as much as possible, impacts on the competitive operation of land and development markets.

*Policy 1(e)*

489. The Applicant provided evidence from Mr Paul Farrelly. He addressed greenhouse gas (GHG) emissions from the existing land use and future anticipated GHG emissions from the plan change. He considered that when considering the GHG emissions of a proposed development or land change, it is appropriate to consider the life cycle emissions of the proposed development, and the net change in emissions compared to the emissions arising from the current land use.

490. He also advised that in the context of GHG emissions arising from housing related developments, the assessments should primarily be based on how the development's net life cycle emissions (that is an evaluation of emissions before and after development) compared to alternative development options, as opposed to whether the development, in or of itself, actually reduces GHG emissions. He addressed the GHG emissions from the farming operations, noting that they included methane emissions from livestock that is grazed on the land, manure and urine produced, and the use of fertiliser. Primarily the gas emitted on farms is methane. He advised that that was a short-lived GHG that had a global warming potential that was 28-36 times that of carbon dioxide over a 100 year timeframe and 84 times over a 20 year period. He advised that its potency and impact on global warming was reflected in the recent COP26 Climate Change



Summit where it produced a global pledge to reduce methane emissions 30% by 2030 compared to 2020 levels.

491. He advised Overseer calculated emissions arising from the existing use of the land was 2,194 tonnes of CO<sub>2</sub>e per annum and that this excluded fossil fuels, electricity use and energy associated with processing milk collected from the farm. He advised that was the equivalent of 8.3 million vehicle kilometres travelled using the average emission factor for New Zealand vehicles as at 2020. He considered the conversion of the PC69 land from farming to residential development supported a reduction in emissions.
492. In terms of the future anticipated GHG emissions, he noted that GHG emissions would be emitted during the construction of infrastructure and dwellings, and the occupation of the dwellings and commercial buildings. They would also arise from travel related activities of residents. He considered the infrastructure emissions with a minimum housing density of 12nh/ha would be relatively emissions efficient. In terms of the dwellings, he noted the embodied carbon relates primarily to the energy used to create the building materials and emissions were a function of dwelling size. He considered that those emissions could be minimised by encouraging energy efficiency, and new homes offer the potential to be substantially more energy efficient than existing homes. He identified the growing awareness of the value of passive houses, and considered the PC69 sites to be ideal for that.
493. In relation to travel, he advised that it was extremely difficult to accurately model or predict the level of travel related emissions arising from the residents of a development and how they may compare to an equivalent development. He noted that the proposed site was located approximately as close to the centre of Lincoln as other greenfield areas and the ODP had good provision for travel by walking and cycling which he expected would result in a higher degree of active mode travel. He considered Lincoln to be relatively well served with amenities which he would expect to improve as Lincoln further develops. He anticipated the tenancies in the three commercial areas would likely be self-selected, accounting for their likely desirability and convenience to nearby residents, and that mitigated the need for travel to further destinations. He also advised that working from home will increase substantially in the future which substantially reduces the frequency of commuting.
494. He accepted that the majority of commuting trips at least for the next ten years would occur between Lincoln and Christchurch and Lincoln and Rolleston in passenger vehicles, but that he would expect a significant portion of any commuter trips to be electric vehicles. He also expected the public transport options between Lincoln and Rolleston and Christchurch would improve in response to greater concentrations of residents in Lincoln if the plan change were enabled.

*Submitter Evidence*

495. Mr Langman noted that Mr Farrelly had not undertaken a comparison with CO<sub>2</sub> generated by vehicle trips. He considered it should be assumed that a greater proportion of residents in the plan change area will be commuting as compared to the existing township of 39%. Mr Langman

considered that while increasing numbers of people are working from home and use of electric vehicles could help reduce total emissions, these would not be consequent from the development itself but rather derived from decisions made by private property owners. Mr Farrelly had given no evidence in relation to the proportion of working from home workers. Mr Langman referred to an analysis that had been undertaken by Abley Limited in relation to the uptake of EVs and their potential to significantly alter emissions. That was prepared by Dr Nadine Dodge in August 2021. He summarised the points from that as including:

- (a) Hybrid and plug-in vehicles only marginally reduce average emissions per kilometre and only fully electric vehicles make a real difference;
- (b) Sales of full EVs are increasing but it still only represents a small percentage of the current New Zealand fleet (half to one percent);
- (c) Unlike high performing comparator countries like Norway, EVs are still significantly more expensive to buy than alternatives;
- (d) New Zealanders hold on to cars much longer than comparative countries;
- (e) Most used vehicles are imported from Japan and EV registrations in Japan are nowhere near enough to allow sufficient quantities of used EVs to be imported into New Zealand; and
- (f) A 2030 best-case scenario would see 12% of the vehicle fleet comprising EVs resulting in a 12% reduction in the average emissions factor for the vehicle fleet.

496. He noted that the recent mode shift plan for Greater Christchurch prepared by Waka Kotahi with the GCP stated that land transport currently accounts for 41% of GHG emissions.

497. Dr Anita Wreford (PC69-0153) submitted in opposition. Dr Wreford holds a PhD in Agricultural Economics from Lincoln University (2008), a Masters in Applied Science (Natural Resource Management) (2000) and a Bachelors degree in Applied Science (Natural Resource Management) (1997). She is an Associate Professor in the Agribusiness and Economics Research Unit at Lincoln University. Dr Wreford recorded that she is a lead author on two Intergovernmental Panel on Climate Change reports and was also an author on New Zealand's first National Climate Change Risk Assessment (2019). Her submission was personal but was informed by her expertise in the area of climate change and was motivated by her understanding of the urgency with which climate change must be addressed.<sup>85</sup>

498. Dr Wreford considered that the world is facing a climate emergency, a truly existential threat and noted that effects of climate change were being observed in Aotearoa New Zealand and Canterbury.<sup>86</sup> She considered to avoid dangerous levels of warming and its associated implications, transformational change was required. She advised that in its final advice to

<sup>85</sup> Statement in Opposition to Plan Change 69 Proposal 18 November 2021 at para [3]

<sup>86</sup> Statement in Opposition to Plan Change 69 Proposal 18 November 2021 at para [4]

Government, the Climate Change Commission recommends actions to reduce emissions from existing and new urban areas and improve understanding of how changes to urban form and function can reduce emissions. It was in that context that she expressed her concern that the development covering a large area and housing a large number of residents was not fit for purpose with the main issues relating to the location of the development and the nature of it.

499. In terms of the location, she submitted this meant that most residents would commute to Christchurch for work and identified that transport generates 17.6% of New Zealand's total GHG emissions. She considered the public transport for Lincoln into Christchurch to be "barely viable" for most people and addressed Mr Farrelly's evidence which she considered to be "highly speculative" and without specific commitments from CRC regarding public transport, she was not convinced the development would not contribute greatly to the region's GHG emissions. She identified that there was land closer to Christchurch that had better access to public transport. Dr Wreford was generally supportive of a greater range of housing densities in Lincoln but considered there to be limited provision for low-carbon design, water efficiency, biodiversity preservation and flood resilience in the development. In her view, without requirements from the developer for sustainability requirements in building design and construction, any discussion about future actions was speculative.
500. Mr Farrelly responded to Mr Langman's evidence advising that he had spoken with Mr Jones regarding the type of residents and he did not agree with Mr Langman's view that a far greater proportion of the residents in the plan change area compared to existing Lincoln residents would be commuting.
501. He also advised that he had considered the demographics of existing Lincoln residents to assess the likely prevalence of working from home. He considered a relatively high percentage (60%) were workers of a type which are able to work from home.
502. In relation to Mr Langman's reference to the report of Dr Dodge, he considered that the timeframe to 2030 was largely irrelevant in the context of GHG emissions from PC69 given New Zealand residential housing is considered to have a life cycle of 90 years. He also considered that the EV uptake would be considerably quicker for those that have a regular commute and live in new housing, and he expected to see a significant uptake of EVs.

*Discussion and Findings*

503. I accept Mr Phillips' opinion that the NPS-UD is focused on New Zealand urban environments as a whole when addressing GHG emissions rather than strictly mandating reductions on a site by site basis. In his assessment of Objective 8, he considered the proposed provision of alternative transport modes, connectivity and accessibility and the potential for servicing by public transport supports reductions in the GHG emissions. He noted that the objective seeks to support reductions rather than strictly to seek to reduce or require reductions.

504. He noted that the similar conclusion was reached by the Expert Consenting Panel for the Faringdon South West and South East resource consents and by the Hearings Commissioners determining the Ohinewai Rezoning (APL/Sleepyhead).
505. Mr Boyes identified that an increase in commuter traffic would result in more people undertaking trips, resulting in increased emissions. He identified that this was not an issue specific to just PC69 when compared to other growth areas within the Selwyn District including Rolleston, West Melton and Prebbleton. He noted that Lincoln was identified as a Key Activity Centre (KAC) with the CRPS policy direction to focus growth in and around KACs as these are locations where residents will have access to a range of services.
506. Overall I accept the evidence of Mr Phillips and Mr Boyes. The concerns raised by CCC and CRC are of course important and Mr Langman's evidence was helpful and thorough. Mr Farrelly's expert evidence was also helpful. I acknowledge Dr Wreford's concerns that without specific requirements for sustainability requirements in the building design and construction, that is to a degree speculative. I note that there is nothing directly proposed by the Applicant to specifically address GHG emissions or to encourage sustainable energy use. PC69 does however provide a comprehensive pedestrian and cycle network. It has also incorporated a park and ride facility and two additional local commercial areas. They are appropriate steps that are within the Applicant's control. Mr Farrelly's evidence in terms of the methane reductions was clear and to that degree, a change in land use from farming to residential development does support a reduction in emissions in that regard.

*Policy 1(e) – Resilient to likely current and future effects of climate change*

507. As identified earlier in this Recommendation, a number of submitters raised issues in relation to the effects of climate change. Mr Phillips considered that resilience to climate change had been achieved through the layout of the site and exclusion of the residential development from low-lying areas that are potentially susceptible to the impacts of sea level rise and storm surges. Mr O'Neill responded to the submissions of Professor Philip Hulme and Kathleen Liberty. He advised that evidence was derived from [coastal.climatecentre.org](http://coastal.climatecentre.org) which takes climate change predictions and implies a "bathtub" model to the elevation data. He considered that to be a useful tool but the predictions were made at a global scale and are indicative. He considered a more accurate inundation prediction could be made by using the latest scientific predictions and data from the Canterbury Region.
508. He identified that the sea level rise predictions specific for New Zealand had been identified by NIWA for various climate change scenarios and he considered the NIWA estimates to be the most appropriate basis for estimating the effects of sea level rise and the impacts of that on the PC69 site. He advised that the SDC model had taken climate change related sea level rise into account. He advised that any future modelling work for the site prior to subdivision would involve a review of the latest available climate change, sea level rise, tidal impact and storm surge information and that would be appropriately applied.

509. With the changes that have been made, including particularly the removal of development in the Living X area, I am satisfied that resilience to likely current and future effects of climate change has been appropriately considered and can be further addressed through the subdivision stage.

*Conclusion on contribution to well-functioning urban environments*

510. Overall, I consider the proposal can broadly be considered as contributing to well-functioning urban environments. There is some tension with the requirement to be well-connected along transport corridors. I agree with Mr Phillips that that provision appears to relate primarily to arterial networks, rather than local. In the assessment of transportation issues, I have identified that there are issues with the transport corridors. Overall, I accept that the changes proposed to the ODP, and given the works being undertaken in relation to Prebbleton in particular, and with the additional connections available through Ellesmere Road, the site can be described as well-connected.

511. I confirm I have considered all of the objectives and policies of the NPS-UD. I do not propose to go into a detailed record of that consideration. That would unnecessarily lengthen this Recommendation. Most of the issues are addressed by analysis of the matters identified in Policy 1 and my earlier assessment of the effects, matters raised in submissions, and other matters needing to be resolved. I largely accept Mr Phillips' assessment contained in his attachment to his evidence.

512. In relation to Objective 1, I agree with Mr Phillips' assessment that the proposed plan change supports that objective and that the enablement of up to 2,000 households will clearly enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety through enhanced housing supply and choice.

513. In terms of Objective 2, I have spent some time addressing the economic evidence and I accept that the plan change will address constraints in the residential land supply markets, increase supply and support competitive land and development markets.

514. Objective 3 seeks the enabling of more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply, being:

- (a) Is in or near a centre zone or other area with many employment opportunities;
- (b) The area is well serviced by existing or planned public transport;
- (c) There is high demand for housing or for business land in the area, relative to other areas within the urban environment.

515. Mr Phillips' assessment was that Lincoln Township, Rolleston Township and industrial centres, rural Canterbury and Christchurch City provided the employment opportunities. He acknowledged that it was not well serviced by existing public transport but the proposed road networks and the park and ride would enable bus services. That is however out of the Applicant's

hands. In terms of Objective 3(c), in my view the evidence clearly establishes that this is an area where there is high demand for housing, relative to other areas within the urban environment. As noted by Mr Phillips, Objective 3 only requires one of (a) – (c) to be met.

516. Objective 4, which recognises that New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs, is met by the change from rural to urban in response to the needs of the community in relation to housing in this location.
517. In terms of Objective 6, I have considered infrastructural issues and integration. I have found that the proposal does supply significant development capacity and Objective 6 seeks responsive decision-making. In terms of Objective 6(b), I agree with Mr Philips that there is some tension with the requirement to be strategic over a medium and long term. However, given the attributes of the site, in particular its direct connection to the urban area, approving PC69 can be said to be strategic. Enabling significant development capacity in Lincoln, where there is clear evidence of demand and lack of development capacity, can also be said to be strategic. I do not consider approving PC69 will impede any long-term strategic planning for Lincoln.
518. In terms of Objective 8, I have addressed the reductions of greenhouse gas emissions and resilience to current and future effects of climate change.
519. In terms of Policy 3, I note, relevantly, that seeks district plans enable building heights and densities of urban form that are commensurate with the greater of the level of accessibility by existing and planned active or public transport to a range of commercial activities and community services, or relative demand for housing and business use in that location. Accessibility has been discussed as has demand. Clearly demand is a key driver for the proposed density and in my view that is appropriate.
520. Policy 6 sets out matters that I am to have particular regard to. I agree with Mr Phillips' assessment that there are no RMA planning documents that have yet given effect to the NPS-UD in a way that can guide urban built form in Selwyn. In relation to changes to the area and amenity, while I am largely satisfied amenity values are appropriately addressed, there will be some residents who consider that those values have been diminished. Policy 6(b) recognises that. It will deliver benefits of urban development that are consistent with a well-functioning urban environment, will contribute to meeting the requirements to provide or realise development capacity, and addresses the likely current and future effects of climate change.

**National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standard for Freshwater (NES-F)**

521. Mr Boyes summarised the key provisions and requirements of the NPS-FM and NES-F in his report. He had concerns in relation to the consistency with the environmental policy and guidelines set out in the NPS-FM in terms of protecting and enhancing wetlands and springs.

522. Mr Taylor addressed this in his evidence. He considered that with the amendments to the ODP those concerns had been addressed and the proposal would achieve consistency with, and give effect to, the NPS-FM.
523. I have addressed those amendments and the relevant evidence earlier in this Recommendation. I accept Mr Phillips' evidence that with those changes, the proposal will achieve consistency with, and give effect to, the NPS-FM.
524. Both Mr Boyes and Mr Phillips agreed that the requirements of the NES-F could be determined at the time of any construction or site development and are not a barrier to the proposed rezoning. I agree.

#### **CRPS**

525. The Request identified the relevant objectives and policies of the CRPS as those contained in Chapters 5 (entire region), 6, 7, 11, 15, and 16. Table 1 of the assessment at page 55 of the s32 assessment recorded the Applicant's assessment.
526. Mr Boyes considered that the Applicant had identified the most relevant provisions of the CRPS. He agreed with the assessment undertaken by the Applicant apart from matters which he addressed.
527. The Applicant's s32 assessment acknowledges the Request is not consistent with Objectives 6.2.1 and 6.2.2 but considered the tension to be resolved by the NPS-UD.
528. Mr Boyes considered that Objective 6.2.1 was broader than simply specifying the locations for future urban growth. It also seeks that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that include protecting and enhancing indigenous biodiversity and public space; maintaining or improving the quantity and quality of water and groundwater aquifers and surface waterbodies; integrating strategic and other infrastructure and services with land use development and optimising uses of existing infrastructure. At the time of the s42A Report he considered the assessment of the issues and matters raised identified concerns relating to PC69's ability to achieve some of the aspects of Objective 6.2.1. He considered that further assessment and/or amendments may alleviate such concerns.
529. He identified Policy 6.3.3 and considered its direction was still relevant including identification in the ODPs of land required for community facilities or schools and demonstrating how effective provision is made for a range of transport options. He identified relevant matters including demonstration of transport options and showing how potential adverse effects on and/or from nearby existing or designated strategic infrastructure will be avoided, remedied or appropriately mitigated. Mr Boyes noted that those matters had been considered earlier in his report as they have in this Recommendation.

530. He identified Objective 6.2.4 which seeks to prioritise the planning of transport infrastructure so that it maximises integration with identified priority areas and new settlement patterns and facilitates movement of people and goods and provision of services in Greater Christchurch while achieving a number of outcomes including reducing dependence on private motor vehicles, reducing emissions and promoting the use of active and public transport nodes.
531. Mr Boyes noted that Mr Collins had raised concerns regarding the implementation and timing of certain roading upgrades on the wider network that would be required to be put forward in order to provide sufficient roading capacity to safely and efficiently cater for the additional traffic. At that time Mr Boyes expressed his understanding that there were financial and physical impediments which created some tension with that objective.
532. Mr Boyes also addressed Policy 6.3.5 which directs the recovery of Greater Christchurch is to be assisted by integration of land use development with infrastructure, and he considered that supported an outcome that PC69 not proceed until such time as the necessary roading infrastructure was in place. He similarly identified Policy 6.3.5.2.c in relation to protecting investment in existing infrastructure which would apply to the Lincoln Sewage Treatment Plant and its setback. That issue has also been addressed earlier in this Recommendation.
533. He identified CCC's submission in relation to minimum density requirement of 15hh/ha but he considered that the 12hh/ha was consistent with the CRPS.
534. In terms of versatile soils, he noted that the CRC submission referred to CRPS Policy 5.3.12 which seeks to maintain versatile soils that contribute to Canterbury's overall rural productive economy. As noted by CRC in its submission, that policy applies in the wider region (outside of Greater Christchurch).
535. Mr Boyes also identified Chapter 15 and Objective 15.2.1 which seeks the maintenance of soil quality – *"Maintenance and improvement of the quality of Canterbury's soil to safeguard their mauri, their life supporting capacity, their health and their productive capacity"*. Mr Boyes agreed with the Applicant's assessment that any such loss was acceptable in the context of urban growth priorities and the fact that the soils within the subject land are subject to other limitations that reduce their productive capacity. He provided as Figure 11 a map of the soil drainage classification showing that the land within the plan change area to the east was poorly drained and the remainder largely imperfectly drained.
536. Mr Boyes also identified Policy 9.3.2 in relation to the protection of areas of significant indigenous vegetation and habitats of threatened and at risk indigenous species and Policy 9.3.1 which states that the significance is to be determined by assessing representative, rarity or distinctive features, diversity and pattern, and ecological context. He noted that Policy 9.3.4 included the requirement to promote ecological enhancement and restoration, and Policy 9.3.5 related specifically to wetland protection and enhancement.



537. After considering all of the evidence presented at the hearing, and as a result of those, as reflected in the amended ODP and accompanying test, he advised most of his concerns had been alleviated.
538. Mr Phillips, in his evidence in chief, agreed with Mr Boyes as to the relevant provisions in the CRPS and the key issues in respect of those.
539. Mr Phillips considered that to the extent Mr Boyes was of the view that conflict or tension exists with the other CRPS provisions, that was largely reflective of the concerns regarding resolution of the issues/effects. He considered them to have been resolved. In relation to Objective 6.2.1 he considered the proposal would achieve consistency with that objective and protect the key elements of natural and physical resources in Greater Christchurch.<sup>87</sup> In terms of Policy 6.3.3 and the directions in relation to ODPs, again he considered the relevant matters had been addressed. He noted that it includes provision for community facilities or schools (while noting it was not possible to explicitly identify land requirements), provision for a range of transport options, and addressed potential adverse effects on and/or from nearby existing or designated strategic infrastructure that would be avoided, remedied or appropriately mitigated.
540. In terms of Objective 6.2.4 which seeks the integration of transport infrastructure and land use, based on Mr Fuller's transportation evidence and Ms Lauenstein's and Mr Compton-Moen's evidence regarding connectivity, accessibility and the promotion of active transport modes, he considered the proposal to be generally consistent with that objective. Similarly, Mr Phillips considered the timing of development relating to roading infrastructure upgrades as provided for in the ODP would ensure consistency with Policy 6.3.5 to integrate land use development with infrastructure.
541. Mr Phillips agreed that Policy 6.3.5.2.c. was relevant. He also noted that Policy 6.3.5.3 seeks the efficient and effective functioning of infrastructure is maintained and the ability to maintain and upgrade that infrastructure is retained. He agreed that those provisions were pertinent to the Lincoln Sewage Treatment Plant but only in so far as it was lawfully existing or reasonably envisaged to operate.
542. In relation to the CRPS Policy 5.3.12 and Objective 15.2.1 he considered the proposal did not conflict with those provisions, based on Ms McCusker's evidence. In terms of Policies 9.3.1, 9.3.2, 9.3.4 and 9.3.5 addressing ecosystems, indigenous biodiversity and waterbodies, he considered the proposal was consistent with those.
543. Mr Phillips recognised the tension with the objectives and policies in the CRPS that are directive of greenfield growth and notwithstanding his view that that was resolved by the NPS-UD, he considered the environmental results anticipated by Chapter 6 of the CRPS. He provided a brief assessment of the environmental results anticipated by way of an attachment to his evidence. He considered it was generally consistent with the key outcomes sought by Chapter 6 in respect of urban growth. Overall, he considered the proposal gave effect to the CRPS.

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<sup>87</sup> Statement of Evidence of Jeremy Phillips 4 November 2021 at para [109.1]

544. Mr Langman addressed the CRPS when discussing the substantive matters of concern regarding PC69. Mr Langman noted PC69 was inconsistent with Objective 6.2.1 which seeks to achieve a consolidated urban form and avoid unplanned expansion of urban areas. He considered that complements Objective 6.2.2. On the basis of Mr Nicholson's evidence, he considered that the proposed development of the blocks comprising PC69 would constitute a significant increase in the scale of the Lincoln Township, and that growth of this scale should be considered through a comprehensive spatial exercise (if growth is deemed necessary and appropriate over and above the greenfield priority areas for Lincoln). He also relied on Mr Nicholson's evidence in relation to connectivity. Overall he considered PC69 did not give effect to Objective 6.2.2.
545. Mr Langman addressed a number of other CRPS policies including Policy 6.3.5(2) which seeks to ensure that the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other infrastructure. He noted that Policy 6.3.5(2)(e) states that this is in order to ensure development does not occur until the provision for appropriate infrastructure is in place. He considered that Policy 6.3.5(2)(e) was drafted to ensure that new development provides for appropriate infrastructure and its provision should be real and demonstrable. It was his view that it should be identified and budgeted for in a timely manner in an annual plan or LTP unless it can be evidenced as being provided through a developer agreement or similar third party arrangement. He did not agree that evidence merely demonstrating feasible infrastructure options exist was sufficient.
546. He referred to Mr England's conclusion that there was additional capacity for growth within the existing water takes but the consented allocation would be put under pressure. He noted the prioritisation of water allocation to those within the Lincoln growth boundary and that existing water consents on the land if vested in SDC would provide sufficient water. He again referred to Mr England's evidence in relation to conveyance of wastewater to the Pines WWTP is feasible, and again identified Policy 6.3.5(3) of the CRPS and applied it to the Lincoln pond. He also addressed Mr England's evidence that he was satisfied the provision of stormwater management for the site is appropriate but would need to be oversized for periodic consumption of the storage volume.
547. Mr Langman acknowledged Mr England's satisfaction that feasible options were available and processes in place to deal with them through subdivision and engineering, but was unclear whether Mr England had looked at the cumulative impact of the planned or unplanned growth on the existing network on the basis that they could all potentially be approved and create demand on an already stretched network.
548. I have addressed this earlier in this Recommendation and my questioning of Mr England in that regard. I have also advised that I have received no evidence in relation to the impact on other planned development.
549. In terms of Objective 6.2.4 and its supporting Policies 6.3.3, 6.3.4 and 6.3.5, he emphasised Policy 6.3.4(2) which states that that is achieved by providing patterns of development *"that optimise use of existing network capacity and ensuring that, where possible, new building projects*

support increased uptake of active and public transport, and provide opportunities for modal choice”.

550. Mr Phillips spent some time in his summary of evidence and in discussions at the hearing addressing Mr Langman’s evidence. He addressed the issue of reconciling the CRPS and SDP policy directive of growth. He addressed CRPS Objective 6.2.1. He recorded that this seeks “Recovery, rebuilding and development are **enabled** within Greater Christchurch **through a land use and infrastructure framework** ...”. The emphasis is Mr Phillips’. He considered it notable that the objective seeks to *enable* development through a *framework*. Of the 12 sub-objectives he considered 11 are achieved by or are irrelevant to PC69, while acknowledging that conflict clearly arises with clause (3), “avoid urban development outside of existing urban areas or greenfield priority areas”.
551. In terms of Objective 6.2.2, he considered that added to the framework seeking that: “The urban form and settlement pattern in Greater Christchurch is **managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth**, with an urban form that achieves consolidation and intensification of urban areas, **and avoids unplanned expansion of urban areas** ...”. Again the emphasis is Mr Phillips’. He considered the framework here sought an urban form and settlement that provides sufficient land to meet needs. He acknowledged that was tempered by the explicit direction of avoidance.
552. Mr Phillips considered that in setting aside the avoidance directive and related policy, PC69 otherwise satisfies the relevant provisions of the CRPS and in Chapter 5 and 6 especially, including the anticipated environmental results for those chapters.
553. He concluded by advising that he remained of the view that PC69 gives effect to the CRPS. To the extent that PC69 clearly conflicts with the explicit avoidance directives, he considered that to be tempered by the consistency achieved with the other components of the provisions which collectively provide a framework for land use and infrastructure and urban form and settlement patterns. He stated that in simple terms, if the avoid constraint in the CRPS is set aside, he considered PC69 otherwise satisfies the objectives, policies and outcomes anticipated by the CRPS.<sup>88</sup>

#### *Analysis and Finding*

554. The issue of whether or not PC69 gives effect to the CRPS is complicated by the strong avoidance objectives and while I have concluded that they do not preclude the approval of PC69, I consider those provisions, and the reasons underlying them, remain relevant. This was recognised by Mr Boyes, Mr Phillips and Mr Langman.
555. The concerns that Mr Boyes had in relation to a number of the CRPS provisions, as recorded in his s42A Report, were reflective of concerns regarding resolution of the issues/effects. I have identified and addressed those earlier in this Recommendation and in light of the considerable

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<sup>88</sup> Summary of Evidence of Jeremy Phillips 24 November 2021 at para [26]

changes and additions to the ODP to address such matters, I am satisfied that they have been appropriately addressed.

556. In relation to the policies relating to ecosystems and indigenous biodiversity and similar, I consider PC69, again in its final proposed form, is consistent with and will implement those policies.
557. In terms of the objectives and policies seeking a compact form, I am satisfied that PC69 is again consistent with and implements those. It directly adjoins the neighbouring subdivisions along its approximately 3 km northern boundary. PC69 could not be described as an outlier. I agree with Ms Lauenstein's description of it wrapping around the neighbouring subdivisions.
558. In relation to the objectives and policies addressing infrastructure provision, there is a clear direction in relation to the need for integrated management and coordination. Objective 6 and Clause 3.4 of the NPS-UD are similar. Mr Phillips addressed this in some detail in his evidence and in his summary. He considered that specific network infrastructure upgrades relied on by PC69 were identified within the LTP (e.g. Pines WWTP upgrade) or infrastructure strategy, and that those documents otherwise recognised the delivery of other new infrastructure in response to development and funding of this through development contributions when not otherwise provided by the developer.
559. I found the analysis that Mr Phillips undertook in paragraph [4.5] of his summary to be helpful. Mr Phillips considered that the key issue is ensuring that the development could be integrated with future infrastructure planning and funding decisions. Mr Boyes agreed. He also agreed with Mr Phillips that a "pragmatic response" was required to consideration of servicing of out-of-sequence development proposals. I note Mr England, in response to questions from me, advised that he would describe the programmed works for the Pines WWTP as planned and funded.
560. In terms of the transport infrastructure, in light of the significant changes made to the ODP in relation to transportation matters, their timing, and their funding, I am satisfied those provisions are consistent with and ultimately give effect to the CRPS. I acknowledge there are issues with capacity of Shands Road and Springs Road as they approach Prebbleton. The earlier delivery of Moirs Lane to make the Ellesmere Road route more attractive, and the provision of the park and ride facility to incentivise use of public transport (acknowledging that public transport ultimately is a matter for CRC) assist in addressing those issues. The scale of development capacity provided will also assist in making public transportation more sustainable.
561. In relation to the provisions relating to infrastructure protection, I am satisfied on the evidence that the changes now proposed are sufficient to adequately protect the Lincoln WWTP and accept Mr Boyes' evidence that the amended proposal now accords with the relevant objectives in terms of both the CRPS and the SDP in that regard.

### *Overall Conclusion on CRPS*

562. I have carefully considered all of the expert evidence, informed by the helpful evidence that the lay submitters provided. I have also had the benefit of Mr Thomson's planning evidence which although focused on Mr Singh's request, generated some useful discussion on wider issues.
563. Most of the effects and issues which give rise to a potential inconsistency with the relevant objectives and policies of the CRPS have been addressed earlier in this Recommendation.
564. As noted, the Applicant has been responsive to issues raised and a number of iterations of the ODP were provided through the hearing process. I have considered whether the changes are within scope and I consider that they are as they respond to matters fairly raised in the submissions. There have been considerable changes in relation to infrastructure provision and timing. The concerns expressed by the Ministry of Education have been considered and referenced in the ODP. The issues in relation to wetlands, springs and waterways have in my view been comprehensively addressed by the changes to the ODP and PC69 provides a real and enforceable framework for the protection and enhancement of those significant matters. In terms of transportation, there remains what Mr Boyes described as a residual concern in relation to the impact on Shands Road and Springs Road. I note from Mr Mazey, Mr Collins and Mr Fuller that works are being undertaken and planned in that regard.
565. Given the totality of those changes and the development capacity which will be provided by this plan change, I am satisfied that the plan change is consistent with the relevant objectives and policies of the CRPS, other than the locational directives.

### **Our Space**

566. As identified by Mr Boyes,<sup>89</sup> Our Space was prepared to satisfy the requirements of the National Policy Statement on Urban Development Capacity for high growth councils to produce a future development strategy that shows there will be sufficient feasible development capacity to support housing and business growth needs over the medium (next 10 years) and long term (10 to 30 years).
567. The update comprised a review of the land use framework outlined for Greater Christchurch in the LURP and in key resource management documents such as the CRPS and district plans. The introductory comment advises that the document considers how best to accommodate future housing and business needs based on the comprehensive strategic planning framework that already exists for Greater Christchurch, being guided by the vision, principles and strategic goals established under the UDS and informed by a capacity assessment and LTPs and infrastructure strategies.
568. Mr Boyes described Our Space as being focused on how to best accommodate housing and business land needs in a way which integrates with transport and other infrastructure provision,

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<sup>89</sup> s42A Report 28 October 2021 at para [256]

builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of the communities.

569. It sets targets for housing development and outlines how any identified shortfall in capacity to meet those targets will be met including through identification of areas for housing growth. As noted by Mr Boyes, the Executive Summary records that the planning is intended to promote a compact urban form, which provides for efficient transport and locates development in a manner that takes into account climate change and sea level rise.
570. Mr Boyes noted that CCC, CRC and Waka Kotahi had raised the matter of consistency with the settlement patterns and capacity established in Our Space.
571. Mr Boyes considered that the matters raised in Our Space are effectively the same as those discussed in his report in relation to the CRPS and those relating to growth pattern and capacity are potentially removed by the finding on PC69 in terms of Policies 1 and 8 of the NPS-UD.
572. Mr Phillips agreed with that statement by Mr Boyes. He stated further that Our Space included matters relating to infrastructure provision, timing and funding, which he considered to be resolved based on the evidence and the amendments to the ODR which stipulate the infrastructure improvements required for the development.
573. Mr Langman, in his discussions on strategic planning, considered the strategic planning exercises such as the UDS, Our Space and more recently the Partnership's Greater Christchurch 2050 Strategic Framework, can offer more integrated and accessible mechanisms to galvanise wider community engagement than standard RMA processes. He agreed strategic directions can then be consistently anchored in statutory and non-statutory plans which provide greater detail and reflect local circumstances.
574. As noted in Mr Baird's Memorandum, Our Space identified two key responses to growth in Greater Christchurch relating to the medium and long term capacity shortfalls identified: identify future urban development areas in Rolleston, Rangiora and Kaiapoi; and, to include a transitional policy change to the overall share of growth in line with the UDS 2007 to support the redevelopment of the city over the long term. Mr Baird also summarised the future actions in Section 6.2.
575. Overall, I consider that the approach taken by Mr Boyes and Mr Phillips to Our Space is correct. Particularly their identification that the matters raised in relation to Our Space are effectively the same as those raised by the CRPS. They have been addressed in my discussions above.

#### **CLWRP and CARP**

576. Mr Boyes advised that the establishment of activities within the plan change site will either need to meet permitted activity conditions of those plans or be required to obtain a resource consent.
577. As noted by Dr Burrell, the CLWRP contains numerous policies, objectives and rules relating to freshwater protection. Dr Burrell identified Policy 11.4.21 as an example which is to:

*Enable catchment restoration activities that protect springheads, protect, establish or enhance plant riparian margins, create restore or enhance wetlands and target removal of macrophytes or fine sediment from waterways.*

578. While these matters would be addressed at the time of detailed development and necessary consents, I have recorded elsewhere in this Recommendation that in my view PC69 as now proposed enables potential restoration activity.

#### **MIMP**

579. The MIMP is a planning document which is recognised and has been lodged with SDC. Pursuant to s74(2A) of the RMA, in considering this plan change, I must take it into account.

580. As noted earlier in this Recommendation, the application included an assessment of the relevant provisions within the MIMP and provided the statement from Mahaanui Kurataiao Limited.

581. In my view the matters raised have been appropriately addressed in the various changes to the ODP in relation to the protection and enhancement of the waterways and wetlands.

#### **Consistency with Plans of Adjacent Territorial Authorities**

582. Mr Boyes identified that matters of cross-boundary interests are outlined in Section A1.5 of the Township Volume of the SDP. I agree with Mr Boyes that there are no directly relevant provisions in the district plans for neighbouring territorial authorities that are affected by PC69.

583. I accept Mr Boyes' view that the cross-boundary interests have primarily been addressed and managed through the subregional approach of managing growth across Greater Christchurch through the GCP forum and resultant Our Space document.<sup>90</sup>

#### **Other Management Plans and Strategies Prepared Under Other Acts**

584. Mr Baird's Memorandum outlined the expected growth and current and future capacity in the context of broader strategic planning occurring across Greater Christchurch and Selwyn. The Memorandum identifies various documents including the Greater Christchurch Urban Development Strategy 2007.

585. I have considered all of the documents that he has identified. I have discussed Our Space above.

586. Selwyn 2031 is Selwyn's District Development Strategy. Mr Baird described it as providing an overarching strategic framework for achieving sustainable growth across the District to the year 2031. He advised that it was intended to guide the future development of the District and to inform SDC's capital investment decisions.<sup>91</sup>

587. Strategic Direction 1 seeks to ensure that there is enough zoned land to accommodate projected household and business growth, while promoting consolidation and intensification within existing

<sup>90</sup> s42A Report 28 October 2021 at para [269]

<sup>91</sup> Ben Baird Memorandum 1 October 2021: Growth Planning in Selwyn District at para [25]

townships. The Memorandum records that the drivers behind that approach have been to manage urban sprawl, maintain a clear urban/rural interface and to minimise the loss of productive farmland. He also identified the key objectives supporting the Strategic Direction as being concentrating growth within the Greater Christchurch area, achieving efficiencies through the integration of land use with infrastructure, and the maintenance of a compact urban form.<sup>92</sup> The Memorandum outlines that the township network seeks growth relative to each centre's role in the District. He noted the catchments overlap and consumers meet some of their 'basket of needs' from different levels of the hierarchy, for example small proximate neighbourhood centres to large, often distant regional centres. He advised that the township network seeks to encourage self-sufficiency by minimising travel; concentrating growth in centres; promoting the co-location of activities that benefits both consumer access and business exposure, and supporting increasingly sustainable highly specialised businesses and the development of a range of other activities such as community facilities and civic functions which complement and support other activities.<sup>93</sup>

588. The Strategic Directions include at 1.2 concentration of urban expansion within Greater Christchurch; integration of land use and infrastructure (1.3); and compact urban form (1.4). In terms of sustainable urban growth patterns and the hierarchy of townships, Rolleston is identified as a District Centre with an estimated population range of 12,000+. That functions as the primary population, commercial and industrial base of the district. Lincoln is described as a Sub-District Centre with an estimated population range of 6,000 to 12,000. It is to function independently with a range of residential, commercial and industrial activities while providing support to surrounding Service and Rural Townships.
589. I note that Selwyn 2031, in relation to the concentration of urban expansion within the Greater Christchurch area, the issue is stated as:

*Ensuring that sufficient and appropriately zoned land is available to accommodate up to 80% of urban growth within Selwyn District over the next 20 years within Rolleston, Lincoln, Prebbleton and West Melton townships.*

590. It is a document which I am to have to regard to and I have done so. A number of the matters addressed in it, in particular in relation to infrastructure, development capacity and similar, have been more specifically addressed elsewhere in this Recommendation.

#### **Consideration of Alternatives, Costs and Benefits – Section 32**

591. The proposal does not include any new objectives, or changes to the existing objectives, within the SDP. The assessment required under s32(1)(a) relates to the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. Assessment is also required as to whether the provisions in the proposal are the most appropriate way to achieve the objectives of both the proposal and the existing district plan objectives, having regard to the

<sup>92</sup> Ben Baird Memorandum 1 October 2021: Growth Planning in Selwyn District at para [27]

<sup>93</sup> Ben Baird Memorandum 1 October 2021: Growth Planning in Selwyn District at para [29]



efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

592. The more general objective of the proposal, being the purpose of the proposal, is *“to provide for an extension of the adjoining existing urban residential area of Lincoln (with provision for some associated local business services) in a manner that adds significantly to development capacity and provides for increased competition and choice in residential land markets”*.<sup>94</sup>
593. Mr Boyes addressed the s6 matters. At the time of his s42A Report, he considered that PC09 still had some work to do in relation to s6(a) in terms of the preservation of springs and wetlands and associated waterbodies from inappropriate subdivision, use and development, and (h) the management of significant risk from natural hazards, namely the inundation of the eastern part of the site where lower density housing was proposed.
594. Mr Boyes considered that in considering the appropriateness of the proposal in achieving the purpose of the RMA, it was relevant to consider that the location of the site is outside of the areas identified for urban development in the CRPS and Our Space as to whether the proposal results in efficient use of natural and physical resources in s7(b). He identified the physical resources include various infrastructure such as transport networks and the Lincoln Sewage Treatment Plant. It was his view that it could only meet the efficient use and development of natural and physical resources on the basis that the 150 m dwelling setback to the Lincoln Sewage Treatment Plant was maintained and would only result in the efficient use of transport networks on the basis that certain upgrade works were brought forward, which he advised at present creates a funding issue for SDC.
595. Otherwise he was satisfied that the provision of services for the site could be achieved without compromising the ability for other sites where the SDC has anticipated development to be appropriately serviced. He considered that to achieve the maintenance and enhancement of amenity values (s7(c)) and the maintenance and enhancement of the quality of the environment (s7(f)), connectivity issues raised by Mr Nicholson and Mr Collins need to be addressed.
596. Mr Phillips in his evidence expressed his opinion that in considering the appropriateness of the proposal in achieving the purpose of the RMA, logically, the conclusions as to consistency with the relevant matters in s6 and s7 of the RMA follows the findings on the relevant issues and effects.<sup>95</sup> He considered the tensions identified in the Officers Report with Part 2 matters had been resolved on the basis of the evidence and amendments to the ODP and specifically considered that s6(a), (d), (e), (f) and (h) are relevant and the evidence confirms that they will be appropriately recognised. Mr Phillips further considered that particular regard should be (and has been) given to the matters in s7(b), (c), (d), (f) and (g).

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<sup>94</sup> s32 Evaluation at para [115]

<sup>95</sup> Statement of Evidence of Jeremy Phillips 4 November 2021 at para [119]

Operative Selwyn District Plan

597. Section 32(1)(b) requires the examination of whether the proposed plan change provisions are the most appropriate way to achieve the district plan objectives.
598. The s32 Evaluation provided a detailed assessment of the relevant objectives (and policies) of the SDP. The assessment was provided in Table 1 which occupied almost six pages. It is comprehensive.
599. Mr Boyes advised that there were several objectives and policies specific to the form and development of the Lincoln Township itself and there were also objectives and policies addressing urban form and residential amenity generally.
600. He considered the existing direction in the SDP should be considered in assessing the appropriateness of the proposal at achieving the purpose of the RMA, given that the plan had been prepared to give effect to the purpose of the RMA.
601. Mr Boyes referred to the statutory assessment provided with the Request which identifies that the proposal would not be consistent with **Objective B4.3.3** and **Policy B4.3.1** as the development would not be within a priority area.
602. He generally agreed that the assessment identified the relevant objectives, as well as a range of supporting policies and agreed with the assessment apart from **Objective B4.3.4** which seeks integration of transport infrastructure and new residential land use development. Mr Boyes noted that the objective seeks the provision of infrastructure is undertaken in an integrated way that is coordinated and phased. He considered at that time that the impacts of the traffic effects of the proposal, given the requirement for planned upgrades to be brought forward, and the challenges SDC may face in doing so, having regard to the established work and funding programme set out in the LTP, raised concerns.
603. Mr Phillips again acknowledged that the proposal was out-of-sequence and unanticipated and therefore seeks responsive provision of infrastructure but considered that the prerequisites for the infrastructure upgrades for development set out in the ODP ensured that a 'coordinated and phased approach' is still adopted, as is sought by the objective.
604. I accept the evidence of Mr Phillips in that regard. I have addressed infrastructure provision at some length in this Recommendation. I am satisfied that the provision of infrastructure has been properly considered and addressed. The significant changes to the ODP in relation to timing, funding and restrictions on development referred to earlier in this Recommendation, and addressed in my s32AA assessment, assist in that finding.
605. In terms of **Policy B1.1.8** Mr Boyes identified that in his report but made no particular comment. He described it as encouraging residential development to occur in and around existing townships to maintain a versatile soils resource.

606. As identified by Mr Phillips, **Policy B1.1.8** seeks to avoid the rezoning of land which contains versatile soils for new residential development, if land is appropriate for other activities, and there are alternative areas that are suitable for development that do not contain versatile soils. Mr Phillips, based on Ms McCusker's evidence, considered the proposal was not in conflict with the policy.
607. **Policy B1.1.8** seems to be a reasonably directive policy in that it directs the rezoning of land for new residential development is avoided if it is appropriate for other activities and there are other areas adjoining the township that are appropriate for new residential development which do not contain versatile soils.
608. The explanation to the policy records that the RMA does not recognise adverse effects of activities on soils as having primacy over adverse effects on other parts of the environment.
609. The RMA, the CRPS and the SDP do not place primacy on soils over other natural or physical resources which allow people and their communities to provide for the needs of current and future generations.<sup>96</sup>
610. I was not advised of any other areas adjoining the township that are appropriate for new residential development and which do not contain versatile soils. A number of submitters addressed other areas, including around Rolleston, but that is not what the policy requires.
611. **Objective B3.4.3** was identified by Mr Boyes and Mr Phillips. This seeks that reverse sensitivity effects between activities are avoided. **Policy B2.2.5** was also noted. This seeks to avoid potential reverse sensitivity effects of activities on the efficient development, use and maintenance of utilities. I have addressed that issue earlier in my Recommendation and I am satisfied that reverse sensitivity effects have been appropriately addressed.
612. **Objective B3.4.4** seeks that the growth of townships achieves a compact form. Mr Boyes noted that Mr Nicholson had raised concerns about whether the proposal would achieve **Objective B3.4.4** or **Objective B3.4.5** which seeks that urban growth provides a high level of connectivity.
613. As I have noted earlier in this Recommendation, in relation to this particular plan change, I consider that the growth here does achieve a compact urban form, albeit at the edge of the existing township. I consider that a compact form is achieved here through the zoning and density and the extent that the PC69 area adjoins the existing township boundary. As discussed with Mr Nicholson and other witnesses, it appears to me that it fits into the existing township well. Overall I accept the evidence of Mr Compton-Moen and Ms Lauenstein in relation to this issue.
614. In terms of **Objective B3.4.5**, I consider that overall with the changes proposed there is a high level of connectivity within the development and adjoining land areas and again I have addressed that issue in my earlier discussion on urban design and transportation. While there are some

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<sup>96</sup> SDC Baseline Assessment Versatile Soils (DW015)

restrictions in vehicular connectivity through the Te Whāriki subdivision, there is considerable connectivity through the pedestrian and cycling network.

615. In terms of **Objective B4.1.1**, I consider the amended proposal would provide for a range of living environments and will be a pleasant place to live. Given its particular location and attributes, while there will be changes, or at least perceived changes, in terms of character, on the urban design evidence of Ms Lauenstein in particular, I am satisfied that the contribution to character and amenity can be met.
616. **Objective B4.3.1** requires the expansion of townships to not adversely affect natural or physical resources. There are clearly heritage and ecological values but as recorded I do not consider the proposal will adversely affect those. Indeed it provides an opportunity for maintenance and enhancement of those values.

#### *Overall Finding*

617. I have considered all of the objectives and have read them through the lens of evidence and submissions. Overall I am satisfied that PC69 is the most appropriate way of achieving the relevant SDP objectives.

#### Benefits and Costs

618. The s32 Evaluation provided with the application identified and addressed the benefits and costs of the plan change by identifying and assessing four options. These were: Option 1 – Leave the area zoned Rural; Option 2 – Rezone the site (the proposal); Option 3 – Apply for resource consents; Option 4 – Apply for multiple/discrete plan changes in alternative locations.
619. In terms of Option 1, the benefits/advantages were identified as maintenance of existing character and amenity, no time or costs arising from a plan change process, no additional demands on infrastructure, and no effect on versatile soil sources. The cost/disadvantage was described as not meeting market demand for residential sites in Lincoln (especially the south part of Lincoln).
620. For Option 2 in terms of benefits and costs of rezoning the site, the benefits and advantages were identified as increasing the availability of allotments within Lincoln Township, economic benefits to SDC from larger rating base, economic benefit to landowner from development of the property, provision of high quality residential amenity for future residents, additional supply of housing to assist in avoiding price rises resulting from otherwise suppressed housing supply. The disadvantages were listed as change in character and amenity of the site from rural to urban, increase in traffic generation in and around Lincoln Township, additional infrastructure capacity required to be provided at developer's cost, and loss of low productivity rural land.
621. In terms of the benefits and costs of Option 3, these included ability to more fully assess the proposal in terms of detailed information, SDC has the ability to place stricter controls on the development through consent conditions, and if granted would allow a greater number of allotments with associated efficiency of land development. The disadvantages were listed as the

need for consent beyond what is already permitted or consented, restricted timeframes in which the land has to be developed and houses built, less flexibility to develop the land, possibly higher costs, difficulty of obtaining non-complying status subdivisions, change in character and amenity, increased traffic, additional infrastructure costs, and loss of productivity.

622. In terms of Option 4, the benefits were identified as the same as that proposed in Option 2 but with the additional distribution of growth to other locations. The disadvantages again were as for Option 2, together with reduced economies of scale, fragmented/ad hoc development, and inability to implement wider benefits including Lincoln south bypass, road network upgrades and Springs Creek corridor enhancements, etc.
623. I accept that the s32 assessment has largely identified the relevant benefits/costs of the options and I have considered that carefully. In terms of leaving the land in its present zoning, a potential benefit of that is that it may enable a more comprehensive assessment of growth needs in Lincoln at a strategic level. Overall, as addressed earlier in this Recommendation, and acknowledging the benefits of a more strategic spatial planning process, in the context of this particular plan change in this particular location, I do not consider that is necessary. Approving this plan change will not impede a future spatial planning process for Lincoln/Selwyn to any degree. Given those conclusions, and my conclusions on the capacity and demand issues, waiting for the outcome of that process is not appropriate.

#### Economic Benefits/Costs

624. Section 32(2) provides that in assessing the efficiency and effectiveness of the provisions in achieving the objectives, the assessment must identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provision, including opportunities for economic growth that are anticipated and employment that are anticipated to be provided or reduced and, if practicable, quantify the benefits and costs.<sup>97</sup>
625. In terms of economic benefits, Mr Copeland identified that residential development enabled by the proposed plan change would bring expenditure, incomes and employment opportunities for local businesses and residents within the Selwyn District and elsewhere within Greater Christchurch. He advised that that was limited to the extent that the rezoning results in greater overall residential development within the Selwyn District and Greater Christchurch.
626. The economic costs are also addressed with the main potential economic loss being the loss of land for rural production.
627. He noted the increases in expenditure, incomes and employment, particularly during the construction phase, and the subsequent increase in population of the District. He advised they were not of themselves measures of improvements in economic welfare or economic wellbeing, but there were a number of economic welfare benefits associated with the increased levels of economic activity and population including increased economies of scale, increased competition,

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<sup>97</sup> s32(2)(a)(i) and (ii) and (b)

reduced unemployment and underemployment, increased quality of central government provided services.

628. Mr Colegrave also provided evidence in relation to the economic costs and benefits. Mr Colegrave noted that the construction of the approximately 2,000 new homes would provide a one-off economic stimulus. He noted that the impacts would include direct effects, indirect effects which arise when businesses working directly on the project source goods and services from their suppliers who may in turn need to source goods and services from their own suppliers etc, induced effects from the share of additional wages and salaries generated by the project that are directly spent in the local/regional economy. He considered that the future construction activity enabled by the proposal would boost regional GDP by \$430 million, including flow-on effects, generate employment for 4,650 people years, and generate \$220 million in household incomes. Assuming a ten-year construction period, these would translate to annual impacts of \$43 million on regional GDP, including flow-on effects, fulltime employment for 465 people and \$22 million in household income.

#### Conclusion on Benefits and Costs

629. I find that PC69 has a number of benefits. In particular, the benefits relate to the provision of additional development capacity in a location where there is clearly insufficient development capacity to meet demand. The enabling of housing as proposed has benefits in terms of wellbeing. On the evidence of Mr Copeland and Mr Colegrave, the rezoning, and ultimate development in accordance with that, will have significant economic benefits and generate significant employment. Those go beyond financial benefits simply accruing to the developer. Those benefits contribute to social as well as economic wellbeing.

630. Additionally, I consider that there is a significant benefit in the measures to protect and enhance the springs, wetlands and waterways. The reality is that if Option 1 were to be adopted and the zoning remains as it is, that benefit is unlikely to accrue.

631. I consider the costs have been properly addressed in the evidence and in the s32 evaluation. A number of submitters raised concerns in relation to financial burden on the community. However, those costs will largely be met by the developer either in full or through development contributions. The ODP sets out the anticipated funding mechanisms.

632. I accept that there are amenity costs which may be experienced by Lincoln residents particularly those near to the site. There will also be the loss of versatile soils which I have assessed earlier in my Recommendation.

633. Overall, I consider the benefits of the rezoning significantly outweigh the costs.

#### **Risks of Acting or Not Acting**

634. I am satisfied that I have sufficient information before me to identify the risks associated with acting or not acting. They have been addressed and considered in this Recommendation.

## Section 32AA

635. Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed.
636. As is readily apparent, there have been several changes proposed to the ODP and I have considered the benefits and costs of those, their efficiency and overall appropriateness. Overall, I consider the changes proposed have significant benefits in terms of certainty of outcome; in ensuring risks are fully considered at subdivision stage; in addressing ecological values; in providing for the protection of the springs and protection and enhancement of waterways and wetlands; providing certainty in terms of funding of some of the key transportation related upgrades; and addressing natural hazards, including by the removal of the Living X Zone.
637. As outlined earlier in this Recommendation, Council officers identified some specific concerns regarding certainty and enforceability of some of the provisions included in Table 1 of the Applicant's final proposed ODP.
638. As noted, I provided the Applicant and submitters with the opportunity to provide comments on three alternative methods of addressing the transport upgrades in particular.
639. I was provided with responses from the Applicant and submitters Darryl Streat (PC69-0008), Ian Burney (PC69-0046), Deborah Bratton (PC69-0080), Tracey MacLeod (PC69-0123), Veronica Robinson (PC69-0150), Sam Carrick (PC69-0176), and Sam Carrick and Denise Carrick (PC69-0176 and PC69-0250).
640. In its response, Counsel for the Applicant advised that it had no further comments to make with respect to the issue other than noting that its preferred method for incorporating the transportation network upgrade provisions were set out in Appendix 1 to its closing legal submissions.
641. The submitters who responded raised a number of issues. Veronica Robinson expressed a concern in relation to the "large number" of properties that will be completed prior to the upgrading of the Moirs Lane connection to Ellesmere Road and the sealed widening of Ellesmere Road. She also expressed a concern about whether "to the satisfaction of the Council" was clear enough. She identified the concern that the rail trail needed to be incorporated and that the number should be set lower. She also considered that Ellesmere Road from Moirs Lane and north of Edward Street needed to be upgraded and again queried what is satisfying the Council in the upgrade of intersections and widening. Ms Robinson also addressed Rule 12.1.4.107 which relates to the consultation with the Ministry of Education.
642. Sam Carrick again raised a concern in relation to the proposed 1,354 residential allotment provision. He identified that was approximately 80% of the completion of the development and that until the Moirs Lane connection was complete all traffic only be able to enter and exit via Springs Road. Mr Carrick also identified an error in the ODP provided with my Minute in terms of Ellesmere Road which stated "north to Edward Street". He identified that it should read "north

of". That change has been made and for certainty I have specified where they are to occur. This is based on the evidence of Mr Collins.

643. He also raised issues in terms of Rule 12.1.4.107 and considered the rule needed to be extended to clearly identify both primary and secondary education purposes and associated sporting grounds and facilities.
644. Darryl Streat and Tracey MacLeod also raised issues in relation to educational facilities and transportation upgrades. Deborah Bratton raised concerns regarding costs of the infrastructure as did Ian Burney.
645. I have considered all of those responses but overall I am satisfied that the provisions as now incorporated in Table 1 of the ODP attached to this Recommendation are the most appropriate. There are a number of matters which will need to be completed prior to s224. When considered as a whole, I am satisfied that the timing and controls are appropriate.
646. I remain of the view that the transport network upgrades as specified in Table 1 of the proposed ODP are efficient and provide considerable benefits, largely at the cost of the developer. Costs will be met either by private developer agreement (in relation to the Springs Road/Ellesmere Junction Road/Gerald Street traffic signals), funded directly by the developer, or, for the works already planned and funded in the 2021-31 LTP, by development contributions. As to how certainty is provided in relation to those issues, I have considered the three options.
647. The option of inserting a number of new rules following Rule 12.1.3.28 would provide certainty. However in my view there are greater benefits in having those provisions included in Table 1, as opposed to within separate rules. That provides the desired certainty, but perhaps in a more convenient manner.
648. As to the option of retaining the provisions as proposed in Table 1 in the ODP, there are benefits in having those upgrades tied to the occupation of households within the ODP area. However, in my view, having considered the issue further, the tie to occupation is potentially problematic. It is less certain, and more difficult for SDC to enforce. From a practical perspective, it may cause issues in relation to expectations created by dwellings having been completed but unable to be occupied.
649. The tie to the s224 completion certificate in Table 1 provides sufficient certainty and will enable the Applicant to get on with processing the subdivision. I consider that is the most effective and efficient method.
650. I note the concerns of Mr Carrick and Ms Robinson in relation to the 1,354 residential allotment provision. I have considered that carefully.
651. Mr Fuller addressed this in his evidence and discussions and Mr Collins in his summary presented at the hearing. Mr Collins was generally supportive of the inclusion of Table 1. He raised some issues in terms of timing and funding. He addressed the issue of the then proposed 1,586



dwellings which could be occupied. He wished to ensure that the upgrades to the Ellesmere Road widening south of Edward Street and north of Edward Street and the works to the Ellesmere Road/Edward Street/Lincoln Tai Tapu intersection occur before the Moirs Lane connection. That issue has been addressed and I consider the 1,354 restriction appropriate.

652. In terms of other changes, I have incorporated a reference in Policy B4.3.62 in relation to the potential provision of educational facilities, as addressed earlier. That is in my view appropriate as it provides policy support for Rule 12.1.4.107.
653. I have also retained the insertion of what is now Rule 12.1.3.28A setting out the requirements for the assessment by a suitably qualified and experienced practitioner providing the results of the detailed groundwater level investigations across the site, specifies construction methods to ensure shallow groundwater is not diverted, and ensures that it is in accordance with the ecological management plan and its minimum requirements. This reinforces the wording in the ODP. Given those matters are ones which I have given considerable weight to, I consider that is appropriate.
654. As to the inclusion of the Rule 12.1.4.107 in relation to the Ministry of Education, that ensures that the issue of the provision of land for educational purposes is considered.
655. The other key changes have all been addressed within my Recommendation and I do not consider it necessary or appropriate to provide a further and separate 32AA report. The assessment has been undertaken throughout this Recommendation.
656. I have considered Clause 3.11 of the NPS-UD and have used the evidence including the HCA and the detailed evidence provided through the course of the hearing. The resource management issues being addressed have been identified throughout this Recommendation. It is only the regulatory options which are within my ability to consider. I have addressed the options available.

### **Section 31**

657. Approving PC69 will certainly assist in enabling additional residential capacity and choice and addressing s81(aa) issues in particular. I consider that overall it accords with and assists in achieving the integrated management of effects, particularly in light of the changes which have been incorporated.

### **Part 2 Matters**

658. The relevant Part 2 matters have been addressed in this assessment and also in the assessment against the objectives and policies of the SDP. I am satisfied that the proposal will ultimately achieve the purpose of the RMA. This proposal has been comprehensively assessed through the evidence, reports, submissions and within the body of this Recommendation. I am satisfied that the purpose of the RMA is achieved by the approval of this plan change.

## Overall Conclusion

659. In terms of the ultimate objective of the plan change and whether it achieves the purpose of the RMA, I conclude that it does. That conclusion has been reached after consideration of all of the issues that I have addressed in the body of this Recommendation. And having had particular regard to the relevant matters including the significant development capacity enabled by the rezoning. I consider that the provisions now addressing the ecological matters and waterways are a very significant benefit of the rezoning when compared to leaving the land in its present rural zoning.

660. I acknowledge there will be loss of versatile soils but in my view the benefits of the rezoning far outweigh the costs of that.

661. I conclude that PC69 in its amended form is the most appropriate method of achieving the objectives of the proposal and giving effect to the objectives and policies of the relevant statutory documents, including the NPS-UD, the CRPS and the SDP. It will provide considerable development capacity. The effects identified by the submitters have been, in my view, appropriately addressed. I am satisfied that the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA, the objectives of the SDP and the purpose of the proposal.

## Recommendation

662. For the reasons above, I **recommend** to the Selwyn District Council:

- (1) **Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council approves Plan Change 69 to the Selwyn District Plan as set out in Appendix A.**
- (2) **That for the reasons set out in the body of my Recommendation, and summarised in Appendix B, the Council either accept, accept in part or reject the submissions identified in Appendix B.**



**David Caldwell**  
Hearing Commissioner

Dated: 13 May 2022