

RURAL RESIDENTIAL STRATEGY HEARING

OFFICERS INTRODUCTORY STATEMENT

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THIS INTRODUCTORY STATEMENT WAS PRE-CIRCULATED TO SUBMITTERS VIA EMAIL ON THE 3RD APRIL 2014

SETTING THE SCENE

The sub-regional approach to managing rural residential development

- 1.1 As identified in Section 2 of the RRS13 and Section 1 of the Officer's report (Paragraphs 1.14 through to 1.22), the Gazetting of the Land Use Recovery Plan (LURP) in December 2013 has established a definitive sub-regional planning framework in respect to how rural residential development must be managed within the commuter belt of Selwyn district with Christchurch City. This follows several years of uncertainty where Selwyn District Council (SDC) has advanced a number of initiatives in response to the changing status and contents of the Canterbury Regional Policy Statement (CRPS) (refer to RRS13 Figure 3 on P12).
- 1.2 The LURP and the CRPS have greater legal status than the Selwyn District Plan (SDP). SDC cannot make any recommendation or decision that is inconsistent with the Recovery Plan, which includes the CRPS Chapter 6 provisions contained in Appendix 1. This requirement extends to any recommendation made by the Commissioners, or any decision made by SDC, on the Rural Residential Strategy.
- 1.3 There is a tension in the LURP between facilitating the recovery and rebuild of Greater Christchurch and the need to manage the effects associated rural residential development. The LURP makes a specific reference to providing a regional framework to support some rural residential development during the recovery period to allow a range of choices of housing types. Although rural residential activities are to be limited to avoid inefficient use of land and infrastructure, protect future urban expansion options and manage potential conflict with rural character and rural activities (refer to Section 4.2 of the LURP, P25 & 26).
- 1.4 This tension is signaled further in Issue 6.1.5 of Chapter 6, which identifies that rural residential development has the potential to change the character of rural areas and to create adverse effects on established rural, farming and quarrying activities through reverse sensitivity. It goes on to identify that rural residential development can give rise to dispersed settlement patterns, inefficient forms of development and provision of services. Further support for tightly managing rural residential development is provided in Policy 6.3.9, where rural residential development can only be provided for by the territorial authorities where it accords with an adopted Strategy that is subject to the requirements and criteria listed in Policy 6.3.9 (1) through to (7).
- 1.5 I therefore have reservations that rural residential development is an essential component of the rebuild and recovery of Greater Christchurch. I cannot identify any reference in the LURP that directs SDC to satisfy any market demand for rural residential housing. I acknowledge that enabling rural residential development provides a relatively exclusive portion of the market with greater housing choice, the provision of which will inevitably attract more residents to Selwyn

district and presents high economic returns for land owners. However, as expressed throughout the Officers report, there are limitations to the number of rural residential households that can be provided for without it giving rise to adverse effects.

LURP Action 18

- 1.6 The development of an adopted Rural Residential Strategy is an important component of LURP Action 18, which specifically requires SDC to provide the Minister with any changes to the SDP to implement the adopted Strategy. SDC's Action 18 response must include sufficient information to ensure the Minister can make an informed decision on any public processes required to give effect to the proposed SDP changes.
- 1.7 A concurrent process has been adopted to develop SDP changes to implement the adopted Strategy, which is being advanced by an independent planning consultant. There will invariably be some cross-over between the material being considered as part of the Strategy process and the SDP amendments that may be required to implement the outcomes contained within it once it is adopted.
- 1.8 As expressed in Section 1 of the Officer's report (refer to Section 1 Paragraphs 1.16 through to 1.19), the schedule of amendments will compliment the policy level framework already established for the Living 3 zone to ensure the SDP "give effect" to Chapter 6 and is consistent with the LURP. It is unlikely to extend to 'fast-tracking' private plan change requests or the rezoning of land nominated through submissions to the Rural Residential Strategy process for the reasons outlined in the Officers report (refer to Section 3 Paragraphs 3.200 through to 3.206).

RURAL RESIDENTIAL STRATEGY

Rural Residential Strategy process

- 1.9 The special consultative process being applied for the consideration of the Rural Residential Strategy is outlined in Section 1 of the RRS13 of the Officers report, with the legislative requirements set out in Attachment 2: Relevant Sections of the LGA02. More specific information on the public notification process, project timeframes and the submissions received are also included in the above section of the report.
- 1.10 The spatial extent of the Rural Residential Strategy is identified in Figure 2 of the Rural Residential Strategy – Consultation Draft (RRS13 P7); it generally encompasses the commuter belt of the district with Christchurch City, with Chapter 5 of the CRPS setting the framework for managing rural residential development for the balance of the district not covered by the Rural Residential Strategy.

Priority resource management outcomes

- 1.11 Sections 4 and 5 of the RRS13 and Section 2 of the Officer's report (Paragraphs 2.10 through to 2.15 of the Officer report) respectively set out the primary issues that have been identified in respect to managing rural residential development.
- 1.12 The RRS13, including the guiding principles and the Locations criteria, have evolved over several years of policy development and consultation (refer to Section 2 of the RRS13). It integrates the directions provided by the LURP and Chapter 6 and includes the outcomes of extensive analysis and research to identify and address the numerous issues attributed to rural residential activities.
- 1.13 One of the primary outcomes that SDC is aiming to achieve through the Strategy is to ensure that rural residential areas are able to be integrated with urban forms to achieve servicing efficiencies and community outcomes. Of equal importance is to ensure that rural residential locations do not:
 - undermine future consolidated settlement patterns
 - derogate the function, form and character of townships
 - hinder future residential growth paths

- reduce rural amenity, diminish the productive capacity by intensifying larger rural land holdings or to undermine rural or the rural environment and adverse reverse sensitivity effects
- 1.14 SDC has taken a cautionary approach to facilitating rural residential development for the reasons outlined in Section 4 and 5 of the RRS13, with the priority being in more recent years on enabling sustainable residential living environments.
- 1.15 A Living 3 zone has been made operative, but the land to which the zoning applies has yet to be developed. As a consequence, there has been no monitoring or reviews undertaken to determine whether the appropriate strategic planning, infrastructure servicing or community outcomes are being achieved as no rural residential sections or housing typologies have been developed under this framework.
- 1.16 This further supports the need to manage the number of locations in the short to medium term pending the outcome of monitoring to inform future reviews. I have recommended that a 5 year review period should be adopted and that parameters need to be established around what should be monitored and when (refer to Section 3 Paragraphs 3.65 through to 3.71 of the Officer's report).

Site analysis and Locations Criteria

- 1.17 The site analysis is an important aspect of this process as the locations contained within the adopted Strategy are invariably linked to the RMA. This is because property owners whose land is not included in the Strategy are unlikely to be able to apply to subdivide or rezone their land holdings, while SDC will need to have strong arguments to preclude locations under the RMA private plan change process once they are in the Strategy. Although more specific outcomes, such as for example landscape and interface treatments, infrastructure servicing arrangements, layouts, densities, yield, connectivity and transport, methods to address site specific constraints, opportunities and matters raised by potentially affected parties and/or interest groups/organisations, will need to be determined through the private plan change process.
- 1.18 The Locations Criteria have been developed as the primary method for achieving not only the above outcomes, but to also ensure that the identified locations are not subject to significant constraints, generally align with the progressive development of residential areas and can be developed to achieve the anticipated environmental outcomes.
- 1.19 The conclusions in the Officers report in respect to the site analysis have been reached through applying the criteria and reaching a conclusion that balances the site specific criteria with the wider strategic planning outcomes also outlined in the package of Locations Criteria. There has been a primary focus on ensuring that locations can integrate with urban areas, while avoiding the 'ring fencing' of towns and hindering the development of obvious future residential growth paths. As a consequence, some locations may address the majority of site related constraints, but there may be alternative locations within relatively close proximity that may be better align with the Locations Criteria to achieve wider community outcomes.
- 1.20 Emphasis has also been placed on maintaining logical and strong limits to growth, such as utilising road boundaries to the east of Lincoln and south of Prebbleton to contain living environments from sprawling into the rural periphery. Some townships are better placed than others to support the increased population and demands that come with accommodating additional rural residential living environments. For example, Tai Tapu and West Melton have infrastructure limitations and the collective number of households nominated in Prebbleton are likely to place significant pressure on community services and would undermine the character and function of this township.
- 1.21 It has become apparent upon reviewing the Officers report that there has been a lack of consideration given to the ability of some of the nominated locations to align with "*Rural Residential Form, Function and Character*" and the "*Landscape values*" Locations Criteria. The following Locations Criteria were developed to ensure the wider context of locations is factored into the assessment for determining the appropriateness of sites to be included in the Strategy:
- Rural residential form, function and character
- support locations that can sustain a mixture of housing densities ranging from 0.3ha to 2ha in size whilst achieving an overall density of 1 to 2hh/ha, but where the overall area supports sustainable enclaves in

respect to the overall number of households to enable the anticipated rural residential form, function and character to be achieved

- support locations that utilise existing road layouts and physical features as buffers and definitive boundaries between urban and rural residential activities to limit peri-urban sprawl

Landscape values

- discernibly logical boundaries determined by strong natural or physical features
- manage the amount of households within single locations to avoid the collective visual effects of intensified land use
- locations to adjoin Township boundary's but have an ability to achieve a degree of 'ruralness' as a consequence of adjoining land uses and natural attributes

- 1.22 In particular, the land nominated to the west (**S37 Trents Road Developments**, **S38 Survus Consultants** and **S54 M Stratford & Ors**), south (**S05 E & K Dixon**, **S52 E & G Smith** and **S51 A & B George & E & B Jeffs**) and to a lesser extent east (**S45 A Joyce** and **S28 Pandora Trust**) of Prebbleton and the land nominated to the north (**S31 R Paton**, **S41 Pinedale Holdings & Kintrye Holdings** and **S55 J Paton**) and south (**S26 G Weakley** and **S32 D & D Tyson & A Smith**) of Rolleston represent nodes that cover large tracts of land where the lack of discernible boundaries or physical features, coupled with the size and shape of the nominated land holdings, present a concern that the necessary degree of 'ruralness' and rural residential form, function and character may not be achieved due to the collective number of households within single geographic locations.
- 1.23 These concerns were identified in respect to the existing Living 3 zones in Rolleston and also apply to the Denwoods Trustee (**S10**) block in Lincoln through the PC8 & 9 and PC28 processes respectively, where the collective number of households in single locations has required significant detailed design controls and mitigation measures to ensure the future densities and layouts can achieve the anticipated rural residential form, function and character.
- 1.24 It is not to say that larger rural residential nodes should be excluded outright, but in my opinion the higher the number of households and layers of lots the more difficult it is to contain peri-urban sprawl and to achieve the anticipated rural residential form, function and character expressed in Section 5 of the RRS13. Larger nodes also present a greater risk to achieving the urban consolidation outcomes expressed in the LURP and Chapter 6. They are more likely to give rise to adverse reverse sensitivity effects with legitimately established rural activities and strategic infrastructure, and risk contributing to a loss of rural character and the visual distinction between urban and rural environments.
- 1.25 I therefore request that the identified Locations Criteria are also included in my reasons for opposing the inclusion of the locations nominated by the submitters listed above.
- 1.26 It is acknowledged that some of the Locations Criteria will be able to be addressed through engineering solutions or detailed design proposals. This is evidenced in the extensive information contained in some of the submissions and may also result in additional technical assessments being presented at this hearing.
- 1.27 However, there is also limited opportunity for SDC to review and respond to the engineering and planning solutions that may be proposed to address the issues raised by the Locations Criteria. This places an even greater importance on applying an overall balanced approach in respect to assessing the appropriateness of any given location, which goes beyond site specific issues to ensure wider strategic planning and community outcomes are addressed.

Hearing scope

- 1.28 It is important to note that this process is being considered under the LGA and that it is limited to making a recommendation on the contents of SDC's Rural Residential Strategy, which is a macro level guiding document.
- 1.29 Some of the submissions include very detailed information, including technical engineering and concept analysis to support the inclusion of the land in the adopted Strategy. A number of submitters are also likely to present comprehensive evidence, similar to what is generally required for a plan change, during the hearing. This will be to not only reiterate why the land is appropriate for inclusion, but to also support the prospect of SDC adopting a process to fast-track the rezoning of this nominated land under Action 18 of the LURP.

- 1.30 However, I do not believe that a determination on the micro detail of these proposals should be reached as part of this process. There is a mandatory process provided under the 1st schedule of the RMA to determine the substantive merits of rezoning land, which prescribes a public notification, submissions and further submissions processes and affords rights of appeal of the merits of any decision.
- 1.31 This is one of the reasons why I do not support the fast-track options being sought by the submitters that request SDC to rezone their nominated land under Action 18 of the LURP, on the basis of the information contained in the submissions on the RRS13.
- 1.32 Additional reasons for not making a determination on specific proposals, or fast-tracking zonings, include:
- the guiding principles and Locations Criteria in the RRS13 have not been settled and may be amended as a consequence of this process
 - enabling rural residential development is not a priority from SDC's perspective as there are more pressing issues to address to facilitate the recovery and rebuild of Greater Christchurch
 - the information contained in the submissions, for the most part, is less than what would be expected for a private plan change
 - SDC officers have had insufficient time to peer review or comment on the detailed assessments, technical reports, layouts or mitigation proposed, particularly to the level of detail required for rezoning
 - I have a real concern that all land owners, potentially affected parties or interest groups and organisations have had sufficient opportunity to be informed about what is being proposed in the submissions or to participate in any rezoning process (including the submitters on private plan changes PC 28, 36 and 41)

HEARING RESOURCES

Technical support and assistance

- 3.1 A network connection and projector are available to access SDC's GIS to ensure the information referenced in the various map layers contained in Appendix 2 of the RRS13 is available throughout the hearing.
- 3.2 Additional maps have also been prepared and pre-circulated to the Commissioners to supplement those contained within the Summary of Submissions. These maps are separated into each of the townships and reference the spatial extent of the land being considered, with the red locations being opposed and the green locations being supported in the Officer's report.

Officer assistance

- 3.3 I will be available throughout the hearing to discuss any points raised by the submitters and to assist with points of clarification where directed by the Commissioners. I will endeavor to respond to any queries raised as soon as I am able, but on occasions may request that my response is deferred until my right of reply so that a more considered position or supplementary material can be provided to the Commissioners.

Rural Residential Strategy working draft

- 3.4 A track change version of the RRS13 has been prepared as a working draft to enable the Commissioners to identify where the recommendations in the Officer's report relate to the notified version of the Strategy. Examples include the insertion of a Monitoring and review section and additional information on the two additional locations that are supported in the Officer report.
- 3.5 This document illustrates where the context of the Strategy has been amended from a consultation draft to an adopted Strategy. It also updates some of the content that is now out of date and corrects typographical errors.

Legal submissions

- 3.6 Two submitters (**S36 Dryden Trust** and **S37 Trents Road Developments**) have indicated that they will be providing opinions on the issue of "future proofed" development. This is to establish that Council has scope to grant "future proofed" or "interim development" concepts

without being inconsistent with the Recovery Plan or being unable to 'give effect' to Chapter 6 of the Regional Policy Statement. Council requested that these legal opinions be circulated in advance of the hearing to gauge whether additional opinions are necessary.

- 3.7 The latest response from the submitter's representatives has been that the legal opinions will form part of the hearing evidence to be presented during the allocated time. As a consequence, Council has requested its legal representatives to prepare an opinion on this matter in advance of the hearing.
- 3.8 All submitters were emailed advising them of the background to this issue. This correspondence noted that Council's opinion can be pre-circulated to enable an informed discussion to be advanced at the hearing, but only where the other opinions are also pre-circulated. No response has been received to date in respect to the pre-circulation of legal opinions, so Council's opinion will be tabled at the conclusion of the hearing as part of the Officer's right of reply.