

IN THE MATTER OF submissions on the Selwyn District Council's
Draft Rural Residential Strategy 'the RRS'
by Pandora Trust

SUMMARY OF EVIDENCE OF ANNA MACKENZIE

1. Qualifications and Experience

- My name is Anna Mackenzie (M Appl Sc Lincoln University, BSc University of Canterbury, Associate NZPI). I have 6 years resource management and planning, and I am a Senior Planner with Fiona Aston Consultancy Ltd. Much of my current work is in the field of land subdivision and development, predominately in Canterbury. Previous roles have included Regional Planner Advisor for Federated Farmers and Graduate Planner for Davis Ogilvie, a well known Christchurch based surveying, engineering and planning firm.
- I am currently/have recently worked on a range of rural residential proposals, in both Selwyn District. This includes:-
 - SDC Plan Change 27 (rural residential zoning for 36 lots at east Rolleston on behalf of the Coles Family Trust). The plan change has been finalised and reviewed by SDC officers but not yet formally considered for notified. It is on hold pending the hearing of submissions on the RRS. It is identified as Preliminary 1 in the RRS.
 - Submissions seeking inclusion of the following as rural residential sites in the SDC Rural Residential Strategy:-
 - Lincoln (Denwoods Trustees, Apton Developments, Bruce Harrington, Barker)
 - Rolleston (Coles Family Trust, Pinedale Enterprises and Kintyre Pacific Holdings)
 - West Melton (Austins)
 - Prebbleton (Trent Road Developments, Conifer Grove, Pandora Trust, Crabbe Partnership)
 - Tai Tapu (Crofts & Williams)
- I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise.

- The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.
- I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

2. Submitters Land and Relief Sought

- Pandora Trust owns Lot 2 DP 34032, and also made submissions relating to Pt Lot 2 DP 5464, and Lot 1 DP 34032. These two neighbouring sites are not owned by the Trust, but are subject to the Trusts submissions. The full area is shown on the plan attached as Appendix 1. The total land area is approximately 22-25 ha.
- The submitter is seeking that the above land be identified as a definite area for inclusion into the RRS as rural residential land, and that an appropriate streamlined approach be adopted to facilitate the rezoning of this area.

Preliminary Design Concept

- Attached as Appendix 2 is a preliminary concept plan showing a possible subdivision layout for the Site. This has been developed to demonstrate how rural residential development could be accommodated and does not form a definite plan for future development should the Commissioners be inclined to include the Site.
- The Concept plan takes into consideration the existing constraints, including transmission lines, stormwater provision and the remediation of contaminated land (potentially located on Lot 1 DP 34032).
- Graduated densities are proposed with larger sections located along the eastern boundaries. The reserve and stormwater management areas are as the submitter understands them to be sought by the Council and may include larger or smaller areas than indicated on the concept plan.
- Concept Plans utilise the potential future domain extension on the northern side of Tosswills Road to provide enhanced amenity for rural residential developments along this boundary, and to provide greater cycle and pedestrian connectivity to central Prebbleton.
- I note that smaller sized lots could be appropriate for the lots facing onto the green open space and stormwater management areas. I am aware that other submissions (Coles Family Trust and Dryden Trust) have sought that the size range of rural residential lots provided for in the RRS be expanded, with provision for minimum lot sizes of 2000m² in some circumstances. This is an example where a number of smaller lots would be appropriate given the nature of the surrounding environment, and would provide for a greater mix of rural residential living opportunities.

3. Reasons:

Landowner aspirations

- The Trust is seeking to develop their property, and notes that the adjoining landowner (the Burgess) has made submissions to develop their land also. It would be appropriate for this area to be developed in an integrated manner to achieve the RRS outcomes, and the Trust is willing to work with other parties to achieve this.

Discernible boundaries and township consolidation

- The high voltage transmission lines are an appropriate general eastern limit to rural residential development in this location. Consideration of the transmission lines will be required to be made in relation to the location, size and design of any rural residential allotments in the vicinity of these lines. In particular SDC's District Plan sets out that specific consideration for allotments located within 20m of the support structures for the lines is required (assessment matter 12.1.4.9, Subdivision Chapter, Township Volume). In this case provision will be made for larger allotments around or near these lines to enable the location of dwellings outside the 20m corridor. The preliminary development concept includes a no-build area around the transmission corridor. Advice from Transpower regarding a previous development on the property (attached in Attachment 3) outlines the appropriate setback distances for dwellings and structures from the transmission lines and pylons and sets out suitable consent conditions to ensure reverse sensitivity effects do not arise.
- In addition to the transmission lines, the submitter has taken into consideration Judge Smith's decisions on Bates and others (ENV C007 – 2006 and ENV C116 – 2006). The Judge found that an appropriate eastern boundary is located approximately along a line from the junction of Tosswill Road and Trices Road, north to meet Hodgens Road, which includes most of the Site. The decision included a 'preferred urban form map' for Prebbleton which includes the eastern boundary in this location. The officers report notes that the Environment Court's 'preferred urban form' map for Prebbleton is reproduced as Appendix 31 of the District Plan, and is one of the matters that has guided the strategic management of residential growth. Appendix 31 is attached as Appendix 4.
- Overall the location of the Site, adjoining the identified urban limits to the east and existing urban zoned land to the southeast, ensures the Site will provide rural residential development in a manner which consolidates the Prebbleton township form.

Natural Hazards

- Part of the Site is identified as within the potentially liquefiable zone¹, however has a TC2 land rating². This means that future development will require a geotechnical

¹ Map 20 RRS

² CERA website checked 2nd April 2014

assessment to ensure the most appropriate foundations are included into any new rural residential dwelling design.

- The Site is located within a high ground water area, and it is acknowledged that specific stormwater provisions will be required to be engineered to ensure that development occurs in an appropriate manner. The inclusion of the Site into the RRS provides an opportunity for an integrated stormwater scheme to manage stormwater from the Site, and from the wider surrounding area.

Servicing

- The Site is located immediately adjoining the urban extent of Prebbleton, and with upgrades to the East Selwyn Sewer Scheme (Pines II) there is additional capacity in the existing reticulated services to provide for rural residential development in this area.
- Discussions with Murray England (Council's Asset Manager) have indicated that the current ODP for Trices Road has a new sewage pump station on the corner of Trices and Tosswill Rd, so he is not anticipating any sewage issues other than the obvious "timing" issue of when the pump station is developed.
- I understand that there are water bores by the tennis courts in the reserve. Water mains would need to be extended to reach the development area, and preferably connected to other reticulated water to provide ring-mains.
- Stormwater solutions will need to be considered in greater detail as part of any future plan change process, with appropriate consents obtained from Ecan.

Reverse Sensitivity effects

- Specific subdivision design features will be required to ensure reverse sensitivity effects do not occur with the transmission lines, such as larger section sized in the immediate vicinity to enable dwelling and structure setbacks.
- There are no identified intensive farming activities located to the east, south east or north east of the Site, which avoids the potential for reverse sensitivity effects.
- Appropriate boundary treatments along rural boundaries, and the location of larger sections along these boundaries to enable greater dwelling setbacks (in conjunction with setbacks required with high voltage transmission lines) will ensure any reverse sensitivity effects with other legally established rural activities will be avoided or mitigated.

Consistency with Statutory Instruments

- Consideration of the objectives and policies of the District Plan, and consideration of Prebbleton Structure Plan have been made as part of the submission. This demonstrates that the proposal generally accords with Statutory Instruments.
- Consideration of the National Policy Statement on Electricity Transmission has been made within the design. Attached in Appendix 3 is the consultation response from Transpower with respect to existing development recently occurring on the Trusts property near the high voltage lines. This correspondence sets out that appropriate dwelling and structure setbacks are suitably achieved using conditions of consent, and will avoid reverse sensitivity effects.

4. Officers Report

- The Officers Report opposes the inclusion of the Site because the land is subject to a number of constraints, namely the transmission lines and pylons, contaminated land, springs (at the north eastern and eastern extent of the Site), susceptibility to liquefaction and stormwater management and drainage issues. Mr Friedel goes on to acknowledge that these constraints may be able to be resolved but considers that there is sufficient land supported for inclusion in the RRS which better aligns to the location criteria.
- As has been discussed elsewhere the constraints relating to high voltage lines, contaminated land, liquefaction, and stormwater management and drainage issues can appropriately be managed and engineered through the specific design of the Site.
- With respect to the location of development in relation to the high voltage transmission lines, the submitter acknowledges that the transmission lines may represent the most appropriate eastern extent of Prebbleton, and accepts that development beyond these lines may not be considered to be appropriate. I note that a possible variation to the attached concept plan could include Lots 8 – 12 (which make up approximately 4.24ha to the east of the transmission lines) becoming a single Inner Plains zoned site while the remainder of the Site is developed for rural residential sections. While such an option is a possibility, I note that the rural residential sized lots proposed are comparable in size to the existing 'less than 4 ha' lots between this area and Trices Road to the south, as evident on the concept plan aerial.
- I acknowledge that any springs located on the Site will require appropriate consideration, setbacks and protection measures to ensure their ongoing Maori is preserved. As discussed in the officers report (paragraph 3.172), the Site was included in PC 17 (withdrawn) as suitable for rural residential development. The officers report notes in the context of benefits of sites identified in PC17; *"the development of the site to rural residential densities presents an opportunity to protect and preserve the quality of these natural resources and the cultural*

significance attributed to them." This positive benefit for preservation of the springs still applies, giving council and the community the opportunity to comment on the future management of springs through the plan change process and include appropriate provisions for their protection. The Iwi management plan sets out provisions for the protection of springs (waipuna) which includes setbacks for development and encourages appropriate native planting.

- I note that Council Officer indicates that a review of the areas suitable for rural residential development ought to be made in 5 years and supports strictly limited areas of rural residential development to be provided now, with (presumably) the intention of providing additional areas as part of the 5 year review. This leaves landowners who have a desire to develop their land unclear as to if their site may be considered suitable in the future. By contrast, the LURP provides for development until 2028, in recognition of the need to provide clarity and certainty to residents in the Greater Christchurch area as to what shape new development will take. I consider that it would be more appropriate to provide for rural residential land up until 2028 and allow timing constraints such as planning processes (ie plan changes and rezonings), Council infrastructure services, and market demands to restrict the amount of land actually being developed at any one time. This will enable landowners to make provisions now for the future development of their land with clarity and certainty. This certainty for landowners is noted as being of importance by Mr Freidel at paragraph 3.89 of his report specifically noting the 10-15 year timeframe provided by the LURP, in his discussion relating to the preliminarily areas identified in the Draft RRS.
- With respect to the amount of rural residential land included in the Prebbleton area, I note that the Council Officer recommends the inclusion of the already identified Areas 3 (14 lots) and 4 (36 lots) and some 22.3ha on the eastern side of Prebbleton (the Burgess block) which I understand is sought for the domain extension and stormwater management areas by Council, with the potential for only approximately 7 rural residential lots (assuming the areas included on the concept plan for stormwater and domain extensions are correct). These are Lots 13 to 17 as shown on the Concept Plan attached as Appendix 2. When considered in the context of the 650 residential household rezoned³ as greenfield residential areas under the LURP, this a small number of additional households. The basis for limited provision for rural residential development in the RRS is the LURP and Chapter 6 of the RPS directive for limited provision. The stated reasons are due to the pressure it places on infrastructure, its impact on transport efficiency, and the maintenance of rural character and rural land use for production.⁴ The Site is very close to the existing Prebbleton town centre and will achieve an appropriate eastern edge to the township. None of the above reasons for limiting rural residential development are compromised in this case. As acknowledged in Chapter 6 of the CRPS, it is desirable to provide a range of choice in housing types for those needing to relocate as a result of the earthquakes, including rural residential opportunities. In my opinion, Council ought to be making greater provision rural residential development than that of the

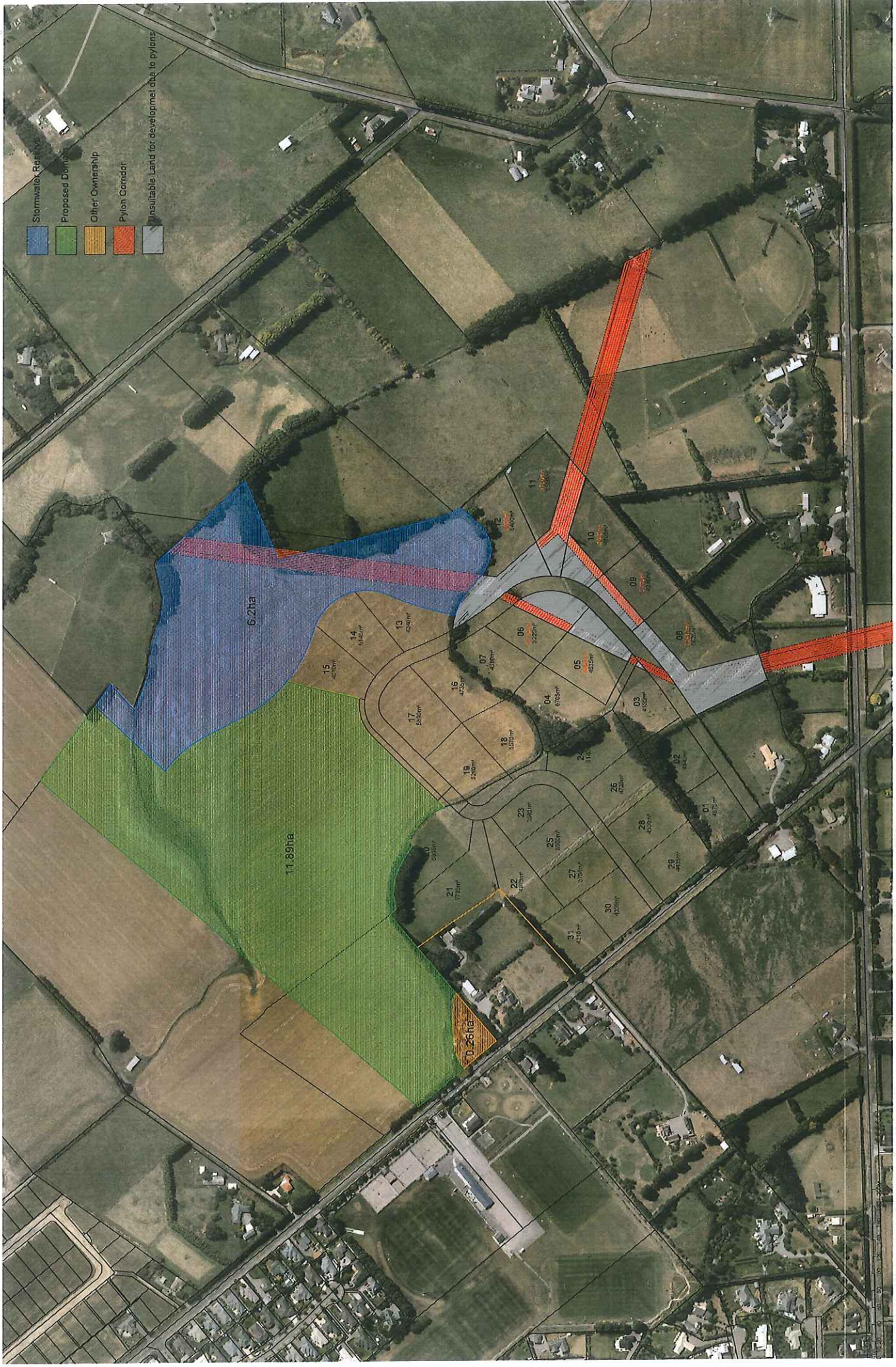
³ Officers Report Page 23, paragraph 3.69

⁴ Chapter 6 Regional Policy Statement, Principal Reasons & Explanation for Policy 6.3.9 Rural Residential

Draft RRS and, it would be prudent to provide for additional rural residential sized sections in Prebbleton. The area sought by Pandora Trust represents a suitable Site.

Date: Friday 11th April 2014

Attachment 2 – Concept Subdivision Plan





Attachment 3 – Advice from Transpower

From: Genevieve Doube <Genevieve.Doube@beca.com>

Subject: Transpowers Response: 153 Tosswill Rd, Prebbleton

Date: 18 March 2014 13:39:28 NZDT

To: John Ferguson <john@baselineplanning.co.nz>

Cc: Megan Williams <Megan.Williams@transpower.co.nz>

Hi John,

Thank you for contacting Transpower for comments on the proposed subdivision at 153 Tosswill Rd, Prebbleton.

Based on the information provided (re-attached), Transpower understands that the proposed subdivision will create two new lots – Lot 1 (1.12Ha) will contain the existing dwelling which is well away from the transmission lines. Lot 2 (8.79Ha) is a rural allotment which the applicant proposes an open space covenant over 2.88Ha to restrict any dwellings on this part of the site. It is also understood that there is no imminent plan to build on the balance lot at this stage.

Proposed Lot 2 has two National Grid transmission lines (Bromley – Islington A 220kV and Christchurch – Twizel A 220kV) traversing it as well as three support towers located on it (BRY-ISL-A0057, BRY-ISL-A0056, CHH-TWZ-A0460). The lines and towers form a triangle in the lot. These circuits are extremely important to South Island security of electricity transmission.

Development in proximity to the National Grid transmission lines is required to be consistent with the National Policy Statement on Electricity Transmission (NPSET). The proposed subdivision and any subsequent new dwellings will also have to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001); a copy of NZECP34 can be found here: <https://www.transpower.co.nz/resources/new-zealand-electrical-code-practice-electrical-safe-distances-nzecz-34>.

Overall, Transpower cannot provide unconditional written approval but considers its concerns can be addressed with the following standard conditions (or similar) being included in any decision to grant consent for the proposal:

1. No buildings or structures shall be located within 12m of the centreline of the National Grid Transmission Line except for:

- a. Uninhabitable rural farm buildings or structures;

- b. Uninhabitable horticultural buildings or structures; or
 - c. Transmission activities or electricity infrastructure by a Network Utility
2. No buildings or structures shall be located within 12m of the outer visible edge of the foundation of a National Grid Transmission support structure except for:
- a. Uninhabitable rural farm buildings or structures;
 - b. Uninhabitable horticultural buildings or structures; or
 - c. Transmission activities or electricity infrastructure by a Network Utility
3. Where landscaping is to be undertaken, all newly planted trees or vegetation (exceeding a maximum height of 2m at full maturity) must:
- a. Be set back by a horizontal distance of at least 12m either side (total of 24m) from the centre line of the National Grid transmission line; and
 - b. When fully grown, not be able to fall within 4 m of the National Grid transmission line.
4. All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code;
5. Conditions 1-4 above shall be the subject of a consent notice on the titles for proposed Lot 2.

Transpower considers the above conditions included in any decision to grant consent for the subdivision proposal would adequately address Transpower's concerns, and would not be inconsistent with Policies 10 and 11 of the NPSET.

Please also note that Transpower has the legal right to access the transmission lines and support structures on site (e.g. for maintenance, inspections and upgrading) under the Electricity Act 1992. However physical access for maintenance vehicles is also required and will need to be factored into the design so as not to compromise Transpower's ability to access and maintain/repair the National Grid assets when required.

Transpower would welcome the opportunity to provide advice to assist you should further development of proposed Lot 2 be proposed in order for the development to be carefully designed and managed to ensure it does not have adverse effects on the transmission lines. Transpower agrees with the application that there is sufficient space to safely locate a dwelling on Lot 2 in the future. Transpower appreciates that willingness of the applicant to propose an open space covenant but note that this is not something that Transpower requests nor requires. Transpower can support the subdivision with the conditions above being imposed and this will result a consent notices being imposed on proposed Lot 2 to address Transpowers concerns with the proposed development.

For clarity, Transpower has no concerns with the land use component of the application; i.e. the retention of the dwelling on Lot 1.

If you have any queries please don't hesitate to contact Megan Williams (CC'ed) on (04) 5907698.

Regards,

Genevieve Doube

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Attachment 4 – Appendix 31 Selwyn District Plan

APPENDIX 31

PREBBLETON PREFERRED GROWTH

