

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER of the Local Government Act 2002

AND

IN THE MATTER of a submission by Dryden Trust
on the draft Rural Residential
Strategy 2013

SUPPLEMENTARY SUBMISSIONS ON BEHALF OF DRYDEN TRUST

15 APRIL 2014

**ANDERSON LLOYD
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1. **LEGAL AND PLANNING MECHANISMS TO SECURE OUTCOME**

1.1 There are a range of mechanisms available which can be readily addressed at the plan change and/or subdivision consent stage, including:

- a. Consent notices pursuant to section 221 of the Resource Management Act 1991 (**RMA**). These can ensure the achievement of the density of allotments as indicated in any indicative future subdivision plan is not compromised, but also prevent this being undertaken until such time as the site is rezoned. This could also potentially apply to future spaces that may be required for roading or stormwater management areas. The consent notices are registered against each title and place any prospective purchases on notice. As consent notices can only be lifted through a further formal Council process, this provides a level of surety.
- b. Easements and/or covenants can also be used to secure positive obligations on the subsequent landowners. These can address such matters as fencing styles, yard areas etc. as well as for roading or stormwater management areas (as an alternative to the consent notice mechanism noted above). Covenants can also be used to prevent individual lot owners from objecting to any further development should that occur in the longer term to achieve the future urban growth aspirations of the Council.

1.2 In terms of planning mechanisms, this is discussed by Ms Aston in her evidence. Mechanisms can include ODP requirements and specific yard and building platform rules which can readily be imposed by the Council at plan change stage. PC32 provides the objective and policy framework for rural-residential development and would also be expected to include the rules for the Living 3 zone which will be met. In order to provide a degree of certainty within the rural residential strategy, the relief sought by Dryden Trust has been amended accordingly and this has been tabled as part of the planning evidence.

2. DEVELOPMENT CONTRIBUTIONS, RATINGS ETC.

- 2.1 As outlined during the presentation of the case, depreciation is built into development contributions and rates in terms of replacement costs.
- 2.2 The expert technical advice of Mr Russell Benge is that there are a number of ways for Council to deal with increased depreciation of oversized infrastructure for the proposed rural residential development.
- 2.3 Firstly, for a Council to consider targeted rating (although it is acknowledged that this brings with it administrative costs and for this reason we understand that the Council is currently expressing a preference to integrate rates).
- 2.4 Secondly, for Council to allow depreciation on the infrastructure for only what is required to service the rural residential development not any future increased density. In this case should the medium density development not proceed then when it comes time to replace the infrastructure, the smaller size is replaced with no additional cost burden on the ratepayers over this extended time period.
- 2.5 In both cases, the actual costs of the increased infrastructure, over and above what is required for the rural residential development, would need to be investigated at the plan change stage. The technical advice is that this cost may be inconsequential.
- 2.6 The Dryden Trust will be providing all infrastructure with sufficient capacity. If, at the time of plan change or subdivision, the Council elects to further upgrade the infrastructure then the associated costs can be recouped through development contributions. New connections will be paid for as sites become ready for development individually. The technical advice is that future proofing in this way will not impose a burden on the Council and ratepayers.

3. OTHER RELEVANT PLAN PROVISIONS

- 3.1 A question was asked in relation to the relevance of Policy B4.1.1. We have checked this and note that it relates to township volumes. This aspect can be addressed by Ms Aston during the presentation of the planning evidence.
- 3.2 To clarify, the submitter is not seeking wider peri-urban development to be catered for within the RRS. The focus of the submitter's case is on this Site. The south Rolleston area is the only area where the Projected Infrastructure Boundary applies to Selwyn District. This is also the only area where the nature of Council preferred future urban development is clearly defined (in the form of the adopted Rolleston Structure Plan). South Rolleston is also the only peri-urban area where medium density housing is proposed and likely to be considered appropriate. Medium density is likely to be even more difficult to 'retrofit' than low density housing – hence the greater importance that this future potential urban growth path is 'preserved' from 4ha subdivision which would frustrate possible future intensification. The Site is intended to be future proofed in a way that is entirely consistent with and indeed promotes the Recovery Strategy and RPS/LURP, fitting comfortably within the current framework of Chapter 6.
- 3.3 You can have confidence in approving the relief sought by the submitter on this basis.



J M Crawford
Counsel for Dryden Trust

Craig Friedel

From: Andrew Craig <andrew@acla.co.nz>
Sent: Monday, 14 April 2014 11:33 a.m.
To: 'Fiona Aston'
Cc: Craig Friedel
Subject: Dryden Trust proposal

Hi Fiona

Thank you for meeting today regarding the Dryden Trust rural residential – medium density proposal. Although greater than the stated ideal of 50hh zones, the rural residential layout you showed me looks workable in terms of achieving the Council's intent for rural residential development. To reiterate and as derived from PC32, these are:

- 1 The need for sites to be located in the peri-urban environment
- 2 Ideally 50 hh per zone – in this case 72 hh are proposed. I'm generally happy with this regarding your proposal due to the way the lots and dwelling platforms are laid out – that is, in an informal manner throughout the site thereby avoiding unbroken, linear rows of housing whose collective effects would potentially undermine the delivery of rural character, and indeed look somewhat suburban in character.
- 3 Generous street setbacks of 15 to 20 metres. As you explained that street scene set backs are constrained by future medium density lot layout, I know from our discussion that this can be improved by locating many of the dwellings on what would be rear lots with respect to the rural residential layout. That will have the effect of providing the necessary generous setbacks whose purpose is to achieve a strong sense of open space incorporating the road environment. I'm not too concerned is some dwellings are closer to the road frontage, so long a staggered effect is achieved in combination with other measures that assist in the provision of open space.
- 4 Avoid opaque fencing so as to maintain transparency and a sense of open space. This is particularly important where high house hold numbers are entertained. It is especially important along the road frontages. However, I appreciate that future residents might want some opaque fencing / walls / hedges for privacy purposes and that can be entertained where it is attached to or is located in proximity to a dwelling – such as fencing around a patio or swimming pool.
- 5 Enabling the planting and establishment of large scale tree planting. I don't see too much in your proposal that would impede or constrain large scale tree planting – especially in the vicinity of boundaries where it is less likely to be impacted by future medium density housing development. I agree too that large scale planting is needed in public open space such as legal roads, parks and other green spaces such as those associated with blue networks. Such planting needs to be bold and simple in keeping with what might be expected in a rural environment.
- 6 The avoidance of urban motifs. While I appreciate that the site is destined to become a medium density environment sometime in the future, it's preferable that while it functions as a rural residential environment that urban motifs such as kerb and channel, excessive street lighting and fancy street furniture is avoided.

Overall I think that what you are proposing looks as if it is able to deliver the outcomes anticipated for a rural residential environment. The provision of parks and reserves as shown on the rural residential layout plan will certainly assist also, especially where these are located centrally thereby providing open space in the area where it's most needed.

Fiona, I hope what I've said is helpful – please feel free to contact me if you want to discuss further.

Regards...Andrew

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Craig Friedel

From: Craig Friedel
Sent: Monday, 14 April 2014 11:12 a.m.
To: 'Fiona Aston'; Andrew Craig
Cc: nicole lauenstein
Subject: RE: RRS hearing - feedback on Dryden Trust proposal

Hi Fiona,

I am generally comfortable with the wording pending Andrews advice, noting that this is a matter of detail that really turns on whether the Commissioners support the 'future proofed' concept.

Kind regards

Craig

From: Fiona Aston [<mailto:fiona@fionaaston.co.nz>]
Sent: Monday, 14 April 2014 11:07 a.m.
To: Andrew Craig
Cc: nicole lauenstein; Craig Friedel
Subject: RRS hearing - feedback on Dryden Trust proposal

Hi Andrew

Thanks for your time this am to discuss the Dryden Trust proposal for a 'future proofed' RR development at South Rolleston as per plans Nicole has supplied. I note we did email you the concept plans for the site and also Trents Road Developments site at West Prebbleton on 4/4/14.

As discussed, if you could provide email feedback on the concept of future proofed RR development to retain the opportunity for full urban development of the land if and when SDC choose to rezone the land that would be much appreciated (as per our discussion this am). As discussed, future purchasers would be fully informed of the 'future proofed' nature of the RR proposal but that there was absolute no guarantee re if and when this might happen. Consent notices on titles would specify building platforms and dwelling curtilages; easements to provide for future roads, greenspaces, stormwater areas etc; and would prohibit owners from complaining about future intensification if this were to occur.

SDC officers are particularly concerned to ensure that this approach:-

- 1) Still ensures that the character and amenity outcomes for RR development as articulated in the RRStrategy can still be achieved – web link to RRS is http://www.selwyn.govt.nz/_data/assets/pdf_file/0015/124080/Revised-V2r.pdf - see in particular para 5.27 pp 33-34
- 2) The reduction in the front yard setback to 7-8m for future proofed RR is supportable. The Dryden submission sought the following amendment, which, in light of our discussion today I suggest could be reworded as follows (my suggested further changes are highlighted in yellow):-

"buildings that are well set back from road frontages (15m to 20m) to provide a sense of open space and promote an open semi-rural street environment, except in cases where the area is 'future proofed' for full urban development if and when rezoning permits this, and a lesser front yard of no less than 7-8m is necessary and appropriate for a minority of lots (generally no less than 15% of all rural residential lots in the rural residential 'node'), taking into account the character of future urban development and the ability to still achieve an open semi rural street environment through other means such as 'open style' fencing design, treatment of the road reserve and landscaping."

As the hearing recommences at 9am tomorrow (Tuesday) if you could provide your feedback by EOB today that would be much appreciated. Many thanks!

Kind regards

Fiona Aston
Principal

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