

BEFORE THE SELWYN DISTRICT COUNCIL

In the matter of the Local Government Act 2002

And

In the matter of the Rural Residential Strategy – Consultation Draft (December 2013)

LEGAL SUBMISSIONS

11 April 2014

Duncan Cotterill

Solicitor acting: Sarah Watson
PO Box 5, Christchurch

Phone +64 3 379 2430
Fax +64 3 379 7097
sarah.watson@duncancotterill.com

Introduction

- 1 We represent a number of landowners whose properties are to the south of Prebbleton and form a block of approximately 28.6 hectares bounded by Trices, Birchs and Hamptons Roads (**the Block**).
- 2 Firstly, we note the Crabbes, whose land is within the Block, are represented separately but they do wish to develop their land and based on the draft design concept are willing to support the wider group. The balance of the group has confirmed that the Crabbe land will be part of stage 1.
- 3 The Indicative Master Plan which has been developed for this Block by Nicole Laurenstein includes the following features:
 - 3.1 Landscaping treatments along Trices and Birchs Roads;
 - 3.2 Landscaping within the Block;
 - 3.3 A landscaping/stormwater buffer at the southern end;
 - 3.4 Linkages throughout the Block and to the west and north; and
 - 3.5 Lot sizes consistent with rural residential character.
- 4 The Block is appropriate for rural residential development and gives effect to the draft Rural Residential Strategy 2013 (**RRS**), the Prebbleton Structure Plan 2010 (**PSP**), the Land Use Recovery Plan (**LURP**) and Chapter 6 of the Canterbury Regional Policy Statement (**CRPS**).

The Framework

- 5 The LURP directs the Selwyn District Council (**the Council**) to amend its district plan to include zoning and outline development plans for a number of greenfield areas and to provide for the implementation of the RRS.
- 6 The primary purpose of the RRS is to:

"provide guidance and policy direction on how best to manage rural residential development with the area of Selwyn District that is subject to the Land Use Recovery Plan/Te Mahere Whakahaumanu Taone. This includes

establishing the optimal form, function and character of rural residential development and where it is best located.”

- 7 The RRS is effectively determining the number of rural residential households and their location for the next 10 to 15 years. It proposes to:
 - 7.1 Establish the guiding principles
 - 7.2 Identify outcomes in respect to the optimal form, function and character of rural residential development
 - 7.3 Determine the number of rural residential households that can be sustained and where it is best located
- 8 The RRS sets a clear policy framework and states that the preliminary areas included are simply a starting point. However, it is submitted the assessment of the areas to be included, which is contained in the Officer's Report, fails to apply the policy framework in a consistent and logical manner.
- 9 It is submitted the RRS cannot simply pick winners on a first in first served basis, it needs to identify the areas for inclusion based on the guiding principles and the goal of achieving the optimal form, function and character for rural residential development.

Location and design criteria

- 10 The location of the Block and the particular characteristics of it, either meet the criteria, or the Indicative Master Plan advanced by Nicole Laurenstein addresses the issues identified.
- 11 The Block will line up with the triangle to the west of Birchs Road (Preliminary Area 4), which has been deemed suitable for inclusion in the RRS and will enable the establishment of a clear demarcation between urban and rural land to the south of Prebbleton. The inclusion of the Block will enable the achievement of a concentric urban form and the proposed landscape/stormwater area will provide a buffer to rural activities to the south.
- 12 The Indicative Master Plan clearly demonstrates that the Block will be able to be developed to achieve the anticipated rural residential form, function and character. The northern end of the Block adjoins the existing urban area and

will enable a linkage to be provided to the Prebbleton reserve and domain. This location will also ensure that residents have access to the Prebbleton community facilities and amenities.

- 13 The size of the Block will enable the provision of a range of densities while achieving an overall density of 1 to 2 households per hectare. It is envisaged that the sections will become progressively larger towards the southern end of the Block and that the smaller sections will be adjacent to Trices Road.
- 14 Ms Nicole Laurenstein will shortly provide detailed urban design evidence in support of the inclusion of the Block in the RRS.

Officer's Report

- 15 The Officer's Report has opposed the inclusion of the Block for a number of reasons including¹:
 - 15.1 Significant network upgrades for water and wastewater would be required to service land to the south of Hamptons and Trices Road.
 - 15.2 Precluding development south of Trices and Hamptons Roads will protect the gateways to the Township, avoid elongation, provide a strong demarcation between rural and urban land uses and avoid undermining the rural amenity contrast and productive capacity of rural land.
 - 15.3 Further growth in this area will not achieve a concentric consolidated urban form and is inconsistent with the "Preferred growth area".
 - 15.4 Concern that significant numbers of rural residential development on the southern periphery will place pressure on existing community and infrastructure services and potentially undermine the character of the Township.
 - 15.5 A preference that rural residential development does not extend to the south of Hamptons and Trices Road to avoid any reduction in the safety and efficiency of these roads.

¹ Officer's Report 3.164

15.6 The southern portion of the land is identified as containing Class 1 versatile soils and the eastern portion as containing Class 2 soils.

15.7 The land would require geotechnical assessments and the southern portion is located within the identified 'Liquefaction zone buffer'.

Water and wastewater

16 The Block is to the south of Trices Road but to north of Hamptons Road. In respect of servicing the land with reticulated water I note reticulated water is already at Trices Road and the Officer's Report considers Preliminary Area 4 to the west of Birchs Road can be efficiently serviced. Likewise the Officer's Report considers Preliminary Area 4 can be serviced from a wastewater perspective.

17 It is submitted services can be provided to the Block from Trices Road or from the west across Birchs Road.

18 These issues can be appropriately dealt with at the time a plan change application is lodged.

Urban design issues

19 The Block is currently zoned Inner Plains under the Selwyn District Plan. The Inner Plains has a minimum density of 4 hectares. The Block contains varying sizes of land parcels ranging from less than 1 hectare to approximately 8 hectares. It is submitted the land parcels are already too small to use for a productive rural land use and given the pressure on land to develop in proximity to the urban areas it is likely that owners will continue to develop their individual parcels on an ad hoc basis if they own a lot of a sufficient size to subdivide as a controlled activity.

20 It is submitted that precluding growth to the south of Trices Road will not achieve a clear strong demarcation between rural and urban forms of development. Ms Laurenstein will provide evidence shortly that a road is not a good boundary and that in particular Trices Road is a poor boundary due to the ad hoc nature of the boundary treatments.

21 However, a clear demarcation between rural and urban land uses can be achieved by a comprehensive rural residential development, while also

providing an appropriate buffer to the rural land and addressing the issues of rural residential form, function and character.

Pressure on existing community and infrastructure services

22 We are not suggesting a significant number of rural residential developments. However, we consider that you need to take into account the requirement for rural residential areas to be of a sufficient size to ensure they can provide the following:

22.1 a demarcation between rural and urban land uses;

22.2 a buffer to rural land uses;

22.3 appropriate landscaping and setbacks to achieve the desired character, function and form;

22.4 linkages to other blocks;

22.5 an economic outcome while ensure all of the above can be achieved.

Safety and efficiency of Hamptons and Trices Roads

23 It is submitted that the safety and efficiency of Hamptons and Trices Roads will not be affected by the development of the block for rural residential purposes. The Indicative Master Plan for the development of the Block indicates one access road onto Trices Road, which will be at least 180 metres from the Birchs Road intersection. This concept involves significantly reducing the number of existing accesses onto Trices Road. The development of the Block will not affect the safety and efficiency of Trices or Hamptons Roads. Rhys Chesterman will shortly address these issues in detail.

Versatile soils

24 It is submitted the existence of Class 1 or 2 soils on parts of the Block is not a reason to exclude this land from rural residential development. This land has already effectively been taken out of the rural land resource given the size of the individual land parcels and its proximity to the urban area. The development of the Block for rural residential areas will in effect prevent

further productive rural land from being developed to provide 4 hectare sections to cater for the rural residential demand and the landscaping/stormwater area will also provide a buffer to rural land uses to the south.

Geotechnical assessments

- 25 It is accepted that geotechnical assessments will need to occur at the time the land is rezoned, however, it is noted that no liquefaction occurred within the area. We note the southern portion of the Block is included with the 'Liquefaction zone buffer' but we do not accept this alone would be a reason to exclude the land from rural residential use and also note that the southern portion of the area is proposed to be used for landscaping and stormwater management, which will not only provide a buffer to rural land uses but will also provide an extended buffer to areas where liquefaction did in fact occur.

Approach taken by Officer's Report to inclusion of areas within the RRS

- 26 It is submitted that the Officer's Report has adopted an inappropriate approach to rural residential areas for inclusion in the RRS.²
- 27 The Officer's Report sets out a variety of monitoring and review procedures and indicates that a short term review period will better place the SDC to make decisions on rural residential housing.³
- 28 It is submitted that identifying a relatively finite number of areas, particularly in Prebbleton, on the basis that the RRS can be reviewed again in 5 years fails to recognise the need for the RRS to provide clear guidance going forward. Given the significant amount of information that has been obtained and the analysis that has been undertaken the RRS can and should provide a clear direction to managing rural residential development for the longer term.
- 29 A five year time frame for a review fails to take into account the complex issues involved with multi-owner development and assumes that all lots within the identified areas will be developed immediately. It is more likely that areas will be developed in stages and the time involved with taking a rural residential development from its inception, being the lodgement of a plan change application to the sale of lots will occur over a longer timeframe.

² Officers Report 3.68

³ Officer's Report 3.65-3.68

- 30 It is submitted the RRS should take a longer term view and consider the peri-urban land which landowners have identified for rural residential use and then consider whether, rural residential use would better meet the objectives and policies of the various planning instruments than its current use.
- 31 You need to take into account the potential adverse effects which could arise from rural residential development, which are clearly recognised by the RRS, but having done so you also need to look at the benefits that can be obtained from including the particular areas. For example, the containment of the urban form, the provision of a buffer to rural activities and the provision of a typology which can meet a demand in the housing market, in an efficient manner. The Officer's Report considers that 4 hectare blocks can meet the need for lifestyle blocks however, a density with an average of between 1 to 2 households per hectare will meet this need in a more efficient manner and reduce the threat that more land within the inner plains will be subdivided to create 4 hectare lots.
- 32 We submit that the SDC is well placed to provide much needed direction on rural residential development for the longer term. The following processes have informed the SDC:
- 32.1 Rural Residential Background Report 2011;
- 32.2 PC 17 to the District Plan; and
- 32.3 PC 32 to the District Plan (on-hold).
- 33 A longer term approach which provides for 10 to 15 years and actually puts in place a strategy to guide rural residential development will ensure the goals of the RRS can be attained.

Preliminarily areas for rural residential development

- 34 The three areas in Prebbleton supported by the Officer's Report include the two preliminary rural residential areas identified by the draft RRS and 59 to 98 Tosswill Road.
- 35 Preliminary Area 3 is located to the west of Prebbleton and is 9.2 hectares in area. The physical location of the area is 311 Trents Road. A private plan

change request has been lodged to facilitate the development of 14 rural residential households (PC41).

- 36 Preliminary Area 4 is located on the southern boundary of Prebbleton and is 12.3 hectares. The physical location of the area is contained by Trices Road to the north, Birchs Road to the east and Hamptons Road to the south and south-west. A private plan change request has been lodged to facilitate the development of 18 rural residential households (PC 36).
- 37 The RRS notes that both areas adjoin existing rural residential or Living zone environments and the zoning will assist in ensuring that further development is consolidated with the township.⁴
- 38 It is noted that the RRS considers Preliminary 4 can be economically provided with reticulated water and wastewater as it adjoins the Living 2A Zone.
- 39 It is submitted the Block will also be able to be economically provided with reticulated water and wastewater as it is only separated from Preliminary area 4 by Birchs Road and it also adjoins the Living 1A zone to the north.
- 40 It is submitted that the Officer's Report appears to have taken an entirely different approach in terms of the assessment of Preliminary Area 4 compared with the assessment of the Block to the west of Brichs Road. The Officer's Report appears to be taking a first in first served approach to the inclusion of land within the RRS rather than a systematic assessment of the areas against the criteria.

Conclusion

- 41 In order to identify appropriate areas to be included with the RRS a long-term view must be adopted so as to achieve the best urban design outcomes for Prebbleton.
- 42 It is considered that a peri-urban rural residential buffer long the south of Trices Road is capable of constraining the urban expansion of Prebbleton. Proposed landscaping along Trices Road will create a demarcation between the urban area and the rural residential development. The proposed

⁴ Draft RRS 6.58

landscaping/stormwater area along the southern boundary of the Block will provide an appropriate buffer to the rural area.

- 43 The rural residential development of the Block will better achieve the outcomes of the RRS, the LURP, Chapter 6 of the CPRS and the PSP than its current use.

Sarah Watson

11 April 2014