

SUBMISSION ON PLAN CHANGE 32 TO THE SELWYN DISTRICT PLAN – VOLUMES 1 & 2, TOWNSHIP & RURAL SECTIONS

UNDER CLAUSE 8 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: The General Manager
Selwyn District Council
PO Box 90
Rolleston 7643

Name: BC & MA Coles Family Trust
Postal Address: c/- Fiona Aston Consultancy Ltd
PO Box 1435
Christchurch 8140
Telephone: 03 3322618
Fax: 03 3322619
Email: fiona.aston@xtra.co.nz

This submission relates to the whole of Plan Change 32.

Our response:-

We support Plan Change 32 in part and oppose PC32 in part, and seek amendments to it as set out below.

The reasons for our response are outlined below.

1. Background

Trust Property Location

The BC & MA Coles Family Trust ('the Trust') owns Lots 3 (20.035 ha) and 4 (20.59 ha) DP 7352, land adjoining the existing Park Lane residential development at east Rolleston (see plan attached as Appendix B). Our farm adjoins State Highway 1 (SH1) on its northern boundary. Lot 3 is part of the SR3 Greenfields Residential Area, apart from a 40m SH1 setback area.

Provisions of Change 1 to Canterbury Regional Policy Statement (Change 1), Rolleston Structure Plan and PC7 As They Affect the Trust Land and Environs

The Trust's land is in two allotments, with Lot 3 (20.035 ha) being part of the SR3 Greenfields Residential Area, within the Urban Limits (UL) in Environment Canterbury's (Ecan) Change 1 (C1). Lot 4 (20.59 ha) is excluded from the UL and is zoned Rural Inner Plains.

The Trust has owned the Rolleston farm for the last 19 years. It runs a well established farm contracting business from the property with the dwelling and farm yard being located on Lot 4. However, the only farm road access is via a 9.56m wide access leg which runs along the western boundary of the neighbouring property to the south, which is within the UL.

The UL at Rolleston severs the existing farm property and renders continued use of the balance farm for farming purposes impractical and not viable. It will be landlocked, substantially reduced in size, and therefore too small to support our farm contracting business. The current intensive cropping regime involves use of farm machinery at night-time throughout the summer months for harvesting. We are extremely concerned that this will result in complaints from residents once the SR3 area is developed, creating reverse sensitivity issues.

The Trust did make a submission to Ecan seeking that Lot 4 be included within the UL as part of the SR3 Greenfield Residential Area, but the submission was rejected. This has not been appealed by the Trust, as the Trust is now focusing on seeking rural residential rezoning of Lot 4.

Lot 4 is adjoining but outside the proposed urban boundary at Rolleston, consistent with its location immediately beyond the boundary of the UL under PC 1. The SR3 Area is a low density residential area (10 household units per hectare).

2. Suitability of the Trust's Lot 4 for Rural Residential Purposes

The Trust proposes a rural residential development for Lot 4. A possible concept plan (see Appendix A) provides for 31 rural residential lots with an average size of 5583.6m², and ranging in size from 3905m² to 7796m². Design features include:-

- Generally providing larger lots on the Rural Zone boundary to the east and south, and smaller lots closer to the SR3 greenfield residential area;
- Providing two road linkages to the SR3 area, linking to the proposed northernmost road on the SR3 ODP, and an east pedestrian linkage on the SR3 ODP;
- The retention of existing trees and shelter belt planting and additional planting within proposed road reserves and providing Green Belts, to maintain 'rural' character and provide a buffer with the adjoining SR3 land to the west, and Rural Zone to the west and south;
- Ensuring no vehicle access from the State Highway or directly from Levi Road, with all vehicle access being via the SR3 greenfield residential subdivision. The existing vehicle crossing from the Coles residential dwelling to the SH will be closed;
- The existing driveway to Lot 4 from Levi Road will become part of the Rolleston Green Belt (10m wide) and will become Council reserve, with a walkway/cycleway;
- Provision of a continuous cycleway/walkway from Levi Road, around the outer Green Belt 'edges' of the Rural Residential Zone, and east-west parallel with the State Highway,

The Trust's Lot 4 is ideally located to become a peri-urban rural residential area, including for the following reasons:-

- **Lot 4 immediately adjoins Rolleston UL and will not comprise town's compact urban form.**

- **Lot 4 is close to the existing Rolleston town centre and also the proposed District Park**, providing ready access to existing and proposed urban facilities by a variety of transport modes.
- **Rural residential activity will not compromise the productivity of surrounding rural land holdings.** The productivity of Lot 4 is already compromised by part of the existing Trust farm being within SR3 urban growth area (Lot 3). Lot 4 on its own is not a viable farming unit and may be landlocked (depending on location of access from Levi Road).
- **Avoids ribbon development along primary roads (SH1, Levi Road) entering Rolleston.** The primary entrance to Rolleston is to east of Lot 4 at the SH1/Weedons Road intersection. An avenue of trees is proposed along SH1 between the entrance and the commencement of residential development. Rural residential development of Lot 4 will make provision for this avenue of trees, with a 40m setback from SH1 (to avoid potential reverse sensitivity issues with SH1 traffic noise).
- **Avoids residential growth areas** – further residential growth east of SR3 is constrained by the position of the revised 50 dBA noise contour.
- **Retains an appropriate urban/rural edge on the boundary of Rolleston.** A Green Belt buffer can be provided for as part of the rural residential development of Lot 4, as sought by the Rolleston Structure Plan. Lot 4 provides a long term defensible boundary between urban and rural areas given the location of the 50 dBA noise contour. Other existing blocks in the 'wedge' between SR3 and Weedons Ross Road can continue their current rural lifestyle uses under the current Rural zoning.
- **Avoids significant reverse sensitivity effects with adjacent established rural and residential activities.** Adjoining rural blocks are 4 ha rural lifestyle blocks, and a smaller residential sized block to the east of the Coles dwelling. None are used for intensive farming activity equivalent to the current use of Lots 3 and 4. Rezoning Lot 4 Rural Residential will address potential reverse sensitivity effects with continued farming use of this block.
- **Aligns with Council's demand and asset management processes.** Lot 4 adjoins the SR3 growth area, a Stage 1 development area for 470 households. Rural residential development of Lot 4 could yield 20-40 lots (depending on average lot size). This can easily be accommodated within the Council's current asset planning. A small pump station may be required to pump wastewater from the south eastern portion of Lot 4 (recognizing the fall of the land) to the Council's main line on the SR3/Lot 4 boundary.
- **The ODP for Lot 4 will ensure that the development is well integrated with the adjoining Rolleston township**, with road and cycleway linkages to the adjoining SR3 residential growth area.

- **Provides the opportunity for the current SH1 access to the Trust dwelling on Lot 4 to be surrendered as part of the overall rural residential of Lot 4, with beneficial effects for the safety and efficiency of SH1.** Access would be provided via the SR3 growth area.
- **The proposed rezoning is consistent with Rolleston Structure Plan and can achieve some of design outcomes sought by RSP.** These include a Green Belt/Corridor along UL eastern 'edge' (between SR3 land and Lot 4), or alternatively along eastern boundary of Lot 4, incorporating cycleways and walkways and potentially horse trails; and an avenue of trees along SH1 frontage.

Rezoning of Lot 4 for rural residential purposes meets the 'context and constraints' criteria and achieves the 'opportunities' listed in the Rural Residential Background Report 'Rolleston Township Study Area 'preferred locations' assessment (context and constraints relate to urban form and growth management; rural character and productivity; services; strategic infrastructure; natural hazards; and environmental, cultural and heritage values).

The rezoning of Lot 4 for rural residential purposes better meets the sustainable management purposes of the Act than retaining the current Inner Plains zoning. The Trust's overall farm and farm contracting business will not be viable once Lot 3 is developed for residential purposes. The severance effect will have a large economic impact for our existing farm, substantially reducing in size the farming operation. It would therefore be too small to support our farm contracting business. The current intensive cropping regime involves use of farm machinery at night time throughout the summer months for harvesting. The Trust is extremely concerned that this will result in complaints from residents once the SR3 area is developed.

3. Plan Change 17

The Trust's land was one of two sites on the urban periphery of Rolleston which was zoned Living 4 (rural residential) under PC17. The Trust made a submission on PC17 in support of the zoning of its land for rural residential purposes.

PC17 included an ODP for the Trust's land (Rolleston East) which is based on the subdivision concept plan attached as Appendix A. The Trust supported inclusion in PC17 of the Rolleston East ODP.

4. Average Density

The proposed PC32 definition of rural residential development means residential units at an average density of between one and two households per hectare, Council needs to clarify how they interpret this definition in terms of average density, as it could be interpreted that there needs to be a 7,500m² average for any rural residential development. It is noted that the recent rezoning of rural residential L3 zoned land in Rolleston (PC 8 & 9) allowed for an average allotment size of no less than 5000m². An average lot size of 5000m² rather than 7500m² is more appropriate for the Coles site, taking into account that:-

- the evidence (for example presented to Commissioners hearing submissions on Change 1 to the Canterbury Regional Policy Statement) is that the strongest market demand for is for lot sizes in the 3000-5000m² size range;

- there is very limited ability to incorporate large residential lots within the Urban Limit at Rolleston, given the requirement for a minimum of 10 households per ha under Change 1 to the RPS, and the proposal under the Rolleston Structure Plan for an average of 14 households per ha, in order to encourage higher densities that can support provision of public transport;
- subdivision design can ensure that 'higher' density rural residential developments can be accommodated without adversely affecting adjoining rural amenity values or creating reverse sensitivity effects (by for example, providing for larger lots on the outer rural edge of the rural residential development);

The PC32 report states on page 15 that 0.3ha to 2ha lots are better able to demonstrate rural residential character elements and that scope for higher densities is provided in recognition of the need to

- Better optimize the use of the finite land resource where it is intensified to accommodate lifestyle living opportunities
- Provide housing choice
- Facilitate integrated and cost effective infrastructure services

5. Quantum of L3 Zoned Land

PC32 limits the number of rural residential lots in the proposed L3 zone (specific areas to be zoned are not included in PC32) to that specified in C12A i.e. maximum 200 for each of the planning periods 2007-2016, 2017-2026, 2027-2041. PC32 must give effect to C12A.

Operative PC8 & 9 (west Rolleston) take 148 lots of the 2007-2016 allocation. However, it is understood that all of the PC8 & 9 land has recently been purchased by an adjoining farmer who intends to use the land for extending his existing dairy grazing operation. The two sites are substantial and have irrigation water rights, and are ideally suited for this purpose. It is understood that the new owner has no intention of developing the land for rural residential purposes in the short/medium term.

The above 'turn of events' highlights the challenges with the C12A and PC32 approach of setting a maximum very limited allocated of rural residential lots – which is acknowledged in the PC32 Section 32 Report as far less than actual market demand. The result will be that rural residential sections will be at an absolute premium and prices will rise. This is not an 'enabling' approach, as required under s5 of the Act.

The Commissioners' decision on C1 of the RPS (replaced by C12A) included additional greenfield living areas to provide choice and allow for the circumstance where a landowner with rezoned land did not, for whatever reason, wish to develop within the timeframes provided for under C12A. C12A removes the greenfield phasing provisions altogether, and rezoned additional areas including Prestons and Mills/Hills land (east Christchurch).

A similar approach needs to be adopted with respect to the rural residential areas in SDC. Whilst this would require agreement with ECAN and a change to C12A, SDC has a responsibility under the RMA (as do all consent authorities, including ECAN) to ensure that its statutory plans meet the overall purpose of the Act.

The preferred method would be to provide for some additional rural residential capacity, e.g. 30% more (i.e. 180 households), and also to allow for 'transfer of development rights' as occurs

with water rights e.g. transfer of household numbers or timing of the allocation between sites. This is particularly important in the current circumstances where it is already accepted by SDC that the quantum of total land zoned for rural residential purposes is very substantially less than market demand.

6. Resource Management Act 1991

Having regard to the above, parts of PC32 as notified are considered to be contrary to the Resource Management Act 1991 ('the Act'), in particular Part 2 Purpose and Principles.

Retaining the current Rural Inner Plains zoning of the Trust Site is not the most sustainable use of the land and does not achieve the purpose of the Act. Rezoning for rural residential purposes as part of PC32, or providing for rural residential use by way of resource consent, is considered to be a more sustainable option which better accords with and achieves the overall sustainable management purpose of the Act.

7. Statutory Documents including Objectives and Policies of Selwyn District Plan

Development of the Site for rural residential purposes, in accordance with the relief sought below, is in accordance with all relevant statutory documents, including C12A and the District Plan and their relevant objectives and policies.

8. Section 32 Assessment

The s32 Assessment accompanying PC32 is considered to be inadequate, incomplete and inaccurate. In particular, the very limited provision for rural residential living, acknowledged as being substantially less than market demand, does not consider circumstances where, as has occurred with respect to PC 8 & 9, zoned areas are not developed. Alternative methods to at least achieve the C12A rural residential 'opportunity' have not been considered.

For the Trust Lot 4 site, the relief sought as outlined below, is considered to be the most efficient and effective option, in terms of the s32 considerations.

9. Relief Sought

*Struck out pursuant to
Council resolution - 27 June 12*

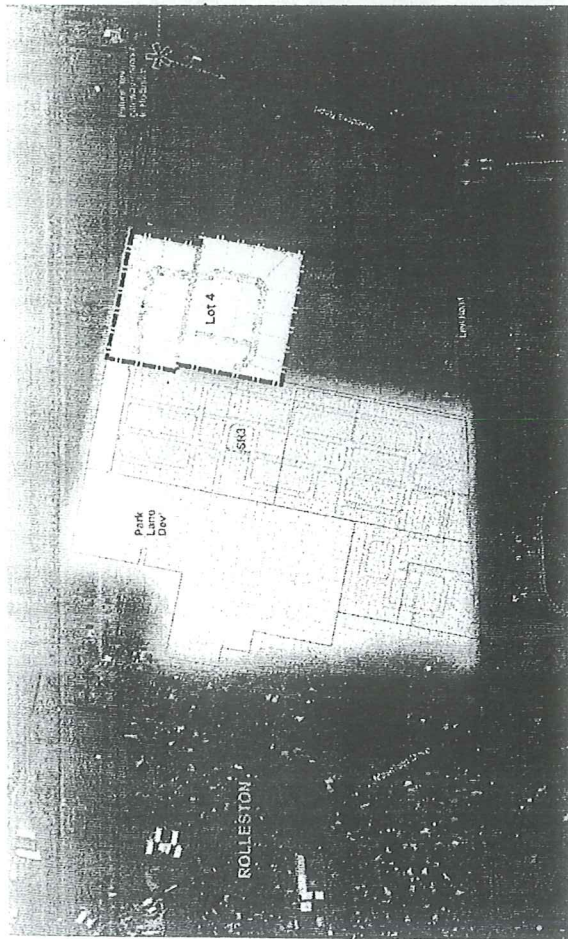
- ~~a. That if within scope, provision be made as part of PC32 for rezoning the Trust's Lot 4 Lot 4 DP 7352, in accordance with the ODP attached to this submission as Appendix A, or a layout to like effect; and~~
- b. That the allocation of rural residential lots (under Objective B3.4.6) be increased to a maximum of 380 households for the period 2016 (30% increase in total provision to 2041, from 600 to 780 households) and provision be made for the transfer of rural residential development rights between sites.
- c. That SDC request a change to C12A under the provisions of the RMA to give effect to the relief sought in c. above.
- d. SDC confirm that an average lot size of 5000m² can be provided for under the definition of 'rural residential development', or if this is not the case, that the definition be amended to allow for this.

- e. All consequential amendments to PC32 necessary to give effect to this submission and the relief sought above.

The Trust does desire to be heard in support of its submission.

If others are making a submission, the Trust would consider presenting a joint case with them at a hearing.

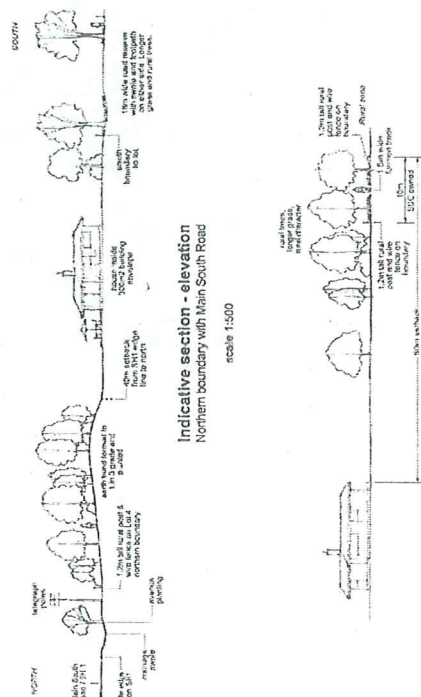
Signed  Date: 5/5/12



as Photo from Google Earth imagery, October 23, 2009

Lot 4 in Rolleston context

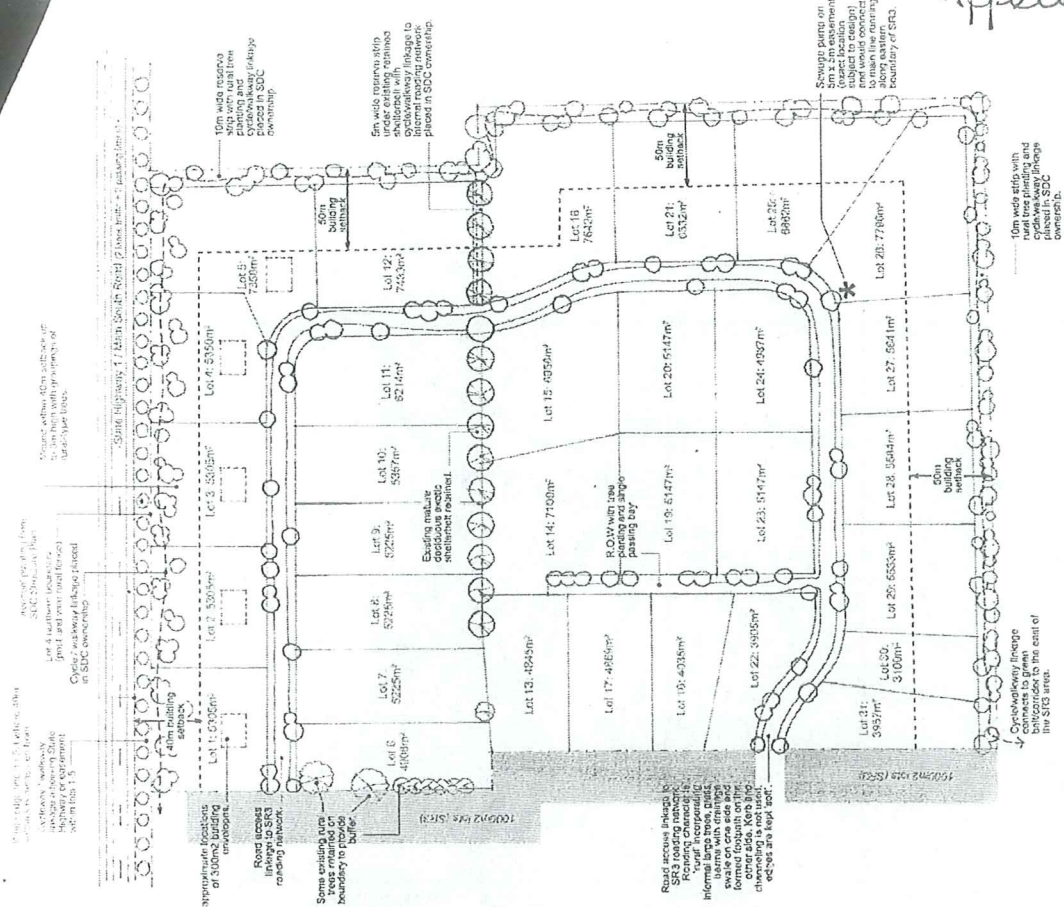
not to scale



Indicative section - elevation

Eastern and southern boundaries with Rural zone

scale 1:500



Notes:

Total area in (3) private lots = 17.31 Ha.
Average lot size = 5580.0m²
This plan is indicative only and would be subject to final survey.

preliminary discussion

Outline Development Plan Lot 4

for the Coles Property, 1535 Main South Road, Rolleston

Detailed plan scale 1:2000 to A3 July 8, 2010

Appendix A

Appendix B

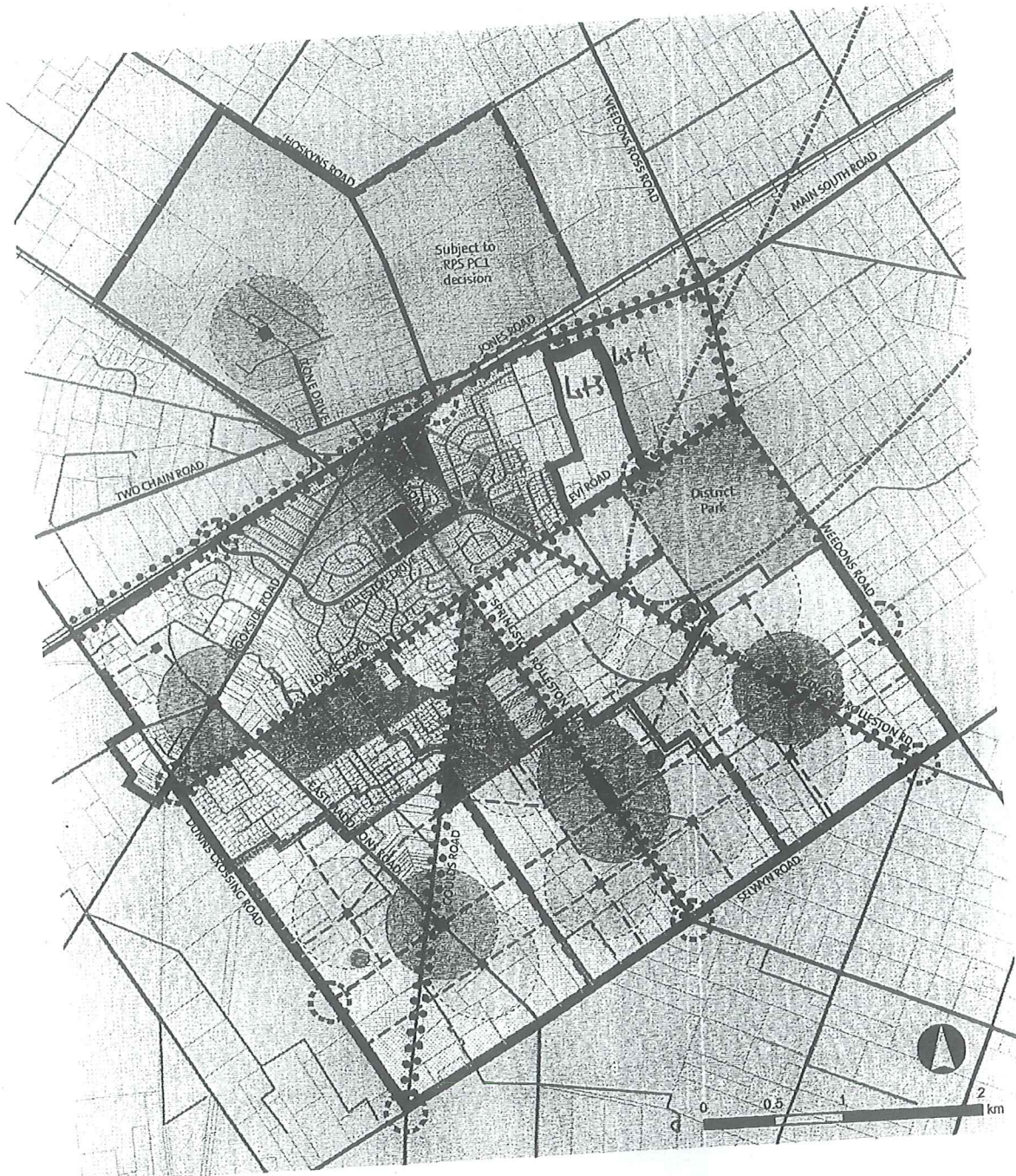


Figure 5.2: Rolleston Structure Plan



SR3 Greenfield Residential Area