

# 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

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This submission relates to the whole of Plan Change 32.

#### Our response:-

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

The reasons for our response are outlined below.

#### 1. Background

We own two adjoining 4 ha blocks of land located in the south Lincoln, legally described as Lots 120 and 121 DP 329124, and as shown on the plan attached as Attachment A. The only access to our blocks is via a 5m wide formed right of way (10m legal width) which runs along the western boundary of the Mostyn block. The access also serves six rural lifestyle blocks to the north, and connects with Allendale Lane, an existing residential cul de sac (also shown on the Attachment A plan).

At this stage neither of our two blocks has a dwelling, although one dwelling could be erected on each block as a permitted activity. Farming our two properties is difficult, due to the fact that the only access is via a residential subdivision, and we have rural lifestyle activity to the north. It is not possible to bring heavy farm machinery onto the property; cropping activities are limited e.g. growing lucerne, because we cannot harvest at nightime with heavy machinery and night lights due to reverse sensitivity effects with residential neighbours; and the only property access is via the existing Lincoln residential areas so we need a droving licence to bring stock to the property. There is an ongoing security risk, with the constant concern that farm gates will be opened with the escape/loss of stock into the adjoining residential subdivision.

# 2. Planning History and Status

We purchased our properties in 2003 with the intention of subdividing them into 1 ha lots, in accordance with the then Proposed Selwyn District Plan '1 km rule'. This provided for subdivision and a dwelling on 1 ha lots (or larger) as a discretionary activity within a 1km radius of the District's townhships.

In 2007 we applied for a resource consent to subdivide our two properties into a total of 8  $\times$  1 ha lots, each with a dwelling. Land immediately to the north had been subdivided into 4  $\times$  1 ha lots and 2  $\times$  2 ha lots in 2005. Prior to the hearing, we amended our proposal by reducing the number of proposed lots to 4  $\times$  2 ha lots. Copies of the original and amended subdivision plans are attached as Attachment B.

Our 2007 consent was declined by the Commissioner, principally on the grounds that he considered that two additional dwellings 'over and above' the permitted baseline of one dwelling per 4 ha would result in adverse effects on the amenity of adjoining rural lifestyle block owners to the north and local rural landscape character. In particular, he considered that the rural lifestyle block owners currently enjoy a rural outlook which would be adversely affected (even though the proposed residential density of 1 ha per household, amended to 2ha per household at the hearing, is the same or less than the density of these existing lifestyle blocks); and that the current tranquil setting would be adversely affected by the additional traffic generated by two additional residential dwellings above the 'permitted baseline'.

The rural lifestyle blocks to the north are outside the Urban Limit in Change 12A to the Canterbury Regional Policy Statement ('C12A'). They are zoned Rural Inner Plains.

Land adjoining to the west was zoned Rural Outer Plains at the time of our 2007 application. This has now become L1 (Deferred) under approved Plan Change 4, and LZ under PC7.

Land immediately to the west retains its Rural Outer Plains zoning under PC7 as it is the site of the Lincoln wastewater treatment plant. Land beyond this, and to the northeast is part of the proposed Lincoln Land Development 850 lot residential subdivision, zoned a 'mix' of living zonings under PC7, with all of land able to immediately i.e. none is deferred. This land was zoned Rural Outer Plains at the time of our 2007 application.

In light of the changed planning status of the land surrounding the Site (see also discussion below under 'Site and Locality') we submitted a new application for a 8x 1 ha rural residential in July 2009. That application is currently on hold pending consideration of servicing options. We intend to request that processing of the application now resume, as the servicing matters with respect to reticulated services are now resolved.

#### 3. The Site and Locality

The Site It is bounded by the L2 Creek to the east, the designated Lincoln sewerage ponds and the Lincoln Land Developments Ltd proposed greenfields residential development to the west, and land zoned Rural Outer Plains to the south. To the east of the L2 Creek is the proposed Broadfields residential subdivision. The proposed alignment of the Lincoln Southern Bypass runs to the south of the Site.

Our land will in time become surrounded by future residential development (other than immediately to the west, which is designated land owned by SDC, which will be retained for

stormwater management purposes, and possible sewerage holding tanks once all wastewater from Lincoln is piped to the Rolleston Pines Wastewater Treatment Plant, which will serve the entire eastern SD area).

There are no potentially noxious existing farming activity in the immediate locality (e.g. pig or poultry farms) that could give rise to potential adverse reverse sensitivity effects.

#### 4. Lincoln Structure Plan

Our blocks are shown as part of a wetland system in the Lincoln Structure Plan and in the Area 1 Outline Development Plan, which covers our land and the LLD land holdings to the west. The wetland system in the Lincoln SP includes our blocks, the Council's sewerage treatment site and a substantial part of the Broadfield Estates block. The approved ODP for the Broadfields Estates block (PC4) has substantially reduced the area of wetlands within the Broadfields Estate land.

The wetland areas as proposed in the Lincoln Structure Plan were intended to mitigate the effects of stormwater runoff from new proposed residential growth areas, in particular the large 'Dairy' block to the west (Lincoln Land Developments Ltd block), proposed for a mix of 'standard' and medium density residential activity. This block is lowlying and stormwater drainage is difficult.

LLD have since obtained consent for an onsite stormwater discharge system, involving a series of swales, wetlands and detention areas within the site.

The Council's Asset Manager Utilities has confirmed in writing through SDC planner, Cameron Wood (by email dated 18/2/11), that our land is no longer required for stormwater management purposes.

In any case, our land is not suitable for stormwater wetlands. The wetland areas shown in the Lincoln Structure Plan are indicative only and detailed investigative work e.g. levels have not been taken which would establish the feasibility or otherwise of using our land for the purposes of wetland. Apart from a small portion at the southern end, our land is considerably higher than the Dairy land to the west, and the Broadfields Estate land to the east.

# 5. Suitability of Site for Rural Residential Purposes

A possible 8 x 1 ha rural residential subdivision plan for the Site is attached as Appendix B, and a possible 10 lot subdivision based on a 7500m<sup>2</sup> average lot size is attached as Appendix C.

Key features of the proposal are:-

- A high amenity environment with proposed lots enjoying an attractive outlook onto the enhanced L1 Creek;
- Proposed building platforms sited a minimum of 150m from the SDC wastewater plant on the adjoining property to the west (notwithstanding that such a separation is unlikely to be required once Lincoln sewerage is piped to Rolleston Pines and the existing infrastructure at Lincoln is only required for emergency/holding purposes);
- Strong physical edges to the subdivision defined by existing/proposed physical features, including Council designated wastewater plant/possible stormwater wetlands and LLD proposed residential subdivision to west (the Dairy block); existing rural residential

subdivision to the north; L1 Creek to east, with the Deferred Living 1 zoning beyond (Broadfield subdivision); and the proposed Lincoln Southern Bypass, Inner/Outer Rural Plains boundary and an existing water race to the south;

- Enhancement of L1 Creek on its western site, including a 10m wide esplanade reserve (consistent with the width of the esplanade reserve for the rural residential lots to the north), and riparian enhancement;
- An opportunity for an extension of the walkway/cycleway linkage along the L1 Creek from the Liffey Reserve to our land.

The subdivision meets all the criteria in the PC17 Report for selection of preferred locations for rural residential development.<sup>1</sup>

We note that at the recent PC4 hearing, the Council's Consultant Landscape Architect (Andrew Craig) provided a favourable assessment regarding the suitability of our land for rural residential purposes as follows:-

.."in terms of their general character and amenity these (rural residential lots) would be consistent with that of the neighbouring Ryeland development. Additionally, the submitter's land is quite well enclosed by natural and physical boundaries, namely the L1 and L2 Creeks, the wastewater treatment plant and a water race to the south. Thus the submitter's land is strongly contained where pressure for further outward growth would be substantially curtailed. Further there would be benefit whereby the subdivision would trigger enhancement of the esplanade reserve on the submitter's side of the L1 Creek. Finally, such a proposal would be contiguous with the township and PC4 land."

## 6. Outline Development Plans

The Site was shown as "potential stormwater management area" in the Area 1 ODP under notified Plan Change 7 (Rolleston and Lincoln). Area 1 covers the Site, rural lifestyle lots to the north and the LLD land holdings to the west.

SDC now accepts that the Site is not required for stormwater management purposes, and the Site is excluded from the PC7 decision version of ODP Area 1.

We made a submission on PC7 seeking that the ODP Area 1 be amended accordingly by removing the Site from ODP Area 1 and adding a separate ODP for the Site and the existing rural residential sections to the north (ODP Area 7), to be zoned LZ.

We also submitted on PC17 seeking that our land be zoned rural residential. PC17 had not been notified at the time of making our submission on PC7.

SDC may also wish to zone the existing rural lifestyle lots to the north L3, which would be consistent with the current rural residential land use.

Attached as Appendix D is an ODP for the Site and existing rural lifestyle blocks to the north included as part of PC17 submission.

<sup>&</sup>lt;sup>1</sup> See para 4.121. Criteria relate to an appropriate location and distribution of residential activity; achieve rural residential character including green open space amenity; consistent with principles guiding rural residential activities prescribed in C1.

Taking into account the wastewater setback buffer, it would be possible to develop the Site with a total of 10 lots, averaging  $7500m^2$  or .

# 7. Lincoln Township Study Area 'preferred locations' assessment

The Lincoln Township Study Area 'preferred locations' assessment included in the Rural Residential Background Report discusses the merits of zoning the Site L4 zone (would be L3 under PC32). The assessment recognises a number of positive benefits of such rezoning:-

"the close proximity to the urban form, strong limits to growth and ability to integrate with adjoining residential developments presents several opportunities for supporting rural residential densities in this location. ...The site is contained by the proposed Lincoln By-pass to the south, which is anticipated to be a limited access road....

An additional benefit is that L3 zoning would enable rural residential development which is a compatible land use with the existing rural residential lots to the north. This would overcome the current reverse sensitivity issues between the farming activity permitted under the current Rural Inner Plains zoning of the Site and these existing rural residential activities.

The potential constraints identified in the 'preferred locations' assessment do not apply/have been overcome for the following reasons:-

# Legal access

The maximum number of feasible additional lots that could be created with access via the right of way, based on a 7500m<sup>2</sup> average lot size is 10 (resubdivision of two existing 2 ha lots to create a total of four lots, and total of 10 lots for the Site ie the two existing 4 ha blocks (8 additional lots)).

Conservatively based on 8-10 vehicle movements per day, this would create 80-100 additional traffic movements utilizing the right of way (in addition to the 64-80 movements capable of being generated by the 8 existing lots ( $4 \times 1$  ha,  $2 \times 2$ ha and  $2 \times 4$  ha)) ie a total of 144-180 movements per day. This equates to an extra 5–6 movements per hour and a total of 9-12 movements per hour (assuming a 15 hour day, between 7am-10pm) i.e. a movement every 5 minutes instead of every 10 minutes. In reality, movements are unlikely to be evenly spread, with most movements in the early morning and late afternoon during the week and a more even spread at weekends.

Balanced against the increased vehicle movements associated with rural residential activity (private cars) is the removal of heavy vehicle movements associated with rural activity e.g. stock trucks, harvesting machinery etc.

In comparing potential traffic generation with existing traffic flows, it should be noted that the existing rural residential blocks and  $2 \times 4$  ha blocks are not developed to the full extent permitted under the current zoning/approved consents. One of the 2 ha blocks and  $2 \times 4$  ha blocks can all have a dwelling where none currently exists i.e. an additional 24-30 movements are permitted. This means that higher traffic flows than currently occur (but still relatively low overall) could occur as a permitted activity.

The existing ROW has a 4-5m wide sealed formation with 2.5m grass verges on either side. There are two passing bays and street lighting.

PC32 includes an indicative road cross section for the L3 zone with a 19m road reserve, 6m wide road formation and 6.5m swales on either side. In this case, the L3 zone will be a small 'node' wedged between LZ areas i.e. total approximately 14-18 lots. The right of way servicing the zone is existing.

Proposed PC12 (Integrated Transport Management) proposes new roading and right of way standards (the rules are not operative). PC17 adds standards for the L4 Zone. The current and proposed standards are summarized in the tables below.

#### Roads:

Type of Road	Legal width (m)	Carriageway Formed width (m)	Traffic lanes
Local: Operative District Plan	14 (min), 20 (max)	7 (min), 8 (max)	
Local – Minor: PC12	10 (min), 12 (max)	5 (min), 6 (max)	1
Local – Living 2: Operative District Plan	18 (min), 20 (max)	6 (min), 6.5 (max)	2
Local – Living 3: PC 32	19	6	Not stated

## Shared Private Vehicle Accessways:

Zone	Potential no of sites	Length (m)	Legal width (m)	Carriageway width (m)	Turning area	Passing Bay	Footpaths
Living Zones: Operative District Plan	7-10	Any	6	5	Required	Required	Optional
Living Zones: PC12	3-6	Over 50	6	4.5	Required	Required	Optional

In summary, for right of ways, the maximum number of allotments served by a right of way is reduced from 10 to 6. McIntosh made a submission in support of the submission by Urbis on PC12 which opposed this change. The current ROW meets the required design standards of both the Operative Plan and PC12, except that a turning area is required (which can easily be provided).

If the status of the ROW was changed to road, the current ROW would meet the design standards for a minor local road. It would not meet the proposed standards for a local road in the L3 zone. The wider carriageway width is intended to provide for swales either side of the sealed carriageway. This is not necessary in this case, given the existing formation.

SDC officers accept that if widened to a 6m wide carriageway and changed to local road status, the existing access would be acceptable from a roading capacity perspective. The existing legal width is 10m so existing right of way users, and those at the right of way entrance, purchased properties in the knowledge that there was potential for the right of way to be widened at a later date. Any effects on the amenity of their properties will be minor, particularly given that rural residential development of the  $2 \times 4$  ha lots currently accessed off the right of way will resolve the existing reverse sensitivity issues associated with use of these sites for farming purpose and the access for farm-related access.

# Stormwater management

The Site is not subject to flooding or ponding other than a small portion at the southern end as marked on the plan attached as Appendix C. The possible subdivision concept includes sufficient area to avoid the need to build within this small area. In any case, a raised building platform could mitigate any potential adverse effect relating to ponding/flooding.

The density of the proposed L3 zone is such that stormwater disposal can be readily managed, without generating any adverse environmental effects.

It should be noted the proposed Moirs Lane proposed L4 zone in PC17 as notified is significantly lower and more prone to ponding/flooding than the Site.

#### Wastewater buffer

As illustrated on the attached possible subdivision concepts, it is feasible to develop the Site for either 7500m² or 1 ha lots, with building sites avoiding the 150m wastewater buffer setback. The setback does not restrict the section yield and is more than adequate to avoid any reverse sensitivity issues with the plant. No reverse sensitivity issues have arisen for houses sited on the existing 1 ha and 2 ha sections to the north of the Site, which are also subject to the 150m wastewater plant buffer setback.

#### 8. PC 32

PC17 has been withdrawn and replaced with PC32 which provides an objective, policy and rules framework for assessment of proposals for rural residential development, which are to be considered on a first come first served basis.

Denwood supports in principle this change in approach.

A key feature of the Plan Change is that lower density rural residential activity is provided for and anticipated adjoining existing townships so long as they are outside the RPS Chapter 12A identified urban limits. The proposed site meets all proposed objectives for the Living 3 zone

Some amendments are sought to PC32 to achieve greater consistency with other statutory documents, including C12A, other parts of the Selwyn District Plan and to ensure that PC32 is in accordance with the Resource Management Act 1991, in particular Part 2 Purpose and Principles.

#### 9. Quantum of L4 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 consumer 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.

## 10. Provision of rural residential living lots through the L3 zone

PC32 requires provision of rural residential living to only be through the LZ3, explained as follows:-

"intensification of rural land to rural residential densities is expected to be through a comprehensive plan change process to avoid unconsolidated urban sprawl, inefficiencies in the provision of infrastructure and services, loss of rural character and adverse reverse sensitivity effects." (Amendment 3).

The private PC process is unnecessary, inappropriate and inefficient and cost prohibitive for appropriate small scale rural residential proposals such as the McIntosh 'infill' proposal, which will result in improved urban form and function and address existing reverse sensitivity issues.

It is an overly costly and 'involved' process in such cases, which should be assessed through the resource consent process. PC32 needs to acknowledge that a resource consent process is acceptable and more appropriate in such circumstances. If not, smaller meritous proposals will be penalized, and the range of rural residential proposals which 'see the light of day' limited to larger proposals from larger landowners. This will limit the range of available rural residential living opportunities and is contrary to the enabling purpose of s5 of the RMA.

# 11. 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 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, in accordance with the relief sought in this submission, is considered to be a more sustainable option which better accords with and achieves the overall sustainable management purpose of the Act.

# 12. 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 C1 and the District Plan and their relevant objectives and policies.

#### 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. In addition, the s32 assessment does not consider the appropriateness or consequences of requiring all rural residential living opportunities to be by way of a private plan change process and the need to 'enable' appropriate smaller scale proposals by resource consent.

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

# 14. Relief Sought

a. That if within scope, prevision be made as part of PC32 for rezoning the Site and the existing rural residential lots to the north L3, in accordance with the ODP attached to this submission as Appendix D, or a layout to like effect; and

Council resolution - 27 June 2012

b. That that last sentence of Amendment 3 be amended to read as follows:-

The intensification of rural land to Living 3 zone densities is expected to be through a comprehensive plan change process, other than appropriate small scale proposals which meet the L3 zone criteria and which can addressed by resource consent. All rural residential proposals should-to avoid unconsolidated urban sprawl, inefficiencies in the provision of infrastructure and services, loss of rural character and adverse reverse sensitivity effects.

Consequential changes to Amendments 76, 90, 94, 120, 126 & 130 & any additional changes to be consistent with and give effect to the above, including discretionary status for small scale rural residential proposals (say up to 15 lots) which meet the L3 zone criteria listed in PC32; and

- c. 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.
- d. That SDC request a change to C12A under the provisions of the RMA to give effect to the relief sought in c. above.
- e. All consequential amendments to PC32 necessary to give effect to this submission and the relief sought above.
- 15. Signature of person making the response or person authorized to sign on behalf of person making the response:

Signed P.A.O. AAO	Date:	3	/5	/12	***
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Appendix A: Submitter Horeties. Map 1. 5 Proposed Change No.4 (Including Variations 1 to 4) to the Canterbury Regional Policy Statement: Actual Constitution of the 8 Map 1: Decisions on Submissions and Further Submissions 8 \*\* Key Activity Centras

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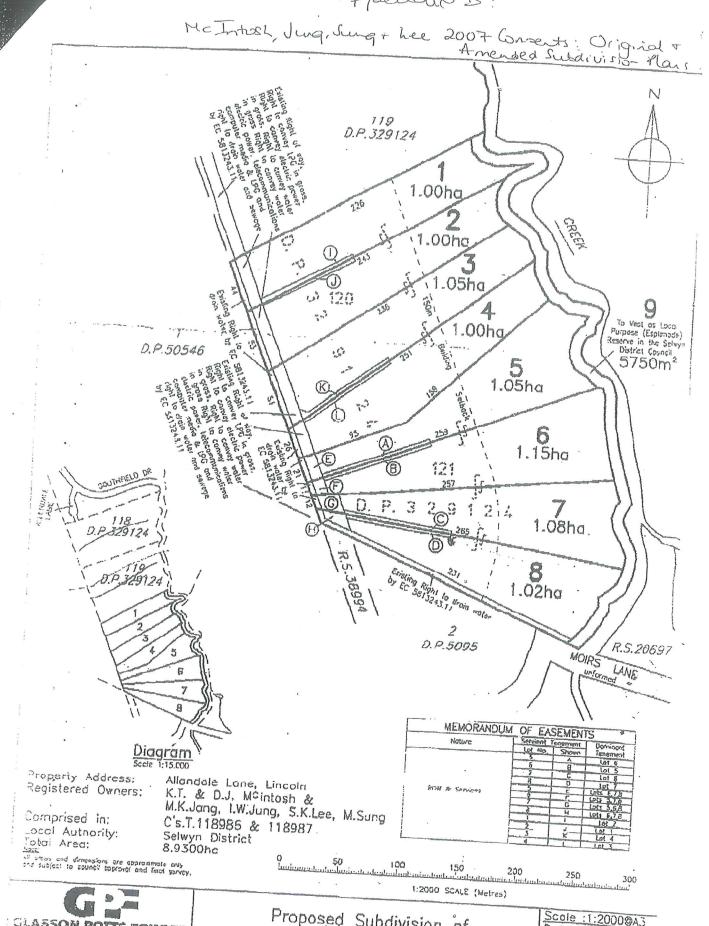
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Appendip B:

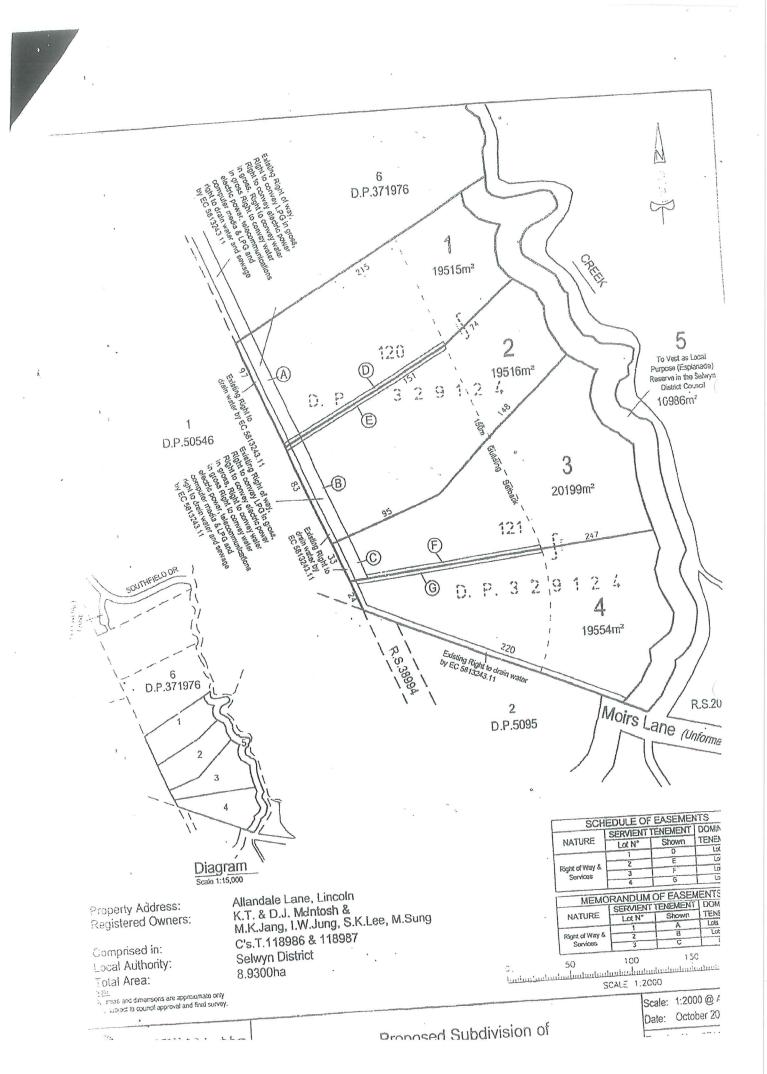


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Proposed Subdivision of Lots 120 & 121 D.P.329124

Scole :1:2000@A3 Date : July 2005

Drawing No.:8744-011 Sheet No 3/ Sheets



Appendio &: Possible Subdivision - L4 Zone (PC 17) C A3 10244/01 Revision Sheet Re Digwel / Job Ref Apr 2011 1:2000 3,577m² (10m) 13 462m² (10m) 8 7,610m<sup>2</sup> 12 2,090m² 3,555m<sup>2</sup> 6 3,460m<sup>2</sup> Proposed Subdivision of Lots 120 & 121 DP 329124 Comprised in CT 118986 & 118987, 8,9300la #27 & 33 Allendale Lane, Lincoln 3,380m<sup>2</sup> 5 9 12,760m² 10 12,140m<sup>2</sup> 9,340m<sup>2</sup> 3 7,250m² 8,755m² 8,880m² 4 Mondow Street, PO Sox 5559, Peparusi, Christichurch p. 03 352 5599 Activity 0.0 314 9200 Activity 0.0 352 5527 Activity 0.0 303 77221 CXX-NNI 0505 787 887 SUNT JOSIOS GENERALIS

