

**SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE
CLAUSE 6 OF FIRST SCHEDULE
RESOURCE MANAGEMENT ACT 1991**

To: **Selwyn District Council
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This is a submission on **PROPOSED PLAN CHANGE 32 – RURAL RESIDENTIAL ACTIVITIES**

The Submitters **oppose** the amendments contained in Proposed Plan Change (PC32), especially as they relate to the Prebbleton Township, and make the following submission and comments.

Requirement to Have an Adjacent Boundary

- **Amendment 65** and Amendment 68 introduce Objective B3.4.6 and Policy B3.4.3(b) that seek to manage rural residential activities within the District. The Objective refers to the new rural-residential areas having to adjoin Townships and be integrated with existing settlements. This objective is confusing as it refers to both requirements of Chapter 12A of the RPS and the Greater Christchurch Urban Development Strategy. Chapter 12A of the RPS stipulates that rural residential must be located outside of the urban limit and in a position that can be economically serviced, and notes that where such sites are adjacent or in close proximity to an existing or rural-residential boundary, that they are to be integrated or consolidated with the existing settlement. Chapter 12A **does not** require rural-residential living to be adjacent to the urban area on one boundary and in fact clearly contemplates that this not always be the case. The requirement in Policy B3.4.3(b) of PC32 for rural residential development to adjoin an urban boundary goes beyond the controls set out in the RPS and should be removed from both the objective and policy.
- **Amendment 68** introduces Policy B3.4.3(b) to the District Plan. This policy sets out to facilitate rural residential living environments within the District, primarily through the inclusion of a new Living 3 Zone. This policy states that the new Living 3 Zone areas are to adjoin the urban limits identified within the RPS. This policy also sets out the criteria of assessment of zoning proposals will be considered. The seventh bullet point of that policy requires at least one boundary of any rural-residential living environment to be adjacent to the urban edge of a township. This is too restrictive and arbitrary, and could be interpreted to only provide for rural residential development that is only one property deep. When combined with the need to avoid access onto Arterial Roads, this severely, and unnecessarily, restricts the options for rural-residential living around the townships, especially Prebbleton.

- To require rural residential development to adjoin or be adjacent to the urban limits will limit the depth of any rural residential area. It will not facilitate the use of land most suited for this development, which land can provide well planned sites with a rural outlook and that can be easily distinguished from residential development. This can often best be achieved by some separation from the immediate edge of residential zoning, but which still allows the development to be clearly a part of the whole settlement. Connectivity and integration with residential areas can be achieved without the need to be directly adjoining the urban boundary through reserves, access ways etc.

Reticulated Infrastructure

- **Amendment 117** requires that all rural residential development must be served by reticulated sewerage that is integrated with a publically owned system. The Submitters oppose this requirement because on-site disposal is appropriate under certain conditions and should not be precluded as a form of wastewater disposal, especially in rural residential circumstances where sites are large enough to accommodate various disposal methods.
- The timing of development will be significantly influenced by the provision of reticulated infrastructure by Council. There is real potential for the absence of infrastructure to frustrate the provision of rural residential sites and therefore fail to meet demand the accommodation and housing needs of the population.
- The provision of reticulated infrastructure for rural residential development does not represent a sustainable use of infrastructure given the densities this infrastructure will be required to serve.
- Requiring reticulated infrastructure for rural residential development may not be economically viable based on the capital cost of such infrastructure and the limited yield over which to apportion these costs. This has the potential to limit the extent of development that occurs, which may result in demand exceeding supply. Alternatively, the costs of infrastructure may inflate the price for purchasers, creating unaffordable rural residential development.
- The requirement for rural residential development to be served by reticulated infrastructure leaves means these sites will be susceptible to further intensification in the future as it could be argued that that it a more economic use of the sewerage system. Should further intensification occur within the rural residential areas it would be no longer consistent with Living 3 character and requirements.
- The recent earthquakes have shown that having sites with alternative sewage disposal systems has provided options for households not available within reticulated areas and has proven to be a valuable resource for displaced households.

Restriction on Numbers

- **Amendment 65** that introduces Objective B3.4.6 includes a limitation on the number of rural-residential allotments. The Submitters **oppose** the use of these numbers. Whilst the numbers have been taken from Chapter 12A of the RPS, these numbers have not been subject to adequate and careful scrutiny and have no justifiable basis.
- The review is necessary as the numbers for rural-residential development contained within the Chapter 12A do not make any sense when read together. Whilst the number of allotments allocated to Selwyn District is 5% of the total growth predicted for Selwyn, when combined with those allocated to Waimakariri District, this jumps to 11% of the combined growth of both Districts,

but falls to 3% of the total growth predicted for all of the Greater Christchurch Area. It was in this context that the Commissioners for Proposed Change 1 to the RPS, made the following comments within their Decision:

322. The evidence and recommendation from report writers in relation to this rural residential issue highlighted a significant difference between the extent of detailed analysis and thought in the recommendations that were made in respect of intensification and Greenfields residential and business land provision in PC1, as contrasted with the consideration given to rural residential provision. And that is the most graphically demonstrated by the recommendation contained in the s. 42A report in the Explanation to Objective 1, arising from submissions from the territorial authorities and NZTA, which states as follows:

“A review of rural residential provisions will be done in 2010.”

323. When a statement of that nature indicating an intent to carry out an immediate review of an issue of significance appears in a proposed change to a policy statement which is intended to cover the next 35 year period, it rather highlights that right from the very start inadequate consideration and provision appear to have been made.

- The provision for the review was included within the Commissioners Decisions because as they stated:

334. The best that we can do it to stress that the review intended for 2010 (which by the time this decision is released will be literally only a month or so away), should be embarked upon forthwith. That review process will need to ensure the appropriate research, evaluation and consultation is undertaken with a view to recommending yet a further change to the Regional Policy Statement addressing in a full proper and adequate way the rural residential provisions proposed, and with general identification of localities proposed as a result of that research and consultation.

- With the use by the Minister for Canterbury Earthquake Recovery of his powers under the CERA Act 2011 to revoke Proposed Change 1 and insert a new chapter within the Regional Policy Statement, this statement has disappeared from the Development of Greater Christchurch chapter for reasons known only to those parties who drafted it for the Minister. The version that has been included as Chapter 12A appears to reflect the position of only a few parties to the **stage 1** appeals that were before the Environment Court, none of related to rural-residential provisions. This review of the rural residential provisions should be started immediately.
- Given the concern that the Commissioners had with regards to the rural-residential provision within the Proposed Change 1 and our understanding, it is clear that insufficient analysis and research was undertaken to provide a robust and justifiable basis for the resulting inflexible and restrictive number of lots. The limitation of 200 households per time period would benefit from a full cost-benefit analysis as required under Section 32. For these reasons the restriction on the number of rural residential lots should be removed from Objective B3.4.6.

Requirement that Rural-Residential be Zoned

- The Submitters oppose the requirement to rezone that rural residential development can only be provided for by way of rezoning. Part of the character of rural residential development has been that it is not as uniform as development that occurs within a traditional residential subdivision, and rather it is often developed in “pockets”. While it is accepted that there are advantages in locating rural residential development near towns, this development does not need to occur in large blocks to ensure integration and connectivity is achieved. These matters can also be achieved by some rural residential development proceeding by way of resource consent as long it meet a the criteria for location and design.

- There are plenty of options for development of rural-residential properties, where the objectives sought through Chapter 12A of the RPS and the in the wording of some of the Council's proposed amendments can be just as easily sought through a resource consent process. We also query the whole concept of land which is being developed outside of the **Urban Limits** of a town, being provided for by way of rezoning to a **Living Zone**. Are urban or rural living environments intended to be created? The Submitters also consider that given the costs associated with a plan change (Council's lodgement fee alone is \$10,000) the ability to develop rural-residential sites through the resource consent should be considered as a viable alternative for developments that propose a small number of allotments.

Process undertaken by the Council

- The Submitters are very concerned about the process that Council has undertaken to provide for rural-residential development within the District Plan. The Submitters wrote and met with Council staff in early June 2009 regarding a potential rural-residential development on their property. In the letter from Council following that meeting, it was noted that while a **private** plan change could be undertaken, given that they had initiated a Rural Residential Plan Change in April 2009, Council would prefer that any rural-residential development awaits the completion of the this plan change. Further correspondence in August 2009 indicated that the plan change would be notified in December 2009. That did not occur. What did occur in December 2009 was consultation on 'criteria for selecting the potential sites'. The Council's Background Report was not completed until late August 2010, with Plan Change 17 then notified in March 2011.
- Correspondence from Council in late November 2011 indicated that due to earthquakes and the decision by the Minister for Canterbury Earthquake Recovery to incorporate Chapter 12A into the RPS, that the Council was now required to undertaken further investigation work and consider the plan change in light of the Minister's actions. It was indicated that the Plan Change would not be heard until the first quarter of 2012.
- During this time Council accepted and notified two private plan changes for rural-residential development which together exceeded the number of allotments allocated for the first time period within the RPS. These were both subsequently reduced at the hearing in May 2011 to a combined total of 148 lots. The decision was issued by Council in October 2011 and these plan changes were made operative in March 2012. As far as the Submitters are aware, no party that opposed these plan changes appealed them, as Plan Change 17 was still active at that stage.
- Having heeded Council's advice to wait until their plan change was completed; the Submitters took part in all of Council's processes over the last 2 and half years. The Submitters are annoyed and very frustrated with Council's about-turn on Plan Change 17 and the approval of Plan Changes 8 and 9. What should have occurred, given the interrelated nature of the plan changes, was for Council's Plan Change 17 and the Private Plan Changes 8 and 9 to be heard together so that the discussion on allocation, particularly between townships could have been properly assessed. That this did not occur is considered to be failing of Council processes.
- Given the approval of Plan Changes 8 and 9, there is further concern over the inclusion of a limit of households within Objective B4.3.6. The recently approved Plan Changes 8 and 9 rezoning the Selwyn Plantation Board land, takes up a large proportion of the 200 lot allocation for the first time period to 2017. While these plan changes may provide for up to 148 lots, there is no guarantee that the sites will actually be developed for that purpose. Further these sites are all around one town, leaving the other towns to argue over who received the benefit of the remaining 52 lots. If sites of a similar size are proposed this number could disappear in one plan change. What will

Council do if more than one private plan change is lodged and the combined total exceeds the 'available 52' sites?

- If the development of the land subject to Plan Changes 8 and 9 does not occur, then Council through withdrawing Plan Change 17 has set back the ability for rural-residential development to occur by at least a year, which is timeframe for Plan Change 32 and a private plan change to be processed and subdivision to occur. Given the need to ensure that there is a diversity of living choices available to people following the Canterbury earthquakes, it is considered that this time frame is unacceptable.

With regards to the above comments, we seek the following decisions:

- 1.1 That Objective B3.4.6 introduced through Amendment 65 is amended as follows:

*To ~~manage~~ **enable** rural residential **development** activities by facilitating a maximum of 200 households in each of the periods to 2016, 2017 to 2026 and 2027 to 2041 through the Living 3 Zone, which are to be located **establish** outside the Urban Limits ~~but adjoining~~ **in close proximity to** Townships in the Greater Christchurch Urban Development Strategy area to:*

- *Facilitate the provision of housing choice and diverse living environments outside the Urban Limits prescribed in the Regional Policy Statement*
- *Avoid significant adverse landscape and visual effects on rural character and amenity*
- *Avoid the cumulative loss of productive rural land and rural character that will result from the incremental rural residential development and to ensure that a consolidated pattern of urban growth is achieved across the Greater Christchurch Urban Development Strategy area of the District*
- ***Where appropriate,** be integrated with existing settlements to promote efficiencies in the provision of cost effective infrastructure, including the requirement to connect to reticulated wastewater and water services*
- *Ensure that rural residential expansion occurs in a way that encourages the sustainable expansion of infrastructure, and provides for a choice of travel modes*
- *Assist in achieving concentric and consolidated townships and to retain the distinctiveness between rural and urban environments*
- *Avoid incompatible amenity expectations between different land uses, particularly between rural residential living environments and the sensitive boundary interfaces of the Living 3 Zone with Townships and Rural zoned land*
- *Avoid significant reverse sensitivity effects with strategic infrastructure, including quarrying activities, Transpower High Voltage Transmission Lines and associated infrastructure, Burnham Military Camp, Council's Rolleston Resource Recovery Park and wastewater treatment plants in Rolleston and Lincoln, West Melton Military Training Area, agricultural research farms associated with Crown Research Institutes and Lincoln University.*

- 1.2 That the Policy B3.4.3(b) and its Explanation and Reasons introduced through Amendment 68 is amended as follows:

*"To facilitate rural residential living environments **primarily** through the Living 3 Zone. Where new Living 3 Zone areas are proposed, such areas are to ~~adjoin~~ **be outside the** Urban Limits identified in the Regional Policy Statement"*

Add the following to the Explanation and Reasons for Policy B3.4.3(b)

"Where a small number of rural residential lots are involved and where the criteria are satisfied, it may be appropriate to provide for this development through the resource consent process."

1.3 That the seventh bullet point of Policy B3.4.3(b) introduced through Amendment 68 is amended as follows:

“- ~~are adjacent to the urban edge of Townships on at least one boundary, while avoiding future urban growth areas identified in Township Structure Plans, areas currently zoned Living Z or the Regional Policy Statement~~”

1.4 Amend Plan Change 32 to make provision for on-site wastewater disposal to be an acceptable form of rural residential infrastructure where conditions are suitable and there is compliance with Regional Rules.

We wish to be heard in support of our submission

If others make a similar submission **we would** be prepared to consider presenting a joint case with them at any hearing



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Signature of person making submission or authorized agent

Date 4 May 2012