

**IN THE MATTER OF** the Resource  
Management Act  
1991

**AND**

**IN THE MATTER OF** submissions on Plan  
Change 10 to the  
Selwyn District Plan

## **Report on Submissions Relating to Plan Change 10**

Rezoning 49ha of rural land for business purposes and  
to introduce a new Business 2A Zone at Rolleston

**Report Number:**  
**To:**  
**From:**  
**Hearing Date:**

PC 090010  
Hearing Commissioner – Mike Garland  
Resource Management Planner – Ben Rhodes  
12 -13 April 2010

*This report analyses submissions made on Plan Change 10 (PC10) to the Selwyn District Plan (SDP). The report is prepared under Section 42A of the Resource Management Act 1991. The purpose of the report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC10 and to assist submitters in understanding how their submission affects the planning process. The report may include recommendations to accept or reject points made in submissions and to make amendments to the SDP. These recommendations are the opinions of the Reporting Officer(s) only. The Hearing Commissioner will decide on each submission after hearing and considering all relevant submissions, the Officer's Report(s) and the Council's functions and duties under RMA.*

## **ATTACHMENTS**

<b>Attachment A</b>	Urban design and visual Evidence
<b>Attachment B</b>	Roading and Traffic Evidence
<b>Attachment C</b>	Noise Evidence
<b>Attachment D</b>	Outline Development Plan
<b>Attachment E</b>	Infrastructure Memo
<b>Attachment F</b>	Listed activities and Offensive Trades
<b>Attachment G</b>	Index of submitters

## **ABBREVIATIONS**

<b>PC:</b>	Plan Change
<b>PC1:</b>	Proposed Change No.1
<b>SDC:</b>	Selwyn District Council
<b>ODP:</b>	Outline Development Plan
<b>TAR:</b>	Traffic Assessment Report
<b>RPS:</b>	Regional Policy Statement
<b>CRETS:</b>	Christchurch Rolleston and Environs Traffic Study

## **1. INTRODUCTION**

- 1.1 My full name is Ben Rhodes. I am a Resource Management Planner for the Selwyn District Council. My qualifications include a Bachelor of Resource Management from Lincoln University. I have been employed at the Selwyn District Council for a period of 2 years. I am familiar with the Selwyn District and its resource management issues and the Selwyn District Plan (SDP).
- 1.2 I have been requested by Selwyn District Council to prepare and present evidence on submissions made on Plan Change 10 (PC10)
- 1.3 This evidence:
  - a) Sets out the background, development and overall planning rationale and justification for PC10;
  - b) Its relationship with the Greater Christchurch Urban Development Strategy ("the UDS") and proposed Change 1 to the Regional Policy Statement
  - c) Summarises and comments on the expert evidence attached to this report; and
  - c) Comments on the main points raised in submission and sets out a recommendation (accept or reject in whole or part) for each submission.

## **2. BACKGROUND**

- 2.1. The Selwyn District Council's Strategic Plan 1997 identified the need for industry growth and the development of a broad range of employment opportunities within the District. Council's Economic Development Strategy (Selwyn District Council August 2000) identified the need for the development of an industrial park at Rolleston as one of its objectives (pp. 5 and 6).

- 2.2. Following this strategic mandate from the Council the Izone project was initiated in answer to the increasing lack of reasonably priced industrial land in the greater Christchurch area. As demand continued to outstrip supply, particularly for large lots, the Selwyn District Council identified this large tract of land as being suitable for an industrial application. In April 2001 the Council purchased of 130 hectares at Rolleston for an Industrial Park and appointed a Board of individuals with specific skills in property. Council rezoned some 72 hectares of this land for business purposes (through Variation 2) to facilitate further business development and employment opportunities in the Rolleston area.
- 2.3. Council has since recently rezoned a further 56ha of rural zoned land to Business 2 zoned land under Plan Change 5 ('PC5') to the east of the original Izone Southern Business Hub ('Izone') and is identified as 'Precinct 2' on the proposed Outline Development Plan attached as attachment D. Development within the existing Izone area and the PC5 area is governed by separate Outline Development Plans attached at Appendix 22 and 33 of the District Plan respectively.
- 2.4. The existing Izone comprises approximately 141 hectares. Lots incorporating up to stage 3 have been sold. Stage 4 of the development has proceeded resulting in an additional 27 lots for sale. The current rate of sales is 15-20a per annum. The 56ha portion of Izone rezoned by PC5 identified as 'Precinct 2' on the Outline Development Plan (attachment D) has significant portions of land committed to end uses, and based on historical take up rates, all currently zoned land within Izone would be exhausted within 5 years.
- 2.5. The following table gives a summary of milestones in the development of Izone.

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April 2002	Agreement signed with The Warehouse for the sale and purchase of 7.012 hectares with an allowance for a further expansion of 3.000 hectares.
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December 2002	Purchase of a further 0.44 hectares to improve road access and aesthetics for Izone;
February 2003	Plan Change 60 made operative, which allows for Rolleston to grow from then population of 3,000 to 14,000;
June 2003	Opening of The Warehouse distribution centre;
June 2003	Sale of remaining 3.0 hectares of business 2 zoned land
August 2003	Purchase of 18.00 hectares in Hoskyns Road which provided Izone with new road access opportunities from the existing 130 hectares;
December 2004	Release of decision on Variation 2 which zoned an additional 72 hectares of the original 130 hectares as Business 2 zoned land.
February 2005	Two appeals lodged in Environment Court against zoning;
October 2005	Both appeals resolved by agreement;
June 2006	Stage 2 of 5.0 hectares commenced and completed in October

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March 2007	Commissioning of traffic lights at the intersection of State Highway 1, Hoskyns Road and Rolleston Drive;
August 2008	Plan Change 5 notified
April 2009	Plan Change 5 adopted by Council and decision notified.
November 2009	Plan Change 10 notified
December 2009	Proposed Plan Change 1 recommendations released

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### **3. Overview of Plan Change**

- 3.1. The Selwyn District Council proposes changes to the Selwyn District Plan by rezoning some 49ha of rural zoned land along Railway Road and adjoining the existing Izone in Rolleston for business purposes to cater for the anticipated demand for business land. In addition to the rezoning of 49ha the Plan Change also seeks to rezone the existing Business 2 zoned land comprising the existing Izone area, and the rezoned 49ha, to a new Business 2A Zone. A new Business 2A Zone provides an integrated set of policies and rules and a single Outline Development Plan to manage the Izone Business Park, which is considered appropriate in order to reflect the nature and scale of activities establishing within Izone. The Outline Development Plan is to be included as an Appendix of the District Plan.
- 3.2. Rules relating to the abovementioned Outline Development Plan will control the location of main road connections to and within the proposed extension to the Business Zone, as well as introducing a requirement for landscaping along the boundary with the rural zoned properties to the north and Railway Road.

- 3.3. In response to submissions and the pre-hearing meeting a number of other changes are also suggested. These include the upgrading of Jones Rd, sealing part of Railway Road and new wording to the noise rules. These changes and other recommended changes are discussed through the report and tabled in section 7 of this report.
- 3.4. The Plan Change was notified on the 14<sup>th</sup> of November 2009 and submissions closed on the 17<sup>th</sup> December 2009. Some 35 submissions were received with 32 of those expressing opposition to the plan change. A range of views were expressed focussing on the perceived adverse effects of the expansion. These centred on rural amenity, noise, property values, visual pollution, traffic generation, and the like. More details on these submissions are provided for later in this report.

#### **Proposed Change 1 to Regional Policy Statement**

- 3.5. The Urban Development Strategy (UDS) vision is for a greater Christchurch for the residents of the area (living south of the Ashley River and north of the Selwyn River), and the Strategy partners, Environment Canterbury, the Christchurch City Council, Selwyn and Waimakariri District Councils and the New Zealand Transport Agency (formerly Transit New Zealand).
- 3.6. The Strategy provides the primary strategic direction for the Greater Christchurch area, including the location of future housing, development of social and retail activity centres, areas for new employment and integration with transport networks. It also establishes a basis for all organisations, not just the Strategy partners, and the community to work collaboratively to manage growth.
- 3.7. Proposed Change 1 to the Regional Policy Statement was notified on 28 July 2007 and is a primary implementation mechanism for the UDS. PC1 moves from the current quasi-laissez faire regime to an allocative regime for urban development. While PC1 does not zone land or contain rules it does use maps in conjunction with the policies to guide development in sustainable locations making use of existing infrastructure and transportation linkages. One of the main techniques employed in PC1 to achieve an integrated planning approach across the Greater Christchurch area includes

the identification of Urban Limits around existing settlements and to allocate where and at what rate growth should occur. The setting of urban limits is intended to promote efficient development through a more compact urban form, including sufficient provision of housing to meet the projected population growth and to cater for business land development

- 3.8. Independent Commissioners appointed by Environment Canterbury to consider the submissions and evidence on PC1 released their recommendations on the 1<sup>st</sup> December 2009. The decision accepts that PC1 is an appropriate response to the urban development issues affecting Greater Christchurch and that the goal of urban consolidation will lead to efficiencies in both the provision and use of infrastructure for urban development<sup>1</sup>. Urban Limits were considered an appropriate mechanism to ensure the strategic integration of infrastructure and to achieve the intensification and consolidation measures advanced by PC1. This recommendation has been accepted by Environment Canterbury and is now under appeal.
- 3.9. PC1, while being a statutory planning document under appeal<sup>2</sup>, is an important part of understanding the rationale for this Plan Change. PC1 has its origins in an overarching strategic approach for managing development in the greater UDS area. The area subject to the rezoning (precinct 3) as part of this Plan Change is known as area SR1 under PC1. Through submissions on PC1 the Selwyn District Council requested that SR1 be reshaped from an oblong shape with more Railway Road frontage to a square shape to provide a more logical shape to the Izone area. This was accepted in the planning officer's s42a report and remained unchanged in the decision for PC1. The PC1 Decision approved areas SR1 and SR2 (which is the area relating to PC 5) and also approved an additional 269ha west of Izone along Hoskyns Road and to the north side of Izone across Hoskyns Road. These areas are known as SR16 and 17 respectively. PC1 is now under appeal and although some appeals are against PC1 in its entirety only SR16 and SR17 have been specifically appealed against. SR1 has not been appealed against specifically but is under appeal given some appeals covered the PC1 decision in its entirety.

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<sup>1</sup> PC1 RPS: Executive Summary, Commissioners' Recommendation Report, 01.12.2009

<sup>2</sup> PC1 is currently under appeal in its entirety



### ***Selwyn district planning context***

- 3.10. Plan Change 10 essentially follows the suite of Plan Change provisions that currently apply to the existing Izone. Fundamentally this involves listing a number of activities which require some sort of resource consent process to allow for their establishment and a series of effects based standards designed to avoid and mitigate adverse effects that are generated by activities within Izone. The listed activities for the proposed B2A zone can be seen in attachment F.

### ***Rolleston Structure Plan (PSP)***

- 3.11. The Rolleston Structure Plan was adopted in April 2007 and approved in September 2009 and was initiated as part of delivering the UDS. The Structure Plan seeks to manage the rapid growth that has and will likely occur in Rolleston. The Structure Plan provides a strategic planning framework for coordinating development to ensure that the necessary infrastructure and community needs in the township are provided and a high standard of town planning and urban design is achieved.

- 3.12. The scope of the Structure Plan has been restricted to the Urban Limit prescribed in PC1. It shows the proposed precinct 3 area as being within the MUL for the Rolleston Township and denoted as an industrial area

## **4. EXPERT EVIDENCE**

- 4.1 A number of expert reports have been commissioned to address the issues that have been raised in submissions. These are provided in full in attachments to this report. I have read this evidence and concur with it. Some of the authors of this evidence will be in attendance during the hearing both to present the evidence and to answer any questions from the Commissioner. These experts are:

### ***Urban Design and Landscape***

4.2 **Mr Ian Craig** as an urban designer has prepared evidence which relates to urban design and visual matters. This evidence is attached in Attachment A. Mr Craig addresses the submissions and presents a number of suggestions to deal with some of the concerns raised.

4.3 Mr Craig provides an in-depth analysis of the visual impact of the expanded Izone from a number of different perspectives. Mr Craig also discusses the measures in the Plan Change that address urban design and visual impacts. Having considered in detail submissions raising matters related to urban design, visual impacts, and undertaken a visual assessment based on likely outcomes of the development controls, Mr Craig is of the view that the Plan Change should be advanced generally as notified but with the following recommended changes:

- That the rules and reason for the rules relating to breaks in the proposed landscaping treatment along Railway Road be changed to include the secondary planting strip.
- That the Recession Plane B be applied along the Railway Road boundary.

4.4 To help demonstrate the effectiveness of the proposed changes arising from the visual assessment Mr Craig has prepared an Attachment (to his evidence) that illustrates the effectiveness of a number of the recommended provisions.

#### ***Transportation assessment***

4.5 **Mr Tony Penny** addresses traffic and transportation issues raised in the submissions made on Plan Change 10. His evidence is attached in Attachment B. Mr Penny recommends that Selwyn District Council takes the following actions to address the concerns of submitters:

- Require the upgrading of the Jones Road and complete the footpath connection between Izone Drive and Hoskyns Road.

- Require on constructing the new access road to Railway Road from precinct 3 Railway Road be sealed for to a point 50m north west of the zone boundary and 10m to the south east of the new access road.

4.6 Mr Penny's view is that if these actions are completed then there are no traffic or transportation grounds for rejecting the Plan Change.

### ***Acoustic Assessment***

4.7 **Dr Stephen Chiles** addresses noise issues raised in the submissions made on Plan Change 10. His evidence is attached in Attachment C. Dr Chiles concludes that the existing Selwyn District Council noise limits are sufficient but rail activity within Izone would in most cases breach the night time noise limits. Dr Chiles recommends one change to the Proposed Plan Change which is to change the introductory wording to rule 22.4.1.1 from:

*Applying at the boundary of any site adjoining the Rural zone*  
to

*Applying at any point within the boundary of any site in the Rural zone, excluding road, waterway and railway reserves:*

4.8 Dr Chiles view is that the existing noise requirement, which are to remain unchanged, are sufficient to protect the residential health and amenity of the nearest neighbours

## **5. SUBMISSIONS**

5.1 There were 35 submissions (including one late submission) received on PC10. Of these 32 submissions were in opposition, one submission was in support, one submission was in support in part of the plan change and one submission did not stipulate a stance. The submissions received can be grouped into the following topic areas:

- (i) Entire Plan Change
- (ii) Private Property and Lifestyle;

- (iii) Noise;
- (iv) Building Height;
- (v) Trains and Railway;
- (vi) Pollution – Air, Lighting and Visual;
- (vii) Zoning; and
- (viii) Bio-diversity

5.2 I will discuss each of these topics in turn below.

(i) Entire Plan Change

A number of submissions opposed PC10 in its entirety but did not provide any further the reasoning for opposing the PC. As such it is difficult to comment on these with any certainty. However, I think that it would be reasonable to assume the reasoning behind opposing the PC would be similar to other submitters concerns. These are discussed in more detail below.

(ii) Private Property and lifestyle

In terms of potential effects on property values, It is my understanding of findings from the Environment Court that the issue of property valuation effects is a double counting of effects, in they could only be generated if some other effect was firstly generated. To this end, I would describe property devaluation as a secondary effect that is dependent on some other effect occurring in the first instance. In this case, the appropriately qualified experts have concluded that the proposal will not lead to any adverse visual or health effects of a more than minor nature. On this basis, it is my opinion that the proposal will not give rise to any corresponding negative effect on property values that could be deemed a legitimate resource management consideration.

With regard to the potential effect on lifestyle an area of 49ha of rural land will be rezoned to an industrial zoning and this area (precinct 3) will lose its rural amenity and character if the PC is approved. However, the proposed provisions and existing landscaping would reduce any visual, noise or traffic

effects that may affect the rural amenity of the area. I would draw submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in Attachments A-C, which give a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. These are also discussed in turn further on in this report. The PC as well as the expert evidence has recommended a number of mitigation measures that will be put in place to reduce the effects of the PC to a less than minor degree and will maintain the amenity of the surrounding area. There would still be an abundance of rural land and rural activities occurring in the surrounding area. It is my opinion that for the most part the area will remain predominantly rural and the proposed Izone expansion will not adversely affect rural amenity and character of the area to a more than minor degree. Given this and the comments below I believe that there will only be a less than minor change in rural lifestyle from that existing.

(iii) Noise

The existing noise requirements of the District Plan, in relation to the Business 2 zone, will not in anyway be reduced under this PC for the proposed B2A zone and will still apply. Dr Stephen Chiles comments in his evidence that *"the night-time limits (40 dBA L10 and 65 dBA Lmax) are relatively stringent for a business park..... and the daytime noise limits (60 dBA L10 and 80 dBA Lmax) for Izone are typical of a business park"*. It should be noted that the night and day time noise limits for the Izone area, when compared to the rural zone noise limits, are in fact the same for the L10 limit and 5 dB lower for Lmax limit.

Dr Chiles considers that the existing noise rules for Izone provide reasonable protection for residential health and amenity for the nearest neighbours. These same rules would be appropriate for the proposed new area of Izone. He does recommend that a number of anomalies, including the exclusion of construction noise limits, in the District Plan be reviewed. These would have to be reviewed through a separate process and I can confirm they are on the Council work programme to be investigated further.

Noise, in relation to rail activity (existing and any proposed), within the proposed B2A boundary would also be controlled by the general noise limits

for Izone, which will require that the Selwyn District Council monitors and enforces these noise limits to ensure ongoing compliance. These noise limits are likely to prevent rail activity in Izone at night, which indirectly will reduce the activity along any spur line that would run from Izone to the rail corridor. Rail noise within the rail corridor is exempt as this is a designated area for rail activities. In any case Dr Chiles has considered the noise generated within the designated area as any new spur would result in an increase in noise events (but not necessarily an entirely new event as trains relating to an operation could already be passing the site carrying as is the case with the Westland Dairy operation) from trains stopping and starting and sounds such as coupling. However given the existing 24 hour rail activity within the designated area Dr Chiles considers that the variation to the existing noise events within the corridor would not represent a significant noise effect. With regard to the existing Westland Dairy rail activity and Dr Chiles findings it appears that this existing activity may be in breach of the District Plan night time noise limits and requires resource consent. I can advise that Council is in dialogue with Westland Dairy to rectify this situation. Any future rail siding that is intended to be used at night will be subject to these same rules and would need to comply with them or be granted a resource consent to exceed the noise limits of the District Plan.

Dr Chiles also recommends a change to the wording in relation to the existing noise rules. Currently it is worded to say *“at the boundary of any site adjoining the rural zone”*. This wording has a potential loophole for sites in Izone not directly adjacent to the rural zone, including ambiguity for those sites by a road and railway reserve. To overcome the problem Dr Chiles has recommend that as part of Plan Change 10 the introductory wording to rule 22.4.1.1 should be changed to: *“Applying at any point within the boundary of any site in the Rural zone, excluding road, waterway and railway reserves:”*. I agree that this is an appropriate change and will close a potential loophole in the current wording of the rule in question.

With regard to construction noise the District Plan does not specifically control this and as such any construction noise is subject to the standard noise limits. Dr Chiles has stated that in some instances construction noise at night will not meet the noise limits of the District Plan. The potential for adding separate construction noise to the District Plan is being looked at outside this PC

process. In the mean time any construction at night would be subject to management plans of construction companies that may include community liaison, to meet the existing noise standards.

With regard to traffic noise, although traffic is likely to increase and thus traffic noise, its distribution will be over a wider area as there will be more options for entering and leaving Izone. At present all traffic from Izone arrives and departs Izone via Izone Drive. This traffic can use a number of roading options to arrive at/depart from Izone including Wards Road and Railway Road. The PC includes a new road connection to Railway Road from proposed precinct 3. This would have the potential positive effect of allowing traffic to travel through Izone and out the new access to head west reducing the need to travel along Wards Road or for the portion of Railway Road adjoining Izone. This would reduce the noise and dust affects to nearby residents particularly those properties on Wards Road that back on to that portion of Railway Road below the proposed new road access. Mr Penny has, in relation to the proposed Railway Road access, recommended that Railway Road be sealed from the access to a point about 50m north-west of the zone boundary and 10m to the south-east of the access. This will again further benefit nearby residents by reducing vehicle noise and dust levels on the approach to the access. Council has signalled its intention to consider the closing of a portion of Railway Road between the proposed roading access in precinct 3 and the Balance agri-nutrients site is also being considered. This would be done through a separate process to this PC and would involve a separate public consultation process and any access issues would be considered through that separate process. The closure would ensure that traffic heading west would not use this portion of Railway Road but would travel through Izone reducing dust and noise effects generated by traffic. It is my view that the conclusions and recommendations reached by Dr Chiles and Mr Penny are reasonable.

(iv) Building Heights

The maximum permitted height for buildings for the proposed B2A zone is not changing from that currently existing and will remain at 15m for the whole of Izone including proposed precinct 3. It is unlikely, as mentioned in Mr Craig's evidence that many buildings will be built to the permitted 15m height. There

is also an approximate 104m to 218m separation distance between the precinct 3 area and the rear of the Armack Drive properties, with further separation to the dwellings on these properties. All buildings will also have to be setback a minimum of 10m off the Railway Road boundary. Further to this recession plane B is applied to the Railway Road boundary and any area of a building built to 15m would have to be setback 12.39m of the boundary to be within the recession plane envelope. It should be pointed out that although there is a 10m setback requirement the actual setback to the nearest property boundary is 60m, in addition to the building setback, as there is a 20m road reserve, 10m water race reserve and 20m Rail reserve. Given this physical setback it is very unlikely that any building erected along Railway Road would adversely affect any property in the surrounding area.

In combination with the required and actual setbacks the PC proposes a landscape treatment to Railway Road ("Landscape Treatment Three"). This requires that the existing hedge be retained (the existing provisions do not require this) and resource consents would be required for its removal. This treatment also recommends that another planting strip be established on the west side of Railway Road. The PC as notified includes a provision that this planting reach a minimum height of 6.5m at maturity. However, given the submitters concerns raised in respect of visual effects and at the pre-hearing meeting it is my recommendation that the planting to the west side of Railway Road be grown to a minimum height of 8m. This combined with the large separation distances will reduce the overall impact of any 15m buildings. Ian Craig discusses these mitigation measures further in his attached evidence (attachment A). It is proposed that any building between 15 and 20m will be a restricted discretionary activity rather than discretionary and if the building is over 150m from the zone boundary it will not be subject to notification or written approvals. Any building above 15m will be subject to a resource consent process through which mitigation measures in relation to reflectivity can be required to reduce the apparent bulk of a building and its overall visibility. If a building is within 150m of the zone boundary then surrounding neighbours could potentially be affected parties; however this assessment would be made through any resource consent application. It is my view that the conclusions and recommendations reached by Mr Craig are reasonable. As such I am of the opinion that the proposed provisions, along with the recommended 8m hedge height to Railway Road and the separation



distances to nearby dwellings, that any potential visual effects of the PC will be less than minor.

(v) Trains and Railway

The main effect of the rail sidings, with regard to the submitters concerns, appear to be noise effects as well as visual effects from the resulting gaps in the landscape treatment along Railway Road. With regard to noise effects I refer the reader to the noise section above. I would also reiterate that the existing rail siding has been constructed and is outside this process but is, along with any possible future siding within the Izone boundaries, subject to the noise requirements of the District Plan and will require a retrospective resource consent.

In relation to the visual effect of any future rail sidings the existing hedge on the zone boundary along Railway Road currently gives effect to the existing landscaping requirements of the District Plan but these rules only require that the area be landscaped not that the hedge be retained. As part of the PC it is proposed that this existing hedge remain and a new planting strip of Leyland cypress trees be planted to the west side of Railway Road. Rail sidings will result in there being a break in both the landscaping strips however it will be unlikely, given the angle of sidings that any direct view into Izone will be possible as the breaks in each landscape strip will be in different locations. Attachment 4 of Ian Craig's evidence highlights this scenario.

Any future rail sidings that results in a break in either one of the aforementioned planting strips will be a restricted discretionary activity and will require resource consent through which the effects on the health of existing plantings, any visual effects and the need for further landscaping will be assessed.

Mr Penny's evidence (Attachment B) also suggests that the presence of the Rail sidings would reduce the required number of heavy vehicle movements for freight distribution. This could potentially reduce the heavy vehicle traffic movements from Izone and on the adjacent road network. Mr Penny also comments that *"the provision of railway access within IZONE is consistent with the policy of the Canterbury Regional Land Transport Strategy and also*

*the physical methods for implementing the policy identified within the Canterbury Regional Land Transport Freight Action Plan". It is my view is that the conclusions and recommendations reached by Mr Penny in relation to potential rail use is reasonable. Given the comments made on noise above and the likely requirement of resource consent for any rail siding I consider any adverse effects of rail use to be no more than minor.*

(vi) Pollution – Air, Lighting and Visual

With regard to air pollution this more than likely to come from dust in most instances or potentially from an activity that discharges to air being established within Izone. Dust is most likely be generated from use of Railway Road and construction sites. As mentioned noise above and infrastructure below dust effects on residents at Armack Drive and Wards Road are likely to be reduced from that existing as the use of Railway Road would be reduced by the proposed new road access. The proposed landscaping treatment along the west side of Railway Road would also provide some relief from dust as it would result in most dust likely being contained within the Railway Road reserve. The potential closure of Railway road would reduce any dust effects further as no vehicles would use that portion of Railway Road adjacent to the Wards Road/Armack Drive residents' properties.

Dust from construction sites is controlled by the earthwork provisions of the District Plan that require that disturbed or stockpiled material be kept moist until it has consolidated, which should keep any dust effects to a minimum. Dust has been mentioned as being an issue and it may be that earthworks are not being controlled as they should be and the Council will have to take a more proactive role through education and monitoring to ensure compliance with these rules. However the rules themselves are sound and I see there being no reason to amend the same.

Good management plans can also easily help suppress by dust using an onsite water source to dampen soil or by stopping work in high winds. Again, as with noise, management of dust could involve community liaison. It is my opinion that dust from traffic using Railway Road, will be reduced and dust

effects overall will be no more than minor provided the rules of the District Plan are adhered to.

With regard to activities establishing in Izone that may discharge to air or cause offensive odour these are generally controlled by Environment Canterbury. However the existing and proposed provisions for Izone list a number of activities that automatically require resource consent irrespective of whether they comply with the conditions for permitted activities. The PC is not removing any of the current listed activities but has proposed some additional activities be added. These activities are listed in attachment F of this report. These activities are likely to be the type of activities that would result in discharges to air or offensive odours. Attachment F also lists those activities that are classed as Offensive Trades under the Health Act 1956 and also require resource consent as a discretionary activity. Given the existing listed activities of the District Plan I am of the opinion that it would be very unlikely that an offensive activity would be able to establish in the proposed B2A zone without requiring resource consent. Any resource consent will assess the effects of such an activity and could potentially require affected parties approval or even be publically notified. Any offensive or listed activity requiring resource consent from the Selwyn District Council is also likely to require consent from Environment Canterbury.

Lighting and glare are controlled by existing Rules in the District Plan and these controls remain intact for the new B2A zone. These controls do for the most part reduce glare effects however there have been instances, within the B2 Zone, where lighting has exceeded these limits. Through complaints to the Council these have been identified and action has been taken to mitigate and bring these lighting issues in line with the District Plan. I consider that the existing glare rules are appropriate but again more monitoring and education could be undertaken to make sure operations in the existing B2 Zone are aware of the rules around lighting and glare.

In relation to the issue raised of visual pollution of tall buildings I would direct the reader to the comments under building height above and Ian Craig's evidence attached in Attachment A. In conclusion I consider the any adverse effects in respect of pollution to be no more than minor.

(vii) Infrastructure – Roading, Traffic and Services

In relation to the increase in traffic Mr Penny states from the details of his analysis of the future road network performance in his Traffic Assessment Report (TAR) *“that the future road network surrounding IZONE will have sufficient capacity to accommodate the traffic generated by the extended IZONE with an acceptable level of service”*.

Under Plan Change 5 a new access to Hoskyns Road will be required once subdivision for this land has been applied for, which will also require the upgrade of Hoskyns Road. It should be mentioned that the tender for construction to the Hoskyns/Maddisons Road intersection has been put out. Mr Penny considers that the future road access to Hoskyns Road from the precinct 2 area and the Hoskyns Road upgrades will provide a more efficient distribution of IZONE related traffic on the surrounding road network and will mitigate the effects of the predicted traffic growth on Jones Road. He also states that it *“is unlikely that there will be a significant increase in heavy vehicle volumes on Jones Road between Hoskyns Road and Izone Drive because it will be partially offset by a reduction arising from a re-distribution of trips to the Hoskyns Road access and also by a transfer to rail.”*

With regard to traffic distribution and the effects of this on residents along Wards Road and Armack Drive Mr Penny has completed a survey on the distribution of vehicles coming and going from Izone during the peak times. This showed that in the morning (7am – 9am) only two heavy vehicles came from the west and these arrived to Izone via Hoskyns Road. No heavy vehicles during the survey came from south of Jones Road (other than those using SH1). In the afternoon (4pm – 6pm) no heavy vehicles arrived from the west or used Jones Road to the south. There are many truck and trailer units using the rural roads of the Selwyn District and to the south and west of Rolleston there are some high traffic generators such as, Meadow Mushrooms, South Pacific Meats and the Burnham Military camp. Overall it would appear that although some heavy vehicle traffic to the west may be generated by Izone it is very small and will likely remain that way with the proposed expansion.

Further to the proposed road access onto Railway Road Mr Penny comments in his evidence that *“the traffic volumes on Railway Road between West Melton Road and Jones Road are currently low (<150 vehicles per day) and in his opinion, the provision of this access will only marginally increase the traffic volumes on Railway Road because the proposed upgrades to Hoskyns Road will make this a more attractive route for trips to / from the north”*. As mentioned under noise and pollution above the new Road access would have the effect of traffic travelling through Izone and out to the new access to head west avoiding having to travel past Ward Road and the Armack Drive residents. This would reduce noise and dust effects. Mr Penny has, in relation to the proposed access, recommended that Railway Road be sealed from the access to a point about 50m north-west of the site boundary and 10m to the south-east of the access. This will provide benefits to near by residents by reducing vehicle noise, maintenance costs and dust levels on the approach to the access.

In relation to the comments on the substandard and inadequate roading standards Mr Penny comments in his evidence that the poor yellow line markings contribute to the restricted visibility and obstruction to cyclists as cars will often park on the side of Jones Road unaware of the yellow lines. He also states that footpaths along sections of Jones Road do not link in a coherent manner, which does not promote walking as a travel mode to Izone. These are existing matters and do not directly relate to this Plan Change although traffic generated from Izone will use Jones Road, the maintenance and upgrading would be part of Councils on going roading program. Mr Andrew Mazey, Councils Roding asset Manager, has stated the upgrade for Jones Road is not intended to be included in this years Annual Plan but will be budgeted for next years. The commissioner however may feel it appropriate that the upgrades be a requirement under this PC, if it is approved, once development has reached a certain threshold or within a certain time frame of a decision.

Mr Penny in his expert evidence recommends that a portion of Railway Road around the proposed road access be sealed and that Jones Road be upgraded and the footpath completed. With these recommendations Mr Penny concludes *“that there are no transportation-related reasons for not approving the Plan Change application”*. It is my view that the conclusions

and recommendations by Mr Penny are reasonable and I am of the opinion that with the proposed recommendations that the potential traffic effects will be no more than minor.

(viii) Zoning

Currently Izone comprises some 141 hectares and is in a prime location for business and industrial activities as it adjoins the Mainland Railway and is accessible from State Highway 1. Since its inception in 2001 Izone has experienced a positive reception from the industry and is largely developed, with only a handful of sites remaining available to the market. The 56ha portion of Izone rezoned by PC5 identified as 'Precinct 2' on the Outline Development Plan in attachment D has significant portions of land allocated to end uses, and based on current take up rates, all currently zoned land would be exhausted within 3 to 5 years. To meet future development demand it is necessary to expand the business park. As Council has owned most the land to be rezoned since 2001 and it is within the Metropolitan Urban Limits identified under PC1 the proposed precinct 3 area was identified as being the most appropriate for expansion.

Izone is seen as a prime location adjoining the main rail trunk line, close to State Highway 1 and in reasonable proximity to the port of Lyttelton. Land take up evidence was prepared by Mr Marius Ogg for the PC1 Izone case on land take up issues. This indicated that there is a need for business land similar to that at Izone and that proposed and that there is currently a short supply of such land particularly for larger blocks. Mr Ogg concluded that there will be shortcomings in forecasted supply and believes that Izone Business Park is a very real alternative for occupiers in the market. He believes that Izone will go along way to assisting with the demand requirements of business land users in the greater Christchurch area.

The section 32 analysis included in the PC (section 5) concluded that rezoning the land in line with that proposed was the best option in terms of best achieving the purpose of the Act.

(ix) Bio-diversity

With regard to the biodiversity of the area I received comments from the Councils Bio-diversity officer who stated that several ecological studies have

been undertaken within the Selwyn District and none have identified this area as holding significant high ecological value. It was her opinion that this area is a highly modified rural environment with marginal habitat value for indigenous flora and fauna. The area proposed for rezoning (precinct 3) has been under pastoral cultivation and intensive walnut cultivation both of which indicates a history of insecticide and fertilizer use. All of the foregoing are limiting factors to sustaining indigenous biodiversity habitat.

The Selwyn District Council promotes the protection and restoration of biodiversity in Selwyn but pragmatically focuses this by using a criteria assessment of Representativeness, Diversity and Pattern, Rarity and Special Features, Naturalness, Ecological Context, Size and Shape, Fragility, Threat and Buffering. The proposed 49ha to be rezoned when weighed with the above criteria is of low ecological value.

Introduced species such as pheasants and quail are not indigenous to New Zealand and fall outside the focus of promoting biodiversity within Selwyn. The bio diversity officer also commented that given the known distribution of skinks and geckos it is unlikely that any, other than the Common Skink, exist in this area. The Common Skink is not endangered and its distribution is widespread in the South Island as well through Wellington and Hawkes Bay.

Landscaping to road frontages and the road reserve is a requirement under the existing rules for Izone and those proposed through this plan change. This landscaping required includes native planting and the biodiversity officer believes that such a requirement will improve and enhance habitat (food and homes) for species such as skinks. I do not consider that the PC will result in a loss of bio-diversity within the area in question or on the Canterbury Plains as a whole.

- 5.3 The following table provides an assessment and recommendation on each submission.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
1. John & Marilyn Ollet 1423 Oppose	1.1 1423.1	The submitter is opposed to all of PC10 and states that the plan change is not transparent enough.	Reject Plan Change
<p><b>Assessment</b></p> <p>No reasons are provided in the submission for their opposition other than the transparency of the plan change, so it is difficult to comment on the submission with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which have been addressed in Section 5 of this report.</p> <p>With regard to the transparency of the Plan Change, I can confirm that there was a consultation exercise undertaken prior to notification of the plan change, and the application has been subject to public notification. All evidence and reports relating to the Plan Change have been and still are available to the public. A pre-hearing meeting was also held to which all submitters were invited. With regard to what activities may occur on the rezoned land (precinct 3) or existing vacant land within Izone I cannot comment. This information is not yet known and will depend on who purchases or leases the land. Any operation developed within precinct 3 will be subject to the rules of the District Plan and like any other development breach of these rules will require resource consent.</p> <p>It is my opinion that all relevant and available information has been provided and the process has been fully transparent.</p> <p><b>Recommendation</b></p> <p>That the submission is <b>rejected</b></p>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested
2. George Schwass 1424 Oppose	2.1 1424.1	The submitter is opposed to all of PC10	The submitter seeks that all work around PC10 be stopped until submissions are independently heard



**Assessment**

No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which have been addressed in Section 5 of this report.

The only work being undertaken on the Plan Change at present is that involved with processing the Plan Change in accordance with the requirements of the Resource Management Act. As part of this process, the submitters concerns can be heard by an independent commissioner.

**Recommendation**

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
3. Mike Meskimmon 1425 Oppose	3.1 1425.1	The submitter is opposed to all of PC10	Reject Plan Change

**Assessment**

No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which have been addressed in Section 5 of this report.

**Recommendation**

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
4. Karl L Polascheil & Sue Stroud 1426 Oppose	4.1 1426.1	The submitter states that they bought in the area for a lifestyle change and not to have a business zone and its associated effects near by.	Reject Plan Change

**Assessment**

As no information was provided on when the submitters purchased their land I can only assume it was prior to the original Izone being created. I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. These give a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. It is my view that their conclusions and recommendations are reasonable and appropriate.

### Recommendation

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
5. Eric Malcolm Baird 1427 Oppose	5.1 1427.1	The submitter is opposed to all of PC10	Reject Plan Change

### Assessment

No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which have been addressed in Section 5 of this report.

### Recommendation

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
6. Robert John Yeatman 1428 Oppose	6.1 1428.1	The submitter is opposed to all of PC10	Reject Plan Change

### Assessment

No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are

similar to others, with regard to traffic, noise, and visual effects etc, which have been addressed in Section 5 of this report.

#### Recommendation

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>7. Grant Miller</b> <b>1429</b> Oppose	7.1 <b>1429.1</b>	The submitter opposes all of PC10 as there is not enough information, it is too close to Christmas, and there are not enough facts.	Reject Plan Change

#### Assessment

I can confirm that there was a consultation process undertaken prior to notification of the plan change, and the application has been subject to public notification providing the ability for submitters to raise any concerns. All evidence and reports relating to the Plan Change have been and still are available to the public. A pre-hearing meeting was also held to which all submitters were invited. It is my opinion that the information provided has been extensive. As it is not known what information is lacking or what facts are missing it is difficult to comment on this matter with any certainty.

The Plan Change was notified in November with the submission period closing on December 17 2009, with the further submission period occurring in late January and February. While this submission period occurred over the Christmas period, the actual dates for lodging submissions were outside of the Christmas period. Regardless, I do not see how this is an effect of the Plan Change. 35 submissions were still received and it would appear that the timing of the plan change and notification of the same has not been of any consequence.

#### Recommendation

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>8. Sandra Van</b>	8.1 <b>1430.1</b>	The submitter does not agree with the	Reject Plan Change

<b>Tulder 1430</b> Oppose		way their rates are being spent	
<b>Assessment</b> <p>No reasons are provided in the submission other than the submitter disagrees with her rates being spent this way so it is difficult to comment on the submission with any certainty. With regard to the rate spending I can confirm that the Plan Change is a rates funded project but any objection to this would have to be dealt with outside the Plan Change process.</p>			
<b>Recommendation</b> <p>That the submission is <b>rejected</b></p>			
<b>Name &amp; Position on Plan Change</b>	<b>Submission Point</b>	<b>Summary</b>	<b>Decision Requested</b>
<b>9. Geoff Mitchell 1431</b> Oppose	9.1 1431.1	The submitter opposes PC10 due to loss of rural amenity	Reject Plan Change
<b>Assessment</b> <p>An area of 49ha of rural land will be rezoned to a business zoning and this area (precinct 3) will lose its rural amenity and character if the Plan Change is approved. However the proposed provisions and existing landscaping would significantly mitigate any visual, noise or traffic effects that may affect the rural amenity of the area.</p> <p>I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. These give a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. It is my view is that their conclusions and recommendations are reasonable and appropriate to alleviate the submitters concerns.</p> <p>There would still be an abundance of rural land and rural activities occurring in the surrounding area and it is my opinion that for the most part the area will remain predominantly rural and the proposed lzone expansion will not result in any significant loss of rural amenity.</p>			
<b>Recommendation</b> <p>That the submission be <b>rejected</b></p>			
<b>Name &amp; Position on Plan Change</b>	<b>Submission Point</b>	<b>Summary</b>	<b>Decision Requested</b>
<b>10 Neil &amp;</b>	10.1 1432.1	The submitter opposes PC10 because it	Reject Plan Change

<b>Kirstie Hamilton</b> <b>1432</b> Oppose		is too close to a residential subdivision that has existed for 25 years.	
<b>Assessment</b> <p>I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusion and recommendations reached by the expert witnesses in the evidence provided.</p>			
<b>Recommendation</b> <p>That the submission be <b>rejected</b></p>			
<b>Name &amp; Position on Plan Change</b>	<b>Submission Point</b>	<b>Summary</b>	<b>Decision Requested</b>
<b>11. Graham John Sweetman</b> <b>1433</b> Oppose	11.1 <b>1433.1</b>	The submitter opposes PC10 because it is too close to Armack Drive	Reject Plan Change
<b>1433</b>	11.2 <b>1433.2</b>	The submitter opposes PC10 on noise grounds	Reject Plan Change
<b>1433</b>	11.3 <b>1433.3</b>	The submitter opposes PC10 due to the height of buildings	Reject Plan Change
<b>Assessment</b> <p>The submitter raises a number of submission points which are discussed in order below:</p> <p>1433.1 - No reasons are provided in the submission point other than the proposal is too close to Armack Drive so it is difficult to comment on this matter with any certainty. However the submitter has raised other specific points, which are discussed below.</p> <p>1433.2 &amp; 3 -I would refer the submitter to my comments on noise and building height in section 5 above and would recommend that the submitter read Mr Craig's and Dr Chiles evidence in attachments A &amp; C to this report. I accept and support the conclusions and recommendations reached by the expert witnesses.</p>			
<b>Recommendation</b>			

That the submission points all submission points be **supported in part** in that the recommended changes be accepted.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>12. Mark and Angela Harris</b> <b>1434</b> Oppose	12.1 <b>1434.1</b>	The submitter is opposed to all of PC10	Reject Plan Change

#### Assessment

No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which are addressed in Section 5 of this report.

#### Recommendation

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>13. Paul &amp; Claire Harris</b> <b>1435</b> Oppose	13.1 <b>1435.1</b>	The submitter is opposed to all of PC10	Reject Plan Change

#### Assessment

No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which are addressed in Section 5 of this report.

#### Recommendation

That the submission is **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
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14. Barry Grant 1436 Oppose	14.1 1436.1	The submitter opposes PC10 due to noise levels at night and day from construction activities, heavy vehicle movement, reversing alarms, ongoing industrial and commercial activities, burglar alarms, heavy plant operation and increased railway activity.	Reject Plan Change
1436	14.2 1436.2	The submitter opposes the railway line sidings as there was no prior knowledge of these or information on time frames for hours of operation.	Reject Plan Change.
1436	14.3 1436.3	The submitter opposes PC10 due to concern over the size of the buildings.	Reject Plan Change.
1436	14.4 1436.4	The submitter also opposes PC10 as they moved to the area for the lifestyle but the dust and noise has affected the quite lifestyle.	Reject Plan Change.
<p><b>Assessment</b> I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence provided.</p> <p><b>Recommendation</b> That the submission be <b>rejected</b></p>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested
15. Warwick John Robinson 1437 Oppose	15.1 1437.1	The submitter opposes PC10 due noise from construction activities, heavy vehicle movement, reversing alarms, ongoing industrial and commercial activities, burglar alarms, heavy plant operation and in creased rail activities	Not stipulated

		operation and increased rail activities	
1437	15.2 1437.2	The submitter opposes PC10 due to lighting pollution from street lights and building lighting	Not stipulated
1437	15.3 1437.3	The submitter opposes PC10 due to the visual pollution and destruction of landscape values caused by large unsightly buildings above the tree lines	Not stipulated
1437	15.4 1437.4	The submitter opposes PC10 due to the inadequate and substandard roading servicing the Izone development and surrounding areas. The submitter is also concerned about the potential increase in traffic movements particularly by heavy vehicles.	Not stipulated
1437	15.6 1437.5	The submitter opposes PC10 as it will have an adverse impact on property values and a further detrimental impact upon lifestyle and amenity values of adjacent properties	Not stipulated

#### **Assessment**

The submitter raises a submission points which are discussed in order below:

1437.1 and 1437.2 - In relation to these submission points I would refer the submitter to my comments on noise and pollution in section 5 above. I would also recommend that the submitter read Dr Chiles evidence in attachments C of this report which address the submitters noise concerns.

1437.3 – I would refer the submitter to my comments on building heights above in section 5 above. I would also recommend that the submitter read Mr Craig's evidence in attachments A of



this report which addresses the submitters building height concerns. Further to this under the existing District Plan provisions there is no direct rule-based reference to the retention of the shelterbelt along Railway Road. However the proposed "Landscape Treatment Three" requires that this existing hedge be retained and resource consents would be required for its removal. This treatment also recommends that another planting strip be created to the west side of Railway Road. It is recommended that this be grown to a minimum height of 6.5m. However given the submitters visual concerns raised in this submission and others, and at the pre-hearing meeting, it is my recommendation that the secondary planting strip along the west side of Railway Road be grown to a minimum height of 8m. This would reduce the visual appearance of any buildings within Izone further. It has been established that the chosen species Leyland Cypress could easily grow to this height and would be appropriate for this area.

1437.4 & 1437.5 - In relation to these submission points I would refer the submitter to my comments on infrastructure and land value in section 5 above. I would also recommend that the submitter read Mr Penny's evidence in attachment C of this report which addresses the submitters concerns.

#### **Recommendation**

That the submission be **rejected**

<b>Name &amp; Position on Plan Change</b>	<b>Submission Point</b>	<b>Summary</b>	<b>Decision Requested</b>
16. Kevin Chaney 1438 Oppose	16.1 1438.1	The submitter opposes any change to the existing business zoning and the proposed rezoning of 49ha of rural land to business.  The submitter states that Council has ignored the outcomes of prior mediation.	That there be no change made to the existing business zoning.
1438	16.2 1438.2	The submitter opposes the railway siding under construction and its use as it was done without consultation with residents and would cause noise issues from ground vibrations, shunting, engine noise, banging and squealing of breaks. The submitter also has	That there be no railway sidings

		concerns with the heavy vehicle traffic generated and the associated noise with this traffic.	
1438	16.3 1438.3	The submitter opposes access off Railway Road	That there be no access points to Railway Road. No closing of Railway Road. The standard of Jones Road is upgraded and improvements made to the intersection at the State Highway.
1338	16.4 1438.4	The submitter opposes any changes to recession planes and building heights.	That there be no change made to the existing recession plane requirements or building height.
<i>Further submission</i>	1462	<i>Solid Energy New Zealand Limited</i>	<i>Oppose</i>

#### **Assessment**

The submitter raises a submission points which are discussed in order below

1438.1 – No reasons are provided in the submission point other than the original mediation is not being honoured so it is difficult to comment with any certainty. However the rest of the submission points outline their concerns. With regard to the original mediation agreement, I am aware that Mr Chaney and others appealed Variation 2 to the Proposed District Plan which created the original Izone area. However I have not been able to locate a consent order or any other written agreement. It would appear from correspondence that some agreement was reached with regard to traffic and the upgrade of Jones Road which would have been outside any Plan Change process. The submitter states that at mediation it was established that their 'bottom line' was:

*No entry was to Railway Road,*

*No rail sidings behind Armack Drive,*

*No business land behind Armack Drive and;*

*That the hedge must stay intact and at its current height.*

I cannot locate any agreement in relation to these but would state that there are rules in the

District Plan that relate to landscaping along the Railway Road boundary and vehicular access to Railway Road. The Proposed Plan Change is proposing that rail sidings potentially be established to Railway Road but is also proposed an additional landscape strip be planted along Railway Road. I cannot comment anymore on the 'agreement' reached but I believe the submitter will be speaking at the hearing and could elaborate more on this.

1438.2 – I would refer the submitter to my comments on noise, trains and rail and traffic in section 5 above. I would also recommend that the submitter read Dr Chiles evidence in attachments C of this report which address the submitters noise concerns. The existing rail siding has been constructed and is outside this process however in light of Dr Chiles evidence it would appear that the operation of the existing Westland Dairy siding would not meet the night time noise requirements of the District Plan.

1438.3 - I would refer the submitter to my comments on traffic in section 5 above. I would also recommend that the submitter read Mr Penny's evidence in attachments B of this report which will alleviate the submitters traffic concerns. With regard to the closure of Railway Road I can confirm that this is not part of this Plan Change process and any road closure would be subject to a separate process and public consultation. As mentioned in my comment in section 5 that the closure of Railway Road for a portion would alleviate some of the noise and dust effects caused by traffic along this road.

1438.4 - I would refer the submitter to my comments on building height in section 5 above. I would also recommend that the submitter read Mr Craig's evidence in attachments A of this report which and appropriate to alleviate the submitters concerns. The removal of the recession plane requirement only applies to those internal boundaries within the proposed B2A area. Recession plane B will still apply to the Railway Road boundary, and is discussed in detail in Mr Craig's evidence.

### Recommendation

That the submission be **rejected** and the further submission **accepted**.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
17. Christopher James	17.1 1439.1	The submitter opposes PC10 as it is not in line with what was agreed through mediation for the original lzone	No further development of the 49 ha.

<b>Schicker</b> <b>1439</b> Oppose		development	Council honour the outcomes from prior mediation and meet with Armack Drive residents. Remove rail siding over Railway Road.
<b>1439</b>	17.2 <b>1439.2</b>	The submitter opposes PC10 on noise grounds	No further development of the 49 ha. Council honour the outcomes from prior mediation and meet with Armack Drive residents.
<b>1439</b>	17.3 <b>1439.3</b>	The submitter opposes any railway sidings. In mediation on original Izone development there was agreement that there would be no railway siding, no access to Railway Road, and Jones Road would be upgraded	No further development of the 49 ha. Council honour the outcomes from prior mediation and meet with Armack Drive residents. Remove rail siding over Railway Road.
<b>1439</b>	17.4 <b>1439.4</b>	The submitter opposes PC10 on increased lighting grounds, recession plane and the removal of the existing hedge	No further development of the 49 ha. Council honour the outcomes from prior mediation and meet with Armack Drive residents.

1439	17.5 1439.5	The submitter is concerned outcomes of mediation haven't been honoured in regard to rural amenities, lifestyle and citizen wellbeing	No further development of the 49 ha. Council honour the outcomes from prior mediation and meet with Armack Drive residents.

### Assessment

The submitter raises a submission points which are discussed in order below:

1439.1 – With regard to the original 'mediation agreement', I am aware that there were appeals Variation 2 to the Proposed District Plan which created the original Izone area. A consent order does exist for one appeal but this relates to a setback area to the other side of Izone (adjoining the Cockburn land) however I have not been able to locate a consent order or any other written agreement in relation to the points raised by the submitter. It would appear from correspondence that some agreement was reached with regard to traffic and the upgrade of Jones Road which would have been outside any Plan Change process. The submitter states that at mediation it was established that there was to be:

*No entry was to Railway Road,*

*No rail sidings behind Armack Drive,*

*No business land behind Armack Drive and;*

*That the hedge must stay intact and at its current height.*

I cannot locate any agreement in relation to these but would comment that there are rules in the District Plan that relate to landscaping along the Railway Road boundary and vehicular access to Railway Road. The Proposed Plan Change is proposing that rail sidings potentially be established to Railway Road but is also proposed an additional landscape buffer be planted along Railway Road. I cannot comment anymore on the 'agreement' reached but I believe the submitter will be speaking at the hearing and could elaborate more on this.

1439.2 and 1439.3- I would refer the submitter to my comments on noise, trains and rail and traffic in section 5 above. I would also recommend that the submitter read Dr Chiles evidence in attachments C of this report which and appropriate in alleviating the submitters noise concerns. As mentioned above I am unaware of any agreement stating that rail sidings would not be

established along Railway Road

1439.4 - I would refer the submitter to my comments on pollution and building height in section 5 above. I would also recommend that the submitter read Mr Craig's evidence in attachment A of this report which address the submitters concerns. I would state that the removal of the recession plane requirements only applies to those internal boundaries within the proposed B2A area. Recession plane B will still apply to the Railway Road boundary.

With regard to the removal of the existing hedge under the existing District Plan provisions there is no direct rule-based reference to the retention of the shelterbelt along Railway Road. However the proposed "Landscape Treatment Three" requires that this existing hedge be retained and resource consents would be required for its removal. This treatment also recommends that another planting strip be created to the west side of Railway Road. It is recommended that this be grown to a minimum height of 6.5m. However given the submitters visual concerns raised in this submission and by others, and at the pre-hearing meeting, it is my recommendation that the planting to the west side of Railway Road be grown to a minimum height of 8m. This would reduce the visual appearance of any buildings within Izone further. It has been established that the chosen species Leyland Cypress could easily grow to this height and would be appropriate for this area. It is my opinion that the proposed landscaping rules are more stringent in protecting the existing hedge and would provide the submitter with more certainty to its retention than the present provisions.

1439.5 With regard to the prior agreement mentioned I refer the submitter to my comments against point 1439.1 above. In relation to the rest of the submission point I would refer the submitter to my comments in section 5 above. I would also recommend that the submitter read the evidence provided in attachments A-C of this report.

### **Recommendation**

That the submission be **rejected**

<b>Name &amp; Position on Plan Change</b>	<b>Submission Point</b>	<b>Summary</b>	<b>Decision Requested</b>
<b>18. Susan Avril Chaney</b> <b>1440</b>	18.1 <b>1440.1</b>	The submitter opposes the expansion of Izone	Reject Plan Change

Oppose			
1440	18.2 1440.2	The submitter opposes Plan Change on the grounds that there will be cumulative noise effects from trains and shunting, truck and trailer units, exhaust noise, airbrakes.	Reject Plan Change Remove existing rail siding
1440	18.3 1440.3	The submitter objects to the impression given of Jones Road. The yellow lines are hardly visible and she does not believe a roundabout will work in such congested area.	Reject Plan Change
1440	18.4 1440.4	The submitter states that with mainly 4ha blocks in the area west of Rolleston, there are many horse and riders and there is a conflict of interest between them truck and trailer units at present	Reject Plan Change. Make SR1 area into a recreational area.

#### Assessment

1440.1 - No reasons are provided in the submission point so it is difficult to comment with any certainty in regard to this point. However the rest of the submitter's points would appear to outline their concerns.

1440.2 and 1440.3 - I would refer the submitter to my comments on noise and traffic respectively in section 5 above. I would also recommend that the submitter read Dr Chiles and Mr Penny's evidence in attachments B & C of this report which will address the submitter's noise and traffic concerns. As mentioned above I am unaware of any agreement stating that rail sidings would not be established along Railway Road

1440.4 – The area to the west of Izone is zoned Inner Plains where the minimum lot size requirement is 4ha. However within this zone, as with all zones, there is a variance in lot sizes like those at Armack Drive and particularly around townships. The existing Izone area and the proposed precinct 3 will be zoned B2A (if the plan change is approved) and lot sizes will vary in size from the very small to larger than 4aha depending on market demand. In relation to conflicts between horses and trucks it can not be stated with any certainty that the truck and trailer units that are conflicting with horse riders to the west come from Izone. Tony Penny completed a

survey on the distribution of vehicles coming and going from Izone during the peak times. This showed that in the morning (7am – 9am) only two heavy vehicles came from the west and these arrived to Izone via Hoskyns Road. No heavy vehicles during the survey came from south of Jones Road (other than those using SH1), where horse riders are unlikely to venture. In the afternoon (4pm – 6pm) no heavy vehicles arrived from the west or used Jones road to the south. There are many truck and trailer units using the rural roads of the Selwyn District and to the south and west of Rolleston there are some high traffic generators such as, meadow mushrooms, South Pacific Meats and the Burnham Military camp. Overall it would appear that although some heavy vehicle traffic to the west may be generated by Izone it is very small and will likely remain that way with the expansion.

#### Recommendation

That the submission be **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
19. Frits Van Tulder 1441 Oppose	19.1 1441.1	The submitter doesn't agree with their rates being spent this way	Reject Plan Change

#### Assessment

No reasons are provided in the submission other than the submitter disagrees with her rates being spent this way so it is difficult to comment on the submission with any certainty.

With regard to the rate spending I can confirm that the Plan Change is a rates funded project but any objection to this would have to be dealt with outside the Plan Change process.

#### Recommendation

That the submission be **rejected**.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
20. Judith and Allan Harris 1442	20.1 1442.1	The submitter is opposed to all of PC10	Reject Plan Change



Oppose			
<b>Assessment</b> No reasons are provided in the submission so it is difficult to comment on the same with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which are addressed in section 5 of this report.			
<b>Recommendation</b> That the submission be <b>rejected</b>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested
21. Mark R Newman 1443 Oppose	21.1 1443.1	The submitter is opposed to all of PC10 and does not want any change in their outlook or lifestyle.	Not stipulated
1443	21.2 1443.2	The submitter opposes any rail use.	Not stipulated
1443	21.3 1443.3	The submitter opposes PC 10 due to the potential tall buildings	Not stipulated
<b>Assessment</b> I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence provided.			
<b>Recommendation</b> That the submission be <b>rejected</b>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested
22. Michael and Anne	22.1 1444.1	The submitter is opposed to all of PC10 and states it was too close to	Reject Plan Change

<b>Forrester</b> <b>1444</b> Oppose		Christmas.	
<b>1444</b>	22.2 <b>1444.2</b>	The submitter objects to all of PC10 as it is too close to Armack Drive.	Reject Plan Change
<b>1444</b>	22.3 <b>1444.3</b>	The submitter opposes any rail sidings.	Reject Plan Change
<b>Assessment</b> <p>1444.1 - No reasons are provided in the submission point, other than the plan change occurring too close to Christmas and too close to Armack Drive, so it is difficult to comment on this opposition with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc which are addressed in section 5 of this report. In relation to the Plan Change being too close to Christmas I can only comment that the Plan Change was notified in November with the submission period closing on December 17 2009, which is close to Christmas, but I do not see how this is an effect of the Plan Change.</p> <p>1444.2 – The nearest dwelling at Armack Drive to Precinct 3 is approximately 290m. This is a reasonable distance and the land between proposed precinct 3 and Armack Drive would provide a buffer to some degree. However Ian Craig comments in his evidence , that <i>‘such a separation on its own would not be an effective visual buffer, thus the detailed measures to reinforce this through detailed measures to protect the existing shelterbelt and supplement it’</i>. With regard to the existing hedge along Railway Road, under the existing District Plan provisions there is no direct rule-based reference to the retention of the shelterbelt along Railway Road. However the proposed “Landscape Treatment Three” requires that this existing hedge be retained and resource consents would be required for its removal. This treatment also recommends that another planting strip be created to the west side of Railway Road. It is recommended that this be grown to a minimum height of 6.5m. However given the submitters visual concerns raised in this submission and by others in their submissions and at the pre-hearing meeting it is my recommendation that the planting to the west side of Railway Road be grown to a minimum height of 8m. This would reduce the visual appearance of any buildings within in Izone further. It has been established that the chosen species Leyland Cypress could easily grow to this height and would be appropriate for this area. It is my opinion that the proposed landscaping rules are more stringent in protecting the existing hedge and would provide the submitter with more certainty to its retention than the present provisions</p> <p>1444.3 - I would draw the submitter’s attention to my comments on rail and noise in section 5</p>			

above and the evidence of Mr Penny and Mr Chiles in Attachments A-C of this report. These give a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning.

### Recommendation

That the submission be **accepted in part** in that the recommend changes are accepted.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
23. Hazel E Cuff 1445 Oppose	23.1 1445.1	The submitter opposes PC10 as it is too close to Armack Drive.	To rethink the whole proposal Remove existing rail siding

### Assessment

The nearest dwelling at Armack Drive to Precinct 3 is approximately 290m. This is a reasonable distance and the land between proposed precinct 3 and Armack Drive would provide a buffer to some degree. However Ian Craig comments in his evidence , that *'such a separation on its own would not be an effective visual buffer, thus the detailed measures to reinforce this through detailed measures to protect the existing shelterbelt and supplement it'*. With regard to the existing hedge along Railway Road under the existing District Plan provisions there is no direct rule-based reference to the retention of the shelterbelt along Railway Road. However the proposed "Landscape Treatment Three" requires that this existing hedge be retained and resource consents would be required for its removal. This treatment also recommends that another planting strip be created to the west side of Railway Road. It is recommended that this be grown to a minimum height of 6.5m. However given the submitters visual concerns raised in this submission and by others in their submissions and at the pre-hearing meeting it is my recommendation that the planting to the west side of Railway Road be grown to a minimum height of 8m. This would reduce the visual appearance of any buildings within in Izone further. It has been established that the chosen species Leyland Cypress could easily grow to this height and would be appropriate for this area. It is my opinion that the proposed landscaping rules are more stringent in protecting the existing hedge and would provide the submitter with more certainty to its retention than the present provisions. I would draw the submitter's attention to my comments above in section 5 above and the expert evidence in Attachments A-C of this report. These give a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning.

**Recommendation**

That the submission be **accepted in part** in that the recommend changes are accepted.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
24. <b>Caroline Mary Saunders</b> <b>1446</b> Oppose	24.1 <b>1446.1</b>	The submitter is opposed to all of PC10	Leave area as it exists

**Assessment**

No reasons are provided in the submission so it is difficult to comment on the reasons for the opposition with any certainty. However I think that it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which are addressed in detail in Section 5 above.

**Recommendation**

That the submission be **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
25. <b>Jacqueline Anne Woollard</b> <b>1447</b> Oppose	25.1 <b>1447.1</b>	The submitter is opposed to the entire PC10 due to the environmental and economical effect on adjoining properties.	Not to continue with the expansion of Izone along Railway Road.  Increase landscaping to an appropriate height.
<b>1447</b>	25.2 <b>1447.2</b>	The submitter opposes PC10 as they brought into a quiet community in which to bring up their family but now they have to contend with noise from Izone	Not to continue with the expansion of Izone along Railway Road.

1447	25.3 1447.3	<p>The submitter opposes the PC10 as there are problems with the roading, especially lack of parking space on Jones Road, which is dangerous as trucks park on the sides of the road, reducing visibility.</p> <p>The submitter opposes the railway siding on account of little or no consultation in regards to the same.</p>	Upgrade and finish the roading improvement works on Jones Road
Further submission	1463	Brian Woollard	Support
<p><b>Assessment</b></p> <p>1447.1 And 1447.2 - I would draw the submitter's attention to my comments on in section 5 above particularly in relation to Private Property and Lifestyle and noise and also the expert evidence in Attachments A-C of this report. These give a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning.</p> <p>1447.3 - In relation to the state of Jones Road I would refer the submitter to my comments under traffic in section 5 above. With regard to the existing rail siding this has been constructed and is outside this process, however in light of Dr Chiles evidence it would appear that the existing Westland Dairy siding would not meet the night time noise requirements of the District Plan. Westland Dairy has been informed of this and they will have to apply for a retrospective resource consent in relation to this matter.</p> <p><b>Recommendation</b></p> <p>That the submission and further submission be <b>rejected</b></p>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested
26. New Zealand Fire Service 1448	26.1 1448.1	The submitter acknowledges that the reticulated water supply is being extended to service the proposed additional area but states that it is	Submitter seeks assurance that the NZ Fire Fighting Water Supplies Code

Not Stipulated		important that this reticulated supply meets the requirements of the NZ Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008	of Practice SNZ PAS 4509:2008 will be met.
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#### Assessment

The Infrastructure Memorandum (attachment F) addresses the submitters concerns. Council Policy 'W211' requires water supply reticulation for new subdivisions to be installed in accordance with the Fire Fighting Code of Practice (NZS PAS 4509) and subsequent amendments. This policy is implemented through being a standard condition of engineering approval for subdivision development works. It has been applied to the previous stages of development at Izone and will apply for any future development.

#### Recommendation

That the submission be **accepted**, as future water reticulation will meet NZS PAS 4509:2008.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
27. Andrew Derek Harris 1449 Oppose	27.1 1449.1	The submitter opposes the PC10 on noise grounds which the submitter states are now worse than when they moved in.  The submitter also opposes PC10 as it will result in the loss of their chosen lifestyle.	Reject Plan Change
1449	27.2 1449.2	The submitter opposes PC10 as the lights are too bright at night	Reject Plan Change
1449	27.3 1449.3	The submitter opposes PC10 as he is concerned about the state of Jones Road and its footpaths.	Reject Plan Change

#### Assessment

1449.1, 1449.2 and 1449.3 – I would draw submitter's attention to my comments in section 5 above particularly those relating noise, traffic and pollution and the expert evidence of Mr Penny and Mr Chiles in Attachments B and C of this report. This evidence gives a comprehensive analysis of design and visual impacts and traffic effects of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence

provided.			
<b>Recommendation</b> That the submission be <b>rejected</b>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested
28. MR K J & S Masson 1450 Oppose	28.1 1450.1	The submitter opposes PC10 due to lack of information	That more information is provided about what is happening at Izone.
1450	28.2 1450.2	The submitter opposes Railway wagons being shunted at 1.00am or 2.00am	Not stipulated
<b>Assessment</b> <p>1450.1 - As it is not known what information is lacking it is difficult to comment on this point with any certainty. However I think that the level of information provided within the plan change is extensive, and that overall it would be reasonable to assume that the submitters concerns are similar to others, with regard to traffic, noise, and visual effects etc, which are addressed in section 5 above.</p> <p>With regard to what is happening on the Precinct 3 this is not yet known as this will depend on who purchases or leases land within the area. Any operation developed on this land (if PC is approved) will be subject to the rules of the District Plan (as like any other development) and any breach of these rules will require resource consent.</p> <p>1450.2- I would draw the submitter's attention to my comments on rail and noise in section 5 above and the evidence of Dr Chiles in Attachments C of this report.</p>			
<b>Recommendation</b> That the submission be <b>rejected</b>			
Name & Position on Plan Change	Submission Point	Summary	Decision Requested

29. Neroli Harris 1451 Oppose	29.1 1451.1	The submitter opposes PC10 as it will result in the loss of their chosen lifestyle. The submitter states that they want their children to grow up in the lifestyle that they bought into, not with the changes proposed in PC10	Reject Plan Change
1451	29.2 1451.2	The submitter opposes PC10 because of the increased noise.	Reject Plan Change
1451	29.3 1451.3	The submitter opposes PC10 as she does not want any rail sidings	Reject Plan Change
1451	29.4 1451.4	The submitter opposes the position of Izone as when the nor west blows it sends pollution from Izone over all of Rolleston.  The submitter also opposes PC10 on grounds of visual pollution from the large buildings obstructing views of the Southern Alps.	Reject Plan Change
1451	29.5 1451.5	The submitter opposes PC10 on traffic issues particularly the fact that trucks do not stop at stop signs when they come out of Izone and also the state of Jones Road.	Reject Plan Change

#### **Assessment**

All submission points – I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence provided.

With regard to trucks not stopping at stop signs I would suggest this is a driver education issue. The Proposed Plan Change cannot control driver behaviour or the rules of the road. With regard to the standard of Jones Road I would refer the submitter to my paragraph 5 under Infrastructure



in section 5 of this report.

### Recommendation

That the submission **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
30. Lorraine Margaret Tolhoek 1452 Oppose	30.1 1452.1	The submitter states that there is no evidence provided to support the proposed rezoning of rural land to B2A.	Reject Plan Change
1452	30.2 1452.2	The submitter states that there is no evidence provided to support a change of building height and the definition of building height. Buildings of 20m in height can be seen from the Jones Road/Weedons Ross Road intersection. The submitter is also against the proposed changes to the recession planes.	Reject Plan Change
1452	30.3 1452.3	The submitter comments that the TIA Report by Traffic Design group is very comprehensive and very easy to follow for the layman.  The submitter also disagrees that the soils are of a low quality and the proposed Plan Change does not contain enough information on the issue of soil quality.	Reject Plan Change
1452	30.4 1452.4	The submitter discusses the Izone timeline and states that the decision of PC5 was notified in April 09 and to start consulting with residents in July 09 for	Reject Plan Change

		PC10 seems unbelievable. The submitter also states that the introduction of a new B2A zone which will be a more permissive industrial zone will lead to a lower standard of aesthetic and amenity values and will appeal to the less discerning Industrialist.	
<i>Further Submission</i>	<i>1440</i>	<i>Susan Chaney</i>	<i>Support</i>
<b>1452</b>	30.5 <b>1452.5</b>	The submitter states that the Council Community Plan supports a rural theme for the district and that an industrial area does not appear to be in keeping with the Community Plan or the District Plan.	Reject Plan Change
<b>1452</b>	30.6 <b>1452.6</b>	The submitter states that the area has a high bio-diversity and an ecological survey should be undertaken with particular attention to geckos and skinks	That an ecological survey be undertaken.
<i>Further submission</i>	<i>1462</i>	<i>Solid Energy New Zealand Limited</i>	<i>Oppose</i>
<b>Assessment</b> <p>The submitter raises an number of points which are discussed in order below:</p> <p>1452.1 – I would draw submitter’s attention to my comments in section 5 above in relation to Zoning. I would also refer the submitter to the s32 analysis in section 5 of the Plan Change document that concludes that rezoning this land to Business 2A is the best option in terms of achieving the purpose of the Resource Management Act 1991.</p> <p>1452.2 - The permitted building height is not proposed to change, it will remain at 15m. The Plan Change does propose that a building above this height but below 20m be a restricted discretionary activity, and if such a building is 150m or more from the zone boundary then notification of affected parties will not be required. The height is to allow for new technology in relation to racking systems or lift shafts etc which often require building heights above 15m. I</p>			

would recommend that the submitter read Mr Craig's evidence in attachment A and my comments in section 5 of this report which will address the submitters concerns. The removal of the recession plane requirements only applies to those boundaries within the proposed B2A area. Recession plane B will still apply to the Railway Road boundary and as such there is no proposed change to the recession plane requirements along the zone boundary.

1453.3 – The area is relatively generic in that there are no outstanding features that may separate the site from many other areas on the Canterbury Plains. Proposed Change 1 (PC1) has identified the proposed precinct 3 area as an area suitable for business zoning.

Through this process, which I note is under appeal; soil quality among many other issues would have been taken into consideration. Although I am not a soil expert I believe that given that PC1 recommended this area for potential business use that the quality of the soil for this area is not of a such a quality or importance that it should be protected.

1453.4 – market demand for development. The new B2A zone will be controlled by Objectives, Policies and rules very similar to the existing Izone requirements. The internal recession plane requirement will be removed, and variations to the height rule are proposed, albeit the maximum permitted building height remains at 15m. The landscaping requirements will remain and I consider that the existing Izone area and the proposed precinct 3 area will be a high quality business area with an amenity above that of your normal business park. Any business that decides to operate in the area will be subject to the proposed rules and any breach will require resource consent.

1453.5 – The community Plan does list the desired community outcomes for the district one of which is to ensure *a living environment where the rural theme of Selwyn is maintained*. The Selwyn District is and will still be a predominately rural district and that theme will be maintained regardless of PC 10 being approved or not. The Community Plan also has a desired Community outcome to ensure there are prosperous communities and that *Selwyn has a strong economy which fits within and complements the environmental, social and cultural environments of the district*. The Izone Southern Business Hub, including the proposed expansion, contributes to this community outcome by encouraging potential employers to locate their operations within the district. This is proven successful with a number of prominent businesses operating from the Izone Business Park. The Izone Southern Business Hub is also listed as a significant activity in the district and it does mention that land has been purchased for its expansion. In the Selwyn District a balance has to be found between maintaining the rural values and character of the district while providing jobs and encouraging business to locate here for the District economy. It is

my opinion that the proposed plan change finds this balance.1453.6 - With regard to the biodiversity of the area I received comments from the Council's Bio-diversity officer who stated that several ecological studies have been undertaken within the Selwyn District and none have identified this area as holding significant high ecological value. It was her opinion that this area is a highly modified rural environment with marginal habitat value for indigenous flora and fauna. The area proposed for rezoning (precinct 3) has been under pastoral cultivation and intensive walnut cultivation both of which indicates a history of insecticide and fertilizer use. All of which are limiting factors to sustaining indigenous biodiversity habitat.

The Selwyn District Council promotes the protection and restoration of biodiversity in Selwyn but pragmatically focuses this by using a criteria assessment of Representativeness, Diversity and Pattern, Rarity and Special Features, Naturalness, Ecological Context, Size and Shape, Fragility, Threat and Buffering. The proposed 49ha to be rezoned when weighed with the above criteria is of low ecological value.

Introduced species such as pheasants and quail are not indigenous to New Zealand and fall outside the focus or roll of promoting biodiversity within Selwyn. The bio diversity officer also commented that given the known distribution of skinks and geckos it is unlikely that any, other than the Common Skink, exist in this area.

Landscaping along road frontages and the road reserve is a requirement under the existing rules for Izone and those proposed through this plan change. These landscaping requirements provide for native planting and will improve and enhance habitat (food and homes) for species such as skinks.

### Recommendation

That the submission and further submission 1440 be **rejected** and the further submission 1462 to accepted

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
31. AH International Ltd 1453 Oppose	31.1 1453.1	The submitter opposes the rezoning in PC10. The submitter states that their property has a rural aspect which will be compromised as a consequence of business/industrial use and development on the neighbouring land. This will potentially cause a diminution in value and enjoyment of the	Maintain status quo by not rezoning the property

		submitter's property.	
<b>1453</b>	31.2 <b>1453.2</b>	The submitter opposes the Plan Change due to the impact it will have upon the sole accessway to a portion of the submitters land.	Maintain status quo by not rezoning the property

#### Assessment

1453.1 - I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence provided.

1453.2 - If the submitters property has access to Railway Road then the closure of Railway Road may have an effect on access. However the closure of Railway Road is not part of this Proposed Plan Change and any closure will occur under a separate process and will involve its own public consultation process.

#### Recommendation

That the submission be **rejected**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>32. Selwyn Community Board</b> <b>1454</b> Support in Part	32.1 <b>1454.1</b>	The submitter generally supports the Plan Change as notified to rezone 49ha of rural land and to introduce a new business 2A zone across the whole of lzone.	Approval of the Plan change with the following amendments: <ul style="list-style-type: none"> <li>○ Delete rules 16.6.5.4, 16.6.5.6</li> </ul> Add rule 18.3.1.2 - Any structure exceeding 15m in the Business 2A Zone

			shall comply with Rule 16.6.3.
1454	32.2 1454.2	<p>The submitter supports amendment 37 and rules 16.6.3, 16.6.3.1 &amp; 16.6.3.2, which the submitter requested through the Draft PC process. The amendment and rules seek a restricted discretionary status for buildings over 15m but under 20m and to restrict the reflectivity of building materials on all parts of a building over 15m to 40%.</p> <p>The submitter opposes proposed Rules 16.6.5.4, 16.6.5.5 and 16.6.5.6. The submitter states that there should be no discretion regarding the reflectivity of taller buildings/structures. If any part of a taller building/structure has a high reflectivity value then that will draw the eye of any observer to the building/structure and highlight the presence of the building/structure. If allowed to have a taller building/structure in the B2A zone the zone the building or structure should be constructed and maintained so it entirely meets the reflectivity requirement of rule 16.6.3.2</p> <p>The submitter also seeks the addition of a new rule to be added under amendment 55 and rule 18.3.1. They seek the new rule to be 18.3.1.2 and it should state that “Any structure exceeding 15m in the Business 2A Zone shall comply with Rule 16.6.3”.</p>	<p>Approval of the Plan change with the following amendments:</p> <ul style="list-style-type: none"> <li>○ Delete rules 16.6.5.4, 16.6.5.6</li> <li>○ Add rule 18.3.1.2 - Any structure exceeding 15m in the Business 2A Zone shall comply with Rule 16.6.3.</li> </ul>

		The submitter believes any structure exceeding 15m should comply with the reflectivity requirements to reduce its visual impact on the surrounding area.	
<i>Further submission</i>	<i>1462</i>	<i>Solid Energy New Zealand Limited</i>	<i>Support in part</i>

#### **Assessment**

1454.1 & 1452.2 – The submitter generally supports the application except in regard to the reflectivity requirements for building exceeding the permitted height. The submitter requests that there be no discretion in relation to the reflectivity of taller buildings. This is supported by the further submission from Solid Energy New Zealand observing that the clauses which restrict the exercise of the discretion at the very least cause confusion in implying that the reflectivity can be exceeded within the realms of the restricted discretionary activity application.

It is acknowledged that on first reading that the three clauses could cause some confusion. However Mr Craig believes and I concur that it *“is reasonably clear that the clauses are asking the person making the assessment to consider the whole building – for example the parts above 15m would have to have a lower reflectivity than 40% to be covered by the rule, but the balance need not, so one would then ask by how much and over what extent the rest of the building was exceeding the reflectivity control”*. This would give the persons assessing the application scope to control the rest of the building below 15m if they thought it necessary for example a tall building with a low reflective roof but highly reflective walls may meet the requirement to be a restricted discretionary activity but could still have quite adverse effects. As such I consider it important that these provisions remain. The area above 15m would have to meet the 40% reflectivity requirement to be a restricted discretionary activity.

The submitter also seeks the addition of a new rule to be added under amendment 55 as rule 18.3.1. They seek the new rule to be 18.3.1.2 and it should state that *“Any structure exceeding 15m in the Business 2A Zone shall comply with Rule 16.6.3”*. The submitter comments *if any part of a taller building or structure is reflective then that will draw the eye of the observer to the structure and highlight the presence of the building or structure. The effect of any reflection would be similar to that of a window of a house built on a hillside when that window reflects the sunlight. The eye of the observer is drawn to the window and then to the house.* This maybe true but as Mr Craig has pointed out, the area in questions is *sitting on large flat plain, from most of which it will be hard to get a glimpse of the whole building, without being within lzone itself*. Form out side the lzone area intermitting vegetation and other buildings etc would limit the view of most parts of

any large building in Izone. It is my understanding that the submitter is also referring to structures other than buildings in their submission. However the definition of building in the District Plan and would capture all constructions other than utility structures. As such all other structures and buildings would be subject to the proposed reflectivity requirements and the 15m maximum height rule. The definition does not include utility structures which could be built to 25m. However these are likely to be slender structures such as masts or poles and Mr Craig states that *these are unlikely to have a significant surface area, and I do not consider there is any need to apply a reflectivity control to these.*

Given the above it is my opinion that the discretion available with regard to the reflectivity is important to control the whole building that is over height rather than just the area of 15m in height, which would have to have a reflectivity of 40% or less to be a restricted discretionary activity in the first place. Secondly the addition of the new rule to control utility structures is considered unnecessary as the building definition captures most constructions other than slender utility structures to which a reflectivity control is unnecessary.

### Recommendation

That the submission be **rejected** and the further submission be **supported in part** to the extent that the rule proposed by the submitter be rejected.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
33. Alan J Familton 1455 Oppose	33.1 1455.1	The submitter opposes the rezoning in PC10. The submitter states that their property has a rural aspect which will be compromised as a consequence of business/industrial use and development on the neighbouring land. This will potentially cause a diminution in value and enjoyment of the property.	Maintain status quo by not rezoning the property

### Assessment

I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence provided.



**Recommendation**

That the submission be **accepted in part** in that the recommended changes be accepted.

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>34. Rolleston Square Ltd</b> <b>1456</b> Support	34.1 <b>1456.1</b>	The submitter supports PC10	PC10 be approved.
<i>Further submission</i>	<i>1462</i>	<i>Solid Energy New Zealand Limited</i>	<i>Support</i>

**Assessment**

No reasons are provided in the submission, however the submitter has expressed there support for the proposed plan change so it can be reasonably assumed that the submitter has no concerns with the same.

**Recommendation**

That the submission be **accepted**

Name & Position on Plan Change	Submission Point	Summary	Decision Requested
<b>35. Lewis Gaire Herdman Thompson</b> <b>1457</b> Oppose <i>(Late submission received on the 31.12.09)</i>	35.1 <b>1457.1</b>	The submitter opposes PC10 on noise grounds. The submitter states that what should be a peaceful rural area is becoming excessively noisy. This is particularly so on still nights when noise carries a long way.	That there be no further extension to lzone and that there be tighter controls for noise and dust etc.
<b>1457</b>	35.2 <b>1457.2</b>	The submitter opposes PC10 as the area is no place for tall buildings	That the allowable building height be reduced

1457	35.3 1457.3	The submitter opposes any access on to Railway Road.	That there be no access to Railway Road and that this road is kept open and sealed.
<p><b>Assessment</b></p> <p>I would draw the submitter's attention to the evidence of Mr. Craig, Mr Penny and Mr Chiles in attachments A – C and my comments in section 5 above. This evidence gives a comprehensive analysis of design and visual impacts, traffic effects and noise impacts of the proposed rezoning. I accept and support the conclusions and recommendations reached by the expert witnesses in the evidence provided.</p> <p><b>Recommendation</b></p> <p>That the submission be <b>rejected</b></p>			

## 6. STATUTORY ANALYSIS

6.1 Section 74 of the Resource Management Act 1991 (“the Act”) sets out the matters that must be considered in preparing a change to the District Plan. Amongst other things, Section 74 requires the local authority to comply with its functions under Section 31, its duties under Section 32, contents of District Plans under Section 75 and the overall purpose of the Act under Part 2. This includes the matters of national importance (Section 6), other matters that require particular regard in achieving the purpose of the Act (Section 7) and the Treaty of Waitangi (Section 8).

6.2 Proposed PC10 is consistent with Council's functions under Section 31, which includes:

*“(a) the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”*

6.3 PC10 amends the mechanism (zoning) for the subject site to provide for the efficient use of resources and land. The proposal is to rezone Rural (Inner Plains) land with a new District Plan Business 2A Zone. The standards for built

development and activities on the site subject to PC10 reflect that the zone will be developed in a consistent manner with the existing Business 2 zone, which is also to be rezoned Business 2A.

### ***Section 32***

6.4 In accordance with Section 32 of the Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. I note that Section 32 is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of costs and benefits at its final decision making. Accordingly, the Section 32 report attached to PC10, is further supplemented by the submissions received and will further benefit from any information to be presented at the hearing.

6.5 As proposed PC10 is adding controls to the District, it is necessary that the final decision making carefully considers the costs of the new amended provisions.

### ***Section 74 and 75***

6.6 Section 74 (2)(a) requires a Council to have regard to any proposed regional policy statement while Section 74 (2)(b)(i) requires Council to have regard to and management plan or strategy prepared under other Acts. Section 74 (2A)(a) requires Council to take into account any relevant planning document recognised by an Iwi authority and lodged with the Council. Section 75 (3)(c) requires Council to give effect to any regional policy statement.

6.7 Chapter 12 of the RPS, Settlement and the Built Environment is concerned primarily with the outward expansion of urban areas and the protection of regionally important infrastructure such as Lyttelton Port and Christchurch Airport. As such, PC10 does not create any conflicts with the RPS.

6.8 The Council must also have regard to Proposed Change 1 to the RPS (PC1), which is primarily concerned with urban growth for the next 35 years. PC1 does go further than the current chapters of the RPS by introducing policy that is concerned with the implementation of how urban development and growth occurs. Specifically, Policy 7 of PC1 is concerned that the principles of the Urban Design Protocol are observed and urban design best practice given effect to

when preparing for urban development. Policy 3 of PC1 specifically relates business land and is concerned with Local Authorities promoting redevelopment and utilisation of existing business land but also providing sufficient land for expansion. The PC is consistent with PC1 in that the rezoning of the site subject to PC10 is recommended for business development and one ODP for the area will assist to give effect to urban design matters.

6.9 The Te Taumutu Runanga Natural Resource Management Plan (“the Plan”) is an Iwi management plan of relevance to proposed PC10. The Plan identifies the primary issues associated with natural resources management in the area which the plan covers (predominately the Selwyn District). In respect to PC10, natural resource issues are primarily associated with the effects activities may have on the atmosphere and air, land and water and the impact those activities may have on cultural activities, taonga, mahinga kai and ecosystems in general.

6.10 In my opinion, the rezoning of the site subject to PC10 does not present any conflicts or inconsistencies with the Te Taumutu Runanga Natural Resource Management Plan.

## ***Part II***

6.11 Section 5 of the Act requires the Council to manage the use and development of physical resources in a way, or at a rate that will enable the community to provide for its social, economic and cultural wellbeing while avoiding, remedying, or mitigating any adverse effects of activities on the environment. This potentially results in consideration of competing interests, which in this case involves consideration of the effects of rezoning a specific site from Rural (Inner Plains) to Business 2A, which as discussed through this report are considered to be less than minor.

6.12 Section 6 of the Act identifies matters of national importance which the Council must recognise and provide for. In my opinion, proposed PC10 does not impact on matters identified as being of national importance.

6.13 In achieving the purpose of the Act, the District Plan must also have particular regard to the Other Matters identified in Section 7. Of relevance to PC10 are:

- (b) the efficient use and development of natural and physical resources;

- (c) the maintenance and enhancement of amenity values;
- (f) maintenance and enhancement of the quality of the environment

6.14 In my view, the efficient use of the existing resources of the site subject to PC10 and the maintenance of the surrounding amenity values are the primary issues. The proposed business use of the proposed precinct 3 area will be a more efficient use of the land than the existing rural zone in that it will provide for more and a wider range of business operations as permitted activities than what could be established as a permitted activity on 49ha Rural Zoned land. The proposed mitigation provisions and landscaping will protect the amenity values of the area maintain the quality of the surrounding rural environment.

6.15 In conclusion, it is my opinion, that proposed PC10 better achieves the purpose of the Act than the current District Plan provisions. This is because the proposed rezoning is consistent with the Rolleston Structure Plan and PC1, both of which have identified this area of Rolleston for urban expansion. In addition, the proposed rezoning is consistent with the Town Growth Policies B4.3.1 to B4.3.5 of the Selwyn District Plan, which can be found on pages B4-025 to B4-026 of the District Plan.

## 7 RECOMMENDATION

7.1 On the basis of the discussion in this report, it is my recommendation that proposed Plan Change 10 is the best option in terms of giving effect to the RMA. As such I recommend that PC10 is accepted, subject to the following modifications.

### RECOMMENDED CHANGES TO PC10

#### Amendment 1

Amend the following in relation potential breaks in the secondary planting strip from any future rail sidings.

- 1) Rule 17.6.1 (Amendment 49 under Plan Change 10) to the following:

*“The establishment of a road or rail crossing requiring a break in the*

*existing primary shelterbelt **or future secondary planting strip** required by Landscape Treatment Three in Rule 24.1.3.13 along the Railway Road frontage of the Business 2A zone shall be restricted discretionary activity”.*

2) Amend rule 17.6.2: (Amendment 50 under Plan Change 10)

*Add the words “**or future secondary planting strip**” after “existing primary shelterbelt” in clauses 17.6.2.1, 17.6.2.2 and 17.6.2.4.*

3) Amend Reasons for Rules (page C17-005):(Amendment 52 under Plan Change 10)

*“The Business 2A zone is screened from the land to the west through the existing primary shelterbelt along Railway Road. **In time, this screening will be supplemented by a secondary planting strip required by Landscape Treatment Three in Rule 24.1.3.13, which will form a second shelterbelt.** The creation of breaks within **these** shelterbelts for road and rail crossings are identified to occur on the Outline Development Plan at Appendix 22 of the District Plan. Rule 17.6.1 recognises that while such breaks in the existing primary shelterbelt **and future secondary planting strip** are appropriate to create access for road and rail linkages, such breaks will allow views into the Business 2A zone from that land to the west to a limited extent, and as such the potential adverse effects of such breaks in this screening needs to be considered.”*

4) Amend Last sentence in Note to Rule 24.1.3.3 (Amendment 81 under Plan Change 10)

*“Refer to Rule 17.6.1 in respect of road or rail crossings that require breaks in the existing primary shelterbelt **or future secondary planting strip** along Railway Road.”*

**Amendment 2**

In relation to the visual concerns of submitters I recommend that the secondary planting strip proposed to the west side of Railway Road as part of landscape treatment 3 be grown to a minimum height of 8m.

Amend Rule 24.1.3.13 (Amendment 81 under Plan Change 10)

*Landscape Treatment Three*

*(d) The secondary planting strip shall achieve, once matured, a minimum width of 2.5metres and a minimum height of **8m***

**Amendment 3**

The existing rules around recession planes can be read that no recession plan is required along Railway Road. This was not intended and as such the following amendments is recommended.

Amend Rule 16.7.1 (Amendment 41 under Plan Change 10)

Add clause 3:

"3. Recession Plane B - applies to the road boundary of Railway Road where it directly adjoins the Business 2A zone."

**Amendment 4**

That the introductory wording to rule 22.4.1.1 be changed from

*Applying at the boundary of any site adjoining the Rural zone*

*to*

*Applying at any point within the boundary of any site in the Rural zone, excluding road, waterway and railway reserves:*

**Amendment 5**

In order to reduce noise and dust effects at the proposed road

access to Railway road the following amendment is recommended:

Insert new rule 24.1.3.21 as follows:

*In the Business 2A Zone at the time subdivision consent is sought for the creation of the new road within precinct 3 as depicted on the Outline Development Plan at Appendix 22 Railway Road shall be sealed to a point 50m north west of the zone boundary and 10m to the south east of the new access road.*

#### **Amendment 6**

In response to the submitters concerns relating to the standard of Jones Road the following amendment is recommended:

*That Jones Road be upgraded and that a continuous section of foot path be completed between Hoskyns Road and Izone Drive*

As stated the upgrade for Jones Road is not intended to be included in these years Annual Plan but will be budgeted for next years. The commissioner however may feel it appropriate that the upgrades be a requirement under this PC, if it is approved, once development has reached a certain threshold similar to proposed rule 24.1.3.20 or when subdivision is applied for on the precinct 3 land similar to existing rule 24.1.3.17.

Report by:

Ben Rhodes

**RESOURCE MANAGEMENT PLANNER**