

IN THE MATTER OF

The Resource Management Act
1991

AND

IN THE MATTER OF

Submissions on Plan Change 34
to the Selwyn District Plan

**Report on submissions relating
to Plan Change 34**

**Roxburgh Property Developers Ltd request to amend the
rezoning Rural (Outer Plains) zone land to Living 1 zone at
High Street, Southbridge**

Report Number:

PC 120034

To:

Hearing Commissioner – K Lawn

From:

Strategy and Policy Planner – B Rhodes

Hearing Date:

19 February 2015

This report analyses submissions made on Plan Change 34 (PC 34) to the Selwyn District Plan (SDP) and has been prepared under s42A of the RMA. The purpose of the report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC 34 and to assist submitters in understanding how their submission affects the planning process. The report includes 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 the RMA.

ATTACHMENTS

Attachment A	Summary of submissions
Attachment B	Officers recommendations on submissions
Attachment C	Infrastructure – Murray England, Council Asset Manager Water Services
Attachment D	Environmental Health, Russell Malthus, Environmental Health Officer Transport - Andrew Mazey, SDC Asset Manager Transportation
Attachment E	Urban Design and Context, Gabi Wolfer, Council Urban Designer
Attachment F	Transportation - Andrew Mazey, SDC Asset Manager Transportation
Attachment G	Geotechnical Report review, Ian Machon, Geotech Consulting Ltd
Attachment H	Sewer Connection Map
Attachment I	Land Use Capability Map
Attachment J	Recommended amendments to PC 34
Attachment K	Hazardous Substance Storage.

1. INTRODUCTION

Qualifications and experience

- 1.1 My name is Ben Rhodes and I am providing planning evidence with regard to the above application for a private plan change. I have been employed at the Selwyn District Council for a period of 7 years, and currently hold the position of Policy and Strategy Planner. I am familiar with the Selwyn District, its resource management issues and the District Plan. My qualifications include a Bachelor of Resource Management from Lincoln University.

Evidence Scope

- 1.2 I have prepared this report on Proposed Private Plan Change 34 (PC34) in accordance with Section 42A of the Resource Management Act 1991 (RMA). The purpose of my report is to draw to the Commissioner's attention matters pertinent for consideration, including evaluating and making recommendations on the submissions received. My evaluation is based on the information presented in the Plan Change application and the submissions. Additional information is likely to be presented by other parties at the hearing. The recommendations are the opinion of the reporting officer. The Hearings Commissioner will decide on each submission after hearing and considering all relevant matters.

1.3 In addition to this report, Attachments C - G are additional reports which also form part of the Section 42A report from:

- Infrastructure – Murray England, Council Asset Manager Water Services
- Environmental Health, Russell Malthus, Environmental Health Officer
- Urban Design and Context, Gabi Wolfer, Council Urban Designer
- Transport - Andrew Mazey, SDC Asset Manager Transportation
- Geotechnical Report review, Ian Machon, Geotech Consulting Ltd

1.4 My report is structured as follows:

- Overview of proposed plan change - within this section I provide an overview of PC34, including what is proposed, its status and the process followed.
- Statutory context - within this section I summarise the RMA requirements that affect the determination of PC34
- Assessment of submissions/Effects - within this section I consider the points raised in submissions.
- Final statutory assessment - within this section I evaluate PC34 against the overriding RMA requirements.
- Overall conclusion and recommendation - within this section I set out my overriding conclusion and recommendation.

2. OVERVIEW

Proposal

- 2.1 PC34 was lodged with Council on 25 June 2012 and seeks to facilitate the rezoning of the application site from Rural Outer Plains (OP zone) to a Living 1 (L1), which requires an average lot size of 650m² compared to the 20ha minimum lot size required in the OP zone.
- 2.2 The rule framework being sought by PC34 relies on the existing Living 1 zone, with an amendment to the subdivision rules to make specific reference to the proposed Outline Development Plan (ODP). The request does not propose to make any changes to the objectives or policies of the District Plan

Site Context

- 2.3 The application site is located to the south western side of Southbridge's urban area and is bounded by High Street, Brook Street and Bellfield/Robinson Street (unformed) (refer to Figure 1 below) The site is wholly owned by the applicant and is zoned Rural Outer Plains. The property has a physical address of 134 High Street, is approximately 6ha in size and is legally described as LOTS 1-15 50-62 88-89 DP 825. The property contains a single dwelling, with the balance of the land being utilised for cropping and minor grazing activities. A more detailed site description is provided in Section 2 of the plan change document.



Figure 1: Location plan

Process

- 2.4 Since lodgement the application has been reviewed in terms of the adequacy of the information provided. Peer review comments have been received on contamination, reverse sensitivity, geotechnical, transport, and open space, infrastructural and planning matters. As a result of this review a request for further information (RFI) was sent to the applicant on 30th July 2012 with a response received on the 20 November 2012. All but one issue was deemed to be adequately addressed by the applicant, however an issue as to whether the PC34 could be serviced by waste water remained. The issue of the waste water revolved around the capacity of the infrastructure (Southbridge pump station, the rising main and the Ellesmere Waste Water Treatment Plant) to handle the proposed development of PC34. It was Councils position that the issue needed to be addressed before PC34 could be notified. This would enable the applicant to determine the extent of the issue and provide options for rectifying the capacity issue to provide confidence that their development could be serviced. Some of this information needed to be provided by Council but the initiative was on the applicant to provide this and show their application was appropriate for consideration. Council officers acknowledged that Council had a part to play and helped in engaging consultants and undertaking some of the reports needed on the capacity issues, options, and cost that would inform any decision on the appropriateness and viability of PC34. This took some time but eventually options around the ability to service the PC34 land was determined and provided some certainty that the PC34 could be serviced.
- 2.5 A revised application, incorporating the new servicing information was received on the 27 August 2014, this also included amendments to the section 32 evaluation on the cost and benefits of the proposal to give effect to the RMA changes that had occurred to section 32 since the application was lodged.
- 2.6 PC34 was publicly notified on the 14th October 2014, with submissions closing on the 12th November 2014. Seven submission were received. Further submissions were publicly notified on the 25th November 2014, closing on the 9th December 2014, no further submissions were received.

3. STATUTORY FRAMEWORK

Statutory principles

3.1 The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay¹, the relevant components of which are set out in the following paragraphs.

3.2 The matters that must be considered in preparing a change to the Plan are set out in s74 of the RMA. Amongst other things, s74 requires the local authority to:

- comply with its functions under s31
- consider alternatives, benefits and costs under s32
- ensure the necessary matters are stated in the contents of the district plan under s75
- have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8)

3.3 It is noted that in a general sense, the purpose of the 'Act' is already reflected in the operative District Plan's objectives and policies as they have already been through the above statutory tests and are now unchallenged. PC 34 does not seek to amend these objectives and policies.

3.4 When preparing a plan or considering a plan change the Council:

- must give effect to the operative Canterbury Regional Policy Statement (s75 (3)(c))
- shall have regard to any proposed changes to the Canterbury Regional Policy Statement (s74 (2)(a)(i)) and any management plans and strategies prepared under other Acts (s74 (2)(b)(i))
- must not take into account trade competition (s74(3))
- must take account of Mahaanui: Iwi Management Plan 2013 (s74 (2A))
- shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c))

3.5 Consideration of the appropriateness of rezoning the subject land and the associated Plan amendments must therefore give effect to the operative Canterbury Regional Policy Statement ('CRPS') and be consistent with the Land Use Recovery Plan ('LURP') and the Recovery Strategy for Greater Christchurch

3.6 There are not considered to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC 34. Matters of cross-boundary interest are limited to managing the co-ordinated urban growth of greater Christchurch through the CRPS and the statutory directions contained in the LURP. This co-ordinated growth is quiet focused to the Urban Development Strategy (UDS) area, which Southbridge is outside of. Although Southbridge is in the "Greater Christchurch" area covered in the Recover Strategy, it is not subject to the area encompassed by the LURP. As such the Recovery Strategy for Greater Christchurch is a relevant consideration but the LURP is not.

3.7 There are no proposed changes to the settled objectives and policies of the District Plan. The Council is therefore required to simply consider whether the proposed changes to the Plan's rules and zoning better achieve the objectives, and thereby Part II, than the operative provisions.

¹ ⁴ Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

- 3.8 In undertaking an assessment of PC 34 against the provisions of s32, it is important to note that the amendments to s32 introduced in the 2013 amendments to the RMA apply to this proposal as further submission period for PC 34 closed after 4th December 2013.
- 3.9 The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the RMA. PC34 has reached the point where the request has been accepted for notification, and submissions and further submissions have closed. A hearing is now required (Clause 8B) and a decision be made on the plan change and the associated submissions (Clause 10).

4. SUBMISSIONS RECEIVED

- 4.1 A total of 7 submissions were received on PC 34. Three submissions were opposed to the application, another was opposed in part, one was in support with another in support in part and one neutral submission. No Further submissions were received.
- 4.2 The submissions cover a range of topics, including support for and objection to the rezoning proposal.
- 4.3 **Attachment A** provides a summary of submissions set out in general categories.
- 4.4 **Attachment B** provides my recommendations to the Commissioner on each submission.

5. ASSESSMENT OF SUBMISSIONS AND ENVIRONMENTAL EFFECTS

- 5.1 The submissions in opposition request the plan change to be declined and seek no points of relief other than the application being declined. The remaining submissions do not request an outright decline but seek points of relief are granted to address a range of potentially adverse effects referred to within the submissions. This section provides an assessment of the submission points received on PC34, and the overall appropriateness of the plan change. The submission points and other matters of consideration have been grouped into the following topic areas and assessed accordingly (where a submission point is relevant to a topic area the submission point has been identified with the corresponding reference in the summary of submissions table):

- Growth
- Infrastructure servicing
- Character and amenity impacts
- Potential adverse reverse sensitivity effect
- Transport safety and efficiency
- Land stability and geotechnical risk

- 5.2 Recommendations on each submission point are described in this section and summarised in **Attachment B**.

GROWTH

- 5.3 The submission from the Southbridge Advisory Committee (**S03**) supports the Plan Change and associated rezoning. The submitter put forward a range of reasons as to why the application should be supported, including benefits associated with additional growth of Southbridge. Suggested benefits included refreshing building stocks, increased use of community infrastructure, increased support of service activities and resources, increased rating base and the ability to take advantage the population shifts since the

Canterbury Earthquake. The relevant submission points are outlined in **Attachment A** Include, *D3.2 to D3.7*.

- 5.4 The submission from Mr Collie (**S05**) seeks that the Plan Change is declined with one submission point (*D5.9*) citing the lack of evidence for any demand for residential growth. No relief has been sought by the submitter.
- 5.5 Selwyn has consistently been the fastest growing district in New Zealand over recent years, with a population of 44,595 in March 2013². Between July 2012 and June 2013, the Selwyn District grew at a growth rate of 4.5%. Selwyn District Council projects further growth could increase Selwyn's population up to an additional 11,000 households (total population of approximately 75,000 people) by 2031³. Growth of the Selwyn District has been consistent for some time. It is acknowledged the majority of this growth has occurred in townships closer to Christchurch, however each town in Selwyn has continued to have development. At a micro level Council has been monitoring dwelling consents approved in each township as a gauge of growth and development in different parts of the District. Over the 8 years there have been 21 dwellings (households) approved to Southbridge, which is an average of 2.6 annually.
- 5.6 The Councils Growth Model (out to 2041) indicates approximately 73 households required for Southbridge from 2014 – 2041. This is approximately 2.7 households a year which corresponds with historical development rates. The growth model has been partly influenced by historic growth rates. Factors impacting growth and development rates at a local level include the availability of water supply, sewerage and drainage capacity, strategic direction and the environmental protection rules in the District Plan which can confine urban development to certain zones. In the context of Southbridge these factors, particular land availability and infrastructure issues, are quite prominent. There has also been no strategic direction for Southbridge, other than some existing growth policies. Although there is some land available for development in the existing township the service infrastructure is at design capacity and so there has been little ability to create new sections even if there was a desire to do so. This has left a reliance solely on existing empty sections (that are serviced) to provide for growth.
- 5.7 Whether or not PC34 is needed to provide for the anticipated growth depends on the existing land supply and whether the constraints to development can realistically be overcome. A useful way to gauge supply is by looking at sewer connections, as these are generally only established where there is a demand for a residential unit or at least a substantial building (e.g. community hall, fire station etc). The map in **Attachment H** shows what sections are connected to the waste water system and which ones have half connections to the wastewater system (they are rated at half cost as they have not yet utilised the connection but have a right to it). There are 72 sections in Southbridge that have a half connection to the waste water system but are not yet connected to the system. This, at first glance, corresponds to the projected growth requirements indicated in the growth model for Southbridge. However of the 72 sections with half connections to the waste water scheme 34 already contain a dwelling (still on septic tank), an additional 5 are undersized lots in the rural area (a dwelling would be non-complying) and 17 are zoned for industrial purposes (a dwelling for residential purposes is discretionary). This leaves 16 sections that would be available now to provide for new growth with any certainty. This is well below the predicted growth needs for Southbridge out to 2041.
- 5.8 There are parcels of land within the township boundaries that are large enough to be subdivided or infilled however this has not happened to date. Part of the reason will be that there is no capacity for more connections to the waste water system, as it stands, to provide for additional sections. The costs of to upgrade the waste water system to allow

² 2013 Census data

³ Selwyn District Council Growth Model

for additional connections/sections is at minimum \$230,000⁴. This is only one cost of subdividing and given the potential yield of the larger blocks that could be subdivided it is likely not to be viable economically to pay these costs. Other issues facing subdividing and infilling existing parcels are allotment shape, location of built form on the site, the need to use existing right of ways which are not sufficiently designed or at a threshold to become a road. These are all added costs and issues that infill faces compared to a “greenfield” site.

- 5.9 Supply can be increased should the infrastructure issues be resolved and more land for development becomes available. PC34 provides a solution to the waste water capacity, which although an option for any land holder, is not overly viable for the size of land parcel sites that exist. PC34 area is sufficient enough that establishing a solution to the wastewater issue can be undertaken. The PC34 area will provide for these factors that would enable development in a comprehensive and integrated, manner rather than adhoc nature that will reduce the issues and costs many infill developments face. Also, where infill subdivision may be limited in its ability to provide choice or varying section sizes in a well designed manner, the plan change will provide an ability and encourage different types of section sizes designed in an integrated manner, which can lead to increase in housing choice.
- 5.10 The PC34 area will provide for the projected growth in a more comprehensive and integrated fashion, rather than relying solely on infill development. That is not to say infill is inappropriate but it should occur alongside some “greenfield” development. This will provide more certainty in land supply and more opportunity and choice in developments to ensure Southbridge’s growth needs are provided for.

INFRASTRUCTURE SERVICING

- 5.11 Three submitters (Allen **S01**, Wellby **S04** and Colliers **S05**) oppose PC34 on the grounds that the proposed development can not be serviced by waste water or potable water. These three submitters as well as the NZFS (**S02**) also raise concern in relation to the fire fighting capability of the water supply.

Wastewater

- 5.12 While the capacity of the existing infrastructure is not yet fully utilised but it is full allocated to a point it is over allocated. The existing pump station was designed to service 350 connections. Prior to Southbridge becoming reticulated for waste water the township was serviced by individual septic tanks. The extent of the zoned land was the same as it is today but at the time the reticulation was introduced it was decided to only cater for 350 connections, thus limiting growth potential for the existing zoned land. As of the 28 January 2015 there were 321 actual connections to the network (full connections utilising the service), and 72 rated connections (half connections that are not presently in service / being utilised). Including the school connection there are 394 actual or potential connections the system is over allocated by 43 connections or approximately 11%. However this existing over allocation can be satisfactorily accommodated by the existing pump station. With regard to PC34 the existing infrastructure, as it stands, could accommodate increased flows from PC34 however this would compromise design standards and create a higher level of environmental and financial risk to Council. The Opus reports (attached to Mr England’s evidence at **Attachment C**) provide a number of options for remedying the capacity issue. These range in size, scale and cost with the duplicate flush pump option being the lowest in cost and most appropriate to the scale of the plan change in that it would provide sufficient capacity for the plan change site. This is a feasible option and one that has been endorsed by the Southbridge Township Advisory committee. Mr England states in his evidence (**Attachment C**) that a small increase to enable servicing of PC34 could be achieved by duplicating the higher

⁴ Attachment C, Infrastructure **Assessment**.

capacity flush pump, but this would leave the Southbridge wastewater system with no capacity to accommodate future growth beyond existing connections and that provided by PC34. Although the possible servicing solutions for PC34 leave little capacity for the existing zoned land this is the current situation with the existing system. As discussed in the growth section above development is restricted presently by infrastructure capacity. There are few if any sites in Southbridge that would be of a size to subdivide while economically resolving the infrastructure capacity issues. The PC34 application has provided solutions and has the potential yield to make this feasible. Council has the capability of establishing a development contribution to provide for infill development, however this would pose a potentially significant risk as it would be relying solely on small, adhoc infill development to recoup the its investment. A “greenfield” development of a reasonable size, such as PC34, provides more certainty that an investment can be paid for. As mentioned also in growth section above “greenfield” development has a number of positive benefits above infill development. Ultimately it was Councils decision to cap the capacity of Southbridge waste water to 350 sections and ultimately it will be their decision again to expand Southbridge or solely rely on infill to provide for growth. In my opinion the costs and uncertainty of solely relying on infill would not appropriately or sufficiently provide for Southbridge’s growth, particularly given the necessary infrastructure costs.

- 5.13 Strategically, a larger capacity increase would be preferable, requiring a new pump station and rising main, or possibly a two stage pumping along the existing rising main. To provide for growth beyond the PC34 site it would be desirable to have a larger capacity increase, requiring a new pump station and rising main, or possibly a two stage pumping along the existing rising main. However this is decision for Council to consider, as PC34 has outlined measures to service the plan change area. Should Council wish to establish development contributions to provide for additional growth and infill beyond the PC34 site then there would be opportunity while the existing system is taken up to set and collect development contributions from new lots to pay for any future upgrades. This will be a consideration for Council as to whether they wish to take this route or limit Southbridge growth to the capacity to that of the proposed upgrade.
- 5.14 Some submitters did also highlight an issue with the Ellesmere Waste Water Treatment Plant (EWWTP). This is also mentioned in the OPUS servicing reports. How ever as outlined in Mr England’s evidence (**Attachment C**) although the original design capacity of the treatment plant has been exceeded, Council has mitigated this by installing a new pivot to increase the irrigated area and therefore capacity. This aspect (EWWTP) of the waste water infrastructure is no longer an issue in relation to servicing PC34. Council will be setting out a program of upgrade works required to meet future growth.

Potable Water supply

- 5.15 As outlined in the Opus infrastructure report (attached to Mr England’s evidence at **Attachment C**) the existing water supply can currently meet the existing consumer demand but could only accommodate growth through effective demand management measures being introduced an maintained. Capacity is constrained by the size of the bore pumps and the consented flow rate and daily volume. Council needs to consider a longer term supply for strategy for the township overall but there are options to adequately service the plan change area these are:

- Demand Management
 - Reducing peak day volume and peak hour flow demands
- Pump Upgrade and demand management
 - Upsize pump(s) to increase to consented limit.
 - Demand management round peak day volumes

- Pump Upgrade and Consent Change
 - New consent for great peak hour and peak day flow volume from the existing bores
 - Upsize existing pump
- New Source
 - New bore

- 5.16 The development can be serviced with water at present using one of the above options. Mr England outlines that a pump upgrade, possibly with associated resource consent changes, may be sufficient to provide additional capacity to service PC34. Construction of a new water source to provide the required capacity increase offers a better long term solution. It is likely any upgrade requirements for Southbridge will revolve around a new source (new bore / well), which will ensure a suitable supply to the PC34 site. Council is presently investigating the possibility of requiring a Development Contribution for this work.
- 5.17 Overall the capacity is sufficient at present time, if a demand management regime is put in place, including 21 half connections, (not yet used). Any future development of the PC34 site will not happen immediately as is anticipated to be a growth area for the next 15-20 years. There is no immediate risk, should PC34 be approved, to the capacity of the water system and as mentioned above Council is in the early stages to upgrade the water supply, which will address both any future supply risks and fire fighting capacity (discussed below).
- 5.18 It is recommended that to ensure clarity on the servicing capacity issues and resolutions that the some text is added to the proposed ODP to indicate that upgrades to the waste water pump station and the water supply system will be required to service the PC34 area. I suggest adding a separate text page to the ODP in a similar way to the ODPs developed for Rolleston and Lincoln. This text would form part of the ODP and so any future subdivision would have to be in general accordance with this text as well as the ODP plan.
- 5.19 The text is outlined below and outlined fully in **Attachment J**:

BLUE NETWORK

Development within the Outline Development Plan Area will require upgrades to the waste water and water supply infrastructure to ensure the ODP area can be appropriately serviced. Any subdivision of land within the ODP at Appendix E43, High Street Southbridge shall indicate how the subdivision will be serviced and will provide for the required upgrades.

- 5.20 There are no clear benefits in my mind for not providing the above text. The cost of not providing the above text is lack of certainty and clarity around what is required to enable the land to be developed and who should provide for the upgrades. The application has outlined how the PC34 site can be serviced and the costs of this will fall to future developer either through paying the capital cost upfront or through development contributions collected by Council (provided these have been established in the Long Term Plan).

Stormwater

- 5.21 There is no formal stormwater system in the vicinity of the PC34 site. It is anticipated that stormwater will discharge to the natural water way known as 'Trent Burn', which ultimately discharges to the coast between the Rakaia Huts and the outlet to Te Waihora

Lake Ellesmere. There shall be no discharge to the stockwater race that flows on the eastern boundary of the site. An Environment Canterbury discharge permit will be required for at the time a final subdivision plan is developed and applied for.

Fire Fighting

- 5.22 Fire fighting capacity is an important requirement to consider, but whether its is appropriate to control levels of service as a rule in the District Plan is another matter, which is what is requested in the NZFSC submissions. Mr England's evidence outlines that although the existing water supply does not comply with the NZ Fire Fighting Code of Practice in most areas, all new subdivisions are required to be designed and constructed in accordance with Selwyn District Councils 'Engineering Code of Practice. This requires that:

The water supply reticulation should comply with the Fire services Code of Practice. In Particular, the reticulation must meet the requirements for the fire fighting flows, residual fire pressure and the spacing of hydrants

- 5.23 The provision of water for fire fighting is also already a matter of discretion in the District Plan (rule 12.1.4.3). Any future subdivision of the PC34 site, as a residential zoning, would be subject to this matter of discretion. Council also has a policy W211 requiring any capital works be designed to meet SNZ PAS 4509, which is what the NZFSC (s03) seeks. Again any future subdivision of the PC34 site would be subject to this policy at the detailed design and engineering approval stage. I consider that the consideration to fire fighting ability of a future subdivision is already sufficiently managed through the subdivision and engineering design processes. On this basis I do not consider it necessary to require additional controls to be applied to the PC34 site when the plan already requires consideration of the issue and Council already has a separate, non-RMA, policy on the matter.

Cost to ratepayer

- 5.24 A number of submissions raised concern of having to pay on-going costs for upgrading and maintaining the waste water system. The construction and development costs will likely be covered by any future developer or by Council through development contributions on new titles accessing the waste water network. There will be on-going maintenance costs, which is a reality of any growth expansion, whether it be because of additional infrastructure (i.e. upgrades) or increased use of an existing system. In Selwyn these costs are captured through a standard unit rating charge based off the capital value. The amount of rates paid in the Selwyn District only change if the capital value of a property changes. As such the rates of existing Southbridge residents will not change as a result of the PC34 application, if approved. An increase in housing numbers and the rating base will merely increase the pool from which services (e.g. library, pool) are funded.

LOCATION AND CHARACTER

- 5.25 The following provides a general assessment of the location and character of the proposal in order to satisfy the Council's general duties under the RMA when considering a request for rezoning.

Location

- 5.26 It is my opinion that the site is a logical location that is best able to accommodate a new residential growth area for the township when assessed against the strategic growth outcomes prescribed in the District Plan. The property is located approximately 260m from the centre of Southbridge and the service and amenities provided in the Business 1 zone. This ensures future residents are in proximity to the key community facilities and services established in Southbridge town centre.

- 5.27 The site has wide frontage onto High Street, which is the main street of the township and is the primary access to the future population base, to services and in and out of Southbridge. Having direct access on to High Street will avoid the need to use any existing “minor” roads in the township as would be the case if a development was established off the High Street. The location is also logical in terms of township form as it is “squaring” off the town to the west rather than elongating it or developing the town further east.
- 5.28 The site is also well defined by existing roads and a walkway which provide a clear demarcation of the township boundary and provide buffers to the rural zone. There are few remaining parcels of land on the edge of the township that have the advantage of PC34 site location.
- 5.29 As can be seen in **Attachment I** the PC34 site is located on an area of high class soil or versatile soils, which are supportive of a wide range of productive land uses and are particularly known as being ideal cropping and pasture activities. Different types of soils are given a Land Use Capability Class (LUC) to determine its capacity for long term sustained production⁵. The LUC class ranks 1 as the highest, most versatile and suitable for arable cropping, horticulture, pastoral grazing, tree crop or production forestry use to class 8, which is the least versatile and unsuitable for grazing or production forestry⁶. The PC 34 site is classed as entirely as LUC 2, so is highly versatile.
- 5.30 It is generally accepted that the development of versatile soils should ideally be avoided. However the approximately 6ha of PC34 is only a fraction of the versatile soil land available around Southbridge and the Canterbury Plains overall. As can be seen in **Attachment I** Southbridge is completely surrounded by high class versatile soils. This mostly consists of LUC 2 but there is some with some LUC 1 to the east and LUC 3 to the north. As such any growth of Southbridge cannot avoid development on a high LUC soil. In fact residential growth around all the townships in the region, including Leeston, Doyleston and Rakai Huts, could not avoid development on high LUC soil. As such there is little alternative in providing for growth in the Ellesmere region, while at the same time avoiding high class soils. Policy B1.1.18 of the District Plan seeks to avoid development on versatile soils where the land is more appropriate for other activities or there are other appropriate sites for residential development that are not on versatile soils. Firstly there are no other sites around Southbridge that are not a high class of LUC soil. In the immediate vicinity of Southbridge the PC34 site is more appropriate than others to the east, where there are LUC 1 soils. Whether or not the land is more appropriate for another activities is subjective. It should be noted that the productive capacity of this site is no greater than other sites around Southbridge and so is not unique. The existing productive utilisation of the site is also very low, with approximately one farmer maintaining cropping and minor grazing activities from time to time through out the year⁷.
- 5.31 Overall the location of the site is appropriate in terms of access and distance to amenities and key transport routes. Although the development of the PC34 site will be over high class soils this has little impact on the availability of versatile soils for agricultural use in the Southbridge area and the Selwyn District as a whole and there is no better alternative for Southbridge growth. The site is also located adjacent to an industrial activity, which could give rise to reverse sensitivity effects. However the effects of this, along with appropriate mitigation measures, have been discussed further on in this report and deemed acceptable. Although other sites may also be appropriate around Southbridge it is my opinion, with the recommended changes (**Attachment J**) to the PC34 methods, that the PC34 site provides the best location to provide the future growth of Southbridge.

Character

⁵ Land Use Capability Survey hand book, pg. 8 para. 1

⁶ Land Use Capability Survey hand book, pg. 9, Last paragraph.

⁷ PC34 application, pg. 30, para. 3

- 5.32 The need to protect character and amenity of the site and the Southbridge generally was raised in a number of submissions. The Southbridge Advisory Committee (**S03**), although not opposed to the PC34, did highlight a concern regarding the use of relocates and the impact on the townships character. Mr Collie (**S05**) considered the proposal did not fit with, and would drastically alter, the character of the town. Mr Collie considers rural character is defining characteristic of town and the loss of the plan change site will have an adverse effect. Mr and Mrs Reuel (**S07**) also had concerns regarding the loss of character, specifically with regard to the loss of rural outlook from their property.
- 5.33 Southbridge is characteristic of a number of rural service towns where close proximity to the rural environment, a relatively small population base and lower housing densities than what are provided in larger centres all contribute to a discrete rural village character. Southbridge in an area that once was considered to be one of the largest wheat growing areas in New Zealand's 1820's. Subsequently a railway line was built, which provided vital transport provisions between Christchurch and Southbridge until the 1960's. Although little remains of this railway era, Southbridge retained its character as a rural service town with shops and community services and a defined town centre⁸.
- 5.34 The nature of a plan change, particular when rezoning rural land to will always lead to a dramatic change from what presently exists (i.e. open field to residential development). There is no real point in trying to compare the two as the character of each is too far apart. However rural characteristics, such as open space, low traffic volumes can retain the connection to rural the environment. The development can be designed in a way that ensures it retains the townships overall character and is integrated with the existing township. As outlined in Ms Wolfer's evidence (**Attachment E**) with the site being located at the edge of the Southbridge Township, the proposal is challenged by achieving a good integration with the rest of the township and the adjacent Living 1 residential area in particular. While having its own identity, the proposed layout needs to embrace the local character.
- 5.35 Ms Wolfer has provided evidence within an Urban Design context to look at the proposal and how it does or can better integrate with existing town and its character. Ms Wolfer's evidence looks at character and context as well as reverse sensitivity, which is discussed in more detail further on in this report. One aspect of the town's character not controlled through the PC34 provisions as notified is the open frontage of the sections in Southbridge. The sections have established historically with open front yards particularly in the vicinity of the subject site. Ms Wolfer finds the development and the site to be acceptable but has recommended, to ensure a future development is in keeping with character of Southbridge that "fencing needs to be of an open style nature, with the ability to establish attractive front yards with appropriate plantings and landscaping. Houses need to be of a stand-alone typology on larger sized sections"⁹
- 5.36 With regard to Ms Wolfer's comment above the proposal is to have same density and building controls as rest of Southbridge, which will further retain the character of the area. Housing types are not controlled in the District Plan, other than their height, bulk and location. Relocates (discussed further on in this report) are also controlled. It is not intended to control housing types any further than the existing framework and housing types will be left to individual land owners and private land covenants.
- 5.37 Fencing however is something that could be controlled further and already is for parts of the District. Ms Wolfer considers that in order for the PC34 development to be in keeping with the existing character of the site's surrounds, fencing needs to be of an open style nature with the ability to establish attractive front yards with appropriate plantings and landscaping. The rural inspired township of Southbridge and the existing urban form in the immediate vicinity lend itself to adopt a type of fencing that has been applied to other areas of similar character within the Selwyn District. Ms Wolfer's evidence outlines the benefits of fencing controls, which I accept.

⁸ Attachment E, Urban Design and Context evidence, Pg. 4

⁹ Attachment E, Urban design and Context, Pg 3

5.38 In order to better ensure the development is integrated with the existing town and its existing character it is recommended that the development be subject to fencing controls along road boundaries (internal and external) and reserve boundaries. It is my recommendation that fencing would be best controlled through the building rules of the District Plan, specifically rules 4.13 and 4.17¹⁰.

5.39 There are two ways in which the plan change area could be incorporated into the fencing rules, these are:

1. Reference the plan change area in the rule; or
2. Zone the Plan change area Living Z rather than Living 1.

5.40 The application is to rezone the site Living 1 and PC34 was notified on this basis. However Ms Wolfer in her assessment on the design and character PC34 and recommendations around fencing has also recommended that the site is rezoned Living Z. When consideration is giving to a Living Z zone, this appears to be the more logical approach to this issue and the Plan Change overall. The District Plan distinguishes between Living 1 and Living Z zones and it becomes apparent that a rezoning to Living Z instead of Living 1 is appropriate, with regard to its description. The District Plan describes the different zones as follows:

Living Z areas are:

- urban growth areas;
- within or adjacent to the edge of existing townships;
- subject to an ODP to ensure good standards of Urban Design...”,

5.41 Whereas Living 1 zones are:

“areas that are managed to maintain environments that are most pleasant to reside in.”

5.42 Overall the Living 1 zones are about existing zonings and maintaining existing urban environments while Living Z zones relate to new “greenfield” developments, which are more integrated and comprehensively developed areas. At the time the Plan Change was drafted and lodged the Living Z zone was relatively new and was associated solely with new development in the UDS area, however this was merely a result of the fact that this was the concentration area of new growth. There is no reason why Living Z should not be applied elsewhere. The methods of a Living Z zone would achieve the same intent as a Living 1 zone and in its description be more consistent with PC34. However there are some objectives and policies that apply to the development of a Living Z zone (particularly the ODP) and the required minimum house hold to hectare densities of a Living Z zone that PC34 would and potentially could not (with regard to densities) be consistent with. In this regard I would question whether there was scope to recommend a zoning change. I would feel comfortable with regard to the consistency of the methods between each zone but when the objectives and policies are considered in detail I feel that they do not quite align. As such Council should have either requested changes prior to accepting PC34 for processing or submitted on PC34. In any event I do not see this as a significant issue. Although Living Z zone may be a better fit in terms of its intent, it is my position that the Living 1 zone is still appropriate and with the recommend changes provide for an appropriate development. Should PC34 be approved then Council will have an opportunity to consider a more appropriate zoning during the District Plan Review stage when all zones and the necessity of so zones can be considered as a whole.

¹⁰ Selwyn District Plan, Section C Buildings, pages C4-029 and C4 – 025 respectively

5.43 Table 1¹¹ below provides a cost benefit evaluation of the recommendation on providing fencing controls within the notified PC34 framework against other options.

Table 1

<u>Option</u>	<u>Benefit</u>	<u>Costs</u>
<u>Option 1 – as notified</u> (no fencing restrictions)	<ul style="list-style-type: none"> • <u>Less regulation</u> • <u>Alternative fencing options possible</u> 	<ul style="list-style-type: none"> • <u>Adverse effect on existing township character</u> • <u>Potential increase in maintenance (e.g. removing graffiti)</u> • <u>Higher establishment costs if taller than 1m fence gets built</u> • <u>Less informal passive surveillance possible, decreasing perceived safety of public (street & reserve) environment</u> • <u>Less integration with existing community and established neighbourhood character</u>
<u>Option 2 – PC34</u> <u>subject to fence rules, but do not change</u>	<ul style="list-style-type: none"> • <u>More certainty in the outcome</u> • <u>Increased</u> 	<ul style="list-style-type: none"> • <u>More regulation</u> • <u>Less options for fence design outside the</u>

¹¹ Further evaluation of a recommended change in accordance with 32AA (Requirements for undertaking and publishing further evaluations) of the RMA 1991. It is my opinion that that this evaluation is of a level of detail that corresponds to the scale and significance of the changes and in conjunction with the above discussion is in accordance with section 32(1) to (4) of the RMA 1991.

<u>zone</u>	<p><u>streetscene</u> <u>appeal</u> <u>that</u> <u>encourages</u> <u>walking</u></p> <ul style="list-style-type: none"> • <u>Better fit with</u> <u>existing character</u> • <u>Potentially less</u> <u>maintenance (e.g.</u> <u>removing graffiti)</u> • <u>Less</u> <u>establishment</u> <u>cost of a lower</u> <u>fence</u> • <u>Increased</u> <u>informal passive</u> <u>surveillance and</u> <u>increased</u> <u>perceived safety</u> <u>of public spaces</u> <u>including streets</u> <u>and reserve</u> • <u>Better integration</u> <u>with existing</u> <u>community and</u> <u>established</u> <u>landscaping/fenci</u> <u>ng theme</u> • <u>Less change of</u> <u>PC34 from that</u> <u>notified</u> 	<u>prescribed parameters</u>
<u>Option 3 – fence</u> <u>rules applicable, but</u> <u>change zone to Living</u> <u>Z</u>	<ul style="list-style-type: none"> • <u>More certainty in</u> <u>the outcome</u> • <u>Increased street</u> <u>scene appeal that</u> <u>encourages</u> 	<ul style="list-style-type: none"> • <u>More regulation</u> • <u>Less options for fence</u> <u>design outside the</u> <u>prescribed parameters</u> • <u>A change from the</u>

	<p><u>walking</u></p> <ul style="list-style-type: none"> • <u>Better fit with existing character</u> • <u>Potentially less maintenance (e.g. removing graffiti)</u> • <u>Less establishment cost of a lower fence</u> • <u>Increased informal passive surveillance and increased perceived safety of public spaces including streets and reserve</u> • <u>Better integration with existing community and established landscaping/fencing theme</u> • <u>Less change of PC34 from that notified</u> • <u>Less change to existing rules</u> • <u>PC34 is more consistent with Living Z zone description</u> 	<p><u>notified PC34 provisions</u></p>
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- 5.44 The benefits of providing a fencing controls outweigh not controlling them, in my opinion. The benefits can be seen in most new subdivision developing around Selwyn at the present time. As discussed a change to Living Z would be more consistent with the District Plan framework, its zone description and would be provide for easier administration as less change to the methods of the District Plan. However as discussed this would create questions of scope and consistency with some objectives and policies. In considering uncertainty over the actual benefits of rezoning to Living Z and whether or not there is a scope issue I consider that Option 2 above is the most appropriate way forward on balance.
- 5.45 In response to Mr Collie's submission and the evidence of Ms Wolfer and the above evaluation I recommend that the following amendments be made in line with Option 2 of table 1 above:
- 1) **Amend rules 4.13 and 4.17 to reference the PC34 ODP area.** The recommended amendments re provided in more detail in Attachment J

Other potential Character effect issues

- 5.46 Other issues raised in submissions that could be regarded as a character issue relate to:
- Relocates s03 – Point D3.11
 - Rural Outlook s07 – point D7.1 – D7.3
- 5.47 Although supportive of the Plan Change the Southbridge Advisory Committee (**S03**) sought a change to restrict relocated homes from establishing. This issue has been raised previously and it is Councils position that allowing relocates is appropriate subject to some specific control. Relocates are already a controlled activity under the District Plan to manage appearance and standard. They are also subject to the building code to ensure they are up to standard for habitation. With these controls in place I do not consider it necessary nor appropriate to add any further control or restriction to the use of relocates. Should a future developer want to control these developments beyond the extent of the District Plan then they could do so through a land covenant on the titles, however these will not be enforced by Council.
- 5.48 The submission from J and L Summers (**S07**) seeks protection of their rural outlook, additional landscaping and the retention of some existing trees. The nature of the plan change will result in a character change from rural paddock to residential development. The submitter recommends a shelter belt be established along the southern boundary of the PC34 site. A shelter belt is not the most compatible with a residential development. It is recommend by Council above that fence heights are limited in height along road boundaries. This would apply to front, rear or side boundaries, depending on the sites orientation. This would not preclude the establishment of a shelter belt of vegetation planting of some sort along the southern boundary of the PC34 site as Mr Summers seeks. A macrocarpa shelter belt maybe associated with rural environments however this in its self would not retain a rural outlook, as it would merely screen any views towards the PC34 site. If the plantings where another species, then this would further remove any association with a rural environment. The overall assessment of PC3 is that is acceptable and an appropriate way to better achieve the District Plan objectives than the existing zone. In light of this I do not consider that requiring planting along the southern boundary of the PC34 site is necessary to mitigate the adverse effects of the Plan Change.

TRAFFIC ASSESSMENT

- 5.49 No submission on traffic specific issues was received. Mr Andrew Mazey was accepting of the applicant's traffic assessment and did not raise any fundamental or significant concerns with potential traffic issue or the location of the PC34 ODP. Mr Mazey did provide some comments for consideration but these are more applicable at a detailed design stage. These points are outlined in in **Attachment F**
- 5.50 Overall the network is appropriately designed to handle the anticipated traffic volumes. The applicant's traffic assessment estimates 9 vehicle movements from a residential property. On this basis the assessment anticipates an increase in the peak hour traffic movement to the roading network of 85 vehicles. This is well within the capacity of the road network, as designed.
- 5.51 From an amenity point of view the network is designed to move traffic, with High Street designed to cater for the higher volumes as the main route in and out of Southbridge. High street moves over 3-4 times more traffic than other roads in Southbridge. Aside from the future roads to be developed within the PC34 site future traffic movements will only utilise a small portion of Brook Street within the existing network to access High Street. No other local roads will need to be utilised. As High Street carries the highest volume of traffic the increase in volume from the PC34 site will not be overly noticeable, particularly as it will develop over a period of time rather than occur immediately. The vast majority of movements generated from the PC34 site will also be of a residential nature, and so in keeping with the majority of traffic movements in Southbridge. Given the above I believe the impacts on amenity from increased traffic movements is not significant.

ENVIRONMENTAL HEALTH

- 5.52 Three submitters (SAC **S03**, Wellby **S04** and McMillan Drilling Ltd **S06**) raised an issue with the potential reverse sensitivity impacts of PC34 to the McMillan Drilling site. Each submitter supported the need for a reverse sensitivity buffer and mitigation, should PC34 be granted.
- 5.53 Mr Malthus was engaged to review the application prior to lodgement and to provide evidence in response to submitters concerns. Mr Malthus's evidence covers off a number of aspects in relation to environmental health that were highlighted through the further information request stage and considered by the applicant in their response. The issues relating to effects generated from the PC34 site include:
- Noise
 - Light spill
 - Hazardous substance storage
 - Land contamination
- 5.54 Mr Malthus did not consider there to be any adverse effects in regard to the above and in any event these were appropriately controlled through the existing Living 1 rules or National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (discussed further on in this report).
- 5.55 The other aspect Mr Malthus considered, which is an issue raised in submissions, was that of reverse sensitivity with activities adjoining the PC34 site. The main aspects from adjoining sites that may create reverse sensitivity effects were:
- Noise
 - Light Spill
 - Hazardous substances

- 5.56 Reverse sensitivity, particular to the McMillan Drilling site to the north western sector of PC34, is one of the main issues facing PC34. Of the three aspects above noise from the McMillan Drilling site was the most likely to give rise to reverse sensitivity effects on a regular basis. Light spill was not considered to be a significant issues given the buffers to the rural zone and the proposed noise mitigation along the common boundary with the McMillan Drilling site. With regard to hazardous substances on adjoining sites Mr Malthus noted the location of the existing fuel storage tanks but he did not consider these to present any risk given their separation to potential dwelling locations in the PC34 site. Any future installations would be subject to Hazardous Substances and New Organisms Act (HSNO) and also hazardous substance storage requirements of the Selwyn District Plan. Another issue identified by Mr Malthus was the location and storage of explosives 20m from the PC34 site boundary. Mr Malthus did not have the expertise to discuss the effects of this in detail but was advised by Mr Lyell McMillan, the owner of the McMillan Drilling, that it stored gelignite for drilling purposes. Mr Malthus advised that this was potential reverse sensitivity issue that should be addressed.
- 5.57 Given the above there are two Environmental Health issues that require further consideration being noise impacts and hazardous substance storage on the McMillan Drilling site, specifically the storage of explosives. Both of these potentially give rise to reverse sensitivity effects. I discuss each below.

Noise

- 5.58 McMillan Drilling Ltd has been established on the site since 1975. The McMillan site is a mixed zoned site with the offices, water testing laboratory and manufacturing and maintenance workshops at the north end of the site in the Business 2 zone. These areas are about 120 m from the PC34 boundary - or about 140 m from the closest dwellings in the PC34 area when the proposed noise buffer is included. The south end of the site, adjoining the PC34 site, is zoned Rural Outer Plains. This part of the site is used for equipment and materials storage and handling. Most of the area along the common PC34 boundary is used for pipe storage, which involves off- and on-loading trucks and movement of pipes on and off their storage cradles using a large diesel-powered forklift. The entire site is fully utilised for all aspects of its drilling business and includes the manufacture and maintenance of drilling rigs, the overnight storage of machinery and trucks, and the delivery, storage and despatch of well pipes and other components. The general operating hours are 7 am to 6 pm, but outside those times trucks can return to the site and some loading of containers and trucks with machinery and well pipes also occurs if necessary to meet shipping schedules.
- 5.59 Mr Malthus does not dispute Mr John Cawley's evidence (applicant's acoustic engineer) in principle, with regard overall ability to mitigate noise effects from the McMillan site. However he did raise a few points where his opinion differs slightly with regard to the height of the recommended acoustic bund/fencing and the suggestion that the upper limits of acceptability recommended by NZS 6802:1991 would be acceptable. Mr Malthus has undertaken noise measurements during a site visit he witness four large pipes being moved by forklift to a truck. He was also advised by the McMillan's that activity in this area is often sustained for an hour or more depending on demands of contracts, for example when a number of trucks being serviced or a container is being packed. This occurs on a number of occasions at any time of the day, on any day and occasionally at weekends and during the evening.
- 5.60 Should PC34 be approved then the following noise control standards would apply at the common boundary with PC34:

Hours	Noise Limit
7.30am – 8.00pm	55 dBA L ₁₀ 85 dBA L _{max}

8.01pm – 7.29am	40 dBA L ₁₀ 70 dBA L _{max}
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- 5.61 In his evidence Mr Malthus outlines that without any mitigation the McMillan Drilling operation would need to be reduced by 18 dBA L₁₀ during daytime and 33 dBA L₁₀ at other times. PC34 would then pose a significant reverse sensitivity issue for the McMillan Drilling operation. However Mr Malthus is confident that the proposed reverse sensitivity buffer in conjunction with acoustic bonding/fencing, and appropriate building construction standards would achieve reasonable levels of amenity and sleep protection for future residents. However Mr Malthus considers that any acoustic bunding and or fencing should be to a height of 3m rather than the 2.0m to 2.5m suggested in Mr Cawley's evidence to be appropriately effective.
- 5.62 Mr Cawley has also suggested that the upper limits of acceptability recommended by NZS 6802:1991 would be acceptable as a level of measurement. However these are less stringent than the District Plan requirements outlined above. To provide any certainty around this Mr Malthus considers that more detailed assessment of the McMillan drilling operation and ambient noise of this quite rural area it would be required.
- 5.63 On the basis of his assessment of PC34, the surrounding activities Mr Malthus has recommended provisions to address reverse sensitivity effects in relation to noise and ensure noise mitigation measures beyond just an acoustic bund or fence. These are outlined in Attachment J but in brief include:
- A new rule requiring a bund and/or fence to 3m in height
 - An assessment matter to provide for broader consideration of acoustic mitigation if required.
- 5.64 I believe these are appropriate and will ensure that potential adverse reverse sensitivity effects will be mitigated and will address submitters concerns.
- 5.65 Table 2 below provides a cost benefit evaluation of the recommended option against other options.

Table 2

<u>Option</u>	<u>Benefit</u>	<u>Costs</u>
<u>Option 1 – No Reverse sensitivity mitigation</u>	<ul style="list-style-type: none"> • <u>Less restriction future residential development</u> 	<ul style="list-style-type: none"> • <u>Reverse sensitivity effects Potential inability for existing McMillan activity to operate efficiently</u>

		<ul style="list-style-type: none"> • <u>Potential loss of jobs if operation cannot continue</u> • <u>Adverse impacts on future residents from noise etc</u>
<u>Option 2 - Leave rule package as notified</u>	<ul style="list-style-type: none"> • <u>Consideration of reverse sensitivity effects</u> • <u>More protection for existing McMillan operation</u> • <u>Protection for future residents from noise</u> 	<ul style="list-style-type: none"> • <u>Uncertainty as to what extent or how reverse sensitivity needs to be considered and/ or mitigated</u> • <u>Restriction on future residential development</u> • <u>Potential loss of residential development yield</u>
<u>Option 3 – Include new rule and assessment requiring specific mitigation and consideration for Reverse Sensitivity effects</u>	<ul style="list-style-type: none"> • <u>More certainty of mitigation measures and effectiveness</u> • <u>More detailed and specific consideration of reverse sensitivity effects at subdivision stage</u> • <u>More protection and certainty for existing McMillan operation</u> • <u>Greater certainty and protection for future residents from noise</u> 	<ul style="list-style-type: none"> • <u>Restriction on future residential development</u> • <u>Potential loss of residential development yield</u>

5.66 In response to the submission from the Southbridge Advisory Committee (**s03**) Mr and Mrs Wellby (**s04**) and McMillan Drilling (**s06**) and the evidence of Mr Malthus I recommend that the following amendments be made in line with option 3 of table 2 above (outlined in **Appendix J**):

- 1) Include a new rule 12.1.3.44 to require acoustic mitigation at the time of subdivision
- 2) Add new assessment matter, rule 12.1.4.80 to enable for noise mitigation measures.

5.67 Rule 12.1.3.44 provides certainty for McMillan Drilling as to what, as a minimum, will be established to mitigate adverse reverse sensitivity effects. Any breach of this rule would require a discretionary resource consent, as shown in the recommended provisions in **Attachment J**. The discretion matter 12.1.4.80 provides for broader consideration of the mitigation measures including dwelling design and location. This will ensure that a full range of mitigation measures to minimise reverse sensitivity effects to an appropriate level are considered.

Hazardous substance storage

5.68 On his site visit to McMillan Drilling operation Mr Malthus identified an explosive magazine, which he was advised contained gelignite. The location of this magazine was 20m from the PC34 boundary and approximately 40m from where the closest dwelling would establish on the PC34 when the reverse sensitivity buffer was considered. An approximate location map is provided in **Appendix K**. Mr Malthus advises that he is not qualified to comment on what separation distances would be required to residential activities under HSNO requirements and there for did not know how this may impact the McMillan Drilling operation with respect to reverse sensitivity effects. However on further investigation Mr Malthas located a copy of the HSNO certification for the gelignite storage. This approved up to 50kg storage of gelignite but also requires a 42m separation, or control area, where there was low traffic volume and up to 200 people in a 24 hour. The certificate is provided in **Attachment K**. The required separation distance could quite easily be achieved, particularly with the reverse sensitivity buffer requirement. However the 42m controlled zone should be clear of any members of the public. . Appendix K includes an email from Mr Malthus confirming the need to secure this area. Should PC34 result in increased public movement within this controlled zone then it may bring into question the appropriateness of the storage location on the McMillan Drilling site. This could impact their operation and result in an adverse reverse sensitivity issue. To ensure this is maintained the north western portion of the reverse sensitivity will need to be keep secure to avoid public entry. This could be achieved through a number of mechanisms from fencing to a boundary adjustment with the McMillan Drilling site. It is also noted that there will also be the added benefit of an acoustic mound that would provide further protection from any blast, the probability of which is low. It is my recommendation that how protection of this controlled area could be achieved is best left to consideration at the subdivision stage when consideration can be given in line with a final subdivision design.

5.69 Table 3 below provides a cost benefit evaluation of the recommended option against other options.

Table 3

<u>Option</u>	<u>Benefit</u>	<u>Costs</u>
	<ul style="list-style-type: none"> • <u>Less potential restriction future</u> 	

<u>Option 1 – no change</u>	<u>residential development</u>	<ul style="list-style-type: none"> • <u>Reverse sensitivity effects. Potential inability for existing McMillan activity to operate efficiently</u> • <u>Potential risk to on future residents</u>
<u>Option 2 – require a rule to include a mechanism for control</u>	<ul style="list-style-type: none"> • <u>More certainty of mitigation measures and effectiveness of a specified mechanism</u> • <u>More protection and certainty for existing McMillan operation</u> • <u>Greater certainty and protection for future residents</u> • <u>More certainty as to what is required from applicant</u> 	<ul style="list-style-type: none"> • <u>Potential restriction on future residential development</u> • <u>Potential loss of residential development yield</u> • <u>Does not provide flexibility or different mechanisms to control area will be outlined.</u>
<u>Option 3 – Include new assessment matter</u>	<ul style="list-style-type: none"> • <u>Provides certainty, not as much as a rule in option 2, that mitigation measures will be put in place</u> • <u>More detailed consideration of reverse sensitivity effects at subdivision stage</u> • <u>More protection and certainty for existing McMillan operation</u> • <u>protection for future</u> 	<ul style="list-style-type: none"> • <u>Potential Restriction on future residential development</u> • <u>Potential loss of residential development yield</u> • <u>Less certainty for McMillan drilling operation than option 2 as no specific mechanism will be outlined.</u>

	<u>residents</u> <ul style="list-style-type: none"> • <u>provides flexibility in what mitigation will be appropriate and effective once a subdivision design is known.</u> 	
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It is my opinion that Option 3 is most appropriate as it provides flexibility in considering a number of mechanisms to control the public entry in to the controlled zone. Once a final subdivision plan is developed an applicant will be better placed to consider and determine, if necessary, an appropriate mechanism. A rule would provide more certainty but to be able to do so would have to outline specifically what is required. This would remove any flexibility in considering other mechanism that may be more appropriate.

5.70 In response to the submission from the Southbridge Advisory Committee (**s03**) Mr and Mrs Wellby (**s04**) and McMillan Drilling (**s06**) and the evidence of Mr Malthus I recommend that the following amendments be made in line with Option 3 of Table 3 above (outlined in **Appendix J**):

- 1) Add new assessment matter, rule 12.1.4.81 to enable consideration on how best to retain the effectiveness of the controlled zone from the McMillan site.

Other comments on reverse sensitivity buffer

5.71 The submission from the Southbridge Advisory Committee (**S03**) suggests that the reverse sensitivity buffer could be reserve and provide a connection through to Bellfield/Robinson Street. If appropriate and achievable then this would be a good idea. However I do not recommend any changes to PC34 to reflect this (i.e. show it on ODP). The ODP already shows sufficient area for reserve in line with Council policy. Any additional reserve can be put forward at subdivision stage and this could be vested Council as reserve, if acceptable. However any additional open space beyond that shown on the ODP will not reduce the overall reserve contribution value required.

GEOTECHNICAL ASSESSMENT

5.72 The application includes the findings of geotechnical investigations undertaken by Golder Associates Ltd. This geotechnical report has been peer reviewed by Mr Ian McCahon of Geotech Consulting Ltd, which was made available as part of the plan change notification process.

5.73 The Golder Associates Ltd Report concludes that the site could be classified as TC1 but more geotechnical testing would be required as part of the detailed design at subdivision stage.

5.74 Mr. McMahon in his review considers a TC1 equivalent classification rating to be premature at this stage. He suggest a TC2 equivalent is appropriate until further testing is undertaken. Geotechnical assessment are required in all subdivision in the Southbridge

area. So at the time the first subdivision is lodged more assessment will have been undertaken to confirm or otherwise TC1 classification and /or what works maybe required to remedy site specific issues.

- 5.75 Overall the site has at least a TC1 equivalent classification which is acceptable for the construction of residential units. Further assessment will be undertaken at subdivision stage once a detailed design has been developed. On this basis there are no geotechnical reasons that prevent the Plan Change from being granted. For completeness it is noted that the site is not located in a flood ponding area.

6. STATUTORY ANALYSIS

- 6.1 In considering the contents of District Plans, Council's must have regard to any proposed regional policy statement (s74(2)(a)) and any management plan or strategy prepared under other Acts, including the Local Government Act (s74 (2)(b)(i)), and give effect to any operative regional policy statement (s75 (3) (c)).

Land Use Recovery Plan/*Te Mahere Whakahouman Tāone*

- 6.2 The Landuse Recovery Plan (LURP) sets out a number of actions to be undertaken. Although the LURP applies District Wide, the actions are primarily focused the UDS area and are not applicable to the remainder of the District. The LURP generally requires new development to identified "greenfield" areas, which are only located within the UDS area. Although there are no "greenfield" areas around Southbridge, it is Councils position that the direction of the LURP is primarily focused to the greater Christchurch area (similar to the UDS area). Therefore the Plan change is not inconsistent with the LURP and its growth direction.

Recovery Strategy for Greater Christchurch/*Mahere Haumanutanga o Waitaha*

- 6.3 The Canterbury Earthquake Recovery Authority has also prepared a Recovery Strategy for Greater Christchurch ('Recovery Strategy'), that sets out the overarching long-term vision and objectives for recovery, including the identification of the priorities and responses. The Recovery Strategy was approved on the 31st May 2012 and is a high level plan containing the strategic responses that CERA, assisted by a number of agencies and organisations, will undertake to guide the recovery efforts
- 6.4 The following five areas have been identified to assist in developing the Recovery Strategy:
- community wellbeing
 - culture and heritage
 - built environment
 - economy
 - natural environment
- 6.5 Importantly, the Recovery Strategy sets out the minimum requirements for establishing the stability of land and identifying the risk of liquefaction and lateral displacement to assist in the consideration of the appropriateness of rezoning land. The geotechnical assessment undertaken as part of the PC 34 application has confirmed that the site is not subject to an unacceptable risk of liquefaction and is not at risk of lateral displacement or flooding. It has been given a TC2 equivalent classification, but with further investigation this could become TC1. Given the high level strategic nature of the Recovery Strategy, there are no matters arising from the proposed rezoning and the associated amendments to the District Plan that would be inconsistent with the Recovery Strategy. Conversely,

the provision of a small number of additional dwellings in an appropriate location as proposed through PC 34 is considered to be consistent with the outcomes sought in the Recovery Strategy.

Canterbury Regional Policy Statement 2011 (CRPS)

- 6.6 The Canterbury Regional Policy Statement (CRPS) became operative on the 15 January 2015. The CRPS consists of 19 chapters, which discuss a wide range of regional issues, including water, land-use and infrastructure, natural hazards, landscapes, heritage, energy, soils and hazardous substances. Within the CRPS Chapter 5 is the most relevant to PC34.
- 6.7 Chapter 5 relates to land use and infrastructure and focuses on development being designed in conjunction with support of service infrastructure, including transport systems and infrastructure of regional importance. I concur with the identification and assessment of the relevant CRPS policies in the application. The overall objective relevant to the application is
- 6.8 **Objective 5.2.1** seeks that development is located and designed so that it achieves consolidated, well designed and sustainable growth and enables people and communities to provide for their well-being. This is supported by a number of relevant policies, particularly:
- **Policy 5.3.1**, which seeks to provide urban growth to occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development.
 - **Policy 5.3.5** looks to ensure developments are appropriately and efficiently serviced for sewage and stormwater and the provision of potable water.
 - **Policy 5.3.8** seeks to integrate land use and transport by promoting the use of transport modes which have low adverse effects, are safe, efficient and effective and avoid adverse effects.
- 6.9 The location of the PC34 site a logical extension on the edge of Southbridge, close to the town centre, it is able to be serviced through upgrades to infrastructure and the mitigates potential reverses sensitivity effects. Being on the edge of the existing township and close to its commercial centre the site is a logical extension of the Southbridge, which enables sustainable utilisation if infrastructure services and efficient connections. It is my opinion that PC34 is consistent with the policy approach and direction set out in chapter 5 of the CRPS and the CRPS overall.

Selwyn District Plan

- 6.10 The PC 34 application contains a thorough assessment of the proposal against the relevant operative objectives and policies set out in the District Plan and concludes that the proposed plan change is consistent with the operative Plan framework. The amendments to the Plan provisions sought through the LURP reflect the operative CRPS policy direction and the outcomes sought through the RRS14, with PC 34 assessed above as being consistent with these directions.
- 6.11 Overall, I agree with the assessment included in the application and consider that PC 34 is consistent with the relevant operative objectives and policies. I highlight and discuss the key objective and policies, in my opinion:

6.12 Objective **B4.1.1** seeks that “a range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones”. Objective **B3.4.1** seeks that “the District’s townships are pleasant places to live and work in”, and Objective **B3.4.2** seeks that “a variety of activities are provided for in townships, while maintaining the character and amenity values of each zone”. These objectives are all rather high level, and are supported by similar high level **Policies B3.4.1-B3.4.3**. The proposed Plan Change sits reasonably comfortably against these provisions in that it will assist in providing a diversity and choice of living environments, with the proposed rule package and recommended changes delivering a Living environment that is spacious and of high amenity.

6.13 The provision of new urban growth areas is guided by **Policy B4.1.3** which aims:

“To allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:

- *A compact township shape;*
- *Consistent with preferred growth options for townships;*
- *Maintains the distinction between rural areas and townships;*
- *Maintains a separation between townships and Christchurch City boundary;*
- *Avoid the coalescence of townships with each other;*
- *Reduce the exposure to reverse sensitivity effects;*
- *Maintain the sustainability of the land, soil and water resource;*
- *Efficient and cost-effective operation and provision of infrastructure”*

6.14 Similar outcomes are sought through **Objective B4.3.2** which requires that:

“new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions in the Plan”.

6.15 This is supported by:

Policy B4.3.2 which, “requires any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape”.

Policy B4.3.3, that seeks to “avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business”.

Policy B4.3.5 that seeks to “encourage townships to expand in a compact shape where practical”.

6.16 As set out in the discussion above, I consider that PC 34 achieves a compact township shape through the strong ‘edges’ available to this Plan Change with road boundaries on two sides and its location adjoining to the existing L1 zone fronting onto High Street. Although the site is adjacent to a rural zoning on three sides, two of these boundaries are buffered by roads (one formed one not formed) and the other directly adjoins an area which has had an industrial landuse for sometime. For all intents and purposes this area of land is just an extension of the B2 zone further north, and forms part of the township. In light of this no boundary directly adjoins a rural area. It is either buffered by a road or is used for non-rural purposes. As such the location is well defined by hard boundaries and

is a logical location for an extension to Southbridge. Servicing of PC 34 is technically feasible, and connection to reticulated water and wastewater networks is possible with upgrade options agreed upon.

- 6.17 **Policy B4.1.10** seeks to ensure that an appropriate balance between buildings and open space is achieved to maintain the spacious character of the District, and **Policy B4.1.12** seeks to discourage high fences in Living zones that have frontage but no access to strategic or arterial roads. The proposed rule package, subject to recommended amendments, will achieve both these policies.
- 6.18 The above are the general policies applicable for consideration across the district. The specific preferred growth option policies for Southbridge of relevance are:
- B4.3.82** which “Encourages new residential areas to locate on sites in the existing living zones, if sites are available and appropriate for the proposed activity
- 6.19 The policy is not overly directive in that it only seeks to encourage location on existing living zoned sites. There are existing sites in Southbridge that could subdivide on size requirements alone. However with current infrastructure restrictions there would have to be a resolution to the servicing infrastructure capacity. This is unlikely to be economical for any existing site in Southbridge as reasonable development yields to mitigate costs of upgrades would not likely be achievable.
- B4.3.85** which seeks to “Ensure land rezoned for new residential developments des not create or exacerbate “reverse sensitivity” issues of activities in the existing Business 2 Zone.
- 6.20 The proposed subject site does not directly adjoin the Business 2 zone and from evidence provided and the discussion above the main area of potential reverse sensitivity effects will occur from an activity of the adjoining neighbours in the Outer Plains zone. Although not zoned Business 2 it is recognised as a legitimate part pf the overall industrial activity and reverse sensitivity effects have been recognised and assessed. With the recommended changes and mitigation the effects of these are deemed acceptable.
- 6.21 Provided that site-specific detail matters can be resolved it is considered that the zoning request represents an efficient and effective method for achieving the Plan’s operative objective and policy framework and providing for Southbridge growth.

Canterbury Natural Resources Regional Plan (‘NRRP’) and the proposed Land and Water Regional Plan (‘LWRP’)

- 6.22 The NRRP was made operative on the 11th June 2011 and establishes a framework to assist in ensuring the integrated management of the region’s natural and physical resources, and to control the use of land, with a particular focus on the implications of landuse on water quality and quantity. The proposed Canterbury Land and Water Regional Plan was publicly notified on the 11th August 2012. Decisions on submissions have been made, with the LWRP not yet operative due to a number of outstanding Environment Court appeals. The purpose of the LWRP is to identify the resource management outcomes for managing land and water in the Canterbury region, with the LWRP largely superseding the NRRP’s role in managing water quantity and quality.
- 6.23 The ability of PC 34 to be serviced in terms of water, waste water, and stormwater has been considered by Mr England, with his comments and supporting evidence at **Attachment C**. The PC 34 site is able to be provided with an upgrade to the reticulated waste water system and will not have to rely on septic tanks. Water supply is likewise able to be provided via an upgrade to the existing Southbridge township piped network.

The site does not contain any springs or other natural water features, although a drain runs along the western edge of the site within the unformed legal road reserve. The detailed design of the stormwater system will form part of the subsequent subdivision process and will be assessed via any associated resource consents from the Canterbury Regional Council as needed under the NRRP and LWRP provisions. Overall it is considered that the proposal can be efficiently and effectively serviced in a manner that maintains water quality and quantity and is consistent with the outcomes sought by the NRRP and LWRP.

Mahaanui Iwi Management Plan 2013

- 6.24 Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the Council (s74 (2A) (a)). The relevant document for the Selwyn District is the Mahaanui Iwi Management Plan 2013. This document sets out the aspirations of local iwi and in particular seeks the maintenance and enhancement of water quantity and quality, the promotion of indigenous biodiversity and mahinga kai species, and the protection of sites with identified waahi tapu or waahi taonga value. To the best of my knowledge there are no sites of historic or cultural significance to Iwi, nor are there specific Tangata Whenua values that require additional protection through PC 34. In my opinion, the rezoning of the land subject to PC 34 does not present any conflicts or inconsistencies with either of the above Iwi Management Plans.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES):

- 6.25 This is an application for a zone change and not the actual use of the site, the NES doesn't apply. The NES applies to subdivision or land use change. Currently the land is a rural block containing a single dwelling and has an underlying Rural Outer Plain Zone, where the future use may change to a residential use should the proposal be approved. The land owner will be required to address the NES requirements either as a result of subsequent subdivision or building consent stage, which depending upon the nature of any future proposed activity may either satisfy the permitted activity requirements or require resource consent under the NES.
- 6.26 The applicant has undertaken a brief desktop investigation, which states the land has only been used for small scale cropping and grazing for the last 40 years and that there have not been any known HAIL activities occur on the site. Furthermore Council records do not identify the site to be contaminated and it is not on Environment Canterbury LLUR list. Given this a detailed investigation is not required. In any event, an assessment under the NES will be required at a subsequent subdivision and/or building consent stage as a result of the 'use of land changing'. At this time a more detailed investigation will be required and more specific consideration can be given the requirements of the NES. The appropriateness of the land for rezoning with respect to the risk of there being contaminated soils that may present risk to the health and/or well-being of people using and residing on the site is acceptable.
- 6.27 ***Walking and Cycling Strategy and Action Plan 2009 (WCSAP):*** The WCSAP seeks to develop and promote walking and cycling as a means of transport and recreation.

The proposed location presents a number of opportunities with respect to enhancing and pedestrian cycle network, including the development of a footpath along the western side of High Street and the north side of Brook Street which can connect to the walk way in the unformed Bellfield Road. There will also be internal connections to Bellfield Road that

7. Conclusion

Matters to be considered

- 7.1 Section 3 of this report set out the matters to be considered. As mentioned it is noted that in a general sense, the purpose and principles of the 'Act' set out in Part II are reflected in the current District Plan objectives and policies as they have already been through the statutory tests and are now unchallenged. The operative provisions can likewise be deemed to be 'giving effect to' the higher order objectives and policies sought in the CRPS. Regardless of this I still provide some analysis against Part II of the Act.
- 7.2 The RMA 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 (s5). Considering the above assessment it is my opinion that PC 34 in its amended form (see **Attachment J**) better achieves the purpose and principles of the RMA than the current District Plan provisions.
- 7.3 There are no "matters of national importance" listed in s6 that are considered to be of specific relevance to PC 34.
- 7.4 Council must "have regard to" the following "other matters" (s7) when considering the appropriateness of PC 34:
- (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
- 7.5 In my view, the proposed rezoning achieves a number of positive environmental, social and economic benefits that will enhance the well being of the community of Southbridge. These include the establishment of a "greenfield" zone that will provide for an integrated and comprehensively designed development will reflect the character of the township. The "greenfield" nature of the PC34 site will more easily provide the ability to provide a range of living and housing types, with more certainty and flexibility than most infill developments. This is particularly important in relation to required infrastructure upgrades. PC34 will also provide for the Southbridge's predicted growth and development needs, bringing in more residents and providing a larger customer base for the local services and amenities. The assessment and conclusions of this report establish that the PC 34 framework, with recommended amendments, incorporates appropriate methods to ensure any future land uses are appropriate and will result in positive social, economic and environmental outcomes.

Consideration of alternatives, benefits and costs - s32 assessment

- 7.1 The Council has a duty under s32 of the RMA to consider alternatives, benefits and costs of the proposed change. The s32 analysis is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of the costs and benefits of the amended provisions in its final decision making.
- 7.2 The proposal does not seek to amend any of the operative objectives or policies of the Plan. The s32 consideration therefore turns on the Council being satisfied that PC 34 is a more efficient and effective method of achieving the Plan's objectives, and thereby Part II of the RMA, than the existing Rural (Outer Plains) Zone and associated rule package as it relates to the specific site in question. On the evidence presented as part of the plan change application and from the findings of the various experts who have reviewed the application and the matters raised by submitters, I am satisfied that proposed Plan Change 34 does better achieve the Plans' objectives than the existing provisions and it does give effect to the CRPS. I also believe it is a more appropriate option to provide for Southbridge's growth than relying on potential infill options within the existing Living 1 zone.
- 7.3 It is therefore recommended that the Plan Change be accepted, subject to the amendments recommended above and outlined in **Attachment J**. It is recommended that all the submissions be accepted, or accepted in part, as set out in **Attachment B**.