

PRIVATE PLAN Dave and Sue Anderson
CHANGE 41

DISTRICT PLAN Selwyn District Plan

SITE 311 Trents Road
Prebbleton

HEARING DATE 23 September 2014

EVIDENCE OF PATRICIA HARTE



DAVIE LOVELL SMITH

Introduction

1. My name is Patricia Harte and I am a planner and principal with Davie Lovell-Smith Ltd, consultant Planners, Surveyors and Engineers of Christchurch. I have the qualifications of LL.B (Hons) and M.Sc (Resource Management) and am a full Member of the New Zealand Planning Institute. I have over 30 years' experience providing planning advice and services to private clients and district and regional councils. I am familiar with the Plan Change site and general Prebbleton area. Davie Lovell-Smith has been involved in assisting Dave and Sue Anderson to rezone their land for rural residential use for over five years undertaking planning, engineering and soil contamination work. I prepared the request for the plan change rezoning 311 Trents Road Living 3 as well as the detailed changes to the Selwyn District Plan provisions. Throughout this process we have consulted with Council staff and in particular Craig Friedel and now Jonathon Clease.

Plan Change

2. Proposed Plan Change 41 requests the rezoning of 9.2 ha of land on the north east corner of Shands and Trents Road (Lot 2 DP 51743) from Rural-Inner Plains to Living 3. This zoning was sought as the Andersons saw their block of land as being ideal for rural residential development. The general suitability of the site for rural residential development was confirmed by its inclusion in the draft, and now final, version of the Council's Rural Residential Strategy developed under the Local Government Act. The more detailed assessment contained in the Plan Change request documents, and now undertaken by Council staff, has reinforced the appropriateness of the rural residential zoning of the site.
3. As part of the preparation of the Plan Change request geotechnical, landscape and acoustic assessments were undertaken by Rileys, Graham Densem and Russell Malthus of Novogroup respectively. There are no geotechnical constraints on this site as it is the equivalent of TC1. In landscape terms the site is already "setup" for development having substantial and healthy shelter belts on its road and internal boundaries. Access is to be from Trents Road thereby avoiding the use of Shands Road which is an increasingly busy road, due in large part to the eastern expansion of Rolleston. The only potential issue with the site was the impact of traffic noise from Shands Road. This was fully assessed and found not to be a significant issue because most of the traffic is daytime traffic whereas the more sensitive time for noise for residential use is in the evening. An acoustic fence (not a bund) will be erected along the Shands Road boundary and screened from residents of the development by plantings. In addition there will be a requirement for buildings to be setback and sound proofed to a specified level. Stormwater will be treated on site and discharged to ground.
9. The Council accepted the request and the Plan Change (Plan Change 41) was notified in September 2013. Three submissions were received. The hearing of the Plan Change was then delayed until the final decisions were made on the Rural Residential Strategy.

4. The extensive background work undertaken by the Council, including growth policy and effects assessments, and the associated high level of consultation with landowners has resulted in a very thorough understanding of the role of rural residential development in providing for housing in the Selwyn District. This understanding and analysis has been applied in the Council assessments prepared on Plan Change 41 which I agree with in total. Because of this agreement, I do not intend to provide evidence in the usual way; rather I will highlight some key aspects contained in the report of Mr Clease and then discuss the detailed changes he and Mr Craig propose.

Comments on Planning and Landscape Reports

5. At a strategic level I agree that the Anderson block is able to give effect to the RPS policy 6.3.9 included through the LURP because:
- it is on the “functional edge” of Prebbleton,
 - it will reinforce consolidation of Prebbleton by its position adjoining Shands Road,
 - it is away from the Christchurch/Prebbleton interface, and
 - it is a small area that should be able to retain a sense ruralness, rather than a suburban look and feel associated with larger multi-lot developments.
6. I support Mr Clease’s opinion that the most relevant policy framework for consideration of rural residential development is that for growth of townships rather than for rural matters. The new Living 3 zoning on this site will provide an alternative choice for living in Prebbleton. This has been confirmed by the number of inquiries from existing residents who would prefer to, again, be on the outskirts of the town rather than being surrounded by the new suburban development. Clearly also the living environment available on this site will be spacious and have high amenity.
7. A key element of the urban growth policies is to achieve a compact township space. Over time, since the current Selwyn Plan was reviewed, the western extent of the township has been largely settled as Shands Road. I have always considered Shands Road provides a very defensible and logical boundary, even before it has become busy since the earthquakes and the associated growth of Rolleston. This will only increase with the completion of the second stage of the southern motorway. The placing of a Living 3 zone on this corner of Shands Road therefore provides a stable edge to Prebbleton which will help it remain compact.
8. Future-proofing – I agree fully with Mr Clease’s assessment of the relevance and suitability of future- proofing in relation to the Anderson block. It is not of a size or in a location where it is anticipated that there will be a real need for further subdivision of the land. Without the real possibility of the area being required for more intensive development it is simply legally and logistically very difficult to justify imposition of requirements enabling further subdivision and development. It is made even more problematic by the fact that there are no simple legal mechanisms available to address the complicated issues associated with future –proofing.

9. Landscape values – Mr Craig makes the point that given the large lots involved in rural residential development (with an average lot size of 5000m²) and the separation that occurs between neighbouring houses *“it is common for such developments not to have substantial boundary planting but rather to have a more open, pastoral look”*. He therefore suggests that the retention of shelterbelts is not necessary from a landscape perspective. He also notes that maintaining a shelterbelt over time can be difficult if there are multiple owners. Mr Cleese notes however, that it is beneficial to retain the Shands Road shelterbelts because of the screening it provides of the acoustic fence. On the basis of these comments Mr Cleese recommends that the only the Shands Road shelterbelt should be required to be retained (through identification on the ODP) and I agree with this.
10. Connectivity – I agree with Mr Craig that one element desired with fringe rural residential development which this site cannot deliver on, is the potential to have connections with the existing township. While the Plan Change site can provide a connection from Trents Road through to the property to the north (Mr Stratford’s property), no further connection back to Prebbleton is possible other than along Trents Road. This will be the same situation for the Stratford block as long as the current form of ownerships of Kingcraft Drive is retained.
11. Servicing – All services are able to be provided to the site. The Utilities report notes that the timing of some of these will need to be worked through with asset staff. I am aware from other developments that our company is involved in on Trents Road that in fact upgrading is occurring such that there are unlikely to be issues with water supply timing or sewerage pump station capacity.
12. Traffic – no particular issues were raised by the traffic assessment of Mr Carr other than the location of the access and the link through to the north. A recommendation is made that the road link on the ODP be required, rather than being referred to as a “possible future road link”. The applicants are happy with this recommendation. With regard to the access location, this will be the subject of specific consideration when subdivision consent is lodged.
13. Cultural Values - With regard to retaining existing natural values of the area, including water quality, Mr Cleese at 6.32-33 helpfully refers to the general components of the stormwater system that would be very low key and limited to on-site drainage and the use of roadside swales. He also notes that matters of water quality and water quantity will be dealt with through consents from Environment Canterbury and through the adoption of erosion and sediment control plans during the construction phase. These are matters of detail most appropriately dealt with at subdivision, rather than as part of a plan change. Regarding the proposed additional subdivision assessment matters referring to use of native species in street plantings and the swales, the applicant has no problem with this suggestion (although I suggest that these are in fact matters of discretion).

Rules Package and ODP

14. Mr Cleese has provided a summary of the complicated background to rules relating to rural residential development in the Selwyn District Plan. As part of preparation of the Plan Change a number of the rules were amended to synchronise with what was expected to be

included in the final version of the Living 3 rules or for some cases more user-friendly versions of the rules were proposed. The Council is now taking the opportunity created by these plan change hearings to further rationalise and refine the rules and the outline development plan for the Anderson site.

15. With regard to the recommendations in Mr Clease's report at 6.44 through to 6.54 I advise that the applicant accepts all of these (except for one minor matter) as improving the plan change and clarifying what is to be achieved. On this basis I have attached a revised set of rules and an updated outline development plan. I now comment on each of these matters.

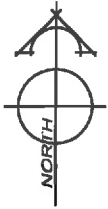
16. Rules:

- Height, building size and coverage – no rule required as rely on Operative Plan
- Fencing, road and internal boundary setbacks – revised wording of PC41 to be used
- Acoustic barrier and setbacks – no change to PC41 rule
- Landscaping rule C-4.2.2 – need to exempt PC 41 area from species list requirement. I recommend that reference to the site be to *Living 3 on the northeast corner of Trents and Shands Road*. This will avoid confusion in the future if other land on Trents Road is zoned Living 3.
- ODP - retain PC41 rule requiring subdivision to comply with the ODP
- Retain Living 3 road cross sections appendix – now Appendix 43
- Addition of two assessment matters (matters of discretion) for subdivision re use of natives for street planting and stormwater swales and street trees as part of road cross sections

17. ODP: Regarding the road connecting to the northern Stratford Block Mr Clease recommends that the dashed line be replaced by solid line as per the main internal road. However, if the legend is to be amended by replacing reference to "*possible future road*" with "*road to be vested as reserve to provide a road connection to the north should the adjoining land be rezoned to a Living zone*" it is necessary to have a distinctive notation for the northern section. I therefore recommend that the dashed line remain but with an amended reference in the legend. In addition the tree notations on internal boundaries and the Trents Road boundary are to be removed as their retention is not necessary for the future development of the site for rural residential purposes.

Section 32 Assessment and Conclusion

18. In 7.8 Mr Clease summarises the matters that need to be considered as part of the required s32 assessment where a rezoning and rule package is proposed (as compared to new objective and policies). I agree with his conclusion that based on the background policy and strategy documents, the character of the site and the development proposed that Plan Change 41 does better achieve the Plan's objectives than the Rural zone provisions. Accordingly I consider the Plan Change should be approved.



No direct
access to
Shands
Road

SHANDS ROAD

25.0m

25.0m

25.0m

1
D.P.53113

2
D.P.51743

existing
access

TRENTS ROAD



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JOB TITLE:

**PC 41
Trents Road**

SHEET TITLE:

Outline Development Plan

SCALE: 1:2500@A4 DATE: September 2014

CAD FILE: J:\16845\Plans and CT\ODP PC41.dwg

DRAWING No: SHEET No:

P.16845

REVISION:

R2

Legend



ODP Boundary



Road



Road to be vested as reserve to provide a road
connection to the north, should the adjoining land be
rezoned to a Living Zone.



Acoustic Barrier and screen planting.



Trees to be retained.



Dwelling setback for noise mitigation.



Sewerage to connect to existing SDC system.



Water to connect 150Ø line.

Proposed Plan Change 41 – Plan Provisions Amended by Applicants in Response to Officer Recommendations
23 September 2014

Changes (additions and deletions) shown in bold – refer items 3 (4.2.2. vi), 5, 11 and 13

1. Amend Selwyn District Plan Planning Plan Sheets 1 and 2 of Maps 14,125 and 127, by rezoning Lot 2 DP 51743 on the north east corner of Trents Road and Shands Road from Inner Plains to Living 3.
2. Insert new Outline Development Plan, Trents Road, Prebbleton in Appendix 19 of Volume 1 Townships as illustrated in Attachment 1 as “Living 3 Zone, Trents Road, Prebbleton – Outline Development Plan”.
3. Amend Part C, Living Zone Rules – Buildings, permitted activity rule 4.2.2 in Volume 1 Townships as follows:

For the Living 3 Zone at Rolleston and Prebbleton identified on the Outline Development Plans in Appendix 19, 39, and 40 the following shall apply:

4.2.2 Any principal building shall be a permitted activity if:

- i. *That apart from one vehicle crossing and access not exceeding 100m² in area all land within the setback areas from roads as specified in Rule 4.9.31(i) and 4.9.34, excepting State Highway 1, will be devoted to landscaping; including the provision of at least one specimen tree capable of growing to at least 8m high being planted for every 10 metres of frontage and to be spaced at no less than 5 metres and no greater than 15 metres. The area between all road boundaries (other than with State Highway 1) and a line parallel to and 15m back from the road boundary is landscaped with shrubs and specimen trees covering as a minimum the lesser of 30% of the area or 250m²; and*
- ii. *The number of specimen trees in this area is not less than 1 per 10m of road frontage or part thereof; and*
- iii. *The trees are selected from the list below planted at a grade of not less than Pb95; and*
- iv. *Shrubs are planted at ‘aa’ grade of not less than Pb3 and a spacing of not less than 1 per square metre, typically located within a garden area dressed with bark chips or similar material; and*
- v. *Any paved surface area within the area does not exceed 100m² in area.*
- vi. *The list of suitable specimen trees for the purpose of this rule is:
— Maple, Silk Tree, Alder, Birch, River She Oak, Leyland Cypress, Monterey Cypress, Lacebark, American sweet gum, Magnolia, Pohutukawa, weeping Kowhai, Common Olive, Pine, Lemonwood, Kohuhu, Ribbonwood, Plane, Totara, Poplar, Oak, Elm, Michelia*
This list does not apply to the Living 3 zone on the north east corner of Trents Road and Springs Road.
- vii. *The Council will require a planting plan to be submitted at building consent stage, prepared by a suitably qualified landscape professional, identifying compliance with the above control.*

- viii. *The landscaping shall be maintained and if dead, diseased or damaged, shall be removed and replaced.*

Note: Rule 4.2.2 shall not apply to allotments of 4ha or greater in the Living 3 Zone identified on the Outline Development Plan in Appendix 39 and 40.

4. Replace Part C, Living Zone Rules – Buildings, permitted activity rule 4.2.3 in Volume 1 Townships with the following:

4.2.3 Any Fencing in the Living 3 Zone shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;

Except that nothing in the above controls shall preclude:

- i the use of other fencing types when located within 10m of the side or rear of the principal building. Such fence types shall not project forward of the line of the front of the building.*
- ii fencing required by an Outline Development Plan and/or rule in this Plan as a noise barrier*

5. Insert Appendix ~~41~~ **43** Indicative Road Cross Section – Living 3 zone and Fencing Typologies as contained in proposed Plan Change 32 to Volume 1 Townships.

6. Add a new permitted activity rule in 4.9 **Prebbleton** Buildings and Building Position after 4.9.12 as follows:

Prebbleton

4.9.XX Any building in the Living 3 zone Trents Road, Prebbleton (as shown on the Outline Development Plan in Appendix 19) shall be set back at least:

- (i) 15 metres from any road boundary except on corner lots a minimum setback of 10m applies to one road boundary**
- (ii) 5 metres from any other boundary**

7. Add a new permitted activity rule in 4.9. Buildings and Building Position as follows:

Living 3 Rural Residential – Shands Road, Noise Mitigation

4.9.XX For the purpose of protection against traffic noise intrusion from Shands Road any dwelling, family flat and any rooms within accessory buildings used for sleeping or living shall be located at least 25 metres from Shands Road and physical acoustic barriers shall be established in the locations indicated on the Outline Development Plan, Trents Road, Prebbleton in Appendix 19. The finished height of any acoustic barrier shall be no less than 3 metres above the adjacent ground level of any residential lot. The mass of any acoustic barrier shall be 8-10 kg/m² and shall be constructed and maintained with no gaps in the barrier construction or at ground level.

8. Add the following to Part C, 4 Living Zone Rules - Buildings, Reasons for Rules, Building Position

The requirement in the Living 3 Zone, Trents Road, Prebbleton, for a larger building setback from Shands Road and a noise attenuation structure near the Shands Road boundary and 25m along the adjoining side boundaries, has the purpose of reducing

adverse noise impacts of Shands Road traffic on residents and any consequential reverse sensitivity effects.

9. Amend Part C, 12 Living Zone Rules-Subdivision, Standards and Terms, Effluent Disposal 12.1.3.4 as follows:

Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Southbridge, Springston, Tai Tapu and West Melton, or is within a Living 3 zone is supplied with reticulated sewage treatment and disposal facilities.

10. Amend Part C, Living Zone Rules – Subdivision, Standards and Terms, Prebbleton 12.1.3.28 as follows:

In the Living 1A, 1A1, 1A2, 1A3, 1A6, LX ~~and 2A~~ and 3 zones in Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19.

- ~~11. Add a new Rule 12.1.3.42 in Volume 1 Townships~~

~~**12.1.3.42** Any subdivision in the Living 3 Zone on Trents Road, Prebbleton shall be in general accordance with the Outline Development Plan Trents Road, Prebbleton in Appendix 19.~~

12. Add the following to Table C12.1 for Prebbleton:

Township	Zone	Average Allotment Size Not Less Than
Prebbleton (Trents Road)	Living 3	Between 5000m ² and 1ha

13. Add new Living 3 Zone Assessment Matters of Discretion as follows:

- The extent to which features that contribute to rural character, including open space and plantings, have been retained or enhanced.
- Whether fencing, roading (including cross sections and typologies) and utilities reflect the semi-rural nature and level of service appropriate for rural-residential areas.
- The extent to which any identified natural hazards and/or constraints, including flood and liquefaction hazard areas have been addressed.
- Whether overall densities based on the level of development and open space anticipated for rural residential living environments have been achieved
- Whether provision is made for safe connections and linkages between the subdivision and adjoining Townships to enable access to public transport and community and commercial facilities.
- Ensure connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater.
- The extent to which native species are used as street tree plantings and within vegetated stormwater swales
- Whether street trees are proposed with regard to the cross-section shown in Appendix 43.

