

Proposed Change 41 to the Selwyn District Plan

Report and Recommendations of Hearings
Commissioner David Mountfort to the
Selwyn District Council

28 October 2014

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Recommendation to the Selwyn District Council

My recommendation to the Selwyn District Council is that pursuant to Clause 10 of the First Schedule to the Resource Management Act:

1. Proposed Change 41 to the Selwyn District Plan be allowed, subject to the amendments set out in Appendix 1.
2. The submissions in support of Proposed Change 41 to the Selwyn District Plan be accepted in part to the extent set out in Appendix 2, and otherwise be rejected.
3. That the submissions opposing Plan Change 41 be accepted to the extent set out in Appendix 2 and otherwise be rejected.

Introduction

1. Plan Change 41 to the Selwyn District Plan is the result of a request to change the Selwyn District Plan under Part 2 of the First Schedule to the Resource Management Act. The party requesting the plan changes is D and S Anderson. Although strictly speaking this is not an “application”, for the sake of plain language I will refer to it in this report as an application and the Andersons as the applicant.
2. Plan Change 41 (PC41) proposes to create a new Living 3 zone and apply it to 9.2 hectares of land at 311 Trents Rd, near Prebbleton. The site is at the north east corner of Trents and Shands Rd and is to the north-west of the urban area of Prebbleton, separated from it by a large group of rural residential properties at Kingcraft Drive.
3. The new Living 3 zone is to permit the establishment of rural residential allotments ranging in size from 0.5 – 1.0 hectares. An indicative subdivision concept plan shows 16 allotments between 0.5 and 0.5 ha. . An Outline development Plan (ODP) is proposed to guide future development, and corresponding amendments to the Planning Maps are also proposed. The plan change largely relies on the existing Living 3 zoning framework established by Plan Changes 8 and 9 in 2011, with several minor site specific adjustments. No amendments to the District Plan objectives and policies are proposed.
4. The block is currently zoned Rural Inner Plains, which permits subdivision to a minimum lot size of 4ha, and contains the applicant’s residence, outbuildings, stables and a horse training track.

Abbreviations

In this report I use the following abbreviations

LURP	The Canterbury Land Use Recovery Plan
ODP	Outline Development Plan
PC1	Proposed Change 1 to the Canterbury Regional Policy Statement.
PC41	Proposed Change 41 to the Selwyn District Plan for the subject site
RMA	The Resource Management Act 1991.
RPS	The Canterbury Regional Policy Statement
RRS14	The Selwyn Rural Residential Development Strategy 2014
UDS	The Urban Development Strategy 2006, a strategic planning document by Environment Canterbury, Christchurch City Council, Selwyn District Council and Waimakariri District Council and NZ Transport Agency making recommendations for the future urban growth of the Greater Christchurch sub region.

Amendments to the Proposals

5. Following receipt of submissions and the Council's section 42A report the applicant made some minor amendments to the proposal. These were mainly to clarify the wording. The main amendments of substance concerned the status of a future roading link to the block to the north and the addition of some new assessment matters relating to use of indigenous species for the planting of street trees and roadside swales. Both these latter two matters are in response to submissions received, so I am satisfied that I have scope to consider them.

Submissions Received

6. Four submissions were received, as follows,
 - 6.1. Mr and Mrs Anderson submitted in support of the application.
 - 6.2. Mr G Tod submitted in opposition to the application, requesting that the application be renotified to clarify an apparent inconsistency, and that lot sizes be increased in the interests of increased amenity, better rural character, to reduce traffic effects and to mitigate effects on groundwater.
 - 6.3. Mr M Stratford submitted in opposition, seeking that his land immediately to the north be included in the plan change and that better provision be made to allow for access and infrastructure across the subject site to the submitter's property.
 - 6.4. Te Taumutu Runanga submitted, seeking;
 - Identification of the area to be set aside for stormwater management,
 - Confirmation that there would be adequate capacity in the Council's water reticulation to avoid drawing on over-allocated groundwater,
 - Utilisation of green water technology to protect the water resource,
 - Control of construction earthworks to avoid effects on water quality, waahi tapu and waahi taonga,
 - Landscaping that uses indigenous species to recognise cultural values and mahinga kai,
 - Protection of the water quality of the adjacent water race,
 - Assessment of the effects on water quality relating to a small pond on the application site,
 - Inclusion of low impact urban design and sustainability principles,
 - Urban design and landscape design that accords with the Ngai Tahu Subdivision and Development Guidelines.
7. Mr Tod lodged a further submission in support of the submission by Te Taumutu Runanga.
8. All of the above submissions are more concerned with resolving site specific details rather than opposing the application in total.

Hearing

I conducted a hearing of this application at the Council offices on Tuesday 23rd of September 2014.

The following were present;

Applicant

Mr and Mrs Anderson – Applicants

Ms P Harte – Planning Consultant

Submitters

No appearances

Council

Mr Jonathan Clease	Planning Consultant and lead author of a report for the Council on the application
Mr Andy Carr	Transportation Consultant
Mr Andrew Craig	Landscape Architect
Mr Liam Foster	Utilities Engineering Consultant

Following the hearing I conducted a site visit of the property at Trents Rd.

Statutory Framework

9. In his report on the application for the Council, Mr Jonathan Clease outlined the general approach under the RMA for consideration of plan changes, including the well-known principles arising out of the Environment Court's *Long Bay* decision¹, which are to
 - Comply with the Council's functions under s31 of the RMA,
 - Consider alternatives, benefits and costs under s32,
 - Ensure the necessary matters are included in the plan change that are stated in s75, and
 - Have regard to the overall purpose of the RMA under Part II.
10. He also drew attention to the requirement to give effect to the RPS, and to have regard to the Canterbury Land Use Recovery Strategy, the Rural Residential Strategy, the Natural Resources Regional Plan, the Proposed Canterbury Land and Water Regional Plan, and the Mahaanui Iwi Management Plan 2013. As the application seeks to change only rules and maps in the district plan, and not any of the plan's higher level objectives and policies, the change must also implement and be consistent with those objectives and policies.
11. This application must therefore be considered under a whole suite of higher level planning provisions.
12. Mr Clease said and I accept that the purposes and principles of the RMA, as set out in Part II have already been given effect to in a general sense by the operative District Plan objectives and policies. The same could be said for the regional planning documents. As well, there is a need to be consistent with the Land Use Recovery Plan and to give effect to or have regard to the regional planning documents. I do not therefore intend to embark on a first principles assessment of this application and its appropriateness by direct reference to Part II of the RMA itself. Instead it is more appropriate to consider it under the detailed framework established by the LURP and the regional and district documents.
13. There has been a long and complex process over many years of attempting to regulate and moderate the development of rural residential activity in the areas surrounding Christchurch, firstly by the district councils, then through the Urban Development Strategy 2006 and the resulting Proposed Change 1 to the Regional Policy Statement in 2007. While PC1 was going through a long and convoluted statutory process the Selwyn District Council also introduced Plan Changes 17 and 32 to the District Plan and the Living 3 zone was established through privately-requested Plan Changes 8 and 9. Thankfully this long process has recently been clarified and almost completed through the Canterbury Land Use Recovery Plan (the LURP) and much more detailed

¹ Long Bay-Okura Great Park Society Inc. v North Shore City Council A078/08

guidance has been provided under the Rural Residential Strategy 2014 (the RRS14) which the Council was required to produce and adopt under the LURP.

14. In summary, the LURP adapted or took over many of the RPS proposals for urban growth in and around Christchurch, including rural residential development, and these have been given statutory effect. The RRS14 establishes principles for the selection of sites for rural residential development and for their design and layout. Importantly, the RRS14 adopts the principle that rural residential development should only occur on the periphery of townships. It is no longer possible to propose rural residential developments on sites that have not been identified in the RRS14.
15. Therefore the most important parts of the statutory framework can now be found in the RPS as it was modified by the LURP, the district plan and the RRS14. The only aspect of this general process which is yet to be finalised is final approval of some changes that are proposed to be made to the District Plan to give effect to the RRS14. This requires approval of the Minister of Canterbury Earthquake Recovery under Action 18 of the LURP.
16. The LURP has inserted a new chapter 6 into the RPS which deals with urban growth in the Greater Christchurch Area. Amongst many other issues, Chapter 6 recognises and enables the place of a limited amount of rural residential growth to provide for housing supply and choice, particularly in the light of the earthquakes.
17. The key provision for this purpose in Chapter 6 is Policy 6.3.9 which provides;

Policy 6.3.9 – Rural residential development

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

(1) In the case of Christchurch City, no further rural residential development is to be provided for within the Christchurch City Plan area;

(2) The location must be outside the greenfield priority areas for development and existing urban areas;

(3) All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;

(4) Legal and physical access is provided to a sealed road, but not directly to a road defined in the relevant district plan as a Strategic or Arterial Road, or as a State highway under the Government Roading Powers Act 1989;

(5) The location and design of any proposed rural residential development shall:

(a) avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;

(b) avoid the groundwater protection zone for Christchurch City's drinking water;

(c) avoid land between the primary and secondary stop banks south of the Waimakariri River;

(d) avoid land required to protect the landscape character of the Port Hills;

(e) not compromise the operational capacity of the Training Area or Rangiora Airfield;

(f) support existing or upgraded community infrastructure and provide for good access to emergency services;

(g) avoid significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;

(h) avoid significant natural hazard areas including steep or unstable land;

(i) avoid significant adverse ecological effects, and support the protection and enhancement of ecological values;

(j) support the protection and enhancement of ancestral land, water sites, wāhi tapu and wāhi taonga of Ngāi Tahu;

(k) where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and

(l) avoid adverse effects on existing surface water quality.

(6) An outline development plan is prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character.

(7) A rural residential development area shall not be regarded as in transition to full urban development.

18. The first element of this, in conjunction with the LURP, required the Council, if it wanted to provide for further rural residential development, to prepare a Rural Residential Development Strategy to identify where rural residential growth might occur, in accordance with a number of other criteria which follow. That process has occurred, with the Selwyn District Council preparing a Strategy which was adopted in June 2014 following submissions and hearings. The Council based its Strategy around locating rural residential zones in peri-urban areas, close to the various towns and settlements within the Greater Christchurch Area. This is largely to maximise access to the various community facilities in those towns, enable economic provision of water and sewage reticulation, reduce travel distances and reduce reverse sensitivity effects and compromising rural character further from urban areas. Prebbleton is one of the selected localities and this site and the neighbouring Stratford block were included in the Strategy.
19. The effect of this is that it is not possible or necessary to consider the general suitability of this site for rural residential development, as that has been established by the Strategy. Instead, the purpose of the exercise is to decide whether there are any specific aspects of the proposal which might make the site unsuitable, or lead to a modification of the proposal. The evidence provided by the applicant and the Council was to the effect that the proposal achieved all the aspects of this Policy that are relevant to the site. Most of these are factual matters and I agree that they are met. One which requires detailed evaluation, because of the submission of Te Taumutu Runanga is subclause 5(j), *support the protection and enhancement of ancestral land, water sites, wāhi tapu and wāhi taonga of Ngāi Tahu.*
20. Mr Cleese also pointed out the various objectives and policies in the district plan which need to be considered, including a number which have been updated under the LURP process and are still waiting for final approval by the Minister of Canterbury Earthquake Recovery. He concluded that the proposal complies with these provisions. Having considered his report and the provisions I agree and adopt his reasoning and do not repeat this analysis.

Effects on the Environment

Rural Character

21. A major issue for rural residential development in this district in recent years has been preservation of rural character within plan change areas. This was dealt with by the applicant

through the landscape evidence of Graham Densem, and the Council through the evidence of Andrew Craig, who are both highly experienced landscape architects.

22. These witnesses agreed that the proposed rules and Outline Development Plan would preserve a satisfactory level of rural character, as perceived from within the blocks but also from outside looking in.
23. As has become common with this type of application, there is an emphasis on avoiding the creation of “urban motifs”. The controls proposed include ensuring use of rural-style fencing (post, wire and rails), extensive setbacks, rural-styled roads without kerbs, minimum street lighting, avoidance of elaborate entry features and other features.
24. I have concluded that PC41, as modified by the applicant at the hearing, would create and preserve a genuine rural residential character and a high standard of amenity.

Landscape

25. Similarly to the issue of rural character, I concluded that the layouts proposed on the Outline Development Plan together with the rules package would see the establishment of a pleasing landscape character within the development, different from but as good or possibly better than might occur under the Rural Inner Plains zoning. I note that on such flat land with large average lot sizes, views in this part of the Rural Inner Plains zone are often heavily restricted by shelter belts and landscapes can be quite monotonous. While shelter belts are often considered to be a feature which contributes to rural character, both witnesses agreed that in the case of this small site it would not be necessary or even particularly desirable to insist on the preservation of all the existing shelter belts.
26. On the one hand shelter belts definitely provide rural character. On the other hand, they detract from openness and long views, and can be difficult for owners of relatively small blocks to maintain consistently. Shelter belts require a good deal of maintenance and trimming to ensure a good visual appearance. Over time an uneven and possibly overgrown appearance may develop, at least in some cases. Large trees close to houses can also create nuisance effects such as wind noise, shading, and dropping of needles, leaves and branches.
27. Te Taumutu Runanga wish to see indigenous plantings used in landscaping. The difficulty with this is that unlike some larger developments, this application does not propose much in the way of public open space such as reserves or stormwater ponds, which are often used for this purpose. About the only opportunity on public land would be on the proposed internal road where some street trees are to be planted. Ms Harte and Mr Cleese proposed the use of an assessment matter in the district plan to ensure that the use of indigenous species is allowed for and considered at the time of a subdivision application, and I accept this is an appropriate response to this issue. I am reluctant to require the use of indigenous planting on private property. It would be an unpopular move and very difficult for the Council to enforce. Of course some landowners will choose to use indigenous species when landscaping their properties.
28. The Living 3 zone contains a list of acceptable plant species to be used for landscaping purposes. The applicant sought an exemption from this requirement for this site. Having been involved with the creation of the Living 3 rules, I am aware that they were specifically developed for two very large sites at Rolleston that were almost completely without any vegetation except for pasture and boundary shelter belts. These rules were an attempt to develop an appropriate rural character for the sites. That is a very different situation from this relatively small site that already contains a number of trees that are likely to be retained. Mr Craig was very clear that in his experience new owners of rural residential blocks can be relied on to plant them attractively without this sort of regulation, which can be difficult for Councils to enforce in any case.

Reverse sensitivity

29. Reverse sensitivity occurs when an established activity is legitimately established but then becomes surrounded by newer activities which are sensitive to the effects of the existing activity. This can lead to complaints and pressure on the existing activity to either reduce its effects or relocate, both of which can have severe economic or other effects on the existing activity. Activities such as poultry sheds, and dairy shed effluent disposal to land are activities which can often be affected in this way. In this case there are no nearby activities which could be affected in this way by the establishment of the proposed rural residential area.

Noise

30. Because of proximity to Shands Rd, which is a busy arterial road providing access between Christchurch, Prebbleton and Rolleston, the applicant considered the site could be affected by traffic noise and proposed a requirement for an acoustic fence along this frontage, behind the existing shelter belt. None of the new lots would have direct access to Shands Rd. The application was accompanied by an expert noise report which set out the reasons for this. Although this would reduce the open rural aspect of the development, I accept that the need for protection from traffic noise justifies the inclusion of this requirement. In any case there is already a substantial shelter belt enclosing the site along the Shands Rd frontage.

Transportation

31. The application document contains a brief examination of transport issues, and concluded that traffic to be generated by the proposal would not adversely affect the surrounding road network, which would have capacity for it. It also pointed out the opportunities for pedestrian linkages to Prebbleton to be established on Trents Rd, and possibly through the Kingcraft Drive area or towards Blakes Rd to the north, but these would require obtaining suitable land from other landowners. The applicant also accepted the appropriateness of providing linkage across its land to the Stratford Block, which is also identified in the RRS14 for future rural residential development, subject to the negotiation of suitable cost sharing.
32. The Council obtained an expert assessment of transport matters from Carriageway Consulting, which concurred with these conclusions. The report concludes that the roading network has adequate capacity to absorb the vehicular traffic likely to arise from this development without adverse effects. Both the Council and the applicant considered that non-vehicular access to Prebbleton would be adequate rather than ideal pending further development such as construction of a path on Trents Rd. I accept this and I am satisfied that there are no transportation issues which would preclude the development of this site.
33. With reference to the submission by Mr Stratford, I accept that the original application was vague as to the status of future access to the Stratford Block, describing it as a “possible future road link”. This was possibly because at the time the application was made the future status of the Stratford Block itself was uncertain. It has now been included in the RRS 14 and Mr Stratford is able to make an application for a plan change if he chooses to do so., The best way to provide roading access and a route for underground services is via the Anderson Block, as there is no immediate prospect of development to the north of the Stratford Block, and direct access to Shands Rd would be contrary to the LURP and RSS14. Ms Harte accepted that a more definitive statement needs to be made, and proposed that the ODP show roading for the purposes of the Anderson Block itself, with a proposed road reserve to provide for the access to the Stratford Block which can be converted to a full legal road by the Council when Mr Stratford is ready to proceed. Details of these arrangements can be finalised at the time of subdivision.

Stormwater Management

34. Stormwater is proposed to be managed by way of direct soakage to ground on each of the lots to be created. In addition, roadside swales would provide treatment and soakage for run-off from the roading system. No central collection and ponds system would be required or is proposed. The evidence was that soils on the site are very suitable for this, and no contamination of groundwater is anticipated by the expert reports for the applicant and Council.

Water reticulation

35. Water reticulation is to be connected to the Council's existing system and no further bores on the site will be required.

Water quality

36. A number of concerns were expressed, particularly by Te Taumutu Runanga, about adverse effects on water quality, especially effects on ground water, and on the open water race that adjoins the site on Trents Rd. Accelerated stormwater run-off will occur from roofs, and from roadways and hard stand areas. Disposal of stormwater directly to land is proposed. The reports for the Council and the applicant foresee no adverse effects from this. Roof water is generally regarded as clean. Run-off from roads will be treated by retention in grassed swales. These discharges will require consent from Environment Canterbury. No discharge to the water race is proposed. Construction earthworks can create temporary issues for water quality. These are usually dealt with by conditions at the time of subdivision consent applications, particularly by the use of management plans. I was satisfied on the evidence presented that any adverse effects on water quality would be less than minor.

Natural hazards

37. Natural hazards which might occur in flat rural land in Selwyn District could include flooding and seismic risk. The report prepared for the applicant by Riley Consultants and peer reviewed for the council by Geotechnic Consultants showed that the risk of liquefaction or lateral displacement on this land is low. The Rural Residential Strategy process demonstrated that this site is not prone to flooding or drainage difficulties.

Soil contamination

38. A Preliminary Site Investigation into the potential for soil contamination included with the application indicated that the site is unlikely to have been used for any hazardous activities except for a small area around an over ground diesel storage tank. Any contamination around this tank should be assessed and if necessary remediated at the time of subdivision consent application and requires no further attention now.

Statutory Analysis

39. Section 5 of the RMA contains the well-known purpose of sustainable management of natural and physical resources. Sustainable management includes enabling people to meet their social cultural and economic needs, which this application would do. At the same time adverse effects on the environment must be avoided, remedied, or mitigated, the needs of future generations must be protected and the life-supporting capacity of air, water, soil and natural ecosystems must be safeguarded. Of these only dealing with adverse effects seems relevant, and I have found that any adverse effects can be dealt with. There do not seem to be any issues that have been raised concerning the needs of future generations except perhaps the rather tenuous argument that the land might be better kept for other purposes, or about life-supporting capacity.

40. Section 6 specifies a number of matters of national importance but none of those seem to be applicable. Section 7 contains a number of other matters I am to have particular regard to. The ones I consider relevant to this case are;

(b) The efficient use and development of natural and physical resources:

[(ba) the efficiency of the end use of energy:]

(c) The maintenance and enhancement of amenity values:

(f) Maintenance and enhancement of the quality of the environment:

41. My comments on those matters are;

- **Efficient use and development of resources.** The opportunity to make use of the land for rural residential development is economically more efficient than requiring that they be retained for lower value agricultural uses. Although the site contains soils capable of productive use, there are other sites throughout the district that are more suitable for such activities. The strategic approach the Council is adopting towards rural residential development is to make limited provision for it in peri-urban areas such as this to free up the Rural zones for productive use.
- **Energy.** No rural residential development is going to promote efficiency in end use of energy compared to more intensive residential activity. However the higher order planning documents establish that there is to be a limited amount of rural residential development. The RRS14 deliberately selects peri-urban sites close to townships because of their proximity to community facilities and public transport to minimise the amount of car travel that would result from a more scattered approach.
- **Amenity values.** The developments proposed will almost certainly produce as good or better standard of amenity than activities conforming to the Rural Inner Plains zone.
- **Quality of the Environment.** I do not see this as being adversely affected by the proposals, and because of the high standard of landscaping and visual presentation it will probably be improved.

42. Under Section 74(2) of the RMA (when preparing or changing a district plan, the Council must give effect to the operative Canterbury Regional Policy Statement. I have discussed this above and concluded that this proposal achieves and complies with its provisions.

43. Other than section 32, which I discuss separately below, the remaining provisions of the RMA relating to plan changes are procedural and have been complied with. I therefore conclude that the plan change complies with the requirements of the RMA.

Section 32

44. Section 32(2) of the Resource Management Act requires that before these plan changes are approved, I must evaluate them under its provisions. Although section 32 was recently amended the amendments apply to applications where further submissions closed after 4 December 2013, which is not the case here. Therefore, under the former provisions, evaluation must examine

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

45. The evaluation shall take into account

(a) the benefits and costs of policies, rules, or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

46. With regard to the proposed amendments to the rules, another alternative would be instead to proceed by way of resource consent but this would not be as efficient as a plan change. A resource consent would require too much of the final design to be established at this early stage, which could prove difficult to implement when the time comes to actually subdivide the land, perhaps creating a need for further resource consents. It is more efficient to establish the broad parameters of the developments at an early stage through district plan provisions, so that the owners can proceed to the more expensive detailed design with confidence.
47. As for benefits and costs, I am satisfied that the proposals will bring about considerable economic benefits for the landowners, and some for the local economy. With regard to costs there would be few costs to the natural and physical environment because of the lack of adverse effects. There would be some travel costs generated from commuting, but no more so than many other sites that are already in use for rural residential activities or proposed for that purpose. There would be some costs from lost rural production, but these would be less than the economic benefits of the development of the sites as proposed. I therefore find that the benefits of the proposed plan changes are considerably greater than the costs.
48. The issue of risk of acting or not acting in the absence of sufficient information does not seem to apply. There is sufficient information to make informed decisions.
49. Overall the proposed plan changes satisfy the requirements of section 32 of the Resource Management Act as they existed at the time the application was made.

Recommendations

50. My formal recommendations to the Selwyn District Council have been set out at the commencement of this report, but briefly I have recommended the plan changes be approved with amendments and the submissions are allowed or disallowed accordingly.
51. The full text of the recommended amendments to the district plan is set out in Appendix 1.
52. A schedule of Decisions on submissions is set out in Appendix 2.



David L Mountfort

Accredited Hearings Commissioner

October 28 2014

APPENDIX 1

Schedule of Proposed Amendments - Plan Change 41 – Anderson Block

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 Rd and Springs Rd

- 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 43 Indicative Road Cross Section – Living 3 zone and Fencing Typologies as contained in Appendix 43 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 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 **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:

<u>Township</u>	<u>Zone</u>	<u>Average Allotment Size Not Less Than</u>
<u>Prebbleton (Trents Rd)</u>	<u>Living 3</u>	<u>Between 5000m2 and 1ha</u>

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

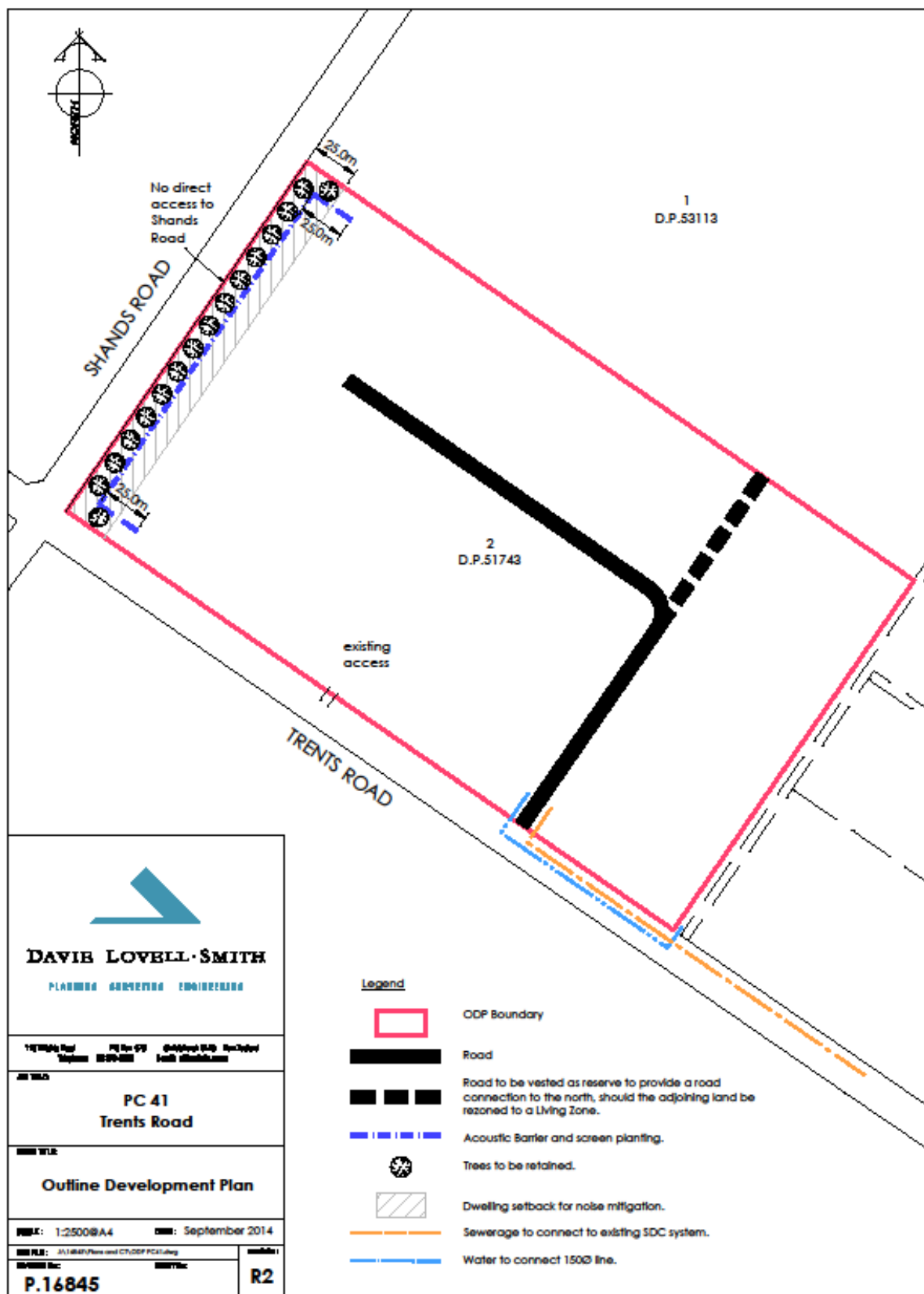
- **The extent to which features that contribute to rural character, including open space and plantings, have been retained or enhanced.**
- **Whether fencing, roading (including cross sections and typologies) and utilities reflect the semi-rural nature and level of service appropriate for rural-residential 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 3.**

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14. Amend Outline Development Plan by substituting the version set out below.
15. Any other consequential amendments including but not limited to renumbering of clauses and District Plan maps as appropriate.

It is noted that with the proposed Changes to the Selwyn District Plan currently proposed through the Land Use Recovery Plan that the numbering of some rules and appendices may need amending before adoption.

Amend Proposed Outline Development Plan as set out below.



APPENDIX 2

RECOMMENDATIONS ON SUBMISSIONS

D & S Anderson	Accept in Part	Submission is accepted insofar as PC 41 is recommended to be approved subject to minor amendments to the ODP, landscaping rule, and subdivision assessment matters.
G Tod	Reject	It is recommended that PC 41 be accepted. The proposed density is consistent with the Canterbury Regional Policy Statement and the Rural Residential Strategy. Concerns regarding water quality and quantity have either been addressed through the engineering reports accompanying the plan change and associated peer review, or are matters that are more appropriately considered through later subdivision and resource consent processes once the detailed design of infrastructure has been developed.
M Stratford	Accept in Part	The parts of this submission that sought either the plan change be deferred, or alternatively the submitter's land be included in the plan change are rejected. The applicant is entitled to have its application considered on its own merits. The submitter's land needs to be fully assessed through its own plan change process. However the amendment of the ODP to confirm the provision of a vested road to provide link for roading and infrastructure to the submitter's block and to facilitate integrated development between the two blocks in the future is accepted. The details of this arrangement can be confirmed through the subdivision process for the PC41 land.
Te Taumutu Rununga	Accept in Part	The majority of the matters raised by the submitter are more appropriately considered through later subdivision and resource consent processes once the detailed design of infrastructure has been developed. In particular, there is no reason to believe that surface or underground water quality will be affected if appropriate engineering controls are adopted at time of subdivision. Water supply is to be through the Council's reticulated supply, so questions of allocation will be controlled through that process. It is recommended that the subdivision assessment matters be amended to include the ability of Council to consider the extent to which native species are proposed to be used in the road reserve and vegetated swales.

G Tod (further submission)	Accept in Part	The majority of the matters raised by the submitter are more appropriately considered through later subdivision and resource consent processes once the detailed design of infrastructure has been developed. It is recommended that the subdivision assessment matters be amended to include the ability of Council to consider the extent to which native species are proposed to be used in the road reserve and vegetated swales.
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