

Annexure Nine: SDC Letter re Pre-Application Meeting

24 October 2012

Coles Family Trust
c/- Robin Schulz, Director
Nimbus Group
P O Box 8394
CHRISTCHURCH 8440

Dear Sir/Madam,

RURAL RESIDENTIAL PLAN CHANGE: PRE-APPLICATION MEETING

The following letter summarises the general points that were discussed at the meeting held on Thursday 18th October 2012. This letter also aims to outline the matters Council would expect to be contained within any request seeking a rezoning of the subject site from its existing Rural (Inner Plains) zone to a Living 3 zone to support rural residential development. I have not summarised any of the points discussed at the same meeting with respect to the adjoining balance of your clients that is zoned Living Z, which my colleague Cameron Wood will respond to in due course.

Strategic management of rural residential development

As you will be aware, rural residential development has been managed in the District historically, with the basis of the recent proposed changes to the District Plan (Plan Changes 17 and 32¹) being driven by amendments to the Regional Policy Statement (RPS) through Change 1. There have been a number of process issues associated with the formalisation of the RPS with respect to managing development within Greater Christchurch that has meant that a definitive framework at the Regional level has yet to be finalised. As you will be aware, Chapter 12A has recently been withdrawn from the Operative RPS in response to a successful judicial review process, with all appeals on the Change 1 decision having been returned to the Environment Court for consideration. However, the judicial review decision is subject to an appeal to the Court of Appeal, so there remains a possibility that Chapter 12A may be reinstated into the Operative RPS. Despite the above, it is important that any private plan change request demonstrate the extent to which any given proposal will deliver the prescribed household allocations (Policy 6) and development criteria (Policy 14) espoused in Change 1.

The Rural Residential Background Report (RRBR) and the District Plan Growth of Township provisions have strongly influenced Council's Plan Change 32 (32), which promotes rural residential typologies in peri-urban locations adjoining Townships. This is to achieve infrastructure efficiencies, preserve rural productivity and amenity and achieve sustainable rural residential nodes.

Council would expect any request to address the 'preferred location criteria' contained within the RRBR, which have been prepared to assist in determining the appropriateness of any given site for accommodating rural residential densities. The following matters should also be addressed in the request:

- Methods to deliver an appropriate rural residential character, form and function
- the preparation of an Outline Development Plan (ODP) to identify how the site is proposed to be integrated with adjoining land use activities, reference any historic,

¹ PC 17 has been withdrawn and replaced by PC 32, which has been publicly notified and submissions/further submissions received

cultural or ecological values within the site, confirm the road network, stormwater treatment and disposal areas, walking and cycling connections and network utilities

- determine densities through in-depth contextual analysis to ensure all constraints and opportunities associated with the site have been identified and responded to

I will forward through a copy of the withdrawn PC 17, which supported the subject block for rezoning to Living 3 densities and contains assessments as requested. However, it is important to note that PC 17 has been formally withdrawn so cannot be given any statutory weight in considering the merits of any future private plan change request.

I take this opportunity to emphasise that the number of rural residential households are managed tightly to reflect the Council's current position that rural residential forms of development are a less sustainable typology when compared to consolidated residential patterns of growth. The first in first served regime currently in place is contingent upon private land owners pursuing District Plan zone changes. Therefore, it is important that promulgators of private plan change requests consider the risks and economic viability of pursuing a rezoning proposal under the current circumstances, where there are limited households Council is able to allocate and no surety that a rezoning will be successful.

Plan Change 32

Council has publicly notified Plan Change 32 (PC 32) to the Selwyn District Plan to incorporate additional objectives, policies and rules into the Living 3 Zone (Rural Residential), the preparation of which was informed by the RRBR and Change 1.

Several proposed objectives and policies within PC 32 are directly relevant to the substantive consideration of a plan change request seeking a Living 3 zone, including the following:

- *Zone description* – Identifies the anticipated form, function and character of the Living 3 Zone;
- *Objective B3.4.6* – Reinforces the preference for peri-urban consolidated growth, the need to achieve efficiencies in the provision of infrastructure servicing and to identify methods to achieve sustainable outcomes through in-depth analysis of the sites context;
- *Policy B3.4.3 (b)* – Sets out the various requirements for any given development proposal, including ODP's, servicing, amenity outcomes, density, layout and connectivity;
- *Policy B4.3.68 and Policy B4.3.69* – Incorporates the Living 3 Zone into the Preferred Growth Option for Rolleston, including specifically the need to avoid conflict with the South Island Main Trunk Line (SIMTL), State Highway One (SH1), I-Zone Business Park and the Christchurch International Airport Noise Contour.
- *Subdivision assessment matters* – Identifies the various assessment matters required to be addressed at subdivision stage.

Development site

The following summary outlines the context of the site in respect to the District Plan Growth of Township provisions and other strategic planning documents prepared by the Council to assist in determining the appropriateness of locations to support rural residential development.

The urban form of Rolleston, as established through the Rolleston Structure Plan process, is now reflected in the Growth of Township policies and the relating Living Z zone. As you are aware, the subject site is not within the Metropolitan Urban Limit for Rolleston, but does directly adjoin an area zoned Living Z. The site also avoids the identified airport noise contour and is some distance from the I-Zone business park. However, methods will need to be developed to avoid any potentially adverse reverse sensitivity effects associated with the adjoining SH1 and SIMTL.

Once again, specific reference should be made in any plan change request to the Township Study Area Assessments, 'preferred location criteria' and the Study Area Assessment Plans

contained within Appendix 6 of the RRBR, which contain useful information that is directly relevant to the planning context of the proposed development area.

The stability of the ground to support rural residential densities and its susceptibility to liquefaction during large earthquake events will need to be investigated if a rezoning proposal is pursued. This is a mandatory requirement under the Recovery Strategy for Greater Christchurch².

Development proposal

The general development area is bound by the Rural (Inner Plains) Zone to the north and west, undeveloped Living Z zone to the south and State Highway 1 to the west. A plan identifying an initial scheme for the development block was tabled at the meeting for discussion, which identified a yield of 36 households sections at an average density of 2hh/ha. This scheme plan differs slightly from the proposal that was tabled during the PC 17 process, with the amendments supported because they better respond to the surrounding context of the site, such as the provision of larger lots adjoining the State Highway and adjoining rural blocks. The range of lot sizes and the containment of the smaller parcels within the centre of the site to internalise any related effects is also supported from an urban design perspective.

Several points of clarification were raised and responded to, including the following:

- The road cross sections for the Living 3 zone have been confirmed through the PC 12 process, which provide wide berms, reduced sealed widths and street lights, encourage swales as opposed to kerb and channelling to achieve an overall rural residential appearance and function
- A concern was raised around the reduced buildable area associated with the 0.3ha parcels where the PC 32 setbacks rules are applied – these setbacks are a more generic development control to achieve a rural residential form, function and character, which contrasts to specific development controls that may be promulgated for specific development proposals to avoid, remedy or mitigate potentially adverse effects associated with small parcels within the Living Z zone
- It was confirmed that any future setback and building restrictions from the State Highway are likely to be consistent with what has been established for the adjoining Living Z zone, with Cameron Wood to respond accordingly
- Confirmation was provided that Council did not necessarily support additional open space reserves or a peripheral walkway, as confirmed in previous meeting notes provided on the proposed development of the land
- Consideration was given to deferring some of the household numbers already allocated to the District under Change 1, but are contained within the undeveloped Living 3 zone in Rolleston. Any deferral would require the buy-in from the land owner and would need to be formalised into the District Plan or through some other legally binding instrument

Plan change request

At this point in time, all private plan change requests must demonstrate that the District Plan would continue to ‘give effect’ to the RPS should it be formalised, including specifically the prescribed household allocations and development criteria identified previously.

Any inconsistency with the objectives and policies of the District Plan, or any amendments to it proposed through PC 32, would not be grounds for Council to reject the request³. Rather, I consider that these matters would need to be weighed up in a substantive assessment of the overall appropriateness of any proposed zoning for consideration at any subsequent hearing.

² www.cera.govt.nz

³ Clause 25 (4) of the 1st Schedule of the Resource Management Act 1991

The following technical reports are anticipated to accompany any private plan change request to rezone rural land to Living 3 Zone densities, although this would ultimately be determined by the scale of the final proposal and characteristics of the site:

- Urban design/ landscape analysis
- Infrastructure servicing (water, wastewater, stormwater and utilities)
- Transportation
- Contaminated land assessment⁴
- Geotechnical analysis
- Environmental health and environmental effects assessments

Council also recommends that the applicant consult with Te Taumutu Rununga through Mahaanui Kurataiao Limited (MKT) to identify any cultural values and to establish options to protect and enhance ecosystems and indigenous biodiversity. The contact at MKT is Frania Zygadlo – Environmental Advisor (03 377 4374 - frania.zygadlo@ngaitahu.iwi.nz).

I would also strongly encourage you to lodge a draft plan change request if you choose to proceed so that it can be circulated to all relevant staff within Council for comment.

Please feel free to contact me should you have any further queries.

Yours faithfully



Craig Friedel
Policy Planner

⁴ A desktop based contaminated land assessment is required to determine the appropriateness of the land for intensification based on the new requirements of National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

From Craig Friedel
To Anna Mackenzie
Date 29/08/2013

Anna,

Thank you for the opportunity to review and provide comments on the pre-application draft of the Coles private plan change request in East Rolleston. It is noted that the plan change reference of PC27 has already been registered on Council's system, so can be used for the purposes of finalising the request.

A more comprehensive review including feedback from Assets Manager's and other experts was not able to be undertaken based on availability and time constraints. The following comments are therefore limited to the planning aspects of the plan change and are provided on a without prejudice basis.

Pre-application draft

The matters raised in Council's pre-application letter dated 24 October 2012 for the most part remain relevant. A significant change of circumstance relates to how Council is required to manage rural residential development under the Land Use Recovery Plan (LURP) and Chapter 6 of the Canterbury Regional Policy Statement, which I note is addressed within the draft plan change document. I propose to send through a separate email to provide a more detailed update on the LURP, Chapter 6 and progress with Council's Rural Residential Strategy (which is effectively required to enable any rural residential development within the UDS area of the District once the Minister makes the LURP operative).

The following comments are referenced against the PC27 paragraph numbering:

- Paragraph 1.1 – As identified below, personally I'm not confident that rural residential development will 'promote urban consolidation'. Rather, the location is the most optimal in respect to integrating with a self-sustaining Township, promoting connectivity and proximity to employment, services, social services, being able to achieve efficiencies in the provision of infrastructure (able to economically connect to reticulated services, alternative transport options to private motor vehicles...) and avoiding rural productive farmland and strategic infrastructure (i.e. avoids I-Zone and Airport noise contour, but is affected by the SH1 four-laning notice of requirement).
- Paragraphs 1.3/1.14 – As identified below, I do not agree that the balance of the Coles land holding beyond the MUL has become unviable for rural production given. This is because it is 20ha in size, while the minimum lot size under the Rural Inner Plains zone is 4ha. In addition, I can't see how the parcel would become land locked as this would not be able to occur through the subdivision process.
- Paragraphs 1.5/1.6 – I do not support the position that rural residential development needs to be provided simply to respond to market demand. It is clear in the post-earthquake analysis on household availability in the LURP that Selwyn District has more than enough residential zoned land to respond to growth, particularly in Rolleston, Lincoln and Prebbleton. In contrast, Chapter 6 identifies a number of issues with providing this form of development and provides clear parameters under which it needs to be managed. There is a very general discussion in the draft LURP that rural residential development offers some housing choice, but that it is a less efficient use of land and infrastructure, undermines rural character and conflicts with farming and quarrying (LURP – Section 4.2 P44).
- Paragraphs 1.16-1.19 – The RRBR is effectively going to be superseded by the Rural residential Strategy, but until it is accepted by Council for notification the Background Report reflects Council's adopted policy position.
- Paragraph 1.24 – The request appears to be seeking approval for a development proposal that contains an average lot size of 4,700m², which technically fails to accord with the definition currently provided in Chapter 6 to the Regional Policy Statement. A more detailed explanation as to how this was calculated is needed, including whether the walking link is exempt from the density calculations under Chapter 6. My understanding was that access

strips can only be exempt where they “...form part of a larger regional or sub-regional reserve network”. I’m not so sure this access link would qualify as being of regional or sub-regional importance.

- Paragraph 3.11 – As identified below, I do not believe a lot of weight can be given to Change 1, given the Environment Courts discussion on the relevance of the framework when placing the appeals on indefinite hold. The LURP however has been through two consultation processes and now only requires the Minister to make a decision, at which point it will be operative pursuant to the CER Act.
- Paragraphs 3.32 to 3.34 – These are strong arguments to support the location, with these principals being reflected in the PC32 policy directions and the RRBR/Rural Residential Strategy. Also a note that the numbering appears to have gone awry at the end of paragraph 3.34.
- Paragraph 3.24 [P24] – personally I believe the summary provided in this paragraph presents a stronger argument for the land being appropriate for a Living 3 zone than the discussion provided in Paragraph 1.1 and 1.3/1.4.
- Paragraph 3.30 [P22] – This assessment seems a bit slim given the current set of circumstances where: (a) the CER Act is managing development in Greater Christchurch; (b) the SH1 four-laning/CSM2 is a Road of National Significance and has been heard by a Board of Inquiry; and (c) we now have an Iwi Management Plan that has been endorsed by all Rununga in the Canterbury Takiwa.
- Section 6 – Consultation; The draft does not appear to include an assessment against Mahaanui: Iwi Management Plan 2013. An assessment against this Iwi Management Plan, and confirmation of discussions with MKT, should be included to ensure any sites of significance are not overlooked and any effects on Rununga values are addressed. I would also strongly recommend that NZTA is consulted given that a portion of the land is identified in the Notice of Requirement for the SH1 four-laning (see the 500m NoR buffer contained in the attached GIS print out).
- Paragraph 6.2 – The site wasn’t specifically subject to consultation under the RRBR or PC 32 processes as these initiatives were determining the higher level policy framework for managing rural residential development, as opposed to selecting preferred locations (which was undertaken as part of PC17, but cannot be relied upon as it has been withdrawn). The Rural Residential Strategy supports the site on a preliminary basis, but has yet to be adopted. It may be more appropriate to reference that the applicant has participated in these processes by lodging comments and submissions, but no definitive outcome has been reached.

Outline Development Plan – Annexure 2

- I note that the ODP appears to have been amended since Council’s last advice, with a number of the eastern peripheral lots having been reduced from 7,000m² down to below 5,000m² and northern peripheral lots from 1ha down to 7,500m². It is also noted that the central connector road has been replaced with a RoW.
- It is noted that the smaller parcels are below 3,000m² in size (see RRBR re: rural residential = lots ranging between 0.3 to 2ha in size, with the landscape assessment identifying a preference for 1ha lots as a minimum from a visual perspective), with there being a real concern that this sized parcel will struggle to deliver the anticipated rural residential form, function and character. These reduced lot sizes, coupled with the potential that the average may not satisfy the minimum prescribed in Chapter 6, will need to be addressed in more detail in the request.
- In a general sense there appears to be a reduced range of lot sizes, but the overall yield has not increased. It is not clear what the purpose of the changes were, or what outcomes/effects are likely to arise as a consequence. In any event, a more comprehensive assessment of the ODP from an urban design and visual perspective will be undertaken once the request is formally lodged. I am able to forward the ODP onto Council’s Landscape Architect, Mr Andrew Craig, for comment should you require more detailed advice to inform the final application.

Annexure 3 – Table 1: Assessment against planning provisions

- The second paragraph in the introduction identifies that the LURP is being prepared by ECan. However, the LURP was completed by ECan and lodged with the Minister in July, who then released it for public comment that closed on the 2nd August. The LURP is now with the Minister to consider amendments and adoption, although the legislation does not prescribe a timeframe for when this is required to occur by. A subsequent email will provide a further update on the LURP, Chapter 6 and Council's Rural Residential Strategy.

Annexure 3 – Table 2: Assessment against relevant objectives and policies and proposed Change 1

- I am not so sure Change 1 has a lot of weight any longer and it is marginal whether it needs to be considered in any great detail. This is because the Environment Court has placed the appeal on indefinite hold pending the LURP. I also believe the UDS partners identified in the same proceeding that the Change 1 would be withdrawn once the LURP is made operative. Where it is more relevant is identifying that ECan has moved from an allocative approach under Change 1 i.e. maximum number of 600hh in the Selwyn District to a more devolved approach where the numbers and locations are to be established through an LGA Rural Residential Strategy.
- I note that some emphasis has been placed on the location being supported as it promotes the consolidated urban form of Rolleston. Personally I believe rural residential development by its very nature is the opposite of urban consolidation principles. So rather than saying it promotes consolidation, it may be more appropriate to mention that the location has the least impacts on strategic infrastructure and rural productive land in peri-urban locations and achieves efficiencies in infrastructure servicing when compared to more isolated rural residential typologies. This argument aligns with Council's policy direction in the RRBR, PC 32 and Rural Residential Strategy.
- One of the primary considerations under Change 1 and Policy 6.3.9 (g) of Chapter 6 is to avoid locations that may give rise to significant adverse reverse sensitivity effects with adjacent strategic infrastructure. The notice of requirement for the four-laning of SH1 adjoins the site, so if consultation has not occurred to date with NZTA, I would recommend it be initiated as a priority.

Annexure 3 – Table 3: Assessment against relevant objectives and policies of the LURP and proposed Chapter 6

- Refer to separate email

Annexure 3 – Table 5: Assessment against relevant objectives and policies of the SDP

- The draft provides a brief assessment on whether the rezoning impacts on versatile soils, identifying that this is not a matter of consideration under the LURP or Chapter 6. However, s 5 (2)(b), Policy 1.1.8 of the SDP and the RRBR criteria do identify this issue specifically. I would recommend a more detailed assessment of this aspect of the proposal.
- I do not agree that the balance of the Coles land holding that is outside the MUL has become unviable for rural production given that it is 20ha in size and the minimum lot size under the Plan is 4ha. In addition, I can't see how the parcel would become land locked as this would not be able to occur through the subdivision process.
- The Council's Rural Residential Strategy – Consultation Draft contains some preliminary assessments supporting the site's location for accommodating a Living 3 zone, with some of these reasons being set out in the pre-application letter from Council dated 24 October 2012.

Schedule of amendments

One matter I would like to discuss is how best to align the schedule of amendments proposed in PC27 with what are being proposed through PC 32 and other private plan changes lodged with Council for consideration. To that end, I have prepared a schedule of amendments that sets out the various operative Living 3 zone provisions and the changes being proposed under PC 27, with comments suggesting amendments or additions to better align with the Living 3 zone framework. There are a couple of options to consider, the first is we work collaboratively to discuss any possible changes before notification, while the second is that Council lodges a submission on PC

36 to ensure there is sufficient scope for a Commissioner to consider changes to the proposed schedule of amendments. This is certainly not identifying a weakness or lack of information in the request, but rather a consequence of there being several processes occurring at once that deal with the same resource management issue i.e. LURP, Chapter 6, RRBR, PC 32 and private plan changes (PC28, PC36, PC 41 & PC 27).

I hope the above comments are of use. I am happy to provide further clarification on the feedback provided.

Regards

Craig Friedel
Strategy & Policy Planner
Strategy & Policy Team
Environmental Services
DDI: (03) 347 2827



Annexure Ten: Matson & Allan Letter

19 April 2013

Chief Executive
Environment Canterbury
P O Box 345
CHRISTCHURCH 8140

Dear Sir/Madam

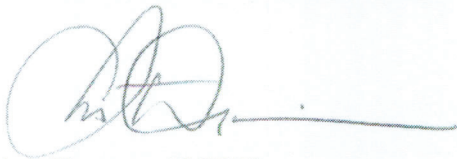
RE: SUBMISSION – SELWYN DISTRICT RURAL RESIDENTIAL LAND

1. Matson & Allan have been involved in the Rural Residential market in Canterbury for in excess of 50 years.
2. This company has an active involvement in the Selwyn District and has its main office in Rolleston in the Central Business District specialising in Rural, Rural Residential and Residential sales and marketing.
3. We have been asked to comment on the demand/availability of small Rural Residential lots which we confirm are in the area of between 3000m³ and 1ha in area, and in particular as to the effect of the recent Christchurch earthquakes on this particular market.
4. Over the last 14 years since Selwyn District has shown rapid expansion, there has always been a steady and strong demand for Rural Residential lots as opposed to larger 4ha lots, of which the latter are really the only option available for a person looking for a semi rural lifestyle property.
5. Our experience is that of the 4ha lots that have sold on the current market, over 60-65% of those purchasers would have preferred smaller lots, but have been unable to purchase them as they are not available.
6. Our view is that the 4ha lots are uneconomic and a totally unproductive means of providing a rural option with most buyers generally looking for a small area for extra land for grazing a horse, sheep, or a building for rural storage type purposes.
7. Our experience has been since the Christchurch earthquakes that a large number of people affected by the earthquakes are seeking a rural option at a market value level equal to what they had invested in their house affected by the earthquakes. Our knowledge is that there are minimal and limited options, which is putting pressure on other markets and the ripple down effect of not having small rural residential options is compressing that end of the market.

8. It is our experience and view that the properties in the middle to higher priced bracket would come from the second and third home buyers who want to move up the property ladder and make available their present home, but there are not the options available given the limited availability of land.
9. In the red zone resultant from the earthquake there have been a significant number of higher valued and quality homes destroyed. We have experienced a number of these parties looking for a Rural Residential option, but due to the lack of supply they are not able to be satisfied.
10. It is our view that the availability of Rural Residential lots in the Selwyn District would be in strong demand.

Yours faithfully

MATSON & ALLAN REAL ESTATE LTD

A handwritten signature in blue ink, appearing to read 'Chris Flanagan', followed by a horizontal line.

Chris Flanagan, AREINZ
Director