

**IN THE MATTER OF**

The Resource Management  
Act 1991

**AND**

**IN THE MATTER OF**

Officers s42A Report on  
Plan Change 47 to the  
Selwyn District Plan

**Officer's s42A report relating  
to Plan Change 47**

**Request to rezone land west of Prebbleton from Rural (Inner  
Plains) Zone to Living 3 Zone.**

**Report Number:**

PC 160047

**To:**

Hearing Commissioner – David Mountfort

**From:**

Strategy & Policy Planner – Craig Friedel

**Hearing Date:**

On Papers

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## ATTACHMENTS

<b>Attachment A</b>	Proposed schedule of amendments and ODP (As amended following the close of submissions)
<b>Attachment B</b>	PC 47 application document
<b>Attachment C</b>	Landscape Values and Visual effects – Andrew Craig, Andrew Craig Landscape Architects
<b>Attachment D</b>	SDC infrastructure assessments – Murray England, Utilities Manager and Andrew Mazey, Asset Manager Transportation

## **1.0 INTRODUCTION**

### **Qualifications and experience**

- 1.1 My name is Craig Friedel. I hold the qualifications of Bachelor of Arts (Geography) from the University of Canterbury and Postgraduate Diploma in Resource Studies (Environmental Policy and Planning) from Lincoln University. I am currently studying towards a Masters in Environmental Policy and Management at Lincoln University (awarded credits for five of the required nine papers).
- 1.2 I have worked in the field of planning and resource management on a full-time basis since 2005. This has included three and a half years' experience as an Environmental Consents Planner and Senior Environmental Consents Planner at Taupo District Council. I have been employed as a Strategy and Policy Planner at Selwyn District Council for the past seven and a half years.
- 1.3 I am familiar with the Selwyn district, its resource management issues and the Selwyn District Plan (SDP). I prepared the Rural Residential Background Report and related proposed plan changes to the District Plan (initially Plan Change 17 and subsequently Plan Change 32). I also prepared the Draft Rural Residential Strategy and was the reporting officer who assisted the hearings panel in conjunction with submitters to determine the final contents of the adopted Rural Residential Strategy 2014 and Council's associated response to Action 18 (viii) to the Land Use Recovery Plan.
- 1.4 My direct involvement in the processing and assessment of PC 47 commenced from pre-application discussions and the formal lodgement of the request.
- 1.5 I am a full member of the New Zealand Planning Institute.

## **2.0 SCOPE OF EVIDENCE**

- 2.1 This evidence evaluates PC 47 and makes a recommendation to the Hearing Commissioner to accept the request in its amended form. In this regard it is important to emphasise that the Commissioner is in no way bound by my recommendations and will be forming their own view on the merit of the plan change request.
- 2.2 In preparing this evidence and forming an opinion on the proposal I have:
- (a) Familiarised myself with the site and surrounding environs;
  - (b) Reviewed the request, from pre-application drafts through to the amendments made post-submissions;
  - (c) Considered the statutory framework and other relevant planning documents, including the adopted Rural Residential Strategy 2014 (RRS); and
  - (d) Relied where necessary on the evidence and peer reviews provided by other experts on this plan change.

## **3.0 PC 47 OVERVIEW**

### **Application and Site Context**

- 3.1. The application site currently has a Rural (Inner Plains) zoning, which provides for rural activities and requires a minimum site density of one household per 4 hectares. The site is located on the western side of Prebbleton adjoining the Kingcraft Drive Existing Development Area and the Living 3 (Trent's Road) Zone.



The property is bounded by Shands Road to the west (Refer to [Figure 1: Site plan](#)). The property address is 631 Shands Road.

- 3.2. The site has a total area of approximately 16 hectares, is held in one existing title (CB31B/383) and is legally described as Lot 1 DP 53113. There is one existing dwelling and associated accessory buildings established on the property, with the balance of the land consisting of open grassed paddocks, shelter belts and a horse training area.
- 3.3. Beyond the site, there is rural zoned land to the west on the opposite side of Shands Road and south of Trent's Road. The Living 3 (Trent's Road) Zone forms the southern boundary, which has been subdivided and provision made for a through connection to the subject property in the form of Penberley Road.
- 3.4. The Kingcraft Drive Existing Development Area (EDA) to the east provides for dwellings on one hectare lots, with this area displaying a density and character that is similar to what are being proposed through PC47, albeit with lots that are at the higher end of the rural residential density spectrum. The Kingcraft Drive EDA is recognised as the outer edge of the Prebbleton urban form due to its density and established lifestyle activities.
- 3.5. There are two properties directly to the east and four properties on the north-eastern boundary that remain as rural land holdings, with a zoning of Rural (Inner Plains). The application site is approximately 2.2km from the town centre via Penberley Road, Trent's Road and Springs Road.
- 3.6. There is some provision for Living 3 zone rural residential development in Prebbleton, with two separate Living 3 zone sites on Hamptons Road and Trent's Road having been subdivided to provide for an additional 31 households. There are three other preliminary rural residential sites identified in the RRS where zoning from Rural (Inner Plains) to Living 3 have yet to be applied for, being Preliminary Areas 7, 8 and 9<sup>1</sup>.

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<sup>1</sup> Rural Residential Strategy 2014, Section 6 – Prebbleton Rural Residential Locations, Figure 31, P62

- 3.7. The 2015 population of the Prebbleton urban area was 3,898, which is projected to increase at a growth rate of 2.4% per annum to a population of 5,202 residents by 2041<sup>2</sup>. There has been a high uptake of residential zoned 'greenfield' land post-earthquake in the township.

### **Summary of PC 47**

- 3.8. PC 47 seeks to rezone the site to Living 3 densities to accommodate approximately 26 rural residential households with lot sizes generally between 0.25 to 1ha. The rule framework being sought by PC 47 relies on the existing Living 3 zone, with amendments being limited to site specific matters. The request does not propose to make any changes to the operative Living 3 zone objectives or policies. The subject site is identified as Preliminary Location Area 5 in Council's adopted RRS.
- 3.9. Attachment A includes the schedule of proposed amendments and the associated outline development plan for PC 47. The full request is contained in Attachment B and has been made available to members of the public through Council's website and counter copy held at the Rolleston Headquarters.
- 3.10. The application was formally received by Council on the 4<sup>th</sup> March 2016. After lodgment the application was reviewed to determine the adequacy of the information provided. Peer review advice was received on contamination and geotechnical investigations and an Iwi Management Plan review was commissioned. These evaluations were contained in the application materials that were publicly notified (Attachment B).
- 3.11. A decision was made by Council on the 13<sup>th</sup> April 2016 to accept the request for public notification pursuant to Clause 25 (2)(b) of the First Schedule of the RMA.
- 3.12. The applicant has sought an additional amendment following the close of submissions, which seeks to extend the 5 metres side boundary setback along a portion of the eastern boundary to 10 metres. This extended

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<sup>2</sup> Selwyn Growth Model: <http://www.selwyn.govt.nz/services/planning/population>

setback is referenced on the outline development plan and amended Rule 4.9.18, which are both contained within Attachment A of this report (Amendments 2 and 6 respectively).

## **4.0 SUBMISSIONS**

### **Submissions received**

- 4.1 PC 47 was publicly notified on the 22<sup>nd</sup> April 2016, with submissions closing on the 23<sup>rd</sup> May 2016.
- 4.2 A single submission was initially received on PC 47. However, this submission was formally withdrawn on the 4<sup>th</sup> July 2016. A determination in respect to submissions is not required under these circumstances.

## **5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **Visual and landscape effects**

- 5.1 The subject site is located on the urban/rural fringe of Prebbleton, which necessitates a consideration of both environs when assessing visual and landscape effects.
- 5.2 Mr. Craig of Andrew Craig Landscape Architects Limited undertook a review of the application document evaluating the visual and landscape effects that may arise from the rezoning. This initial evaluation formed part of the notified plan change request, which is provided in Attachment B to this report.
- 5.3 A further evaluation has been undertaken following receipt of the amended outline development plan and related rule, which is contained in Attachment C. This report confirms an alignment in positions between Mr. Craig and the applicant in respect to a reduction of the internal plantings

proposed along the urban/rural interface, which were initially indicated on the outline development plan prior to notification.

- 5.4 Overall, Mr. Craig concludes that:

*"...I'm satisfied that the applicant has addressed the matters raised in my s92 advice and that the proposal will achieve the District Plan landscape character and amenity outcomes anticipated for such an activity".*

- 5.5 On the weight of this evidence I am satisfied that the amended zoning will not undermine the visual amenity that characterises the surrounding environment. There are sufficient development controls contained within the District Plan to ensure the landscape values anticipated within the Living 3 zone will be delivered, should the zoning be successful and the land is subdivided to rural residential densities.

#### **Rural residential amenity and character outcomes**

- 5.6 Any future subdivision and land use development will be subject to the operative Living 3 zone rules, which will assist in ensuring that the anticipated rural residential form, function and character will be delivered. The requirement to adhere to minimum average allotment sizes of between 0.5 to 1 hectares in size will also assist in ensuring the densities that characterise rural residential living environments will be achieved.

#### **Reverse sensitivity**

- 5.7 The viability of legitimately established rural activities can be reduced where they adjoin rural residential areas through amenity conflicts; where new land owners moving into an established environment and have differing expectations of what land use activities are appropriate. The risk of reverse sensitivity effects in this case are reduced as a consequence of the context of the location, which is on the fringe of Prebbleton. The surrounding properties support predominantly lifestyle activities and where there are few larger land holdings remaining that could sustain a productive rural activity.



- 5.8 It is noted that an increased minimum building setback of 10m has been sought by the applicant at the interface between the site and a portion of the eastern boundary through amended Rule 4.9.18<sup>3</sup>, which is also referenced on the amended outline development plan (refer to Attachment A). As identified in the following s32 evaluation, I believe that this amendment is an appropriate response to the current context of the site and will assist in reducing the risk of any potentially adverse reverse sensitivity effects.
- 5.9 I can confirm that Council's records do not identify any existing intensive poultry or pig farming activities in the vicinity and any future activities of this nature currently require resource consent under the Selwyn District Plan and more than likely under the relevant Regional planning instruments.
- 5.10 The development site is bound on the west by Shands Road, which is a relatively busy Arterial Road that currently serves as a primary link between the eastern portion of the District to Hornby and the Southern Motorway. A similar noise attenuation fence and landscape mitigation to the directly adjoining Living 3 (Trents Road) zone has been proposed to mitigate any potentially adverse reverse sensitivity effects associated with a Living 3 zone environment and this road.
- 5.11 The plan change request contains a report prepared by Mr. Russell Malthus, who provided expert evidence on the adjoining Living 3 (Trents Road) zone, which evaluates noise effects (refer to Attachment B).
- 5.12 Mr. Malthus concludes that:

*"42. No new additional or special noise standards for this new zone are considered necessary for the protection of residential amenity within the new zone or the adjacent Living 3 zone, or reverse sensitivity on established activities in the Rural Inner Plains Zone.*

*43. Reverse sensitivity on the road network would be avoided by including the following new rule in the Township Volume..."*

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<sup>3</sup> This reference has been amended from the notified plan change to reflect the Operative District Plan numbering

- 5.13 This amendment to existing Rule 4.9.19<sup>4</sup>, the related Reasons for Rules, and the identification of the noise attenuation barrier on the outline development plan will ensure that the noise attenuation measures formalised for the adjoining Living 3 (Trents Road) zone will apply consistently to the Living 3 (Shands Road) zone (refer to Amendments 7 and 8 – Attachment A).
- 5.14 On the basis of this evidence, and because the noise attenuation is consistent with what has been formalised for the adjoining Living 3 zone, it is my opinion that the proposed mitigation will ensure that any potentially adverse reverse sensitivity effects on Shands Road will be avoided or mitigated.

### **Traffic and Access**

- 5.15 A traffic assessment prepared by Novo Group was provided with the application (Attachment B).
- 5.16 The transport assessment evaluates a number of aspects of the proposal and its impacts on the wider transport network, including considering internal layouts and connections, consistency with relevant policy documents, capacity of Trent's and Shands Roads and the future network upgrades associated with the proposed Christchurch Southern Motorway extension.
- 5.17 The overall conclusion is that there is sufficient capacity in the road network to support the additional demand that may be generated from the proposed zoning, that the plan change will not undermine the efficiency of the roading network and will integrate with upgrades planned for the wider transportation network.
- 5.18 Mr Andrew Mazey, Council's Asset Manager – Transportation, has reviewed the request and provided comment through an internal memo (Attachment D).

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<sup>4</sup> This reference has been amended from the notified plan change to reflect the Operative District Plan numbering

- 5.19 Mr. Mazey identifies a number of relatively significant upgrades that are being programmed as part of the Christchurch Southern Motorway extension, noting that any rezoning will not impact on these works. This is on the basis that no additional connections are established onto Shands Road and that any new lots are serviced by an internal road. A point strip has also been established at the end of Penberley Road within the adjoining Living 3 Zone. The legal mechanisms to limit the additional connections onto Shands Road and to uplift the point strip are both able to be established as part of the subdivision process.
- 5.20 Overall, it is my opinion that the proposed development is expected to only have a minor effect on the current and future, safe and efficient function of Trent's Road, Shands Road and the wider roading network.

### **Servicing**

- 5.21 An Engineering and Servicing report prepared by Calibre Consulting was included with the application document, which covers earthworks, sewage treatment and disposal, stormwater management, water reticulation and utility services (Attachment B). This report concludes that the infrastructure proposed for the development is appropriate to meet the future servicing requirements anticipated within Living 3 zone environments.
- 5.22 Mr. Murray England, Council's Utilities Manager, has reviewed the applicant's utilities report and provided comment through an internal memo (Attachment D), concluding that:

*"No issues that would prevent the plan change. Water, wastewater and stormwater arrangements can be discussed and finalised at subdivision/ engineering approval stage."*

- 5.23 Mr. England also notes that a low pressure wastewater system will be required and that water flows would need to be restricted to 2m<sup>3</sup>/day. These servicing requirements can be established at the time of subdivision, where more detailed investigations will be undertaken.
- 5.24 I am therefore satisfied that the proposed rezoning is able to be appropriately serviced with the necessary utility infrastructure, that any

additional demand that is anticipated can be accommodated within the existing transport and utility networks and that the rezoning will not undermine the ability for Council to continue to provide an efficient and effective network.

### **Land stability and geotechnical risk**

5.25 The application includes the findings of geotechnical investigations undertaken by Soil and Rock Consultants of this report (Attachment B). This geotechnical report has been peer reviewed by Mr. Ian McCahon of Geotech Consulting Limited, which was made available as part of the plan change notification material (Attachment B).

5.26 Mr. McCahon makes the following conclusions<sup>5</sup>:

*“...we are now satisfied that the ground characteristics are sufficiently well established at this plan change stage. This does not detract from the need to do more extensive testing at subdivision stage, which is regarded as essential should the plan change proceed. Additional testing will also be subsequently needed at building consent stage for each building”.*

5.27 The SDP subdivision assessment matters 12.1.4.12 and 12.1.4.13 is the prompt to ensure the testing identified by Mr. McCahon is undertaken and requires any associated constraints to be registered using appropriate methods<sup>6</sup>.

5.28 On this basis, I consider that the risk of liquefaction or lateral displacement associated with future earthquake events can be addressed at the building and subdivision stages and there are no geotechnical reasons that prevent the plan change request from being supported.

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<sup>5</sup> This exert has been taken from the final paragraph on Page 2 of the final peer review provided by Geotech Consulting and dated the 30th March 2016, which was prepared following receipt of a supplementary geotechnical report provided by Soil and Rock on behalf of the application.

<sup>6</sup> Selwyn District Plan – Township Volume, Part C Rules and Definitions; C12 LZ Subdivision <http://eplan.selwyn.govt.nz/>

## Cultural values

5.29 The applicant commissioned Mahaanui Kurataiao Limited, who provide mana whenua environmental services that are endorsed by local Runanga, to review the request against the Mahaanui: Iwi Management Plan (IMP). This review formed a component of the notified version of the plan change request and is contained in Attachment B.

5.30 The review contains a list of eight recommendations, but concludes that the:

*“...Te Ngai Tuahuriri Runanga Kaitiaki Portfolio Committee have not identified the need for a Cultural Impact Assessment of site visit, but ask that the applicants give due consideration to incorporating the recommendations detailed in this report into their proposal.”*

5.31 The recommendations generally fall within one of the following four categories:

1. The provision of an Accidental Discovery Protocol;
2. Water conservation measures;
3. Low Impact Urban Design; and
4. Encouragement of indigenous plantings.

5.32 I believe that the majority of these recommendations either fall beyond the control of the applicant or will be addressed at the subdivision stage. The applicant continues to have an option to address any of the remaining recommendations through private covenant arrangements with future land owners to deliver the outcomes sought by the local Runanga.

5.33 In a wider context, the District Plan amendments that were formalised through LURP Action 18 (viii) were developed with reference to the IMP, and appropriate provisions to realise the outcomes expressed within it are contained within Chapter 6 of the CRPS<sup>7</sup> through Policy 6.3.9 (5)(j) and the

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<sup>7</sup> Canterbury Regional Policy Statement – Chapter 6 Recovery and Rebuilding of Greater Christchurch, Policy 6.3.9 <http://ecan.govt.nz/our-responsibilities/regional-plans/rps/Pages/regional-policy-statement.aspx>

operative SDP<sup>8</sup>. Relevant references to managing the effects of any future Living 3 zone from encroaching into culturally significant sites or giving rise to adverse effects on Tangata Whenua values are identified within district plan Policy B3.4.4 (a), Policy B4.2.13 and subdivision assessment matter 12.1.4.99, which contains the following:

**“12.1.4.99**

The extent to which site analysis using a comprehensive design process and rationale has been undertaken to recognise, and where appropriate, protect, maintain or enhance the following:

- ... Existing vegetation, such as shelter belts, hedgerows and habitats for indigenous fauna and flora; ...
- ...Ancestral land, rivers, wetlands, groundwater, springs, Te Waihora/Lake Ellesmere and mahinga kai sites and the Wāhi Tapu and Wāhi Taonga of Te Runanga o Ngāi Tahu and Te Taumutu Runanga; ...”

5.34 The RRS also establishes that any future rezoning of the site for rural residential purposes will not affect any sites of cultural significance registered within Appendix E5 of the SDP<sup>9</sup>.

5.35 I am satisfied that cultural values have been appropriately considered and addressed where possible by the applicant.

## **6.0 STATUTORY FRAMEWORK**

### **Statutory principles**

6.1 S74 of the RMA sets out the matters that must be considered in preparing a change to the SDP. Amongst other things, s74 requires the local authority to:

- comply with its functions under s31;
- consider alternatives, benefits and costs under s32;

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<sup>8</sup> Selwyn District Plan – Township Volume, Part C Rules and Definitions; C12 LZ Subdivision <http://eplan.selwyn.govt.nz/>

<sup>9</sup> Selwyn District Plan – Rural Volume, Appendix E5 Schedule of Sites of Significance to Tangata Whenua <http://eplan.selwyn.govt.nz/>

- ensure the necessary matters are stated in the contents of the district plan under s75; and
- have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8).

6.2 It is noted that in a general sense, the purpose of the 'Act' is reflected in the current SDP objectives and policies as they have been through the statutory tests and are operative. PC 47 does not seek to amend these objectives or policies.

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

- Must give effect to the operative Canterbury Regional Policy Statement (s75 (3)(c);
- Must not be inconsistent with a Water Conservation Order or a Regional Plan for matters specified in s30 (1)(s74 (4));
- Shall have regard to any management plans and strategies prepared under other Acts (s74 (2)(b)(i));
- Must not have regard trade competition or the effects of trade competition (s74 (3));
- Must take into account the Mahaanui: Iwi Management Plans and other relevant planning document recognised by an Iwi authority and lodged with Council (s74 (2A)); and
- Shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)).

#### **Matters to be considered (s74) and district plan contents (s75)**

6.4 The following specific assessments are provided to fulfil the above requirements.

*Canterbury Regional Policy Statement (CRPS)*

- 6.5 The PC 47 site falls within the Greater Christchurch Area of the district and is therefore managed through the provisions contained in Chapter 6 of the CRPS, which has been strongly influenced by the Land Use Recovery Plan. Chapter 6 of the CRPS sets out the role of rural residential housing in relation to the wider recovery from the 2010/2011 Canterbury earthquakes through Issues, Objectives and Policies that District Plans must give effect to. Rural residential development is needed to allow a range of housing choices during the recovery period, however there is an identified requirement to monitor the uptake of this form of activity to ensure that land and infrastructure is being used efficiently.
- 6.6 **Issues 6.1.5** of Chapter 6 to the CRPS references rural residential development in the context of the recovery, establishing that the western rural areas of Greater Christchurch are still desirable places to live, due to them being largely undamaged by the earthquakes and at lower risk of liquefaction. The Issue statement goes on to identify that, if not closely monitored, rural residential activities have the ability to change the character of an area and create adverse effects that may undermine legitimate farming activities and create settlement patterns that are uneconomic to service.
- 6.7 **Objective 6.2.2** outlines the role urban form and settlement patterns play in restoring and enhancing Greater Christchurch. Territorial authorities need to manage rural residential development that is occurring both outside of existing urban boundaries and within urban 'greenfield priority areas' identified in the LURP. This is to ensure that any rural residential development does not compromise the overall intent of Chapter 6, which is to provide for the consolidated growth of existing townships.
- 6.8 **Policy 6.3.3** requires that the development of rural residential areas accord with an outline development plans and also provides direction on what these plans should include. The CRPS has a requirement for rural residential developments to maintain an average density of between 1 and 2 household per hectare, which PC 47 will meet.



- 6.9 **Policy 6.3.9** requires any rural residential area subject to development post-January 2013 to be included in a RRS prepared in accordance with the Local Government Act 2002. Selwyn District Council prepared and adopted the RRS in October 2014 in response to the gazetting of the LURP in December 2013.
- 6.10 The PC 47 site was identified in the RRS as being potentially suitable for rural residential development in the future. The inclusion of the PC 47 site in the RRS signals that the locational criteria, and the various servicing prerequisites, have been met to demonstrate an ability to achieve the high level outcomes identified in Policy 6.3.9 of the CRPS. Whilst the inclusion in the RRS satisfies the initial policy test of the CRPS, it does not outweigh consideration of the substantive merits of the proposal, resolution of any site specific constraints or matters raised by submitters under the First Schedule of the RMA.
- 6.11 I consider that PC 47 is able to ‘give effect’ to the CRPS at a strategic level, having satisfied the preconditions for rural residential zoning.

*Canterbury Natural Resources Regional Plan 2011 (NRRP) and the proposed Land and Water Regional Plan (pLWRP)*

- 6.12 The Land and Water Regional Plan became operative on the 15<sup>th</sup> October with the exception of Rules 5.123-5.127 (Take and Use Surface Water) and Rules 5.154-5.158. As a result the operative parts of the NRRP are:
- Chapter 1 – Overview
  - Chapter 2 – Ngai Tahu and management of natural resources
  - Chapter 3 – Air quality
  - Chapter 5 Water quantity
  - Chapter 6 – Activities in the beds of lakes and rivers
- 6.13 The purpose of the pLWRP is to identify management outcomes for land and water resources in Canterbury, with the pLWRP effectively superseding the NRRP’s role in managing water quality and quantity.

- 6.14 The ability of PC 47 to be efficiently serviced in terms of water, waste water and stormwater has been considered by Calibre Consulting as part of the application and peer reviewed by Council's own engineers (Attachment D). The PC 47 site will not be reliant on septic tanks as it is able to be provided with a reticulated sewer system. Connection to the Prebbleton town water supply is also possible. The site does not contain any springs or other natural water features. Stormwater is able to be disposed of to the ground due to the low site coverage and discharge rates that are commensurate with rural residential properties. The detailed design of the stormwater system will form part of any future subdivision process and will be assessed via any additional resource consents required from the Canterbury Regional Council.
- 6.15 Any future rural residential development that may be established on the site, should the rezoning be successful, is likely to be able to accord with both the provisions of the NRRP and pLWRP given that it will be integrated into Prebbleton's reticulated water and wastewater supplies.
- 6.16 Overall it is considered that the proposal can be effectively and efficiently serviced in a manner that maintains water quality and quantity, which is consistent with the outcomes sought by both the NRRP and pLWRP.

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

- 6.17 As this is an application for rezoning the NES does not apply as land use zoning does not qualify as a 'change of use', which is the prerequisite for an assessment. Despite this, the following assessment is provided to establish the relative risk of rezoning the land in respect to the potential for contaminated soils to be present.
- 6.18 A Preliminary Site Investigation prepared by Lowe Environmental Impact was lodged with the application (Attachment B). This investigation was subsequently peer reviewed by Tonkin & Taylor, prior to the application being publicly notified following receipt of an addendum report (Attachment B).

6.19 The Tonkin & Taylor peer review makes the following conclusion<sup>10</sup>:

*“...T&T considers that the clarifications provided by LEI adequately address the issues previously identified following the peer review of the PSI, and considers that the PSI provides sufficient assessment of potential ground contamination to support the plan change application”.*

6.20 The Preliminary Site Investigation and peer review presented in Appendix B establish that there is a very low risk that the site would be subject to contamination given its current use. . The appropriateness of the land for rezoning with respect to the risk of there being contaminated soils that may present risk to the health and/or well-being of people using the Prebbleton Living 3 Zone has therefore been established to an appropriate level of detail. Further evaluations will be required through any subsequent subdivision and/or building consent processes.

*Mahaanui: Iwi Management Plan*

6.21 Mahaanui: Iwi Management Plan 2013 (IMP) is the most contemporary management plan that is recognised by local Runanga. This document sets out the aspirations of local Iwi, and in particular, contains a vision and a range of methods to maintain and enhance water quality and quantity, promote indigenous biodiversity and mahinga kai species, and the protection of sites with identified waahi tapu or waahi taonga value.

6.22 As expressed in the above environmental effects assessment on cultural values, any future development of the site will be subject to a relevant assessments against the SDP at the time of subdivision to ensure any potentially adverse tangata whenua values will be avoided, remedied or mitigated. The Wahi Taonga management sites and areas in the context of the IMP<sup>11</sup> are contained within the schedules of the SDP, which does not record any sites of significance in close proximity to the development site.

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<sup>10</sup> This exert has been taken from the final two paragraphs on the covering letter provided by T&T Consultants dated the 1<sup>st</sup> April 2016, which was prepared following receipt of a supplementary PSI provided by Lowe Environmental Impact on behalf of the application.

<sup>11</sup> Mahaanui Iwi Management Plan, 2013. Appendix 5: Wahi Taonga management sites and areas as identified in the Selwyn District Plan

- 6.23 Overall, it is considered that the IMP has been taken into sufficient account in evaluating the appropriateness of PC 47.

*Statutory principles s74 and s75 - Overall conclusions*

- 6.24 PC 47 does not seek to make any changes to the settled objectives and policies of the SDP. The Council is simply required to consider whether the proposed changes to the Plan's rules and zoning better achieve the SDP's objectives than the operative provisions. The conclusion of this report are that the changes proposed through PC 47 will better enable the SDP to meet the stated objectives, and in turn the purpose and principles of the Act expressed in Part II.
- 6.25 There are not considered to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC 47. Matters of cross-boundary interest are limited to managing the coordinated urban growth of Greater Christchurch through Chapter 6 of the CRPS.

**Functions of territorial authorities - s31 assessment**

- 6.26 Council's functions under s31 include the following:

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

- 6.27 The assessment and conclusions of this report establish that the PC 47 framework incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes, as required by s31 of the RMA.

**Consideration of alternatives, benefits and costs - s32 assessment**

- 6.28 The Council has a duty under s32 of the RMA to consider alternatives, benefits and costs of the proposed changes to the SDP. The s32 analysis is a process whereby initial investigations, followed by the consideration of submissions at a hearing or in this case deliberations by a Commissioner

on papers, all contribute to Council's analysis of the costs and benefits of the amended provisions in its final decision making.

- 6.29 The only amendment made to the notified version of PC47 relates to the addition of a 10m minimum building setback along a portion of the eastern boundary of the site, which is referenced in Rule 4.9.18 and the ODP contained in Attachment A. This amendment has been put forward as a mechanism to reduce the potential for adverse reverse sensitivity effects arising between future rural residential development and the rural land uses currently taking place on the adjoining property. In my opinion this amendment is an appropriate response to the current context of the site and will assist in integrating the Living 3 zone into the area without giving rise to potentially adverse environmental effects.
- 6.30 Having assessed the evaluation contained in the request and the expert peer reviews and evidence, I am satisfied that PC 47 is the best approach when considered against s32 of the RMA.

## **7. SELWYN DISTRICT PLAN – OBJECTIVES AND POLICIES**

- 7.1 The application contains a comprehensive evaluation of the proposed rezoning against the objectives and policies of the SDP<sup>12</sup>. It is further noted that the SDP now contains a settled policy framework to manage rural residential activities following amendments made through Action 18 of the Land Use Recovery Plan Action 18, and numerous decisions having been issued for new Living 3 Zones.
- 7.2 In my opinion the assessment contained within the application correctly identifies the relevant objectives and policies that apply to this proposal and evaluates them to a level of detail that is commensurate to the changes to the District Plan that are being sought. I see no merit in repeating the

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<sup>12</sup> Refer to Paragraphs 51 through to 67 (Pages 18 to 22) of PC47, which is provided as Attachment B to this report

assessment, or the related findings, and endorse the following the conclusion reached by the applicant<sup>13</sup>:

*“67. Overall, it is considered that the Proposed Plan Change is consistent with the objectives and policies of Selwyn District Plan for rural-residential development. As such, it is considered that the resultant character, amenity and environmental effects of the proposal are consistent with those sought for rural residential environments, in both the District Plan and Selwyn Rural Residential Strategy. Given this, it is considered that the rezoning proposal is an appropriate means of achieving the outcomes sought by the objectives and policies of the District Plan.”*

- 7.3 I concur with the applicant that PC 47 is consistent with the relevant objectives and policies that apply to proposals seeking to rezone rural land holdings to Living 3 Zone densities.

### **Proposed Living 3 rules package and District Plan amendments**

- 7.7 PC 47 has been drafted to largely rely on and be consistent with the operative Living 3 Rule package, which has been formalised and further refined through a number of private plan change requests and changes made through Action 18 of the Land Use Recovery Plan. Importantly, the schedule of district plan amendments contained in Attachment A do not propose any changes to the operative objectives and policies framework. The proposed amendments are effectively limited to addressing site specific issues and integrating the zoning into the wider environment, which include the adjoining Living 3 (Trents Road), Rural (Inner Plains) and Kingcraft Drive Existing Development Area zones.
- 7.8 This integration is achieved through an outline development plan and associated rules that incorporate appropriate interface treatments, mitigation measures and development controls to ensure that the proposed

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<sup>13</sup> Refer to Paragraph 67 (Page 22) of PC47, which is provided as Attachment B to this report

zoning will deliver the anticipated rural residential form, function and character.

- 7.9 Overall, I consider that PC 47 is consistent with the relevant objectives and policies in the SDP, takes appropriate account of the strategic guidance provided by the RRS and effectively integrates with the operative Living 3 zone framework.

## **8.0 PART II MATTERS**

- 8.1 The RMA requires the Council to manage the use and development of physical resources in a way, or at a rate, that will enable the community to provide for its social, economic and cultural wellbeing while avoiding, remedying, or mitigating any adverse effects of activities on the environment (s5).

- 8.2 It is my opinion that PC 47 better achieves the purpose and principles of the RMA than the current District Plan provisions. I base this conclusion on the fact that the proposed rezoning will benefit the Prebbleton community through the delivery of additional rural residential zoned land, the need for which has been identified at a strategic level through Council's adopted RRS. The rezoning proposal is consistent with Town Growth Policies of the SDP and will ensure that the District Plan 'gives effect' to Chapter 6 of the CRPS.

- 8.3 There are no "*matters of national importance*" listed in s6 that are considered to be of specific relevance to PC 47.

- 8.4 Council must "*have regard to*" the following "*other matters*" (s7) when considering the appropriateness of PC 47:

- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values; and
- (f) Maintenance and enhancement of the quality of the environment.

- 8.5 I do not believe that the amenity of the area will be compromised, particularly given that the site will provide a buffer between the edge of Prebbleton Township and the start of the Rural Area. The context of the site is also semi-rural in character, with lifestyle properties to the north and north-east, the rural residential density Living 3 Zone to the west and the Kingcraft Drive EDA low-density residential subdivision to the east. It is for these reasons that I believe PC 47 is able to satisfy the relevant Other Matters detailed in s7 of the RMA.
- 8.6 There are no known sites of significance or specific cultural values affecting the development site and Iwi have been consulted as part of the RMA process. The Treaty of Waitangi has been considered in preparing and assessing the PC 47.
- 8.7 In conclusion, it is my opinion that PC 47 in its amended form is able to better achieve the purpose of the RMA than the current SDP provisions.

## **9.0 RECOMMENDATION**

- 9.1 It is my recommendation that proposed PC 47 be ACCEPTED without modification.



## APPENDICES

<b>Attachment A</b>	Proposed schedule of amendments and ODP (As amended following the close of submissions)
<b>Attachment B</b>	PC 47 application document
<b>Attachment C</b>	Landscape Values and Visual effects addendum assessment – Andrew Craig, Andrew Craig Landscape Architects
<b>Attachment D</b>	SDC infrastructure assessments – Murray England, Utilities Manager and Andrew Mazey, Asset Manager Transportation

## ATTACHMENT A:

### Proposed schedule of amendments and ODP

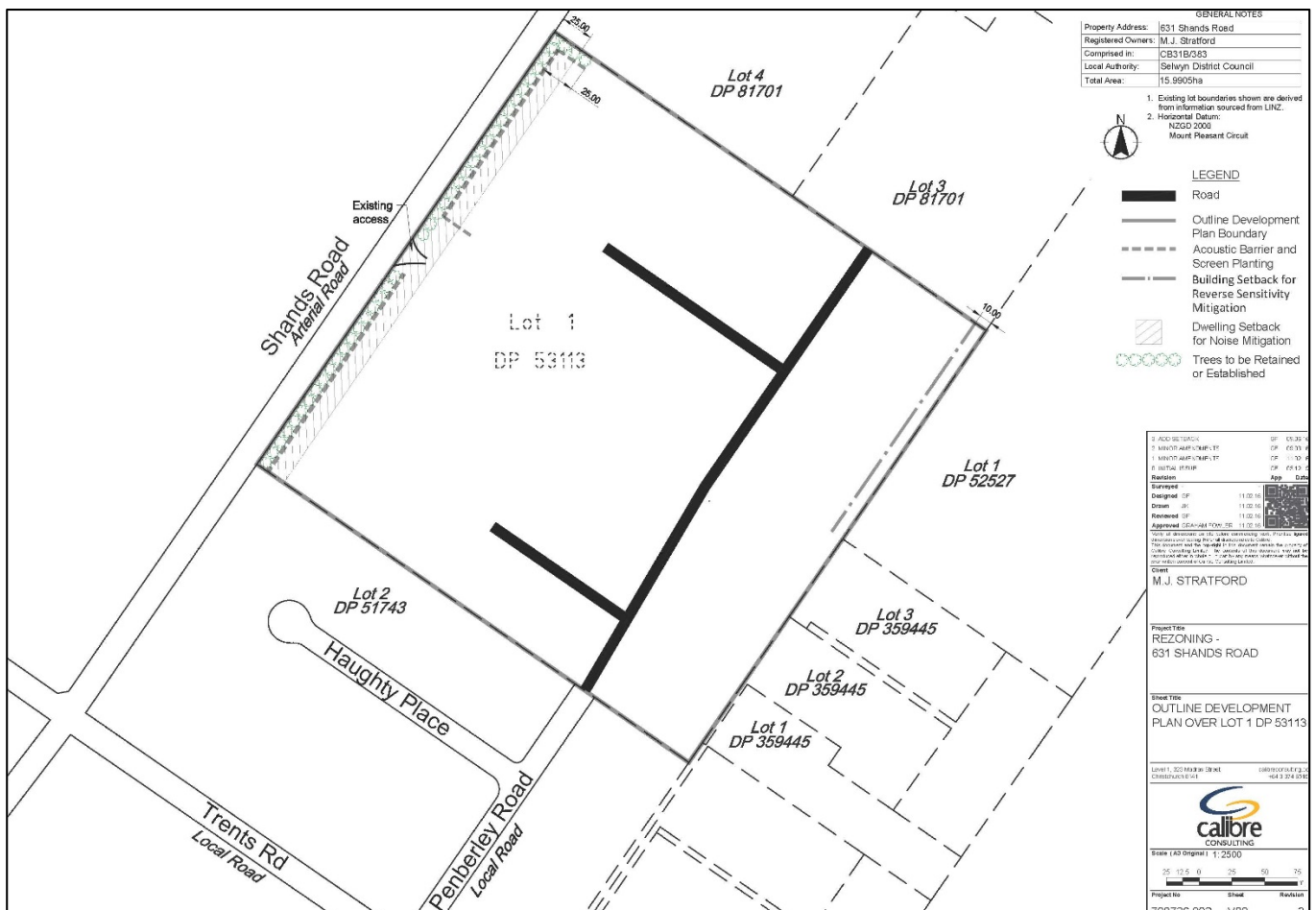
#### Amendment 1

Amend the Selwyn District Planning Maps, by rezoning Lot 1 DP 53112 at 631 Shands Road from Rural Inner Plains to Living 3 (Shands Road).

#### Amendment 2

Insert new Outline Development Plan, Shands Road, Prebbleton in Appendix E19 ODP Prebbleton of Volume 1 Townships as illustrated as "Rezoning – 631 Shands Road – Outline Development Plan over Lot 1 DP 53113".

*(NB: The 10m setback for the eastern boundary with Lot 1 DP 52527 was proposed following the close of submissions and is annotated on the above amended ODP).*



#### Amendment 3

Amend Part C, Living Zone Rules – Buildings, Rule 4.2.2. Permitted Activities – Buildings and Landscaping in Volume 1 Townships as follows:

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

...

Rule 4.2.2

...

**viii** Any trees required to be established or maintained in accordance with the Living 3 Zone (Shands Road) Outline Development Plan are maintained at a minimum height of 3m and a spacing of no greater than 2m.

**viii ix** 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.

**Rule 4.2. (i) to (vii) shall not apply to the Living 3 (Shands Road) Zone.**

#### Amendment 4

Amend Part C, Living Zone Rules – Buildings, Rule 4.2.4 Discretionary Activities – Buildings and Landscaping in Volume 1 Townships as follows:

Any activity which does not comply with Rule 4.2.1 or 4.2.2 **(i)-(vii) and (ix)** shall be a discretionary activity.

#### Amendment 5

Insert new Rule 4.2.6 into Part C, Living Zone Rules – Buildings, Buildings and Landscaping in Volume 1 Townships as follows:

**1.2.6** Any activity which does not comply with Rule 4.2.2 (viii) shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the consideration of:

**1.2.6.1** Whether an alternative planting plan prepared by a suitably qualified landscape professional has been submitted.

**1.2.6.2** The extent to which an alternative planting proposal maintains or enhances the visual amenity of Shands Road, with reference to any acoustic barrier required on the site by the Living 3 (Shands Road) Zone Outline Development Plan.

#### Amendment 6

Amend Part C, Living Zone Rules – Buildings, Rule 4.9.18 Buildings and Building Position in Volume 1 Townships as follows:

**4.9.18** Any building in the Living 3 Zone (Trents Road **and Shands Road**), Prebbleton (as shown on the Outline Development Plans 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) **10 metres from the boundary of Lot 1 DP 52527**

(iii) 5 metres from any other boundary.

*(NB: The 10m setback for the eastern boundary with Lot 1 DP 52527 was proposed following the close of submissions. The numbering for this amendment varies from the notified request to align with the rule references contained in the Operative District Plan)*

#### **Amendment 7**

Amend Part C, Living Zone Rules – Buildings, Rule 4.9.19 Living 3 Rural Residential – Shands Road, Noise Mitigation, in Volume 1 Townships as follows:

- 4.9.19 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 Plans, Trents Road **and Shands Road**, Prebbleton in Appendix 19...

*(NB: The numbering for this amendment varies from the notified request to align with the rule references contained in the Operative District Plan)*

#### **Amendment 8**

Amend Part C, Living Zone Rules – Buildings, Reasons for Rules, Building Position, in Volume 1 Townships as follows:

The requirement in the Living 3 Zone, Trents Road **and Shands 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 effect.

#### **Amendment 9**

Amend Part C, Living Zone Rules – Subdivision, Rule 12.1.3.48 Prebbleton Restricted Discretionary subdivision standards, in Volume 1 Townships as follows:

- 12.1.3.48 Any subdivision on the Living 3 Zones on Trents Road **or Shands Road**, Prebbleton shall be in general accordance with the Outline Development Plans, Trents Road **and Shands Road**, Prebbleton in Appendix 19.

*(NB: The numbering for this amendment varies from the notified request to align with the rule references contained in the Operative District Plan)*

#### **Amendment 10**

Amend Part C, Living Zone Rules – Subdivision, Table C12.1 Allotment Sizes for Prebbleton as follows:

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
Prebbleton (Trents Road and <b><u>Shands Road</u></b> )	Living 3	Between 5,000m <sup>2</sup> and 1ha

#### **Amendment 11**

Any other consequential amendments including but not limited to renumbering of clauses.

**ATTACHMENT B:**  
**PC 47 application document**  
**(As amended following the close of submissions)**

**ATTACHMENT C:**  
**Landscape Values and Visual effects addendum assessment –**  
**Andrew Craig, Andrew Craig Landscape Architects**

## Craig Friedel

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**From:** Andrew Craig <[andrew@acla.co.nz](mailto:andrew@acla.co.nz)>  
**Sent:** Wednesday, 27 July 2016 11:18 a.m.  
**To:** Craig Friedel  
**Subject:** PC47 Landscape advice

Hi Craig

I have had a look at the PC47 ODP and amended District Plan provisions. Regarding the latter I am happy with the proposed standards where they concern landscaping (Rules: 4.2.2 viii and ix; 4.2.6.1 and 4.2.6.2 ).

Regarding the ODP I note that the applicant has opted not to locate internal boundary planting along the rural / urban interface. This was a matter I raised in my s92 advice, largely based on the applicant's stated intent to demarcate the urban / rural boundary. The reason given for not planting (see paragraph 26 *Table 1: Landscape Values and Character Elements*) is to maintain rural outlook for future residents. Further reasons are also given, where I agree that rural type shelter belts are not the most appropriate vegetation type to have within or alongside rural residential activity. Other matters listed in Table 1 I accept also.

In response to my s92 request, the applicant has confirmed there are no significant landscape features within the site that would otherwise impede rezoning and subsequent development.

Regarding other landscape matters I note that arising from their consultation with Rununga that the applicant has given an undertaking to landscape the street environment using indigenous plant species, and that its design is undertaken in consultation with the Council, who will ultimately assume responsibility for maintenance following vesting of roads.

Overall I'm satisfied that the applicant has addressed the matters raised in my s92 advice and that the proposal will achieve the District Plan landscape character and amenity outcomes anticipated for such activity.

Feel free to call or contact me if you need to discuss further.

Regards...Andrew

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Mob. 021 146 1092  
[andrew@acla.co.nz](mailto:andrew@acla.co.nz)



**ATTACHMENT D:**  
**SDC infrastructure assessments –**  
**Murray England, Utilities Manager and Andrew Mazey,**  
**Asset Manager Transportation**

**PRIVATE PLAN CHANGE REQUESTS – INTERNAL MEMO  
FORM (PPC47)**

<b>TITLE AND NUMBER OF THE PLAN CHANGE:</b>	<i>PC 160047</i>
<b>NAME OF THE REQUESTOR:</b>	<i>MJ Stratford</i>
<b>MEMO TO:</b>	<i>Clare Hamilton, Development Engineer</i>
<b>FROM:</b>	<i>Craig Friedel – Strategy &amp; Policy Planner</i>
<b>DATE:</b>	<i>07 July 2016</i>
<b>DATE COMPLETED:</b>	<i>11 August 2016</i>

The following responses have been provided by Murray England, Asset Manager Water Services; Andrew Mazey, Asset Manager Roadway; and Mark Rykers, Manager Open Space and Property.

<b>PART A – ASSETS DEPARTMENT EVALUATION FORM</b>
<p><b>Is this Plan Change consistent with any of your strategies or current or planned projects relating to this matter?</b></p> <p><b>Roadway</b> While not currently identified as a development area in transport planning terms the proposed Plan Change area doesn't impact on any likely plans. This is however is on the basis that there is no further vehicular access to Shands Rd, other than that associated with the existing dwelling, to protect its arterial function in relatively close proximity to CSM2 Motorway Interchange. To achieve this an appropriate legal instrument shall be registered on any other new titles created along Shands Rd frontage to prevent further access being created beyond that provided by the internal roads and rights of way.</p>
<p><b>Would this Plan Change help or hinder any current or planned projects?</b></p> <p><b>Roadway</b> A series of intersection upgrades are planned along Shands Rd in the vicinity, including at Trents Rd. Trents Rd is proposed to be widened. There is nothing in any of this that creates any issues relating to the Plan Change Area.</p>

Are there other issues that would arise from this Plan Change?

**Utility Services** No issues that would prevent the plan change. Water, wastewater and stormwater arrangements can be discussed and finalised at subdivision/ engineering approval stage. Note that the wastewater system will be required to be low pressure and the water supply will be restricted to 2m<sup>3</sup>/day.

**Roading** There is a Point Strip across the end Penberley Place that will need to be uplifted to enable this road to be legally continued into the Plan Change Area and the development able to connect to Trents Road.

Could the Plan Change be modified to offer any further benefits in respect of this matter/ your area of responsibility.

**Roading** It is likely in the longer term further land to the east will be requested to be rezoned which would mean a road would extend through and connect to Blakes Rd. How this road evolves over time and intersections created will need to be considered in the context of it becoming a possible local alternative parallel route to Shands Rd. This may provide both issues and opportunities at that time.

**Open Space** The noise barrier, and associated landscaping and land) on the Shands Road frontage should form part of the lots as Council would not want to accept this as reserve.