

BEFORE THE HEARINGS COMMISSIONER

FOR SELWYN DISTRICT COUNCIL

IN THE MATTER

Of Private Plan Change 68 to the Operative Selwyn District Plan
by Urban Holdings Ltd, Suburban Estates Ltd, Cairnbrae
Developments Ltd

**STATEMENT OF EVIDENCE OF ANGELA PHILLIPS (Submitter ID PC 68 – 0042) AS
SPOKESPERSON FOR THE PHILLIPS FAMILY TRUST**

Dated: 28 March 2022

INTRODUCTION

I live at 783 Shands Road and have lived here all of my life with my family. I represent the third generation of my family that has lived here and farmed 799 Shands Road, the property which fronts Hamptons Road, opposite the PPC 68 proposed development site.

I am acting as the representative for my family and The Phillips Family Trust and have their full support for the positions that I express herein as related to PPC 68. Our family has owned and worked the land for over 100 years during which time we have witnessed great changes in the area.

Although the changes have made it progressively more difficult, we have been able to operate our arable and livestock farm within the Inner Plains (IP) zoning and were pleased to have the Trents Road, Shands Road, Hamptons Road block as a buffer between us and the encroaching Prebbleton township. We have also been comforted by the structured approach to development adopted in CRPS, SDP, NPS, NPS-UDC, Our Space and other initiatives including FDA's. So it is with some concern that we view the raft of PC applications for ad hoc developments outside of the structured approach of the above initiatives.

A vast amount of paperwork/evidence has been prepared for Plan Change 68, both by the Applicant, Consultant Reviewers, Council Planners, and Submitters. As has been commented by other submitters, it is an onerous and near impossible task to read all the evidence for a layperson who is suitably concerned to prepare a submission. In this written evidence, we outline additional comment and concern now that we have seen additional evidence from other parties.

While we are opposed to Plan change 68 for various reasons outlined in this document, there are several changes that could be made to greatly enhance the development proposed in PPC 69 and may alleviate some of our concerns.

STRUCTURE OF MY EVIDENCE

We intend to make comment of various issues and concerns.

On some issues, our concerns are supported by evidence from others which we will attempt to reference.

In some cases, as I am a layperson and not a lawyer or planner, I cannot reference the relevant planning objective or reference to a particular piece of legislation. In consideration of the above, we trust that you will view our comments and concerns with due respect, as we are sure you will.

In her evidence, Patricia Harte erroneously minimises our submission to one of concern of increased anti-social behaviour by new residents, although she groups this in her section on reverse sensitivity (page 20, section 16.1). Her minimisation may be due to only reading the abridged version of our submission presented in the circulated summary of submissions. We would have expected somebody in her position to read the original and complete submission where she would have seen the full breadth of our submission as summarised above. But then, she also erroneously refers to Sterling Park as Sovereign Palms more than once in her evidence.

We will comment on the following themes:

- Background to the application for Planning Change/Compliance with 'Our Space' and Other Planning Documents

- Developers Motivation for PC 68 / Economics
- Urban Design, Landscape and Visual Impact Assessment
- Reverse Sensitivity
- Traffic considerations
- Stock Water Race
- Adverse effects of increased population
- Relief Sought

Background to the application for Planning Change

- Currently 16 applications for PCs in process across Prebbleton, Lincoln, Rolleston and West Melton totalling 10,711 residential lots typically at 11 – 12 h/h and at an average occupancy of 3 p/h.
NB : PC 68, 72 and 79 are for 1,515 residential lots in Prebbleton.
- Some reviewers have expressed a preference for up to 15h/h which would increase the number of residential lots subject to PC applications to closer to 15,000.
- We struggle to believe the rhetoric of consultants, with vested interests, that such large numbers of residential lots are necessary. Furthermore, there are no reasons why additional residential lots have to be in this part of Prebbleton, especially when there are large numbers of residential lots available elsewhere that have better transport linkages, are better serviced and have more recreational facilities available. Many of these lots are already consented and not yet developed, and are located in more suitable and complying areas.
- We understand that people need somewhere to live. However, for every person/family that occupies a newly created property in a greenfield development, the property they vacate becomes available for somebody else to occupy. That is, new properties are in addition to the existing housing stock and not in place of - it is not a zero-sum exercise where the vacated properties disappear.
- In her s42a report, Liz White, consultant planner for PC 67 expressed concern that ad-hoc or out of sequence development would lead to a poor urban form and may result in a first-in-first-served allocation of reticulated services, using up capacity and preventing the development of potentially more suitable locations.
- In his evidence, Murray England supports this concern concluding that “conveyance of wastewater to the Pines WWTP is feasible and will be subject to engineering approval processes. Approving this plan change may limit options to rezone other areas of Prebbleton or may delay the development of existing zoned land until further upgrades are funded and constructed.” We note that there is no provision for this work in LTP 2021.
- In his evidence, Andy Hall further confirmed the issue of services capacity where he stated that “in the case of Mr Chen's land, the only reason that it may not be included, would be wastewater capacity. This capacity is the limiting factor to the expansion of Prebbleton.” We find it alarming that, in the professional opinion of a chartered engineer employed to consult on PC 68, one small property could potentially stretch the capacity of the regional wastewater system.
- Furthermore, in his recommendation to council on PC73, Commissioner David Caldwell noted “a real concern given the absolutely critical nature of the PWTP in enabling growth in the District. If the SDC cannot obtain the relevant consents then, on Mr England's evidence, that stops all growth in Selwyn. In discussions [Murray England] stated that there was no ‘Plan B’. In [Commissioner Caldwell's] view, a precautionary approach is appropriate.”

- Currently there are issues with the PWTP sewage reticulation line with multiple instances of leakages of raw sewage from air valves along its length. In some cases the leaked sewage ran across an accessway and into a stock water race giving rise to animal welfare and human health concerns - including Covid transmission.
NB : This a very real possibility as studies have reported infectious virus in faeces and infectious SARS-CoV-2 in urine. Note wastewater testing has been employed in New Zealand for monitoring the spread of Covid through detection of SARS-CoV-2 viral RNA fragments.
- It is not known whether the leakages arise because of capacity issues, faulty design, faulty components/construction/operation or foreign objects in the waste stream. Whatever the causes, unless they are addressed and rectified, such instances will only increase with increased number of household connecting to the reticulation system.
NB : Council staff have attended and disinfected the sites of reported leakages but have shown no interest in measures to control or mitigate leakages or to engage with affected ratepayers who have requested such actions.

RMA /Social Licence/Developers Motivation for PC 68 / Economics

- Our understanding of the RMA process is the following:
 - District Plans(DPs), including LTPs are developed by district councils in consultation with public(ratepayers) and other stakeholders to establish what are acceptable directions and extent of developments and legal controls.
 - These plans are then formalised and adopted by the district council with periodic reviews.
 - Activities/developments that do not comply with current plans can be granted **Social Licence** through the resource consent process and/or plan change process to evaluate the extent and effects of the non-compliance. All things being equal, **Social Licence** is almost certain to be granted/established if the majority of affected parties give their approval to the activity/development.
- PC 68 attracted a large number of submissions, the overwhelming majority(43 out of 46 or 93%) of which were in opposition to the entirety or parts of the plan change. The bases for objections were all valid, including many legal arguments. In the interests of natural justice this could hardly be considered a suitable basis for granting **Social Licence**.
- Comments by proponents of PPC 68, the counsel and consultants give the impression that the developers are motivated by altruism, to provide housing for desperate people, with no mention of the financial gain that they(the developers) stand to make.
- In his evidence, Murray Fletcher also commented on the financial motivation of the developers and estimates that they stand to make “a profit of well over \$100m, maybe as much as \$250m for the entire development.”
- Profit is not an evil concept. However, the primary criteria for evaluating PC 68 should be what is best for Prebbleton, Selwyn District and Canterbury. Especially when approval would potentially entail overruling established multi-party accords for structured planning such as OurSpace, CRPS, NPS, etc..
Of course the development needs to be financially viable for the developers.
- Submissions in favour of PC 68 were generally by parties who stand to gain financially if PC 68 was to be approved.
- The interests of the respective parties could be summarised as follows:

- The developers are in favour of the proposal as they stand to make **significant financial returns** if PC 68 were to be approved. They are not otherwise invested in the development and are not likely to reside in the development.
- Land owners who have given approval to PC 68 will also **gain financially** from the sale of their property to the developers and, even if they currently live within the development area, will most likely move away and not reside on the development if PC 68 were to be approved.
- Some landowners in the area bounded by Hamptons Road, Shands Road, Trents Road, but outside the development site, have seen the opportunity to avoid living in the altered environment and make a **financial gain** if their properties were to be included in the plan change. These groups have given approval on the condition that their property will be included in the PC. Presumably they could have been included in the development. They are unlikely to continue to reside in the area.
- Some landowners in the area, but outside the development site, have seen the opportunity to make a **financial gain** by being included in the plan change. These groups have also given approval on the condition that they will be included and are unlikely to continue to reside in the area if PC 68 were to be approved with their properties included.
- SDC will **gain additional rate take** from the new development.
- Planners and consultants will also **gain financially** through fees for professional services.
- It is unlikely that people from these last two groups would reside in the development.
- Landowners who have objected to the development are foregoing any short term financial gain that could arise from the development and will continue to reside in the area of the development if PC 68 were to be approved. If the resultant changes to the area are so great as to be unbearable they, too, will move away from the area.
- We have opposed the development as we have no intention of leaving the area and will have to live with the altered environment if PC 68 were to be approved. Generations of our family have lived in the area for more than 100 years and are invested in its provenance - essentially it is our Turangawaewae.
It is also the basis of our livelihood and we stand to be greatly affected by the types of changes proposed by the developers and recommended by SDC consultants.
- These last two groups of landowners are the most invested in the process and are not motivated by financial gain from the development, rather they will be burdened by increased rates if PC 68 were to be approved. Furthermore, in our case, we will be left with a greatly modified environment and obliged to live with constraints associated with urban developments while trying to maintain our sheep and arable farming operation.

Urban Design, Landscape and Visual Impact Assessment

- Currently there are approximately 1800 households in Prebbleton. The plan change entails the development of 820 residential lots and up to 1040 lots (if all landowners in the block chose to have their land rezoned) or an increase of 58%.

- This means that, at the current occupation ratio of 2.92/household, the population of Prebbleton would increase by 3034.
- Estimating the number of households currently on the ODP to be around 20, the current population would be approximately 60 people – making the increase in population of the ODP approximately 5050%.
- If each household has 1 to 2 cars/vehicles, say 1.5/household, there would be approximately 1500 more vehicles based in the ODP and travelling on the roads around the ODP.
- It is inconceivable that these massive increases in number of buildings, people and vehicles could occur without significant visual and noise impacts.
- The visual impact on Hamptons Road could be reduced by following the developers' proposal “for a road connection from the existing urban area with connections at two locations into Sterling Park as well as strategic connections points onto Trents and Hamptons Roads” in conjunction with “roading and pedestrian/cycle access throughout the development by way of two collect spine roads from Trents Road through to Hamptons Road.”
- Somewhere along the way, consultant reviewers have changed the proposal “for lots fronting onto Hamptons Road to also obtain their access from Hamptons Road, i.e. the lots and future dwellings face Hamptons Road rather than turning their backs on this road. As a future residential street, [Mr Clease agrees] with Mr Collins that the northern road edge treatment of Hamptons Road should be upgraded from its current rural formation to a suburban edge treatment with kerbs, footpaths, and cycling facilities.
- The following photos illustrate the visual impact using an image of the Farrington frontage on to Selwyn Road to represent the consultants' proposals.



Illustration 1: Hamptons Road



Illustration 2: Selwyn Road urban frontage

- We strongly disagree with this change proposed by the consultants and believe that Hamptons Road should be treated like Shands Road with no new direct road connections, consistent with its arterial road status. That is, more specifically to restrict development along Hamptons Road as follows:
 - to low density residential,
 - with setback to provide buffer and screening(minimum 2 metre height and preferably evergreen hedging),
 - restrict the number of entrances to the sub-division off Hamptons Road to one, possibly two, entrances with no entrances to individual properties from Hamptons Road as has been successfully implemented with Sterling Park, Aberdeen, Wilfield and other developments throughout Selwyn District and Canterbury.
- There are many positive effects of retaining the developers proposal as follows:
 - Clear demarcation of the border between the rural and urban areas for good urban form, and consistent with the Sterling Park road frontages further along Hamptons Road,
 - Reduces the visual impact of the development on the local environment,
 - Creates a barrier to road noise effects for the new residential lots,
 - Minimises issues arising with the water race(see more below),
 - Reduces the risk of reverse sensitivity problems for existing rural and other activities.
- As our property occupies approximately 93% of the length of the ODP on the southern side of Hamptons Road, this would not impact on further urban expansion as we have no intention of selling our land.
- We note some inconsistencies in the s42a report where in 147 John Cleese considers that inclusion of 169 and 171 Hamptons Road would result in poor urban form and argues that they should not be included in the plan change. We agree with this reasoning and conclusion. However, at 292 in his conclusions he indicates a different position with the following statement : “In terms of zoning, it is recommended that the Trents Rd gap, the Shamy property, and **the two sites on Hamptons Road** all be included within the ODP and rezoned to Living Z, provided the Commissioner is satisfied that sufficient scope exists to make such a change.” We are confused by the two different positions and can not accept the latter of the two.

Reverse Sensitivity

We have great concerns about **Reverse Sensitivity** where new residents in the development will cause problems for us in our farming operations leading to (financial) implications for our ability to earn a living.

Although he oversimplifies our farming operation as “Arable” in his table of section 117, John Cleese gives a credible description of **Reverse Sensitivity** and how it arises. He somewhat simplistically dismisses it as unlikely because farming operations and residential properties already coexist in the vicinity of the development site and farmers will have contained “unacceptable effects to within their boundaries”. The pejorative term “unacceptable” shows his viewpoint is somewhat biased, as is the need he expresses for farmers to modify their practices to accommodate the proclivities of their neighbours. Generally, modern agricultural activities are highly regulated and conducive to good neighbourly relationships.

In reality, the current relatively peaceful coexistence of farming operations and residential properties is because the residents are generally experienced in rural matters, aware that there are crunch times in the agricultural year when it is necessary to work long hours, etc., that farmers are using best practice and are not maliciously trying to disturb their neighbours. This understanding and informed tolerance of agricultural practices will be severely diluted with the increased density of neighbouring properties.

Furthermore, the current peaceful coexistence of agricultural and non-agricultural properties is possible because there are relatively small number of neighbours (much, much less than 820 households) and generally large distances between houses and fields. All of these factors would change dramatically if PC 68 was to be approved.

Reverse Sensitivity can arise in many ways, as follows (but not limited to):

- objection to odors associated with fertiliser and/or other soil, crop and or pasture treatments;
- objection to noise of machinery, including contract or company harvesters not controlled by the farmers, often outside the usual 9 to 5 working day of non-farming residents;
- objection to noise associated with irrigation which need to be applied to suit the demands of a crop and that can only be done when the right weather conditions prevail.
NB: irrigation is expensive and is not used unless essential – this does not appear to be accepted outside of farming circles.
- objection to noise from animals, especially at weaning time;
- intolerance of manoeuvring large vehicles, or vehicle combinations onto or off the road where self-important drivers have no time to wait for operators to complete legal manoeuvres;
- blaming farmers for infestations of vermin such as rabbits, hares, pukekos mice and rats. Furthermore, vermin control activities such as poisoning, trapping, shooting etc. are often “unacceptable” to urban and other people.

We employ best practice in our farming operations and readily adapt new technology, equipment and practices that can be shown to be improvements in cultivation, seed drilling, spraying, fertilising, irrigation, harvesting, animal management, grazing, to avoid dust, noise, etc. and pest control (instead of the means listed above) whilst balancing environmental, animal welfare, social responsibility, productivity and safety concerns. Sadly, these efforts go unrecognised by urban neighbours who have an unrealistic concept of the rural idyll that does not include the production of food and fibre that fuels the country's economy.

We seek that covenants are set in place as means to protect against reverse sensitivity issues that may arise in relation to existing rural properties and activities that take place on these lots.

In 16.2 of her evidence, Patricia Harte indicates a precedent where covenants have been used in another ODP in Selwyn.

She goes on to say that, in her experience, “actual reverse sensitivity which results in a business being compromised is uncommon.”

If her experience is representative, then the existence of such covenants can do no harm whilst providing farmers and other parties some defence against unfounded claims of adverse effects. This is needed as currently the balance is generally

tipped in favour of the non-agricultural party, helped in part that adjudicating SDC staff generally have limited practical agricultural knowledge and experience. Natural justice should not allow sustainable, well performing, responsible groups to be bullied in this way.

Traffic considerations

- We agree with Murray Fletcher where he states in his evidence that Mr. Cleese's assertion in his section 42A Report, clause 116, that "In the event that a number of plan changes are approved, the QTP modelling suggests that the additional traffic demand will result in movement shifts to alternative less congested routes into Christchurch" is flawed. Firstly there are few if any viable alternative routes for Rolleston and Lincoln into Christchurch, secondly the model does not know the condition of these alternative routes, for example width, pavement condition and geometry. The model simply works on distance and time. So, these alternative routes are often less safe and people tend to speed on them as they have a perceived idea that they need to make up time. These routes are called 'Rat Running' and are not liked by the residents on them or the local authorities."
- It should be noted Hamptons Road is extensively used by heavy traffic and tractors and agricultural machinery because it is an arterial road in an agricultural district. This usage is an important traffic consideration that has not been mentioned anywhere in the ITA or other sections on traffic patterns. These types of vehicles need to be able to move around the district in a safe and expedient fashion. The proposed changes to Hamptons Road are not appropriate for these types of vehicles/machinery. Difficulties would be expected if it was to become a "Rat Run".

Stock Water Race

- It should be noted that the stock water race system was developed by early Canterbury settlers for the provision of a reliable drinking water supply for livestock and it is still used primarily for this purpose. Limited irrigation is also permitted under strictly controlled conditions.
- It is disappointing that John Cleese does not mention the water race anywhere in his s42a report on PC 68.
- Murray England recognises that "There is a length of water race bounding the development along Hamptons Road" and that "The race will need to be piped under road crossings and potentially along the frontage of residential properties" leading to the glib conclusion that "There are viable means to manage the water race".
- Like many farmers in Canterbury, we depend on the water race network as our only source of stockwater. The free access to cool flowing water is better for the stock than competing for still, tepid water at troughs. If stock have a choice of troughs or the water race they prefer and use the water race everytime.
- Numerous studies have shown that the water race network has high ecological values. One such report, "EOS Ecology Report no. 10016-SDC 01-02 Dec 2011" prepared for SDC, found 23 sites of High Ecological Value (representing over 200km of water race length) and 14 sites of Moderate Ecological Value. It also concluded that "it is highly probable that other sites and branches of High Ecological value are present and remain undocumented." The report also documented 10 "unique species that were encountered in the water race network that are not often found in the waterways of the Canterbury Plains and were therefore regarded as locally rare."

The EOS Ecology report also identified the important role water races can have in effective fire fighting and public safety. With limited sources of surface water in much of the area serviced by the water race network, water races are often an important source of water for fire fighting (Graham & Chapple, 1965). A recent example of this was the 2019 Christmas Eve Kirwee pub fire where the fire was controlled and damage to nearby properties averted with water which was pumped from the adjacent water race. The effort to fight the Broadfield fire of January 2013 used water from the Hamptons and Robinsons Roads water races, and the March 2016 Darfield area fire also used the water race network. These water races are capable of supplying large quantities of water in a short space of time to fill fire appliances, unlike council installed 2 inch or 4 inch water supplies in townships.

These features of the water race network enhance the ecology and the aesthetics of the region, “to ensure that it continues to be a [safe and] great place to live, work and play”. Water races should not be treated like drains. In fact they require special treatment to ensure that they continue to function as intended while maintaining safe stock water supply and the above described societal, ecological benefits and aesthetic benefits.

Mr England's solution to pipe road crossings and installation of 40 to 60 culvert pipes (one per 650m² property), or to pipe the full length of the ODP is likely to degrade the beneficial aspects of the stock water race along Hamptons Road, as is the open access of this large number of households with associated litter and other contaminants.

Piping will also raise issues for maintenance and clearing blockages of water races and smaller take-off pipes.

Water races also present risks for unsupervised children which is another compelling argument against upgrading of Hamptons Road frontages to an urban standard.

It should be noted that the water from the stock water race is not recommended for human consumption.

Safety concerns mean that there should be adequate clearance between the edge of the water race and any foot and/or cycle paths (Mr Collins specifies 2.5m width). The north side berm on Hamptons Road is narrow (variable but often around 4m or less) and difficulties fitting foot and/or cycle paths and road side parking are expected.

- Take-off to individual water race users is via pipes behind loose stone weirs at appropriate points in the reticulation race. The weirs require maintenance to ensure the continued functioning of the system. The pipes, in this case under Hamptons Road frequently need to be accessed for cleaning (unblocking) which would, at the least, put constraints on the location of culvert pipes.
- Use of the water race for prohibited, unauthorised and other purposes would need to be strictly controlled, especially car/vehicle washing with the risk of water contamination.

Note that, in the context of the water race, we agree with Mr Xiaojang Chen regarding heightened risk of contamination of water systems due to increased sources of contamination (roading, vehicles, people and animals (pets)) and reduced natural filtration of rainwater (ground covered by buildings, roads, etc.). Water from the water race system eventually enters underground aquifers via sumps taking any introduced contamination with it.

Note that the use of the stock water race is controlled by the Selwyn District Council Water Race Bylaw 2008, Selwyn District Council Water Race Policy and the Local Government Act 1974 and 2002 and their subsequent amendments.

Note also that the above referenced bylaw and acts restrict what can be planted (no planting within 3 m) and what construction (no constructions of any sort within 5m) can be

done in the vicinity of the water race. They also include requirements to frequently clean the water race to maintain functionality.

Adverse effects of increased population

- In our submission we reported the following anti-social behaviours which we have experienced to date on our land without our permission:
 - Stock disturbance
 - Theft of livestock(lambs) and crops(peas, beans).
 - Dogs worrying and mauling sheep causing horrific injuries.
 - Ovis(sheep measles) introduced by dog droppings.
 - Dog exercising.
 - Use as a park.
 - Golf driving practice.
 - Model aeroplane flying.
 - Boy racer joy-riding and burn-outs on our property including internal fence damage.
 - Regular fly tipping on council roadside.
- We expect these behaviours to increase in frequency and severity with the massive increased population density proposed by PC 68.
These issues could be mitigated by restricting the access of the new residents to Hamptons Road to that proposed by the developers, that is lower density development along the southern edge of the ODP with no entrances to individual properties from Hamptons Road as discussed above. We oppose the provision of foot and/or cycle paths along the north side of Hamptons Road for the same reasons.

Relief Sought

- In our submission we opposed the PC 68 in part.
- We can not accept the proposal of Mr Clease and Mr Collins “that the northern road edge treatment of Hamptons Road should be upgraded from its current rural formation to a suburban edge treatment with kerbs, footpaths, and cycling facilities” and, if their proposal is included in PC 68, we seek that it be declined in full.
- We could reconsider our position if the commissioner saw fit to include the following measures as has been done in the case of Sterling Park, Aberdeen, Wilfield and other developments in the Selwyn District and other parts of Canterbury :
 - Restrict development along Hamptons Road to low density residential, with setback to provide buffer and screening(minimum 2 metre height and preferably evergreen hedging).
 - Restrict the number of entrances to the sub-division off Hamptons Road to one, possibly two, with no entrances to individual properties from Hamptons Road.
 - Ensure covenants are in place to protect existing rural properties and activities that take place on these lots against reverse sensitivity.
- These measures would also go some way towards addressing other concerns such as preservation of the stock water race, traffic and adverse effects of the massive increase in population density.