

SELWYN DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Changes 8 & 9 – Rural Residential
development west of Rolleston

SECTION 42A REPORT PREPARED BY

JONATHAN CLEASE (CONSULTANT)

APRIL 2011

Contents

1.0	Introduction	4
2.0	Background	4
3.0	Statutory Considerations.....	6
3.1	Resource Consent Act 1991	6
4.0	Submissions.....	7
5.0	Assessment.....	8
5.1	Household Numbers, Market Demand and the Pre-emption of PC17	8
5.2	Rural Character and Amenity.....	15
5.3	Urban Form and Urban Design	18
5.4	Water, Wastewater, and Stormwater Infrastructure Servicing.....	23
5.5	Transport safety, network capacity, and integration with the existing network	24
5.6	Reverse sensitivity.....	25
5.7	Archaeology/Heritage	33
5.8	Earthquake risk/ geotechnical matters.....	34
5.9	Council conflict of interest	34
6.0	Statutory Planning Framework.....	35
6.1	The Regional Policy Statement (the RPS).....	35
6.2	The Urban Development Strategy and Proposed Change 1 to the Regional Policy Statement.	37
6.3	The Selwyn District Plan.....	40
6.4	Plan Change 17.....	42
7.0	Recommendations	44

Appendices

Appendix one	Proposed Plan Change provisions as amended by applicant
Appendix two	Landscape Review by Andrew Craig
Appendix three	Urban Design Review by Tim Church
Appendix four	Consideration of Late Submissions
Appendix five	Summary of recommendations on submissions
Appendix six	Network Infrastructure and servicing by Hugh Blake-Manson
Appendix seven	Transport Review by Andrew Mazey
Appendix eight	Odour/ Reverse Sensitivity Review by Prue Hardwood
Appendix nine	Geotechnical Report by Ian McCahon
Appendix ten	Recommended Amendments to the Plan Changes

1.0 Introduction

- 1.1 My name is Jonathan Guy Clease. I am employed by a planning and resource management consulting firm Planit RW Batty & Associates as a senior planner. I have fifteen years experience working as a planner, with this work including policy development, providing s.42a evidence on plan changes, the development of plan changes and the preparation of s.32 assessments, and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
- 1.2 I have a B.Sc. in geography, a Master of Regional and Resource Planning (MRRP), and am a graduate member of the New Zealand Planning Institute.
- 1.3 This report has been prepared under section 42A of the Resource Management Act 1991. It considers proposed Private Plan Changes 8 & 9 (PC8 & 9) to the Selwyn District Plan ('the Plan'). The proposed plan changes are the result of a request under Part 2 of the First Schedule of the Resource Management Act by the Selwyn Plantation Board Limited ('the applicant').
- 1.4 This report analyses the plan change requests and the submissions and further submissions which have been made on them, and makes recommendations for the assistance of the Commissioner. It is important to emphasise that the opinions, conclusions and recommendations in this report are my own and are in no way binding on the Commissioner who will be reaching their own findings based on the evidence put before them through written submissions and presentations at the hearing.

2.0 Background

- 2.1 The applicant lodged two separate plan change requests with Council on 24th April 2009. Plan Change 8 relates to a 92 hectare block of land bounded by State Highway 1 to the north, Rolleston township to the east of Dunns Crossing Road, rural farmland to the south, and a large area of land recently designated for the disposal of treated wastewater from the Council-held Pines Wastewater treatment Plant to the west.
- 2.2 This area is referred to in the application as 'the Holmes Block'. Plan Change 9 relates to a 72 hectare area bounded by rural land to the north, west, and south, and an area of Living 2A zoned land to the east of Dunns Crossing Road. The PC9 area is referred to in the application as 'the Skellerup Block'. Both blocks are currently zoned Rural Outer Plains, which provides for rural activities and requires a minimum lot size of 20 hectares per dwelling.

- 2.3 The applicant seeks to develop both Blocks for rural residential development with individual lots ranging in size from 0.4 – 4 Hectares. When originally notified, the Holmes Block was to yield 125 residential units, and the Skellerup Block was to yield 100 units. The applicant has since confirmed that in response to concerns raised by submitters they are now seeking a reduced yield of 97 rural residential lots and five x 4ha lots for the Holmes Block and 68 rural residential lots plus five x 4 ha lots for the Skellerup Block. This equates to a total yield of 165 rural residential lots and ten 4 hectare lots across the two Plan Changes.
- 2.4 The applicant proposes to introduce a new 'Living 3' zone and associated rule package to the District Plan, along with associated amendments to a number of policies. The Plan Changes also include an Outline Development Plan (ODP) for each block that sets out the general layout and key features of each block. The applicant has provided modified ODPs for both blocks in response to submissions, with a copy of these amended ODPs and Plan Change provisions attached as **Appendix 1**.
- 2.5 A relatively unusual feature of the ODPs is the inclusion of 'Countryside Areas' in the middle of each block which comprise a communally owned strip of rural land that is to be retained in pasture for grazing livestock, with the key function of these areas being to provide a rural amenity and outlook to residences near the middle of the blocks and to retain a rural character around the Plan Change perimeters.
- 2.6 The two blocks covered by the Plan Changes are described in detail in both the s.32 reports prepared by the applicant, and in the assessments undertaken by Andrew Craig (**Appendix 2**) and Tim Church (**Appendix 3**). In summary, both blocks have been primarily utilised as forestry plantations over the last thirty or so years, with the trees having been harvested several years ago. After harvesting, both blocks have been developed as pasture and are currently used for pastoral grazing. Both blocks are flat and relatively featureless, do not contain any dwellings or large farm buildings, and visually consist of rural paddocks bounded by wire fencing and occasional shelter planting that is typical of the wider Canterbury Plains rural environment.
- 2.7 The two Plan Changes take place within the planning framework of an operative Regional Policy Statement (RPS), and Change 1 to that Policy statement (PC1) which seeks to provide a high degree of direction as to how urban growth is to be managed within Greater Christchurch, with growth consolidated within and adjacent to existing townships and greenfield growth located within a Metropolitan Urban Limit (MUL). The Selwyn District Plan is also directly relevant, including the need to have regard to Plan Change 7 (PC7) which seeks to align the District Plan with PC1 and provide for ten year's worth of urban growth in Rolleston and Lincoln, and Plan Change 17 (PC17) which seeks to amend the District Plan to provide for rural residential development in a comprehensive manner.
- 2.8 Two documents prepared under the Local Government Act rather than the Resource Management Act are also of relevance, namely the Rolleston Structure Plan (RSP) which seeks to guide the long-term development of Rolleston, and the Rural Residential Background Report (RRBR) which Council prepared to help inform the development of PC17.

3.0 Statutory Considerations

3.1 Resource Consent Act 1991

- 3.1.1 The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay¹, the relevant components of which I have set out in the following paragraphs.
- 3.1.2 A plan change should be designed in accordance with (section 74(1)):
- (a) the district council's functions under section 31;
 - (b) the provisions of Part 2;
 - (c) its duty under section 32; and
 - (d) any regulations (section 74(1)).
- 3.1.3 The purpose of the Act, as set out in Part 2, is to promote the sustainable management of natural and physical resources. In achieving that purpose, identified matters of national importance are to be recognised and provided for (s.6); particular regard is to be had to various other matters (s.7); and account taken of the principles of the Treaty of Waitangi (s.8).
- 3.1.4 When preparing a plan (change) a district council:
- (a) must give effect to any operative regional policy statement (section 75(3)(c)); and
 - (b) shall have regard to a proposed regional policy statement (section 74(2)(a)(i)) and any management plans and strategies prepared under other Acts (section 74(2)(b)(i)); and
 - (c) shall have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities.
- 3.1.5 In this case the Regional Policy Statement is operative, with amendments being proposed to Chapter 12 of the RPS through Change 1. Several plans prepared under the Local Government Act are of direct relevance to this proposal, including the Rolleston Structure Plan (adopted by Council in September 2009) and the Rural Residential Background Report that was recently adopted by Council in February 2011. There are no directly relevant provisions in the Plans of the neighbouring territorial authorities, with matters of interest to the neighbouring authorities limited to the coordinated urban growth of Greater Christchurch which is the subject of Change 1.

¹ Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

- 3.1.6 A district plan must state the objectives sought to be achieved, policies to implement the objectives and rules (if any) to implement the policies (s75(1)). It may also state the significant resource management issues, methods, other than rules for implementing the policies, reasons for adopting the policies and methods, and the environmental results expected (s75(2)). There are a large number of objectives and policies relating to urban growth and associated related topics in the Selwyn District Plan. PC8 and PC9 seek to make only relatively minor changes to existing objectives and policies in the Plan, and do propose the addition of several new policies.
- 3.1.7 The rules are to implement the policies (sections 75(1)(c) and 76(1)) and the proposed policy or method is to be examined, having regard to its efficiency and effectiveness as to whether it is the most appropriate method of achieving the objectives of the plan (section 32(3)(b)) taking into account (section 32(4)):
- the benefits and costs of the proposed policies and methods; and
 - the risks of acting or not acting if there is uncertain or insufficient information.
- 3.1.8 In making a rule the territorial authority shall have regard to the actual or potential effect of activities on the environment (s76(3)).
- 3.1.9 Where the objectives of the Plan are not being altered, as is the case here, then section 32 in essence requires the Council to consider whether the proposed amendments to the Plan's policies and rules better achieve the Plan's objectives, and thereby Part 2 of the Act, than the existing Plan provisions. To this end, section 32 requires an overall consideration of whether approving the proposed rural residential zones (with or without any amendments) would better achieve the objectives of the Plan and thereby the purpose of the Act than declining the plan changes and retaining the existing Outer Plains zoning.
- 3.1.10 The process for making privately-requested changes to district plans is set out in the First Schedule to the Resource Management Act. These plan change requests have reached the stage where a hearing is required under Clause 8B and a decision is to be made on the provisions of the plan changes and the submissions under Clauses 10 and 29 of the First Schedule.

4.0 Submissions

- 4.1 The summary of submissions was publicly notified on 14th August 2010, with submissions closing on 24th September after the submission process was extended following the Darfield earthquake. Thirty two submissions were received on PC8, and thirty one submissions received on PC9. All of the submissions received were opposed to the Plan Changes in whole or in part. A summary of these submissions was in turn publicly notified on 10th November 2010 and closed on 25th November 2010. All of the further submissions on both Plan Changes were in support of submitters seeking the plan changes be rejected.

- 4.2 Late submissions were received from J & G Burdis (S32), N Sole (S32) and Dryden Trust (S33) which were accepted, with the late submissions by J Baxter (S34), G & P Poole (S35), G & J Meadows (S36) and P Tilling (S37) being rejected. The acceptance of these submissions has been made under delegated authority by Council Officers and is not a matter that is open for the Commissioner to consider. For information I have attached the report considering the acceptance of these late submissions as **Appendix 4**.
- 4.3 The two Plan Changes are seeking broadly similar outcomes, have a similar rule package, and are located in the same general geographic area to the west of Rolleston. The statutory framework, infrastructure needs, and potential environmental effects therefore have a high degree of similarity between the two Plan Changes. Both Plan Changes were notified on the same day, and the majority of submitters lodged a single written submission covering both of the Plan Changes with the consequence that the majority of submitters are seeking identical outcomes to both Plan Changes.
- 4.4 I have therefore prepared a single s.42a report covering both Plan Changes, as much of the discussion and assessment of the issues raised by submitters is of equal relevance to both blocks. Where there are issues that are specific to only one of the blocks then I have made that clear. I have also provided a separate recommendation on each of the Plan Changes, along with a separate appendix that summarises my recommendations as to whether to accept, accept in part, or reject the relief sought by submitters.
- 4.5 The submissions were relatively unusual in that the majority of submitters sought a single outcome, namely that both Plan Changes be declined in their entirety. There were therefore very few submissions that sought specific text changes to the proposed Living 3 policy and rule package, or that sought what might be termed compromise positions whereby the Plan Changes might be considered to be acceptable subject to specific amendments.
- 4.6 Given the lack of specific amendments sought (beyond a general desire to see both Plan Changes declined), I have generally sought to discuss the broad issues or themes raised by submitters, with a table for each Plan Change attached as **Appendix 5** summarising my overall recommendations in relation to whether submissions should be accepted, accepted in part, or rejected. In the few instances where submitters have sought specific text amendments, I have included a specific reference in the body of the report, in addition to the above mentioned table.

5.0 Assessment

5.1 Household Numbers, Market Demand and the Pre-emption of PC17

- 5.1.1 PC1 seeks to make limited provision for rural residential households in Greater Christchurch. In the eastern portion of Selwyn District, this provision is limited to 200 households from now until 2016, 200 households between 2017-26, and 200 households from 2027-2041, making 600 rural residential households in total. The preferred procedural method for providing these households is set out in

Method 14.2 of PC1, namely *"The Canterbury Regional Council together with the three territorial local authorities within Greater Christchurch shall undertake monitoring of Rural Residential development in accordance with Policy 16, and shall undertake a review of the provisions in 2010"*. The Commissioners also state in their decision that *"...the long term aim should be to ensure that areas are specifically zoned by the territorial authorities, rather than being randomly selected by developers and advanced as private plan change requests"*(para.341).

- 5.1.2 To implement PC1, and also to address pre-existing pressure for rural residential development in the District that was occurring regardless of the PC1 process, the Council has prepared a Rural Residential Background Report that has subsequently fed into the development of Plan Change 17. PC17 sets out a strategic objective and policy framework for accommodating rural residential development, and also contains a rule package and rezones sufficient land to provide for some 170 rural residential households i.e. most of the 200 households required by PC1 in the first staging period to 2016.
- 5.1.3 A number of submitters have raised concerns that the granting of PC8 and 9 in their current forms will pre-empt and/or undermine Council's PC17 process to the extent that significantly contrasting approaches to managing rural residential activities could be formalised into the District Plan. This, in turn, could result in variable environmental, social and economic outcomes, whilst making the administration of the District Plan onerous and the related provisions contradictory.
- 5.1.4 The concerns raised by submitters tend to focus primarily on PC8 and 9 taking up a large proportion of the 200 household allocation, thereby limiting the ability of arguably more appropriate blocks to be rezoned through the PC17 process. In essence, if regard is had to the 200 household limit, the question is whether in s.32 terms PC8 and 9 represent a more effective and efficient method of achieving consistency with the Regional Policy Statement than the alternative locations set out in PC17. In an ideal world, the merits of all competing blocks would be able to be considered in a holistic manner, with the obvious vehicle for this consideration being through the hearing of submissions on PC17 which are likely to take place later this year. Unfortunately we do not live in an ideal world, with private plan changes having every legal right to be considered in a timely manner, even if this does not produce the most efficient of Plan drafting contexts.
- 5.1.5 The applicant has nonetheless sought to address such concerns in two ways. The first is by reducing the overall yield of each plan change and deferring PC9 until 2016 which I discuss in more detail below. The second way is through their s.32 assessment which briefly considered the merits of potential alternative areas in the UDS portion of the District and concluded that the PC8 & 9 blocks were better suited to rural residential development than any of the alternatives. This assessment was relatively succinct and high level, and as far as I am aware did not involve any consultation with the landowners of potentially competing blocks as to their suitability or otherwise.
- 5.1.6 The shortcomings of this assessment of alternatives is especially evident when compared to the much more robust assessment of possible sites undertaken by

the Council through the RRBR and PC17 s.32 process. The Background Report in particular was widely circulated for consultation, and numerous expressions of interest were received from landowners who believed that their land was suitable for rural residential development. The blocks proposed through this feedback were then investigated in more detail, and the sites assessed for their ability to be serviced with network infrastructure and their locations compared with the policy criteria developed through PC1 and the RRBR.

- 5.1.7 This process resulted in a number of sites being identified as suitable for rezoning through PC17, with the sites located adjacent to Rolleston, Lincoln, Prebbleton, and West Melton. It is important to note that a portion of PC8 was identified through this process as being suitable for some 50 households. Submissions have yet to close on PC17, and I have no doubt that submissions will be received from landowners who have 'missed out' on inclusion through PC17 i.e. the areas identified in PC17 have yet to be tested through a hearing process. What PC17 does however demonstrate is that when assessing the efficiency and effectiveness of achieving the first phase of allocating 200 households in PC1, there are alternative sites that are likely to be as good, if not better than PC8 and 9.
- 5.1.8 I am aware that private plan changes need to be assessed on their own merits, and that the proposed Living 3 zoning for PC8 and 9 needs to be considered primarily against the current status quo zoning of Rural Outer Plains in terms of which zone and rule package better delivers the outcomes necessary for achieving the District Plan's objectives and policies and that in turn give effect to the Regional Policy Statement. The key point I am making above is simply that in providing for the first tranche of 200 households, there appear to be alternative sites that are at least as good as PC8, and better than PC9. I do not therefore believe that there are grounds to grant these two Plan Changes purely on the basis that there are no alternative sites available that are as good for giving effect to PC1.
- 5.1.9 In terms of the two Plan Changes absorbing a disproportionate share of the rural residential households available under PC1, there was indeed the potential for that to occur with the Plan Changes as notified which would have seen 225 lots provided across both blocks, with 125 of these to be available in the first staging period. In response to concerns raised by both submitters and Council Officers, the applicant has proposed some significant amendments to reduce the yield of both blocks, and to defer the development of PC9 until 2016, thereby enabling the 67 rural residential households now proposed in PC9 to come out of the 'next' 200 household allocation in the 2016-26 period.
- 5.1.10 It is my view that with these amendments, both Plan Changes are broadly compatible with the PC1 policy issues around household numbers. To my mind it is consistent with the PC1 approach of managing growth through consolidation and with a focus on reinforcing Key Activity Centres (in Selwyn's case the townships of Rolleston and Lincoln), that the majority of rural residential development should be adjacent to Rolleston and Lincoln. In the case of PC8, provided the overall rural residential yield is reduced to approximately 80 lots (as per below recommendations on landscape and urban design matters), then PC8, plus the other rural residential area identified in PC17 to the east of

Rolleston, will result in some 110 lots being provided in Rolleston in the coming six years, and approximately 200 lots being provided in total across the District.

- 5.1.11 I note that the overall number of lots in PC8 is to be controlled through proposed amendment 45, amendment 47, and amendment 50. Amendment 45 sets a limit in the subdivision rule section of the Plan controlling the overall number of lots to be created within the ODP and amendment 50 determines that any proposal to exceed this number will be a non-complying activity. I have concerned that the wording of Amendment 45 is “in respect of the land identified at Appendix 37, no more than 102 rural residential allotments may be created by subdivision prior to 31 December 2016.” The implication of this wording is that the total household limit only applies until 2016, after which further subdivision would be permitted. Given the need for long-term certainty as to the spacious outcomes and rural character anticipated in the Plan Change, I recommend that Amendment 45 be amended as follows:

“in respect of the land identified at Appendix 37, no more than **102 80 Living 3 zone rural residential** allotments and **5 Rural Inner Plains allotments**² may be created **by subdivision prior to 31 December 2016.**”

- 5.1.12 Should PC9 be granted, then I strongly support the need for it to be deferred until 2016 (as opposed to being made operative immediately), to ensure that an equitable distribution of rural residential households is achieved across the District within each staging period to ensure that geographic choice of rural residential housing is maximised, that the market is not overly dominated by a single player, and to improve the prospects of PC9 being able to be efficiently serviced and connected with future urban growth within Rolleston itself.
- 5.1.13 Provided that the overall rural residential household yield of PC8 is reduced to around 85 lots, and PC9 is deferred until at least 2016, I do not believe either plan change fundamentally challenges PC17. I do recognise that PC8 will have taken up the 50 households allocated to it through PC17, plus the additional 30 or so ‘spare’ households that have yet to be allocated through the PC17 process. In so doing it does pre-empt PC17 to a certain extent, however the outcomes achieved through PC8 and PC17 will still remain broadly consistent.
- 5.1.14 Where PC8 and 9 do pre-empt PC17 is in the inclusion of a rural residential objective, policy, and rule package. Should PC8 or 9 (or both) be accepted, then the District Plan will contain three zones that provide for rural residential-type activities, namely the operative Living 2 zone, the Living 3 zone proposed through PC 8 and 9, and the Living 4 zone proposed through PC17. A profusion of similar zones achieving broadly similar outcomes does not make for clear, succinct District Plans.
- 5.1.15 Unfortunately the private plan change process enabled by the RMA seems to lend itself to ad hoc zone making, with the Selwyn District Plan already containing numerous living zones that have subtle variations on similar themes. I am aware that the Christchurch City Plan has also experienced a profusion of subtly different living and business zones that have arisen over time primarily via

² The other amendment to include reference to Rural Inner plains is discussed in more detail in the section on urban Form.

the private plan change process. Such zoning does have the benefit of being able to tailor specific rules to address specific on-site issues, however the downside is the potential for an overly complex District Plan. Again, in an ideal world the PC8 and 9 blocks would have been considered through the PC17 process, and the duplication of similar provisions avoided. As noted above, we do not live in a perfect world, and whilst it makes for inefficient District Plan drafting, the precedent for multiple similar zones has long been established.

5.1.16 In considering the consistency of the PC8 & 9 and PC17 provisions, I note that the objectives and policies proposed through amendments 16-19 are seeking to achieve broadly similar outcomes to the PC17 provisions, albeit that PC17 has necessarily taken a more strategic approach as to how rural residential activities should be provided for. In essence the objectives and policies of the two plan changes overlap rather than conflict.

5.1.17 At a policy level there is therefore the ability for both sets of provisions to coexist, and there also remains the potential for the policy package to become further aligned and rationalised through the upcoming PC17 hearings. In terms of the rule packages, I consider that they are broadly consistent, with PC 8, 9, and 17 all including the provision of ODPs, controls on site coverage, building setbacks, landscaping, and boundary fencing. This means that the end 'on the ground' built outcomes should be broadly similar between developments established under PC8 & 9 and PC17 rule packages.

5.1.18 A separate, but related, issue relating to household numbers is the definition of what constitutes a Rural Residential activity in terms of PC1. When notified, PC 1 defined rural residential activities as:

"Residential units outside the urban limits at a density of an average of between a half and one hectare"

5.1.19 This definition was subsequently amended following the hearing of submissions so that rural residential activities are now defined as:

"Residential units outside the Urban Limits at an average density of no less than one per hectare"

5.1.20 This definition has subsequently been appealed by the Christchurch City Council and the Waimakariri District Council, and that the Canterbury Regional Council has since issued a memorandum to the Environment Court clarifying that it will not be defending the Commissioner's definition but instead is in agreement with the alternative definition put forward by the appellant Councils. I note that Selwyn Council has incorporated this latest definition into PC17. The agreed position of the various Councils therefore now appears to be that rural residential activities are to be defined as:

"Residential units outside the Urban Limits prescribed in the Regional Policy Statement at an average density of between one and two households per hectare"

5.1.21 The density of the two Plan Change blocks is further complicated by whether the 4 hectare rural lots now proposed are included within the area used for calculating densities, and whether the Countryside Areas are likewise included.

To my mind the 4ha lots do not constitute rural residential activities (and indeed PC1 is explicit that lots of 4ha or larger are rural, not rural residential). The Countryside Areas are an innovative concept that don't fit easily into any of the above definitions.

- 5.1.22 I am cautious about getting bogged down in somewhat esoteric discussions on the weighting and wording of the various definitions and the inclusion or not of what constitutes the net density of the two Plan Changes. In my view the common theme or outcome being sought is that rural residential developments contain lots that are on average between 0.5 and 1 hectare in size and that the minimum and maximum individual lots sizes should also not stray too far beyond 0.5 (minimum) and 1 hectare (maximum). If the 4ha lots (20 hectares total) are excluded from calculating the average densities in both Plan Changes, and the Countryside Areas are included, then PC8 as now proposed results in 97 rural residential lots on 72 hectares at an average of 7,400m², whilst PC9 results in 68 lots over 52 hectares at 7,600m² per lot.
- 5.1.23 The Countryside areas mean that many individual lots will be smaller than this average, however the majority of lots will still exceed 5,000m² in size. These average densities will increase further if the amendments recommended below in the sections on landscape and urban design issues are accepted. The resulting development means that purely in terms of the relationship of dwellings to rural open space, both Plan Changes to my mind are generally consistent with the densities anticipated in PC17 and PC1, recognising that neither PC17 or PC1 is beyond challenge on these matters.
- 5.1.24 The above discussion has focussed primarily on consistency with the Change 1 definitions and the cap of 200 rural residential households. Whilst I believe it is important to have regard to emerging Regional Policy Statement provisions, I am also mindful that the PC1 provisions as they relate to rural residential households have yet to be settled. I have therefore also considered the merits of the two Plan Changes in the event that the Commissioner places relatively little weight on the 200 household limit. The s.32 report for PC8 and 9 includes a report from Simes Limited that examines the demand for rural residential activities. As part of the development of the Rural Residential Background Report and subsequent s.32 assessment that lead into PC17, the Council also engaged Ford Baker Valuation to undertake a specific assessment of both the demand for, and trends towards, rural residential activities³.
- 5.1.25 There is broad agreement between Ford Baker Valuation and Simes Limited that the demand for rural residential activities is significantly greater than the 600 households allocated to the District over the remaining 30 year development period currently prescribed under PC1. I accept the view that there is considerable demand for this form of housing. Indeed, as set out in the PC17 s.32, the Ford Baker report assessed demand as being for some 120 lots per year, which over the 30 year timeframe of PC1 would result in total take-up of some 3,600 rural residential properties in just the UDS portion of the District (a rough crescent running from West Melton, around Rolleston and Lincoln, to Tai Tapu).

³ PC8 & 9; Appendix A – Valuer Report, Statement of evidence of P W Wilkinson

- 5.1.26 At an average density of between 0.5 and 1ha per lot, meeting market demand would result in some 2,500 hectares of farmland being taken up in this area. Clearly simply 'meeting the market' would have significant resource management implications in terms of the efficient provision of servicing and community infrastructure, rural character and amenity, township identity and form, transportation, and rural productivity. Put simply, just because a market exists for a certain product, it does not necessarily follow that the provision of that product will have acceptable effects when considered in the wider context of sustainable management as set out in Part 2 of the RMA.
- 5.1.27 The provision of this product is also not necessary for accommodating household growth per se i.e. PC7 seeks to rezone sufficient land to enable some 4,100 additional households to be accommodated in Rolleston and Lincoln over the coming decade, in addition to existing vacant sections within these townships and a large block of land recently rezoned in West Melton. The District therefore has more than enough land to accommodate growth (including a large number of any households relocated out of Christchurch because of the earthquakes), without the need for further rural residential housing. In essence, the provision of rural residential households has far more to do with meeting a lifestyle aspiration than it does with accommodating household growth per se.
- 5.1.28 An inevitable consequence of limiting supply is that price is likely to be somewhat higher than if the market was able to fully meet demand without constraint. This has always been a feature of property markets generally, whereby desirable areas with limited land supply command higher prices. Local Christchurch examples (pre-earthquake) include areas such as Sumner, the hill suburbs, and areas within Christchurch Girls and Boys High School zones. This is not of course to say that large areas of the Port Hills ought to be rezoned for residential purposes in a bid to lower land prices in such areas, but rather that any such proposals need to be considered primarily within the context of whether or not the adverse environmental effects that might result from such rezoning are able to be appropriately managed.
- 5.1.29 So it is with rural residential typologies where the market demand for such forms is likely to outstrip the ability of the eastern Selwyn environment to provide for that demand without significant adverse cumulative effects on the inner plains environment. I accept that the debate around market demand, and the appropriate number of rural residential households to be provided within eastern Selwyn are wider issues that will be more fully considered through both appeals on PC1 and the hearing of submissions on PC17.
- 5.1.30 For the purposes of assessing PC8 and 9 I am simply acknowledging that there is market demand for a rural residential product, that such demand is likely to exceed supply unless extremely large swathes of the inner plains is made available for this form of housing, and that the benefits of providing for that demand on any given block needs to be assessed on its merits and against the potential immediate and cumulative adverse environmental effects of enabling such development. The potential effects of developing both blocks are therefore considered in detail below.

5.2 Rural Character and Amenity

- 5.2.1 A number of submitters are concerned about the loss of green open space and the rural appearance of the area if this development goes ahead. This effect would be most strongly felt along the frontages of Dunns Crossing Road opposite the two developments. Mr Andrew Craig, a Landscape Architect, has assessed the landscape aspects of the two Plan Changes, with his report attached as **Appendix 2**.
- 5.2.2 Mr Craig has briefly described the character of the site and the wider context, and has considered the visual impacts of the two Plan Changes. In general, Mr Craig agrees with the assessment of the applicant's landscape Architect Mr Espie, subject to several matters where their opinions differ. Mr Craig has noted the different landscape contexts of the two blocks, where the pC8 land is bounded on three sides (and these boundaries will become more distinctive over time as the land to the east becomes urbanised and the Pines WWTP infrastructure and shelter planting becomes established. PC9 is much more representative of the Rural Outer Plains environment and visually is largely indistinguishable from the open farmland surrounding it on three sides.
- 5.2.3 Mr Craig then sets out a number of criteria against which he considers a successful rural residential development can be measured, with the key element being whether future occupants perceive themselves to be living in a rural, rather than a low density suburban, environment. In achieving this outcome aspects such as open road boundary fencing, generous building setbacks from the road, low site coverage, landscaping, and an avoidance of 'urban motifs' such as kerb and channel, street lighting (except at intersections), and street furniture are all important. The proposed plan changes achieves these matters through the proposed rule package, although Mr Craig has recommended some relatively minor amendments to site coverage (reducing it from 500m² to 400m²) and road boundary landscaping to reduce the proposed rule complexity and monitoring implications. In this regard I note that the proposed rule package covering general design and building bulk and location standards is broadly consistent with that being promulgated by the Council through PC17.
- 5.2.4 The building setback controls are however more liberal in PC8 and 9 compared with PC17, where PC17 requires a 20m setback from roads and 15m setback from internal boundaries, compared with a 15m setback from roads and a 5m setback from internal boundaries proposed by PC8 and 9. I concur with the relatively minor amendments to the site coverage and landscaping rules recommended and set out in Mr Craig's report, and in addition would recommend that the building setback controls be increased to be consistent with those being put forward in PC17.
- 5.2.5 In terms of the elements that Mr Craig considers contribute to an acceptable rural residential development, the key matter is that lots should in general be at least 5,000m² in size (although small numbers of slightly smaller lots might be appropriate where they are directly adjacent to larger rural views/ outlook). In this regard Mr Craig is concerned that the ODP for PC8 contains a number of 4,000m² lots located towards the centre of the plan change area that in

combination have the potential to detract from an open rural character for both immediate occupants and residents of the wider Plan Change area. He has recommended that a number of these more central lots be increased to a minimum of 5,000m², with their location shown in an appendix attached to his report. In total, an increase in these lots to a minimum of 5,000m² will result in an overall loss of approximately 2 lots across the ODP as a whole. I rely on Mr Craig's recommendation on this matter that the potential gains in amenity and rural residential character outweigh the loss of up to two lots.

- 5.2.6 Mr Craig also considers that in general the overall size of rural residential areas should be relatively small so that lots remain closely connected to larger rural areas and views, rather than developing a very low density suburban character that can occur with large developments where internal sites are some distance from a rural outlook. The proposed Plan Changes have an overall yield that is higher than that which Mr Craig believes to be generally appropriate for maintaining a rural character. In overcoming what would otherwise be a significant constraint on the appropriateness of these two Plan Changes, Mr Craig considers that the Countryside Area concept is an integral element in maintaining rural character and views both for future residents and for the wider community viewing the Plan Changes 'from the outside'.
- 5.2.7 In my view the Countryside Areas are an innovative concept that has the potential to provide a significant amenity and functional benefit to future residents. Clearly the management and maintenance of these areas over the long term will be a key determinant on the quality of the Plan Changes and their ability to integrate appropriately with the surrounding environment. Like any new concept the downside is that there are few examples available that demonstrate where the concept has been successfully implemented elsewhere. I am aware of a number of developments around the country where investors have been able to purchase small lots within a larger farm, vineyard, or olive grove, with a manager employed to oversee the farming operation.
- 5.2.8 This arrangement enables homeowners to enjoy the amenity of living on a productive farm, without the day-to-day management issues. The Countryside Area concept differs from these other examples whereby the proposed areas are strips and are not particularly anticipated to be farmed as a single commercial entity. Instead it is my understanding that these areas will be held in a body corporate-type structure and leased to farmers or more likely to residents who desire more grazing land for horses and the like. I am unsure whether a strict body corporate mechanism can be in place for fee simple lots (assuming the lots will be freeholded). I have discussed the prospect of these areas being vested in Council as reserves with the Council's open space Asset Manager (Anne Greenup) and the verbal feedback from Ms Greenup is that Council would not wish to accept these areas.
- 5.2.9 Given the importance of the success of these areas to the Plan Changes being acceptable from a landscape perspective, the applicant may wish to provide more detail at the hearing regarding the mechanisms and management arrangements that are anticipated for these areas. The applicant may also wish to clarify the distinction in the proposed wording of rule 10.15.1 and 10.15.2

(amendment 41) which appear to make rural activities both permitted and discretionary. If the intention is that rural activities in accordance with a management plan are permitted, whilst rural activities not in accordance with that plan are discretionary, then it would be helpful if the rules were made more explicit.

- 5.2.10 The Countryside Areas around the perimeter of the two Plan Changes along Dunns Crossing Road are considered to be critical in maintaining both a degree of rural outlook for existing residents to the east (a matter of concern raised by a number of submitters), and in maintaining a sense that the Plan Changes are distinct rural residential nodes, whilst concurrently remaining in close proximity to, and well connected with, the suburban edge of Rolleston.
- 5.2.11 Mr Craig considers that this edge treatment should be extended along Burnham School Road on the southern side of PC8, to both ensure that the Holmes Block is visually contained and buffered on all sides, and also to ensure that the rural outlook of the rural residential lots along the southern boundary is maintained in perpetuity and is not reliant on the Outer Plains zoning to the south for providing this amenity, outlook, and character. The addition of a further Countryside Area along the southern boundary of PC8 means that the recommended changes will result in the loss of some 12-15 smaller lots (including the two lost in the above recommendation and potentially another couple lost through the extension of an Odour Constrained area adjacent to the Resource Recovery Park (discussed below in the section on reverse sensitivity)), with PC8 yielding approximately 80 rural residential lots.
- 5.2.12 This reduction in yield co-incidentally assists in maintaining general consistency with PC17 (which rezoned approximately 170 rural residential lots, including 50 lots in the Holmes block) and PC1 which requires Council to provide for 200 rural residential households in the period to 2016. In the event that PC17 is accepted, then PC8 at around 80 lots effectively takes up the shortfall of 30 lots in PC17. In noting this consistency, I have not placed a great deal of weight on it in terms of a justification for accepting Mr Craig's recommendation. This is because the PC1 '200 lot' number is subject to appeal and PC17 is at a very early stage in the plan development process and doubtless will attract submissions from a number of landowners outside the PC17 zoned areas who will be keen to promote the merits of their land as alternative candidates for making up any shortfall in household numbers.
- 5.2.13 In summary, responding to landscape issues I recommend the following amendments:
- PC8 ODP be amended to include an additional Countryside Area along the southern boundary with Burnham School Road;
 - PC8 ODP be amended to identify a number of internal lots that should be a minimum of 5,000m²;
 - Permitted site coverage for both PC8 and PC9 be reduced to 10% or 400m² (whichever is the lesser) – see amendment 11 and 24
 - Simplify the proposed road frontage landscaping rule – see amendment 21

5.3 Urban Form and Urban Design

- 5.3.1 In assessing urban form and urban design issues, the Council has commissioned a report from Mr Tim Church, a Senior Urban Designer with consulting firm Boffa Miskell Limited. Mr Church was involved in the preparation of the Rolleston Structure Plan which was adopted by Council in September 2009. Mr Church's evidence is attached as **Appendix 3**.
- 5.3.2 Mr Church's report provides a detailed summary of urban design matters raised by submitters. These submitters have raised concerns about the effect of the Plan Changes on the urban form of Rolleston, with these concerns worded around the effects of urban sprawl, the loss of a clear edge to the township, or the lack of consistency with the direction of growth expressed through the Rolleston Structure Plan.
- 5.3.3 Mr Church considers that from an urban design perspective there is an inherent tension between rural residential development as a typology and what are generally accepted good urban design principles i.e. rural residential development by definition has a very low density form, is typically single use (residential and ancillary rural only), is invariably isolated/ peripheral to town centres, tends to be car dependant, socio-economically uniform, and has the potential to displace activities/ households that might otherwise have chosen to locate closer to town centres. Mr Church therefore suggests that as a general approach to accommodating urban growth, the use and extent of this typology as an urban form should be minimised.
- 5.3.4 The desire for limiting this typology is to my mind also reflected in the approach (and s.32 analysis) taken in PC1 i.e. a somewhat 'grudging' recognition that a limited amount of rural residential development is necessary to provide a degree of choice in housing typologies on offer, and to a lesser extent to reduce pressure on 4 hectare blocks (when owners might ideally wish for somewhat smaller lots), but that this choice should be limited as it is inherently unsustainable and contrary to an overall approach of accommodating urban growth through urban consolidation.
- 5.3.5 Within the context of limited provision of a rural residential typology, the general policy approach proposed in both PC1 and PC17 (and discussed in more detail in the section on the Statutory Planning Context) regarding the preferred locations are that rural residential housing should be established in small nodes (so as to maintain a rural outlook and character), distributed across the District to maximise geographic choice, are not in areas that are hazard prone, adjacent to strategic regional infrastructure, or have high landscape, heritage, or ecological values. Such sites should be able to be efficiently serviced with network infrastructure, be located outside MUL and in location where future urban growth is unlikely, yet are also to be adjacent to and well connected with the MUL, and with an outer edge to prevent ongoing expansion.
- 5.3.6 Mr Church considers that PC8 (with modifications) fits reasonably comfortably with the urban design elements of the above criteria, with this broad consistency also recognised by the inclusion of approximately half of the PC8

household allocations within the northern third of the Holmes block in PC17. Mr Church has identified that the PC8 block is bounded to the east by existing urban zoned land in Rolleston Township. I note that the area to the east of Dunns Crossing Road is included within the MUL as set out in PC1 and that no appeals have been lodged on PC1 opposing its inclusion.

- 5.3.7 The existing very low density urban zoning of this land is proposed to be amended to a more intensive Living Z zone through PC7 so as to better achieve the objectives of both PC1 and the Rolleston Structure Plan. No submissions have been lodged opposing the Living Z zoning on this neighbouring block, with the Living Z zoning to be made operative i.e. not deferred, through PC7. Given the lack of opposing submissions, I believe that a high degree of certainty can be placed on the likelihood that the land to the east of Dunns Crossing Road opposite PC8 will be developed for suburban purposes well within the next ten years.
- 5.3.8 PC8 is also bounded to the north by State Highway 1 and the rail corridor (with the IZone industrial estate and Rolleston Prison further to the north) , and to the west by the designations and developing infrastructure needed to service the Pines Waste water Treatment Plant ('WWTP') and the Resource Recovery Park ('RRP'). The only relatively 'open' boundary is to the south where the PC8 block adjoins Burnham School Road, and thereafter open Outer Plains zoned farmland. Mr Church has agreed, from an urban design perspective, with Mr Craig's recommendation of the desirability of establishing an additional Countryside Area along the Burnham School Road frontage to ensure that a clear southern edge and rural character is established for the PC8 land to the south. I agree with the conclusions of both Mr Church and Mr Craig that, with the addition of a southern Countryside Area, the PC8 land will have good 'edges' or containment. These contained edges help to prevent further outward expansion, whilst also enabling the block to have a distinctive rural residential character and outlook both from within the site looking out, and for the wider community experiencing the development from the outside.
- 5.3.9 As an aside, I note that a key element of the western edge (and the northern edge of PC9) is the use of five x 4 hectare lots along these boundaries. These large lots assist in maintaining rural outlook for internal rural residential lots, minimising potential odour issues, and reducing the overall yield of the development so that it is more consistent with both PC17 and does not take up a disproportionate amount of the 200 households required under PC1. Whilst supporting the applicant's amended ODP to introduce these 4ha lots, I believe zoning them Living 3 creates a very uneasy fit between the proposed policies and zone description for Living 3 areas and large 4 hectare sized lots. In essence the amended ODP results in a number of 4 ha lots with an underlying zoning and associated rule package that is designed for lots around 0.5 – 1.0 ha in size.
- 5.3.10 In my view, should either of the Plan Changes be accepted, it would be a far more consistent 'fit' with the District Plan's objective, policy, and rule package for the proposed 4 ha lots to be zoned 'Rural Inner Plains' which is the long-established Plan zone for lots of this size. A Rural Inner Plains zoning for the 4 ha lots would be especially appropriate for PC8, whereby the Plan Change

effectively fills in a 'gap' between the urban-zoned edge of Rolleston Township, the State Highway, and the extensive area covered by the Pines WWTP designation.

- 5.3.11 Whilst Mr Church generally supports PC8 from an urban design perspective, he has nonetheless made a number of recommendations as to how PC8 might be further improved and its potential effects mitigated. He supports the Countryside Area concept as a positive tool for providing rural character, outlook, and edges. In particular he is supportive of the Countryside Area along Dunns Crossing which contributes towards a greenbelt boundary treatment that was set out in the Rolleston Structure Plan around the urban edge of the Township.
- 5.3.12 To this end Mr Church has emphasised the benefits of the Dunns Crossing Countryside Area and the relatively short length of Countryside area adjacent to the existing pocket of rural residential dwellings as including provision for public access for walking, cycling, and potentially horse riding. To this end I note that the PC8 ODP includes a red dotted line along this countryside Area denoting public access, with an associated assessment matter included in the subdivision section of the Plan Change. Given that the Countryside Areas are to be retained as privately owned land, I presume that a public easement or similar instrument will need to be in place over this area, with a public access strip potentially physically separated from any leased paddocks within the area. Given that access has been shown on the ODP, and given the importance attached to it by Mr Church, it would be helpful if the applicant was able to clarify at the hearing the mechanism by which such access will be provided.
- 5.3.13 Mr Church has also recommended that a 'key gateway' feature be made at the Dunns Crossing/ Burnham School Road intersection, in line with the treatment of gateways into Rolleston proposed in the Rolleston Structure Plan. He has also suggested that increased variety in lot sizes would assist in maintaining visual interest and diversity within the area, which may well be achieved in any event through Mr Craig's recommendation that a number of internal lots be increased to at least 5,000m² in size. Mr Church has also recommended that the ODP be amended to include a note preventing a gated subdivision i.e. the principle road access points are to remain unobstructed and free for access by the wider community. I support these recommendations.
- 5.3.14 Mr Church, in contrast to his general support of PC8, has significant concerns about the urban form created by the PC9 Plan Change. In particular, he considers that the PC9 Block is disconnected from the urban edge of Rolleston township, and is unbounded to the north, west, and south. In essence the PC9 block represents an isolated pocket of RuralOuter Plains zoned land that is surrounded by Outer Plains zoning on three sides and has no physical or policy boundaries that would contain the Plan Change or prevent its further outward expansion.

- 5.3.15 Whilst a portion of the site's eastern boundary is opposite a Living 2A zoned area on the eastern side of Dunns Crossing Road, it is important to note that this area has a minimum lot size of 1 hectare i.e. it is a rural residential enclave with larger lots than those proposed in the PC9 area. The Living 2A zone in itself currently constitutes something of a very low density outlying peninsula of development that is disconnected from the higher density suburban areas of Rolleston. PC9 could therefore be said to constitute a peninsula appended to a peninsula in terms of urban form.
- 5.3.16 The area to the east of PC9 is included within the MUL identified in PC1, and has also been identified as being suitable for higher density suburban growth in the long term through the Rolleston Structure Plan process. This area has not however been included in PC7 which rezones sufficient land to accommodate Rolleston's urban growth for the coming decade to 2021. Whilst PC7 is not yet operative, I note that no submissions were received on PC7 seeking the urbanisation of the rural area to the east of PC9. Whilst future private plan changes might be received seeking such urbanisation, such plan changes would in my view face a difficult policy hurdle in the short-medium term in that they would be inconsistent with both PC1 Policy 6, and the staged and Council-led approach to growth encapsulated in the objective and policy package promoted through PC7.
- 5.3.17 Likewise any plan changes to intensify the Living 2A Zone would in my view need a high degree of acceptance from owners to have reasonable prospects of success. In my experience such acceptance is often difficult to achieve as whilst some owners might be keen to subdivide, others will have purchased their property because they value the low density character of the neighbourhood and would not wish to see that change. I therefore believe that considerable certainty can be placed on the fact that the PC9 block will remain largely detached and isolated from the physical urban edge of Rolleston for at least the next decade. Even in a decade's time when Rolleston township may be starting to expand to reach the PC9 boundary, PC9 would still remain a somewhat incongruous block of residential properties jutting out into the very extensive Rural Outer Plains environment for the very long term.
- 5.3.18 Unlike the Holmes block which has physical or infrastructural boundaries on three sides, the Skellerup block has no such physical or even policy boundaries beyond the Outer Plains zone provisions. Given that there is little to differentiate this block from any of the neighbouring Outer Plains landholdings, in my view it would be difficult for Council to resist future Plan Changes seeking similar rezoning proposals in the wider Outer Plains area. Indeed were both PC 8 and PC9 to be approved, it could lead to a logical desire for Rural Outer Plains landowners between the two Plan Change blocks to seek to 'fill in the gap' created between PC8 and 9. This would lead to an agglomeration of rural residential developments that in total would result in more of a very low density suburban character such as that experienced in Mandeville and Ohoka in Waimakariri District where multiple private plan changes over the years have cumulatively led to a very extensive rural residential area.

- 5.3.19 I acknowledge that Plan Changes need to be assessed as 'stand alone' proposals on their own merit rather than judged against what might speculatively occur at some pointing the future. That said, I also believe that it is relevant to take into account the implications for urban form and the pressure for consistent decision-making on similar future plan changes and a reasonable expectation that 'like applications would be treated alike'. The lack of physical boundaries, edges, or differentiation between the Skellerup block and surrounding farmland means that it will be difficult to resist similar plan changes on adjoining land in the future with the associated implications that such an outcome would have on the desire to both manage growth with a primary approach of achieving a consolidated urban form and to ensure that rural residential nodes are generally small discrete areas that retain a strong rural character.
- 5.3.20 It is therefore the view of both myself and Mr Church that PC9 should be declined in its entirety due to its poor urban form, disconnection with the existing (and medium term future) township, lack of any physical boundaries on three sides, and incongruousness within a wider Rural Outer Plains context of extensive farmland. In short, it is our view that the existing Rural Outer Plains zoning of this block, surrounded as it is on three sides by similar Outer Plains Zoning, is a more effective method for achieving the District Plan's objectives than the proposed Living 3 Zoning.
- 5.3.21 In terms of urban form and urban design, I consider that PC8 is broadly acceptable, subject to a number of modifications, of which the most significant are as follows:
- The amendment of the ODP to include an additional Countryside Area along the southern boundary with Burnham School Road;
 - Confirmation of public access to the Dunns crossing Countryside Area in particular;
 - A gateway landscaping feature at the corner of Dunns Crossing and Burnham School Roads;
 - The alignment of roading connections to Dunns Crossing with similar access points in the emerging urban areas to the east;
 - The prevention of a gated community i.e. that the main access points remain open to the wider community.
- 5.3.22 In terms of urban form and urban design, I consider that PC9 is not acceptable and that this plan change should be rejected. Should the Commissioner be of a mind to grant the Plan Change then I support Mr Church's recommendations that the PC9 ODP be amended to include:
- 4 hectare lots around the northern, western, and southern boundaries, with an associated reduction in overall yield and consequential amendments being made to the PC9 table included as 'Amendment 45' that specifies the maximum number of lots to be created;

- Alignment of the main access point onto Dunns Crossing Road with the future roading connection to the neighbourhood centre proposed in ODP6 as set out in PC7;
- Confirmation of public access to the Dunns crossing Countryside Area in particular;
- The prevention of a gated community i.e. that the main access points remain open to the wider community.

5.4 Water, Wastewater, and Stormwater Infrastructure Servicing

- 5.4.1 Mr Hugh Blake-Manson, Council Utilities Asset Manager, has provided a summary of the Council strategic approach to the planning of water, stormwater, and wastewater network infrastructure. He has also outlined the network as it currently exists and the programmed upgrades and expansion to this network that are anticipated to service the Rolleston area over the coming years (Appendix x).
- 5.4.2 Mr Blake-Manson has confirmed that in general servicing low density rural residential development is an inefficient means of servicing a given population relative to accommodating those people within higher density suburban areas as part of an existing township. He considers that PC 9 in particular will result in an “orphan” sewer and water services line, which will result in increased costs of operation, maintenance and renewal over the asset life compared with accommodating the same number of households within the MUL. Mr Blake-Manson has confirmed that there is sufficient capacity within the consented and proposed community treatment plants “Pines I” to accommodate the growth anticipated from both Plan Changes.
- 5.4.3 Both Plan Changes will need individual pump stations to assist in transporting sewerage to the network contained within the MUL, and both Plan Changes will need to wait until this network infrastructure becomes available through suburban development within the MUL. In this regard PC8 is well-placed, as the adjoining area to the east is proposed to be rezoned to a higher density Living Z Zone in the first phase of development proposed under PC7. Network services are therefore likely to be available for connection within the next couple of years.
- 5.4.4 The ability to efficiently connect to network infrastructure is more problematic for PC9, as the adjoining area to the east is very unlikely to be intensively urbanised of at least the next decade. Whilst I suspect it would be technically feasible for the applicant to install a long sewer line to connect with the existing network, such provision would not be efficient and would require the Council to maintain a substantial length of sewer network that is serving relatively few households. The long-term maintenance costs and inefficiency of servicing PC9 is therefore a further reason for recommending that this Plan Change be declined.
- 5.4.5 Mr Blake-Manson notes that should PC8 be approved, Council is required under conditions of the Notice of Requirement and associated Regional Council

consents to ensure that the effects, if any, of wastewater disposal within the Pines Waste Water Treatment Plant and associated disposal area are minimised at the adjoining boundary. He does nonetheless acknowledge the views expressed by Ms Harwood that a further dwelling setback from the shared boundary would assist in further minimising the potential for reverse sensitivity issues arising in the future.

- 5.4.6 In terms of water supply, Mr Blake-Manson has concluded that whilst there is sufficient consented water take capacity, there is not currently sufficient pressure to meet the demand of predicted growth in the PC7 area to the east of PC8. Improvements to the network to ensure sufficient pressure is available to PC7 (and thereafter to PC8) will be led by Council as part of the wider network enhancements necessary to accommodate urban growth in Rolleston in a coordinated and staged manner. In this regard PC8 is preferred over PC9 as water supply infrastructure is programmed to be upgraded in the short term immediately to the east of PC8 to service the ODP 1 area.
- 5.4.7 As with sewer infrastructure discussed above, it is still technically feasible to service PC9 with water supply infrastructure, however such servicing will require relatively long lengths of piping to be laid and subsequently maintained to service a small number of households for the medium term. As such the servicing of PC9 is not particularly efficient or effective and is contrary to the direction encapsulated in PC1 that growth should be staged and coordinated with the efficient provision of Council-held network infrastructure.
- 5.4.8 In terms of stormwater treatment and disposal, Mr Blake-Manson has confirmed that disposal is readily available to ground for both Plan Changes. He notes that this provision will be subject to obtaining any necessary Regional Council consents, but that in his experience such consents are relatively straight forward to obtain provided the proposed system is properly designed and constructed.

5.5 Transport safety, network capacity, and integration with the existing network

- 5.5.1 The potential effects of both Plan Changes on the safe and efficient functioning of the District's transportation network have been considered by Mr Andrew Mazey, Council's transportation Asset Manager, with Mr Mazey's report attached as **Appendix 7**.
- 5.5.2 Mr Mazey has set out the strategic planning framework relevant to the two Plan Changes from a transportation perspective, and in particular notes the need for future growth areas to be developed in a coordinated manner so that they dovetail with programmed upgrades to the road network and public transport services. Mr Mazey has concluded that the additional traffic generated by the two Plan Changes can be readily accommodated within the wider network. He does however recommend that the road access point onto Dunns Crossing Road from PC8 be aligned to match with the roading connections proposed from the emerging suburban areas to the east.
- 5.5.3 He also considers that localised intersection improvements will be needed where both Plan Changes access Dunns Crossing Road, and that in particular

the intersection of Dunns Crossing road and State Highway 1 will need upgrading, with this upgrade necessarily requiring the involvement of NZTA as the road controlling authority for the State Highway network.

5.6 Reverse sensitivity

- 5.6.1 A number of submitters (and in particular Selwyn Council Asset Manager (\$32), NZTA (\$11, and Tegel Foods Limited (\$8)) have raised concerns about the potential of the two plan changes to result in 'reverse sensitivity' effects on existing established businesses and infrastructure. The concept of reverse sensitivity in essence occurs when an existing business was legitimately established some time ago, and at the time of its establishment was surrounded by relatively insensitive activities. If these surrounding activities are subsequently replaced with more sensitive activities, then this change in neighbouring use can result in complaints regarding the long-established business and create pressure for that business to have to relocate, or as a minimum constrain any further expansion.
- 5.6.2 Recent examples of reverse sensitivity issues being raised include the ongoing debate around the location of airnoise contours for Christchurch International Airport limited (with these contours used as a planning tool to limit residential dwellings from locating under the flightpaths), and urban residential expansion in the vicinity of piggeries and freezing works in Belfast (Plan Change 45 recently considered by Christchurch City Council).
- 5.6.3 For PC8 & 9, the submitters' concerns centre on the potential for a change in landuse from extensive farming to more intensive rural residential activities in relatively close proximity to the Rolleston Resource Recovery Park ('RRP') which is a Council-owned refuse transfer and recycling centre, the Pines Waste Water Treatment Plant ('Pines WWTP'), State Highway 1, and an intensive Tegel chicken farming operation. In response to the concerns raised by submitters, the applicant has sought to modify both plan changes to minimise the potential for reverse sensitivity effects to occur.
- 5.6.4 The Council has commissioned a report from Ms Prue Harwood, a consultant with Beca Infrastructure Limited (**Appendix 8**), on the potential for the existing operations to result in odour nuisance effects beyond their site boundaries that could give rise to complaints were rural residential development to occur. Ms Harwood has reviewed the applicant's assessment prepared by Golder Associates, the concerns raised by submitters including the assessment for Tegel by Dr Terry Brady, and the amendments proposed by the applicant in response to these submissions.
- 5.6.5 **Pines WWTP:** In relation to the Pines WWTP, Ms Harwood has noted the recent changes to both Regional discharge consents and Notices of Requirements that were granted in late 2010 by independent commissioners to enable the expansion of the treatment plant and wastewater discharge area to meet the foreseeable population growth of the District to 2041 (i.e. a population equivalent of 48,000 people).

- 5.6.6 The designation and associated ECan consents are for a thirty five year period i.e. 2045, and are designed to provide certainty as to the ability of the Council to appropriately treat and dispose of sewerage over this time period. The discharge consents include an extensive list of conditions, with a number directly related to the management of wastewater disposal adjacent to the boundary with PC8, in the event that PC8 is accepted. A copy of the conditions relevant to this boundary interface are attached in **Appendix 8** behind Ms Harwood's report.
- 5.6.7 Ms Harwood agrees with the applicant's assessment that both PC8 and PC9 are sufficiently removed from the treatment plant that odour will not be significant enough to give rise to the potential for reverse sensitivity. She also agrees with the applicant that PC9 is not affected by the disposal area. Ms Harwood does however consider that a 200m setback for sensitive activities from the PC8 boundary with the spray irrigated discharge would be prudent to minimise the potential for complaints. Given the Pines WWTP conditions require a setback of 25m for spray irrigation within the Pines site, the setback within PC8 should be therefore be 175m so as to achieve a 200m separation distance overall. I note that whilst the conditions relating to the Pines WWTP are adequate for ensuring that odours are not offensive or objectionable beyond the boundary, there remains the potential for some odour to extend beyond the site and that the setback proposed by Ms Harwood will assist in further reducing the potential for reverse sensitivity effects.
- 5.6.8 The applicant has proposed that the PC8 ODP be amended so that it now provides for 5 x 4ha lots adjacent to the internal boundary with the Pines WWTP. The ODP also shows an 'odour constrained area' along this boundary, however this area is not dimensioned on the ODP and is limited to an arc centred on the existing treatment plant, rather than the length of the boundary of the area that is to be used for spray irrigation of treated wastewater. The NoR and associated ECan consents included a plan showing the spray irrigation areas, with these areas generally being shown as circles due to the proposed centre pivot spraying system proposed. The 175m setback recommended by Ms Harwood could therefore in theory also function as an arc following the alignment of the 'circle' shown on the NoR plans. Given the difficulty of accurately determining the extent of an arc 'on the ground' and on individual lots, it is recommended that a simple 175m boundary setback for buildings housing sensitive activities be used instead.
- 5.6.9 A new rule (4.9.28) has been proposed by the applicant that makes the provision of a building containing living or sleeping areas within the odour sensitive area a fully discretionary activity. Provided that the odour constrained area is dimensioned on the ODP to 175m and extended for the full length of the internal boundary between the Pines WWTP and PC8, it is my view that the proposed amendments will be effective in minimising the potential for reverse sensitivity complaints whilst concurrently still enabling a buildable area to be located within the proposed 4ha lots outside the odour area.
- 5.6.10 I note that the Rolleston Structure Plan allows for growth out to 2075 (44,000-50,000 population) and that in the very long term it is therefore likely that either the Pines WWTP will need to be expanded beyond its current consents and

designation, or alternative treatment sites will need to be provided elsewhere in the District. Whilst the approval of PC8 therefore has the potential to limit sewerage treatment options in the very long term, the timeframe is such that in my view it is unreasonable to reject a plan change on the grounds of something that may or may not happen 35 years hence.

- 5.6.11 **Resource Recovery Park:** In relation to the Rolleston Resource Recovery Park, which is the District's only refuse transfer station and solid waste facility, Ms Harwood has considered the potential effects of odour-generating activities that could as of right be located adjacent to the northern boundary of the site under the existing designation. The applicant has proposed the following package of provisions to address potential reverse sensitivity issues:

Amendment 29: Rule 4.9.28:

Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 37) shall not be located within the 'Odour Constrained Area' as shown in Appendix 37 (Holmes Block).

Amendment 32: Amend existing Rule 4.9.34 for Buildings and Building Position (Page C4-013) as follows:

Any activity which does not comply with Rule 4.9.3 or Rule 4.9.28 shall be a discretionary activity

Amendment 36: Insert new final paragraph within 'Reasons for Rules – Building Position' (Page C4-024) as follows:

In the case of Rolleston Sewage Treatment Plant an "Odour Control Setback Area" has been imposed. Building within this area is a Discretionary activity as reverse sensitivity issues may arise if this setback area is not applied.

- 5.6.12 Ms Harwood has agreed with the 300m setback recommended by the applicant, with the difference being that Ms Harwood considers that this setback should be measured from the boundary of the RRP designation, rather than from the existing plant itself. The difference of views appears to have arisen from the applicant simply assessing effects from the existing processing plant as it currently stands, whereas Ms Harwood has considered the Council's 'as of right' ability to undertake waste recovery, recycling, and composting operations from anywhere within the designated area, subject to submitting an Outline Plan of Works to the Council.
- 5.6.13 I note that Ms Harwood's recommendation is based on potential odour effects, rather than a consideration of effects arising from noise or more general disturbance. The 300m setback is a considerable distance, and is something of a worse case scenario given that it is based on a potentially objectionable activity being undertaken in very close proximity to the boundary of what is a large designated area. The recommended setback is also consistent with the 300m setback the District Plan currently requires for proposed dwellings from

established intensive farming operations such as chicken sheds and piggeries (Rule 3.13.1.5, page C3-018) which might generate a package of effects similar to a large composting plant such as increased heavy vehicle movements and noise.

- 5.6.14 The location of the setbacks recommended from both the Pines WWTP and RRP are shown in figure 5.1 of Ms Harwood's report. A 300m setback would impact on the southwestern most 4 hectare blocks proposed in PC8, and is likely to require minor amendments to the boundaries of these lots to ensure that buildable areas are able to be achieved. I consider that such minor amendments are likely to remain within general accordance with the ODP and are therefore unlikely to trigger the need for a resource consent beyond the normal subdivision consenting process.
- 5.6.15 On balance I am satisfied that a 300m setback is sufficient to mitigate potential effects arising from within the Resource Recovery Park on future residents, thereby in turn minimising the potential for complaints to arise. In particular, I also note that the applicant is now proposing 4ha lots near the RRP boundary, thereby minimising the number of residents potentially affected i.e. Ms Harwood's recommendation still only affects the two 4ha lots that were already subject to an odour constrained area, albeit that the area of these two lots subject to controls is extended significantly.
- 5.6.16 Should PC8 be accepted, I would recommend that the ODP be amended to show the 300m setback from the RRP, and that proposed rule 4.9.28 also include this 300m setback i.e. a single 'odour constrained area' be shown on the ODP (and be subject to 4.9.28), with the boundary of this area designed to incorporate both setbacks. This amendment does not require any text changes to the proposed rule (apart from expanding the rule coverage to include the Rural Inner Plains zoned 4 hectare lots recommended above), however there is a need for a consequential amendment to the reasons for the rule to extend the rationale to include the Resource Recovery Park as follows:
- 5.6.17 **Amendment 36:** Insert new final paragraph within 'Reasons for Rules – Building Position' (Page C4-024) as follows:

*In the case of Rolleston Sewage Treatment Plant and **Resource Recovery Park** an "Odour Control Setback Area" has been imposed. Building within this area is a Discretionary activity as reverse sensitivity issues may arise if this setback area is not applied.*

- 5.6.18 **Tegel Breeding farm:** Tegel Foods Limited operate a poultry breeding farm on a large rural site located immediately to the north of PC9. The chickens are housed within a number of large sheds, with three of these sheds located in relatively close proximity to the shared internal boundary. Ms Harwood has raised concerns regarding the methodology adopted by Golder Associates in assessing an appropriate setback distance from these sheds. Ms Harwood has recommended that a 300m setback be in place between the sheds and any future dwellings. I note that the 300m setback recommended by Ms Harwood is consistent with the current approach in the District Plan which requires a 300m setback for dwellings from intensive farming units (rule 3.13.1.5).

- 5.6.19 The Poultry Industry Association of New Zealand and Tegel Foods Limited ('Tegel' S8, D3) have sought that in the first instance the Plan Change be declined (D1), that alternatively if the Plan Change is accepted that the overall number of lots be reduced (D2), and that proposed amendment 28 of PC9 be altered (D3) to provide for a 300m setback, provide for sensitive activities, and provide for an intensive farming activity on the site through proposed Rule 4.9.27 being amended to read as follows:
- 5.6.20 "Any ~~dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes~~ sensitive activity in the living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 38) shall be setback at least ~~150m~~ 300m from the northern boundary shared with lot 3 DP20007 containing ~~a poultry breeder farm, an intensive farm~~, provided that this rule shall cease to have effect upon the cessation of the intensive farming operations on Lot 3 DP20007."
- 5.6.21 In response to the concerns raised by Tegel, the applicant has proposed three amendments. The first is an amendment to the PC9 ODP to include 5 x 4 hectare lots along the northern boundary, with the effect of reducing the overall number of lots to 73 in total and enabling a greater dwelling separation distance from the shared boundary. The second is a series of proposed amendments to rule 4.9.27. These amendments are consistent with the relief sought by Tegel, with the exception that the proposed building setback for sensitive activities is to be 200m from the boundary with Lot 3 DP20007 i.e. the Tegel property, rather than the 300m sought by the submitter.
- 5.6.22 The applicant has also retained the reference to "a poultry breeder farm" rather than the more generic "intensive farm" terminology sought by Tegel. Buildings within the setback are to be fully discretionary. Ms Harwood has recommended that the setback distance proposed in rule 4.9.27 be extended to 250m to ensure a 300m separation is maintained between the existing sheds and any future dwellings. I support the amended wording put forward by Tegel, as it aligns more closely with the existing District Plan rules and definitions controlling dwellings near 'intensive farms'.
- 5.6.23 I rely on Ms Harwood's recommendation on the extent of the setback, and note that a building platform beyond the recommended setback will be able to be achieved on 4ha lots. I also note that the existing District Plan limits new intensive farming operations in close proximity to residential dwellings (Rule 9.10, page C9.007-009) which will mean that should the proposed PC9 development proceed, Tegel will be unable as of right to establish a new intensive farming operation in close proximity to the shared boundary. Given the large size of the Tegel site, to my mind the ability of Tegel to establish new intensive farming operations will not be unduly constrained as they will retain a very significant landholding that is well separated from any dwellings.
- 5.6.24 The third rule 12.1.3.38(iii) (Amendment 42) requires that as part of any subdivision consent a shelterbelt is to be established along the shared boundary

comprising three rows of Leyland Cypress. Ms Harwood has estimated (from aerial photographs) that the closest chicken shed is some 40m from the shared internal boundary, which would result in a minimum setback of 240m between the sheds and potential future dwellings.

5.6.25 The proposed rule package, subject to Ms Harwood's recommended amendments, is in my view appropriate for mitigating potential reverse sensitivity affects and is consistent with the approach already incorporated into the District Plan for intensive farming. I would however recommend that in order to maintain consistency between the ODPs for PC8 and PC9, that should the above PC9 rule package be accepted, that an 'odour constrained area' with a 250m dimension be shown on the PC9 ODP to alert readers to the existence of a setback rule.

5.6.26 I therefore recommend the PC9 rule package be amended to read as follows:

Amendment 28 (Rule 4.9.27):

Any ~~dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes~~ sensitive activity in the living 3 Zone or Rural Inner Plains Zone at Rolleston (as shown on the Outline Development in Appendix 38) shall be setback at least ~~150m~~ 250m from the northern boundary shared with lot 3 DP20007 containing ~~a poultry breeder farm, an Intensive Farming Activity~~, provided that this rule shall cease to have effect upon the cessation of the intensive farming operations on Lot 3 DP20007.

Amendment 34 (Reasons for rules – Building Position):

In regard to the ~~Poultry~~ Intensive Farming Activity located identified on Lot 3 DP 20007 at Rolleston a ~~200~~ 250m setback has been imposed in relation to the northern boundary of the Skellerup Block (as shown on the Outline Development Plan in Appendix 38). Building within this area is a discretionary activity as reverse sensitivity issues may arise if this setback area is not applied.

5.6.27 **State Highway 1:** PC8 as notified included a new rule 4.9.27 requiring dwellings to be setback a minimum of 80m from the boundary with the State Highway in order to minimise the potential effects of traffic noise, with any dwellings proposed within this setback to be assessed as a restricted discretionary activity. In addition to the building setback rule, the Plan Change also includes a robust buffer and landscape treatment requirement along the State Highway boundary, through rule 4.2.4 and the associated planting guide in Appendix 37. This approach was supported by the New Zealand Transport Agency (NZTA, S12), with the caveat that the rule should be broadened to include controls on 'noise sensitive activities' that might seek to establish in the area, along with amendments to the associated assessment matters to again broaden the scope of consideration beyond effects on habitable rooms.

5.6.28 In response to the concerns raised by the NZTA, the applicant is seeking to amend PC8 by altering proposed rule 4.9.27 (Amendment 28) so that it includes 'noise sensitive activities'. The proposed 80m setback is also proposed to be

shown on the PC8 ODP to alert readers to the associated rule. Proposed rule 4.9.27 is now to read as follows:

Any dwelling, family flat, any rooms within accessory buildings used for sleeping or living purposes, and any internal areas associated with noise sensitive activities in the Living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 37) shall be setback at least 80m from State Highway 1.

For the purposes of this rule, noise sensitive activities means any residential activity, travellers accommodation, educational facility, medical facility or hospital or other land use activity, where the occupants or persons using such facilities may be likely to be susceptible to adverse environmental effects or annoyances as a result of traffic noise from State Highway 1 over its location.

The associated assessment matter 4.9.34.4 (Amendment 31) is also proposed to be amended to set internal acoustic performance standards for any noise sensitive activities proposed within the 80m setback.

Given that the applicant appears to have accepted the relief sought by the submitter, I am reluctant to recommend a different outcome. I am however mindful that there are a range of rules currently being put forward through various plan changes that seek to address the same issue regarding building setbacks from the State Highway. PC7 proposes the following rule in relation to ODP 3 on the eastern edge of Rolleston:

5.6.29 Rule 4.9.20:

In ODP Area 3 in Rolleston, no dwelling shall be located closer than 40m (measured from the nearest painted edge of the carriageway) from State Highway 1.

In ODP Area 3 in Rolleston, for any dwelling constructed between 40m and 100m (measured from the nearest painted edge of the carriageway) from State Highway 1:

Appropriate noise control must be designed, constructed and maintained to ensure noise levels within the dwelling meet the internal design levels in AS/NZS2107:2000 (or its successor) – 'Recommended design and sound levels and reverberation times for building interiors';

Rule 4.9.21:

Prior to the construction of any dwelling an acoustic design certificate from a suitable qualified and experienced consultant is to be provided to Council to ensure that the above internal sound levels can be achieved."

- 5.6.30 The Council has also recently notified PC12 which looks at transportation issues and rules. PC12 proposes two new rules be inserted into the Township Volume of the Plan to consistently control building setbacks from the State Highway network in the District:

Rule 4.9.3:

Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes shall be located no closer than 40m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater.

Rule 4.9.4:

Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes within 100m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater shall have internal noise levels from road traffic that do not exceed the limits set out below with all windows and doors closed.

	24 hours
Within Bedrooms	35 dBA (Leq 24 hour)
Within Living Area Rooms	40 dBA (Leq 24 hour)

- 5.6.31 *Living Area rooms means any room in a dwelling other than a room used principally as a bedroom, laundry, bathroom, or toilet.*
- 5.6.32 I note that the submission period for both PC7 and PC12 has closed, with no submissions having been received opposing the above rules. Considerable weight can therefore be placed on the likelihood that the PC12 rules in particular will become the standard control across the District. The rule package proposed in PC12 is broadly similar with that proposed by the applicant for PC8, with the primary differences being that the setback increases to 100m, the control does not extend to 'noise sensitive activities', and that the internal acoustic performance standards become rules rather than assessment matters.
- 5.6.33 In my opinion the wording proposed in PC12 falls broadly within the scope of the relief sought by NZTA, and its adoption will enable consistent controls for identical effects throughout the District Plan. I therefore recommend that the PC12 wording be adopted, with specific reference to the PC8 block (as the PC12 rule package has yet to be finalised).

4.9.27: Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 37) shall be located no closer than 40m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater.

Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 37) within 100m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr

or greater shall have internal noise levels from road traffic that do not exceed the limits set out below with all windows and doors closed.

24 hours

Within Bedrooms 35 dBA (Leq 24 hour)

Within Living Area Rooms 40 dBA (Leq 24 hour)

Living Area rooms means any room in a dwelling other than a room used principally as a bedroom, laundry, bathroom, or toilet.

Rural activities in general

- 5.6.34 A number of submitters are concerned that having relatively dense urban activities adjacent to productive rural farms will lead to complaints about normal farming activities and will curtail the ability of existing rural landowners to continue with their rural operations in what is currently an Outer Plains rural environment. I acknowledge that agricultural activities are not always visually attractive, and there can be other nuisance elements such as noise, odours, spray drift, weeds, and general disturbance. Rural neighbours often have a high degree of tolerance of each other's activities in this regard but the submitters are concerned that new urban residents would not.
- 5.6.35 As discussed above, PC8 is buffered from Outer Plains activities on all sides, including the southern boundary through Burnham School Road and the proposed additional Countryside Area. Similar buffering is available to PC9 to the north (through the proposed 4ha lots and rule package discussed above) and to the east by Dunns Crossing Road and the long-term prospect of urbanisation. In my opinion there is some justification for these concerns to the west and south of PC9, and complaints about rural activities are probable, although probably at a low level. Should PC9 be approved, the inclusion of 4ha lots along the western and southern boundaries, as recommended by Mr Church for urban design reasons, would also assist in providing a buffer for rural residential dwellings from the sorts of noise and disturbance that normal productive farming activities can generate.

5.7 Archaeology/Heritage

- 5.7.1 The New Zealand Historic Places Trust (submission 19) neither supports nor opposes the two Plan Changes. I note that there are no heritage items located in either Plan Change area (both in terms of being listed in the District Plan or registered with NZHPT). The submitter has requested that the following advice note be included in the *decision notice*, alerting the applicant to their responsibilities under the Historic Places Act 1993:

Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any work associated with the development of these areas under Plan Change 8 & 9 around Rolleston, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand

Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

- 5.7.2 I note that the submitter is not seeking any amendments to the District Plan itself, rather they are simply seeking to have it recorded in the decision that there is other legislation in play that may influence the development of the two Plan Changes areas should any archaeological items be uncovered. I can see no harm in making the applicant aware of their responsibilities in this regard, and therefore recommend that the Commissioner notes the relief sought in their decision.

5.8 Earthquake risk/ geotechnical matters

- 5.8.1 Following the major earthquakes of 4th September 2010 and 22nd February 2011, the Council has commissioned a brief report by Mr Ian McMahon of Geotech Consulting limited. Mr McMahon's report is attached as **Appendix 9**. Mr McMahon has concluded that the soil conditions underlying both Plan Change areas are suitable for residential dwellings, subject to compliance with standard Building Codes. The significant depth of groundwater, combined with the overlying soil conditions, meant that there was no evidence of liquefaction in the Plan change areas following both earthquakes. Mr McMahon has concluded that the risk of liquefaction in future earthquakes is low and that there are no geotechnical reasons that would prevent the Plan Changes from being granted.

5.9 Council conflict of interest

- 5.9.1 A number of submitters have raised concerns over a perceived conflict of interest between the Council being a majority shareholder (approximately 66%) in SPBL on the one hand, and being the decision-making authority on the other. In essence the concern is that as Council would be a major beneficiary of any increases in land values that might result from rezoning, it should not have a role in deciding whether or not the plan changes should proceed. In contrast to these concerns, I note that the Asset Manager of Council has lodged a submission seeking that the whole of PC8 be declined due to its perceived potential to create reverse sensitivity effects on the operation of the Rolleston Resource Recovery Park. To further complicate matters, Council has recently notified PC17 which includes the rezoning of a portion of the Holmes Block for rural residential activities. Thus the Council finds itself as having the multiple roles of shareholder of the applicant, statutory processing body, submitter, and initiator of a separate partially-overlapping Plan Change.
- 5.9.2 It is my understanding that the SPBL is legally required to act in the best interests of its shareholders, which in this instance include the Council. The Council also has legal responsibilities regarding the development and administration of the District Plan, as set out in section 3 above. In managing the potential conflict between these various responsibilities, the Council has engaged the services of

an independent planner (myself) and independent landscape, urban design, and odour experts, to assess the Plan Change applications and to make recommendations to the Commissioner. The Council has also appointed an independent Commissioner (rather than a Councillor panel) to hear submissions and to make a final recommendation to Council.

- 5.9.3 Council cannot avoid the fact that it has multiple roles and responsibilities. In fulfilling these multiple roles, Council has sought to manage the potential of a conflict of interest arising by appointing independent parties to assess and determine the applications. The potential for a conflict in interest is not in itself therefore a basis upon which to decline the Plan Changes.

6.0 Statutory Planning Framework

6.1 The Regional Policy Statement (the RPS)

- 6.1.1 There is an operative Canterbury Regional Policy Statement, which the District Plan (and therefore PC 8 & 9) are required to 'give effect to'. As these Plan Change requests are for a major piece of urban (or at least peri-urban) growth, I consider the RPS chapters of most relevance include Chapter 12 (Settlement and the Built Environment), Chapter 15 (Transport), and Chapter 16 (Natural Hazards).
- 6.1.2 Many of the provisions of the remaining chapters are overly general in nature, or deal with issues that are not particularly relevant to these Plan Change requests such as water quality, coastal environments, the margins of lakes and rivers, outstanding landscapes, heritage, significant natural areas, hazardous substances, or the storage and disposal of solid waste.
- 6.1.3 **Chapter 12, Objective 1** and **Policy 2** seeks to enable urban development and the physical expansion of settlements, provided adverse effects on a range of matters are able to be appropriately managed. These matters include water and air quality, and regionally significant landscapes, features, ecological areas, and heritage. The subject sites do not contain any significant heritage, landscape, or ecological values, and are not adjacent to any waterbodies. The Plan Changes are therefore consistent with these aspects of the RPS which seeks to avoid urban development and the loss of environmental values in such areas.
- 6.1.4 **Policy 1** seeks to promote settlement and transport patterns and built environments that result in the efficient use of energy and that reduce the need for motor vehicle travel. The explanation to the policy notes that the policy will in most cases be met by the consolidation of urban areas and that planning should encourage the consolidation and infill of urban areas, to the extent that is practical, whilst providing adequate land for the accommodation of anticipated development and choice. Consistency with this policy was discussed in more detail above as part of the broader discussion on urban form

and the management of urban growth, with the conclusion being that PC8 fits reasonably well with this policy direction whereas PC9 does not.

- 6.1.5 **Objective 2** and **Policy 4** aim to avoid urban development where that would adversely affect the operation of regional infrastructure, including network utilities. The Plan Changes are located outside of the Christchurch International Airport noise contours⁴ and are not located in close proximity to any of the key regional facilities listed in Objective 2 and Policy 4. The Holmes Block is located near to the Pines waste water treatment plant and associated spray areas, and the Resource Recovery Park. Potential 'reverse sensitivity' effects on both facilities are discussed in more detail below, with the conclusion being that provided appropriate building setbacks are in place (primarily through larger lots and associated setback rules adjacent to the Block edge), the plan changes will not adversely affect the operation of these existing utilities.
- 6.1.6 **Policy 3** aims to encourage settlement patterns that make efficient use of the regional transport network, with this policy closely linked to **Chapter 15, Objective 1** which seeks to enable a safe, efficient and cost-effective transport system. **Chapter 15, Policy 1** seeks to protect the existing transport infrastructure and transport corridors by, among other things, avoiding the adverse effects of land use and development. **Chapter 15, Policy 3**, promotes changes in the location of activities, which achieve a safe, efficient and cost effective use of the transport infrastructure and reduce the demand for transport. In terms of the safe and efficient use of the regional road network, the Plan Changes have been assessed by both Traffic Design Group (as part of the application), and by Mr Andrew Mazey, Council's Transportation Asset Manager Senior.
- 6.1.7 The conclusions of both traffic experts is that the Plan Changes will not adversely affect the safe and efficient functioning of the nearby road network or the capacity or function of State Highway 1, although Mr Mazey is of the view that the location of the PC8 road connections to Dunns Crossing Road need to be amended and the Dunns Crossing intersections upgraded (including the intersection with S.H.1). The Holmes Block Outline Development Plan and associated rule package provides for a dwelling setback from the edge of the State Highway to ensure that the potential for reverse sensitivity issues created by people living in close proximity to noise generated by traffic on the State Highway are able to be minimised.
- 6.1.8 **Objective 3** and **Policy 5** seek to maintain the rural character of land in close proximity to Christchurch and to maintain a clear urban-rural contrast around the edge of Christchurch. It is important to note that these provisions are specific to the area immediately adjacent to Christchurch and do not have wider application to maintaining a rural-urban contrast around Canterbury townships in general. The explanation to the objective clarifies that land in 'proximity to Christchurch' is on the City-side of a line drawn roughly from Tai Tapu to West Melton and is east of the Plan Change sites.
- 6.1.9 **Objective 4** and **Policy 6** and **Chapter 16, Objective 1** and **Policy 4** discourage the expansion of settlements where there are natural hazard risks. Both of the Blocks are free from the risk of flooding or stormwater ponding. A brief

⁴ These contours have now been revised via Plan Change23 to the Selwyn Plan to match the contours shown in RPS Change 1. Plan Change 23 has recently been made operative.

assessment of liquefaction risk in the light of the recent earthquake has been provided by Mr Ian McCahon of Geotech Consulting Limited who confirmed that the Blocks have a very low risk of liquefaction and that there are no geotechnical reasons why they could not be safely developed for residential purposes.

- 6.1.10 **Chapter 12, Objective 5 and Policy 7** provide for the expansion of rural towns to enable people and communities to provide for their wellbeing, with the explanation to Policy 7 noting that such expansion should make efficient use of reticulated sewerage, water, and stormwater networks.
- 6.1.11 In conclusion, at worst the Plan Changes, and in particular PC9, sit somewhat uneasily with aspects of the objectives and associated policies relating to energy efficiency and the creation of an urban form that minimises the need for motor vehicle travel. These provisions are however very high level and general in nature, and the Plan Changes on balance are considered to give effect to the broader package of the operative RPS provisions relating to the location of urban growth and development, albeit that PC8 achieves this balance more convincingly than PC9.

6.2 The Urban Development Strategy and Proposed Change 1 to the Regional Policy Statement.

- 6.2.1 From 2004 to 2006 Selwyn District, Waimakariri District, and Christchurch City Councils, the Canterbury Regional Council and what was then Transit New Zealand (now the New Zealand Transport Agency) worked together to produce the Greater Christchurch Urban Development Strategy (UDS), to guide the future growth of Greater Christchurch. The strategy was developed through Local Government Act processes, including public consultation. This strategy is to be implemented in various ways, notably by using the powers of each of the organisations under the Local Government Act, Resource Management Act and land transport legislation.
- 6.2.2 In July 2007 the Canterbury Regional Council notified Proposed Change 1 (Change 1) to Chapter 12 of the Regional Policy Statement to implement the UDS to the extent possible under the RMA. Hearing of submissions was undertaken in 2008-09, with the Commissioner's recommendation adopted by the Canterbury Regional Council in December 2009. Change 1 is subject to numerous appeals, with the final Environment Court decisions unlikely to be confirmed before late 2012.
- 6.2.3 Despite the number of appeals, Change 1 has now advanced a considerable way through the statutory plan process, and therefore I consider that considerable weight can be placed on its provisions and the direction it sets for how growth is to be managed throughout greater Christchurch. Change 1 is not yet operative, and therefore it must be 'had regard to' rather than 'given effect to' when considering the two Plan Changes.
- 6.2.4 Change 1 adds a new Chapter 12A to the Regional Policy Statement, entitled "Development of Greater Christchurch". It is complementary to the existing chapters but is focussed specifically on the Greater Christchurch area and is

significantly more specific and directive. As discussed above, the operative RPS provides for any specific growth proposal to be assessed against a number of broad objectives and policies.

- 6.2.5 Given the general nature of these provisions it is not difficult for growth proposals to be broadly consistent with the operative RPS. Change 1 proposes a different philosophical approach which could be broadly described as one of 'predict and provide' whereby the amount of household and business growth until 2041 is predicted, and its location is identified through a Metropolitan Urban Limit ('MUL'). This growth is split between the three Districts, and is also split into stages over the 35 year life of Change 1.
- 6.2.6 **Objective 1** and the associated **Policy 1** seek to accommodate urban growth with a primary emphasis on urban consolidation. This essentially means that growth is to be focussed on infill development within existing towns, with any Greenfield growth to be in locations immediately adjacent to the current urban edge. Growth areas should also be located in areas that are hazard prone, adjacent to strategic regional infrastructure, or have high landscape, heritage, or ecological values (**Objectives 2, 3, and 8; policy 10**). Such sites should be able to be efficiently serviced with network infrastructure and transport networks (**Objectives 4 and 7, policy 9**), and should primarily be located within or adjacent to Key Activity Centres, which in Selwyn District are the towns of Rolleston and Lincoln (**Objective 5, Policies 4 and 5**).
- 6.2.7 **Policy 6** sets out the number of households each District is to accommodate, and stages this growth both between decades, and between different areas within the Districts. In terms of Rural Residential households, Policy 6 (Table 1) requires Selwyn to accommodate up to 200 rural residential households between now and 2016, a further 200 from 2017-26, and another 200 households from 2027-41, resulting in 600 households overall. **Policies 7 and 8** set out the urban design attributes that growth areas should achieve, and require that development be guided by an ODP.
- 6.2.8 **Policy 14** is the key Change 1 provision relating to rural residential development and therefore I have set it out in full:

Policy 14: Rural Residential Development

Rural Residential development further to areas already zoned in district plans as at 28 July 2007 may be provided for by territorial authorities, if it does not exceed the maximum quantities for the periods set out in Table 1, Policy 6, and if it accords with the methods under this policy.

Methods

14.1 Areas within which Rural Residential development may occur shall be defined by changes to the district plan by the territorial authorities subject to the following:

- (i) The location must be outside the Urban Limits*
- (ii) All subdivision and development must be located so as to be able to be economically provided with a reticulated sewer and water supply integrated*

with a publicly owned system, and appropriate stormwater treatment and disposal

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

(iv) The location of any proposed Rural Residential development shall:

- limit noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;*
- avoid adversely affecting the groundwater recharge zone for Christchurch City's drinking water;*
- avoid land between the primary and secondary stop banks south of the Waimakariri River;*
- avoid land required to protect the landscape character of the Port Hills;*
- not compromise the operational capacity of the Burnham Military Camp, West Melton Military Training Area or Rangiora Airfield;*
- support existing or upgraded community infrastructure and has provide for good access to emergency services;*
- not give rise to significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;*
- avoid significant natural hazard areas including steep or unstable land;*
- avoid significant adverse ecological effects;*
- not adversely affect ancestral land, water sites, wahi tapu and wahi taonga of Ngai Tahu;*
- where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement.;*
- avoid adverse effects on existing surface water quality.*

(v) An Outline Development Plan is prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character.

(vi) A Rural Residential development area shall not be regarded as in transition to full urban development.

14.2 The Canterbury Regional Council together with the three territorial local authorities within Greater Christchurch shall undertake monitoring of Rural Residential development in accordance with Policy 16, and shall undertake a review of the provisions in 2010.

6.2.9 The Commissioners were unconvinced about the robustness of the 200 rural residential cap, and did not have sufficient information at the time of their hearing to specify the locations of rural residential development, beyond setting the above broad criteria. They sought that this lack of information be overcome through further research and consultation undertaken by the various Territorial Authorities in 2010 (Method 14.2), which Selwyn Council has subsequently progressed through the Rural Residential Background Report and PC17 processes.

- 6.2.10 As set out in the above sections, it is my view that PC8, subject to various amendments, sits reasonably comfortably with the PC1 criteria and outcomes for rural residential development. In particular it is able to connect to reticulated infrastructure in a short time frame, is adjacent to the MUL, yet not in an area where future urban growth is anticipated, is well bounded to the north, west, and east, and the southern boundary is able to be enhanced through a Countryside Area in combination with Burnham School Road. Provided adequate building setbacks are in place, PC8 should also be able to develop without creating reverse sensitivity effects on existing infrastructure.
- 6.2.11 PC9 on the other hand is not able to efficiently connect with Council infrastructure and will remain largely disconnected from the urban edge of Rolleston for at least the next decade. It does not have particularly effective 'edges' with the boundaries of PC9 dictated by cadastral boundaries and land ownership, rather than any physical 'on the ground' features. As such I do not consider that PC9 will contribute to a consolidated urban form or achieve the policy outcomes anticipated in PC1 for rural residential activities.

6.3 The Selwyn District Plan

- 6.3.1 The District Plan is divided into two volumes – Rural and Townships. Rural residential typologies have always fallen into something of a gap between the two volumes in that they are neither wholly rural or wholly urban. PC17 has sought to clarify the position of rural residential activities by reinforcing the policy direction in the Township Volume, on the basis that the primary activity occurring on rural residential lots is residential, albeit that there may be some ancillary rural activities also occurring.
- 6.3.2 The objectives and policies of the Rural Volume of the Plan aim to maintain very a very low density of dwellings, set amongst a productive rural landscape (**Objective B4.1.1-B4.1.3**). In essence the objectives and policies support the outcomes anticipated in the status quo zoning of Rural Outer Plains. Given that the PC8 and 9 applications are for a plan change, rather than a resource consent, the rural objectives and policies are only of limited assistance in determining whether the Rural Outer Plains or proposed Living 3 zoning better meets the Plan's objectives and policies.
- 6.3.3 PC8 and 9 (and indeed PC17) promote a Living, rather than Rural, zone to facilitate rural residential development. Given that this typology is at its heart an urban growth issue, I consider that the Plan provisions dealing with urban growth are of most relevance. These provisions are contained primarily within the 'growth of townships' section of the Township Volume of the District Plan.
- 6.3.4 **Objective B4.1.1** seeks that "*a range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones*". **Objective B3.4.1** seeks that "*the District's townships are pleasant places to live and work in*", and **Objective B3.4.2** seeks that "*a variety of activities are provided for in townships, while maintaining the character and amenity values of each zone*". These objectives are all rather high level, and are supported by similar high level **Policies B3.4.1-B3.4.3**. The proposed Plan Changes sit

reasonably comfortably against these provisions in that they provide a diversity and choice of living environments that in themselves will provide a reasonable degree of spaciousness and amenity.

6.3.5 The provision of new urban growth areas is guided by **Policy B4.1.3** which aims:

"To allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:

- *A compact township shape;*
- *Consistent with preferred growth options for townships;*
- *Maintains the distinction between rural areas and townships;*
- *Maintains a separation between townships and Christchurch City boundary;*
- *Avoid the coalescence of townships with each other;*
- *Reduce the exposure to reverse sensitivity effects;*
- *Maintain the sustainability of the land, soil and water resource;*
- *Efficient and cost-effective operation and provision of infrastructure"*

6.3.6 Similar outcomes are sought through **Objective B4.3.2** which requires that:

"new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions in the Plan".

Policy B4.3.2 *"requires any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape".*

Policy B4.3.3 seeks to *"avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business".*

Policy B4.3.5 seeks to *"encourage townships to expand in a compact shape where practical".*

As set out in the discussion above, I consider that PC8 achieves a compact township shape through the strong 'edges' available to this Plan Change and its location adjacent to the ODP1 growth area immediately to the east. Neither Plan Change 'reduces' the exposure to reverse sensitivity effects as they both result in new residential dwellings being located in relatively close proximity to existing odour generating activities. I note that the avoidance of reverse sensitivity effects are also sought through **Policy B2.2.5** which is specific to avoiding such effects as they relate to utilities (Pines WWTP and RRP) and **Objective B3.4.3**. Provided appropriate building setbacks are in place, the potential for reverse sensitivity effects should however be able to be minimised.

- 6.3.7 PC9 to my mind will not result in a compact township shape and nor will it maintain a distinction between rural areas and townships, as it will appear as an incongruous intrusion into the wider Outer Plains environment even once suburban growth within Rolleston has grown out to meet the edge of PC9 in decades to come. PC8 and 9 in combination will result in an, admittedly large, block of Rural Outer Plains zoned land that will be bounded by Living Zones on three sides (namely Rolleston to the east and Living 3 to the north and south. Whilst servicing of PC9 is technically feasible, this servicing will not be in an efficient and cost-effective manner.
- 6.3.8 **Policy B4.1.10** seeks to ensure that an appropriate balance between buildings and open space is achieved to maintain the spacious character of the District, and **Policy B4.1.12** seeks to discourage high fences in Living zones that have frontage but no access to strategic or arterial roads. The proposed rule package, subject to recommended amendments, will achieve both these policies.
- 6.3.9 Overall, I consider that PC8 with modifications sits reasonably comfortably with the relevant urban growth provisions, whereas PC9 is contrary to key elements of these provisions, and in particular those relating to the creation of a compact urban form and a clear distinction between townships and rural areas.

6.4 Plan Change 17

- 6.4.1 Council resolved on the 22nd April 2009 to advance Plan Change 17 (PC17) to the Selwyn District Plan. PC17 is being prepared to incorporate a strategic framework into the District Plan that identifies preferred locations to accommodate a limited amount of rural residential activities within the UDS area of the District. PC17 proposes to rezone rural land to meet an identified demand for rural residential activities, without undermining the urban consolidation and intensification principles of Proposed Change 1 (Chapter 12A) to the Canterbury Regional Policy Statement (PC1).
- 6.4.2 The Rural Residential Background Report (RRBR)⁵ has been prepared by the Council under the local Government Act to ensure the necessary in-depth analysis of rural residential activities is available to guide the preparation of PC17 and to enable a robust s32 cost benefit analysis to be undertaken. The process to date has involved public consultation to ensure PC17, and the primary research on which it is based, have been informed by the input of a broad range of interest groups, land owners, the local community, Crown entities, statutory authorities and Government agencies.
- 6.4.3 The RRBR has been informed by the comments received from 94 respondents to consultation held in December 2009 through to February 2010, in addition to expert reports, substantial research and a comprehensive review of what factors influence rural residential activities.
- 6.4.4 The RRBR informed PC17 which is currently out for submissions. PC17 is at a relatively early stage in the Plan development process, however it is based on

⁵ Selwyn District Council: Rural Residential Background Report, August 2010

the Background Report which was subject to extensive public feedback, in much the same way (albeit at a much smaller scale) that the Urban Development Strategy informed the development of PC1.

- 6.4.5 Section 5 of the RRBR includes detailed Township Study Area assessments, where a nominal 2.5km study area around the seven townships in the UDS area was investigated to provide a geographical area on which to gather qualitative information⁶. The Township Study Area assessments captured the following: (a) Historic and demographic context; (b) UDS Inquiry by Design workshops; (c) Relevant District Plan provisions (preferred growth of townships provisions and schedules sites registered in the appendices of the District Plan); (d) Identification of constraints and opportunities; (e) Relevant township structure plans and strategic planning documents; and (f) Other relevant reports and information held on Council records. This information, along with the fundamental elements and criteria for achieving the outcomes being sought by PC17, were illustrated in a single map to guide the selection of the 'preferred locations' (see Appendix 6 of the RRBR⁷).
- 6.4.6 Section 6 of the RRBR lists the criteria prepared to ensure that the allocated number of rural residential households are⁸: (a) Located and distributed in the most appropriate areas throughout the eastern portion of the District; (b) Able to achieve the anticipated levels of rural residential character; and (c) Consistent with the allocations, the staging of development and the principles guiding rural residential activities detailed in PC1. These criteria have been based upon the guiding principles set out in Section 4 of the RRBR and the aforementioned Township Study Area Assessments.
- 6.4.7 Public consultation encouraged interested parties to highlight where they believed rural residential activities should be located and why these sites were preferred. These comments are summarised in Appendix 13 of the RRBR and have informed Council's ongoing assessments⁹;
- 6.4.8 A large number of site visits have been undertaken to inform Council's process, which have included a broad range of sites in Rolleston, Lincoln, Prebbleton, Springston and West Melton.
- 6.4.9 PC17 therefore provides a District-wide, strategic framework for guiding the location of rural residential households. The identification of appropriate blocks that met the criteria set out in the RRBR (and incorporated into the PC17 policies), resulted in a portion of the PC8 land being identified as being suitable for growth, whereas PC9 did not meet these criteria and emerging policies, due primarily to its detached location, lack of outer edges or physical boundaries, and its distance from existing services for the medium term.

⁶ SDC Rural Residential Background Report: Section 5 - Township Study Area assessment; Pages 59-90, August 2010

⁷ SDC Rural Residential Background Report: Appendix 6 - Constraints, opportunities and contextual analyses; August 2010

⁸ SDC Rural Residential Background Report: Section 6 - Criteria for selecting 'preferred locations' for rural residential activities; Pages 91-100, August 2010

⁹ SDC Rural Residential Background Report: Appendix 13 - Summary of comments on Draft Rural Residential Background Report; August 2010

7.0 Recommendations

Plan Change 8:

- 7.1 As discussed at length above, PC1 obliges Council to provide for a certain amount of rural residential housing over the coming 30 years. This provision is currently capped at 200 households in each staging period, to ensure that the overall direction of PC1 of accommodating growth through consolidation is not undermined.
- 7.2 Council has sought to provide for these households through PC17, which identifies a number of suitable sites, including a portion of PC8. PC8 has good 'edges', is able to avoid reverse sensitivity effects with appropriate setbacks, is able to be efficiently serviced in the near future, and will achieve the amenity and character outcomes anticipated for rural residential areas.
- 7.3 PC9 alternatively will remain disconnected from the urban edge of Rolleston for at least the next decade, and will remain an incongruous and unbounded element in a wider Outer Plains landscape. PC9 can be technically serviced, however this servicing will not be particularly efficient given the lack of higher density urban growth anticipated near PC9 for the next decade.
- 7.4 My overall conclusion is that PC8, subject to amendments, does more efficiently and effectively achieve the outcomes sought through the various statutory Plans and Part 2 of the RMA than the site's current Outer Plains zoning. Conversely, I consider that the Rural Outer Plains zoning for PC9 better achieves the aims of the statutory Plans and Part 2 than the proposed Living 3 zone and accordingly should be rejected in its entirety.
- 7.5 In summary, **Plan Change 8** should be accepted, subject to the following amendments:
- A 175m dwelling setback from the western boundary;
 - A 300m setback from the boundary with the RRP designation;
 - An additional Countryside Area along the southern boundary adjacent to Burnham School Road;
 - Increase in the size of a number of internal lots to at least 5,000m² in size;
 - As a consequence of the above two amendments, a reduction in overall yield to no more than 80 rural residential lots;
 - Realignment of the road access points onto Dunns Crossing Road to align with the existing and proposed road access points to the east;
 - Amendments to the rule controlling dwelling setbacks from S.H.1;
 - Inclusion of a landscaped gateway feature on corner of Dunns Crossing and Burnham School Road via the ODP;
 - Requirement that road access points be freely available to the wider community i.e. PC8 is not a 'gated' community, via the ODP;
 - That public walking, cycling, and horse riding access is available within the Countryside Area adjacent to Dunns Crossing Road via the ODP
 - Simplification of the proposed road boundary landscaping rule;

- That the proposed 4 hectare lots be zoned Rural Inner Plains, but remain subject to the ODP set out in Appendix 37.

Plan Change 9:

7.6 That the Plan Change be declined in its entirety. If however the Commissioner is minded to grant the plan change, then I recommend that the following amendments be made:

- That the dwelling setback from the northern boundary be increased to 250m;
- That 4 hectare lots be formed along the western and southern boundaries and the overall maximum number of rural residential lots reduced by a corresponding amount;
- Requirement that road access points be freely available to the wider community i.e. PC8 is not a 'gated' community, via the ODP
- That public walking, cycling, and horse riding access is available within the Countryside Area adjacent to Dunns Crossing Road via the ODP

Recommended amendments to the proposed objectives, policies, rules, ODP, and maps

7.6.1 The applicant has provided a set of objectives policies, rules and other provisions which are the substance of the Plan Change applied for. The bulk of the proposed provisions relate to incorporating reference to the Living 3 Zone into existing Plan provisions, introducing several objectives and policies to guide and justify the rural residential development, and a rule package to control the effects of development.

7.6.2 The applicant has lodged two separate Plan Changes, and accordingly there are two completely different sets of proposed provisions. The rationale for this is so that each Plan Change can 'stand alone', thereby ensuring that a comprehensive set of provisions can be inserted into the District Plan in the event that one of the plan changes is accepted and the other rejected. The proposed provisions are therefore identical, apart from any obvious rule differences to address issues that are specific to only one of the Blocks.

7.6.3 The proposed amendments to the proposed provisions have been discussed above in the body of the report. For assistance, these recommendations have been collated into **Appendix 10**. Given the identical nature of the provisions, I have only included one set of amendments, rather than two completely different sets for the two Plan Changes. I have based these amendments on the text put forward by the applicant for PC8 and have used the same 'amendment numbers' as the applicant to assist with cross-referencing. I have shown the applicant's text as 'plain text' with my recommended deletions shown as ~~**bold—strikethrough**~~ and my recommended additions as **bold underlined**.

7.6.4 Should the Commissioner be minded to accept PC9 and decline PC8, then the recommended text changes I have made using the PC8 plan change as a base will need to be transposed through to PC9.



Jonathan Clease
Planning Consultant
April 2011

