

Selwyn District Plan

Private Plan Change 80

**Request by Two Chain Road Limited to rezone 98.33 hectares of
Rural Inner Plains to Business 2A Zone, 7-183 Two Chain Road,
Rolleston**

Supplementary Evidence from Reporting Officers

18 November 2022

Report prepared by

Liz White

Consultant Planner

Introduction

1. My full name is Elizabeth (Liz) Jane White. I prepared the Section 42A Report in respect to Plan Change 80 (PC80), which sets out my qualifications and experience.
2. This supplementary evidence relates to Minute No 3 of the Hearing Commissioner¹, which provided for further evidence to be lodged in relation to comments received by a submitter (PC80-0010), relating to the Applicant's proposed rules relating to the Rolleston Prison, and their potential application to the Two Chain Road boundary.
3. The purpose of this evidence is to provide brief comment on the supplementary evidence provided by the Applicant in response to the submitter's comments. It also addresses comments in the Minute relating to the unformed legal road adjoining the PC80 site.

Two Chain Road Boundary

4. Ms Faulkner, Mr Reeve and I have reviewed the submitter's comments along with the supplementary evidence provided by the applicant. The limited nature of Ms Faulkner and Mr Reeve's comments are such that for brevity I have included their comments below rather than preparing separate statements.
5. Ms Faulkner concurs that the amended Landscape Treatment Five² would be sufficient to mitigate potential adverse effects from any container storage within the site, for the Two Chain Road residents. I note that Ms Faulkner has previously confirmed that the proposed mitigation depicted in the amended Typical Section will sufficiently mitigate the landscape related effects of the activities occurring within the Site for the Two Chain Road residents.³
6. Mr Reeve has advised that he broadly agrees with the comments in Mr Lewthwaite's supplementary evidence, including that the application of the proposed noise limits will ensure reasonable protection of residential amenity for nearby dwellings and other noise sensitive activities, and that it will be practical for many activities establishing on the Site to comply. Mr Reeve does note that while new activities will be required to comply with the noise limits, or seek resource consent, there is some residual risk that:
 - Activities may still establish which do not comply with the limits and require enforcement action to be undertaken by SDC. If this does occur it is likely to take a long time to confirm and resolve, exposing residents to higher levels for a period.
 - There are activities that establish which because of their particular character could cause complaints from residents despite complying with the limits (noting however that the PDP limits would allow appropriate adjustments to be made for character / impulsive noise).
 - If multiple activities produce noise close to the limits, this could result in higher cumulative noise levels at nearby properties. However, the typical size of sites and types of activities that establish alongside each other mean this is not a common problem.
7. In discussion with Mr Reeve, I confirmed that these are residual risks that would arise in other circumstances and are not particular to the Site or the receiving environment. Mr Reeve also

¹ Minute No 3 of Commissioner David Caldwell Addressing Further Information, the Site Visit and Containing Further Directions, 8 November 2022.

² Supplementary evidence of Kim Seaton (planning), 15 November 2022, at 17.

³ Summary Statement of Bronwyn Elizabeth Faulkner, 20 October 2022, at 7.

agrees with Mr Lewthwaite that a heavy industrial category does not necessarily mean high noise (and vice versa for activities not restricted by category)⁴, and that because activities are ultimately constrained by the noise limits at notional boundaries, setback rules do not necessarily guarantee lower noise outcomes.

8. With respect to applying a restriction on the hours of operation for activities within a specified distance of Two Chain Road, Mr Reeve's only additional comments are that this might reduce the types of residual risk identified above, but the 500m sought by the submitter would be unreasonably large.
9. Taking Mr Reeve's and Ms Faulkner's comments into account, as well as those of Mr Lewthwaite and Mr Compton-Moen, I continue to consider that the provisions proposed by the applicant are sufficient to appropriately address effects on the Two Chain Road. While I note Mr Reeve's comments about residual risks, these are risks that arise in relation to any industrial and rural zone interface and are not particular to the site; nor would the measures restricting the type of industrial activities directly address this in any case. While the potential restriction on hours of operation would reduce these risks, I note that both Mr Reeve and Mr Lewthwaite consider that reasonable protection of residential amenity will be achieved by application of the PDP noise limits in any case. In my view, it would be inefficient to also apply a further restriction to address the potential residual risks noted by Mr Reeve, given the outcome sought is already implemented in the Plan through the application of noise limits, and would result in a different approach being taken to this particular rural/industrial interface than apply at other such interfaces. Overall, I therefore agree with Ms Seaton that no additional or amended provisions are required to address adverse effects on residents to the north of Two Chain Road, beyond what the applicant has proposed.⁵ I also agree with her comments that:
 - Given the Rural Inner Plains zoning of the properties to the north of Two Chain Road, they are not a "residential area" in terms of what the explanation to Policy B3.4.6 is referring to;⁶ and
 - The costs of the additional restrictions, which would apply across the majority of the PC80 Site, would be unlikely to outweigh any potential benefits.⁷

Unformed Legal Road

10. In Minute No 3, the Commissioner noted:

... what appears to be an unformed legal road within or adjacent to the site and running along the railway corridor. It would be helpful to have some more information in relation to that road, and how that will be addressed should the plan change request be approved.
11. The relevance of the unformed legal road was raised in the request for further information, which stated:

The south-west corner of the proposed Outline Development Plan (ODP) incorporates an area of unformed legal road. This land parcel is not mentioned in the Request and it is not shown on the ODP as providing road access. Please confirm if the parcel is to be included in Plan Change area, and if so, please amend paragraph 1 of the Request to include this parcel, and outline how the

⁴ Supplementary evidence of Mark Lewthwaite (noise), 15 November 2022, at 6.

⁵ Supplementary evidence of Kim Seaton (planning), 15 November 2022, at 4.

⁶ *Ibid*, at 5-6.

⁷ *Ibid*, at 20.

road is proposed to be managed. For example, will it remain as an area of road (and if so, does this need to be noted on the ODP and/or the traffic assessment updated to reflect this), or will an application be made to stop it. If it is not to be included in the Plan Change area, please remove it from the ODP and update any relevant assessments that its exclusion may affect.

12. The response received from the application was as follows:

The land parcel is to be included. The ODP and Infrastructure plans have been amended to more accurately show this, and reference to the unformed legal road is inserted into the S32 document (revised version attached). The proposed rules already address the unformed portion of Runners Road, in so far as they require resource consents and assessments where any activity proposes access directly to Runners Road (the unformed portion). For example, see proposed Rules 17.2.3.5, 17.3.1.7, 17.3.9.5. It may well be that the applicant seeks to stop the road in due course, in which case the Runners Road rules will simply no longer be relevant.

13. Mr Collins also discussed the unformed section of Runners Road in Section 5.4 of his hearing report, which is copied below:

5.4 Walkers Road / Runners Road intersection

The intersection of Walkers Road / Runners Road is located on the southwestern boundary of the site and is currently a giveway-controlled priority T-intersection with priority given to Walkers Road. An unformed legal road connects on the northern side of the intersection.

I understand that this intersection may be realigned to the southwest, as part of the SH1 / Dunns Crossing Road / Walkers Road intersection upgrade being progressed by Waka Kotahi, as discussed in Section 3.2.

The ITA did not assess the performance of this intersection, or the unformed legal road. However, the matter of the unformed legal road is discussed in the requestor's responses to Clause 23 information requests, and in the s32 report.

In summary

- ♦ The unformed legal road is included within the plan change area
- ♦ Proposed rules 17.2.3.5, 17.3.1.7, and 17.3.9.5 mean a resource consent is required for any activity that proposes vehicle access onto the unformed legal road, including consideration of effects on the Walkers Road / Runners Road intersection
- ♦ Proposed Rule 22.9.x(c) requires the intersection of Walkers Road intersection with Runners Road and rail crossing to be upgraded prior to the occupation of any building within the Plan Change site
- ♦ The requestor may apply to Council to stop the unformed legal road in the future.

I understand that the future Rolleston to Burnham Cycleway may use the currently unformed section of Runners Road. I consider that the proposed rules are adequate to ensure that transport effects resulting from any vehicle access onto the unformed section of legal road (Runners Road) can be managed through future resource consenting processes. Should the requestor wish to stop the unformed legal road in the future, Council can assess the merits of this at the time, if an application is made.

Outcome: I consider that the proposed Rules are adequate to ensure that transport effects resulting from any vehicle access onto the unformed section of legal road (Runners Road) can be managed through future resource consenting processes. Should the requestor wish to stop the unformed legal road in the future, Council can assess the merits of this at the time, if an application is made.



Liz White - 18 November 2022