

Selwyn District Plan, Private Plan Change 80 – Town Chain Road, Rolleston

Summary Statement, Planning, Selwyn District Council

Introduction

1. My name is Liz White and I prepared the Section 42A Report on Private Plan Change 80 (PC80) to the Selwyn District Plan, dated 28 September 2022. After circulation of that report, the applicant and submitters have lodged statements of evidence. The purpose of this summary statement is to summarise key matters from my perspective, and any areas of disagreement.
2. In the Section 42A Report, I stated my view that the following matters needed to be addressed before PC80 could be approved:
 - a. The potential tension of the proposal with Clause 3.6(3) of the NPS-HPL; and
 - b. Further assessment of noise effects; and
 - c. Confirmation of the availability of additional water supply.
3. I address each of these below.

NPS-HPL

4. In the Section 42A report, I raised concern that the specific direction in Clause 3.6(3) of the NPS-UD, in terms of the reference to the Housing and Business Assessment, might not allow for the rezoning of that part of the Site which contains Class 3 soils. I note that this has been addressed in the applicant's legal submissions,¹ rather than in the evidence of Ms Seaton. I consider this to be a legal matter rather than a planning matter. However, I do note the point that the most recent Business Development Capacity Assessment was prepared under the previous National Policy Statement on Urban Development Capacity (2016), not under the current NPSUD.²
5. I also note that Mr Mthamo undertaken his own analysis of whether the land would be considered highly productive in terms of Clause 3.4 of the NPSHPL.³ However, the direction in this clause relates to the regional council, and until such time as they undertake the mapping exercise directed, highly productive land is as defined in Clause 3.5(7), as confirmed in the applicant's legal submissions.⁴

Noise Effects

6. Mr Lewthwaite has considered in his evidence, the changes in noise resulting from road traffic on Two Chain and Walkers Roads. My understanding of this is that:
 - a. Traffic noise will increase as a result of the roading changes proposed by Waka Kotahi, irrespective of the development of the PC80 Site.
 - b. The increase resulting from PC80 traffic generation is expected to result in an increase by 1-2 dB at the eastern end of Two Chain Rd and the southern end of Walkers Rd - a level which Mr Lewthwaite considers would not be readily discernible.

¹ Opening legal submissions on behalf of the applicant, 20 October 2022, at 14-55.

² Opening legal submissions on behalf of the applicant, 20 October 2022, at 32.

³ Summary of evidence of Victor Mthamo (versatile soils and water supply), 20 October 2022, at 12-17.

⁴ Opening legal submissions on behalf of the applicant, 20 October 2022, at 15 – 17.

- c. The increase in night time traffic from the PC80 Site is not expected to increase the maximum event noise, but increase the regularity of vehicle noise.
- 7. Mr Reeves addresses this in his summary statement, but generally agrees that while traffic noise will increase as a result of the rezoning, this will be in the context of other increases resulting from changes to the traffic environment that will occur regardless.
- 8. With respect to railway noise, I understand that noise associated with private sidings on private land would need to meet the Plan's noise limits, and that Mr Lewthwaite considers that they should be able to do so. Restrictions are also now proposed which limit the extent of rail sidings in proximity to the Two Chain Road frontage. Mr Reeves has confirmed that he is satisfied that noise effects from this aspect of the proposal can be adequately controlled at sensitive receivers.
- 9. I agree with Ms Seaton⁵ that the evidence of Mr Lewthwaite indicates that while the development of the PC80 Site will result in increased noise levels for residents on Two Chain Road, the increase will be small, and will be in addition to other increases that will result from roading upgrades and additional heavy vehicle traffic that will occur regardless. As such, while I accept there will be an adverse effect, I do not consider it to be of such significance to preclude the rezoning.

Water Supply

- 10. In the Section 42A report, I noted Mr England's advice that there is only sufficient capacity to supply water to areas within the RSP, and stated my view that the applicant needed demonstrate the ability to provide an additional water supply is likely to be feasible. I accept the evidence of Mr Mthamo and Mr McLeod that this is the case. I also noted that subject to this confirmation, the actual provision of water could be addressed by including a new rule restricting subdivision of the Site until a potable water supply is available which is capable of serving any lots within the subdivision. As Ms Seaton has proposed such a rule (24.1.3.x) and Mr England has confirmed that this addressed his concerns, I am satisfied that this matter has been addressed.

Additional Recommendations

- 11. In section 7 of the Section 42A Report, I identified amendments recommended to PC80, should the Hearings Commissioner be minded to approve the plan change. I confirm that the changes proposed in the evidence of Ms Seaton address these matters, with the exception of the three matters she identifies, being:
 - a. Limiting road access to Two Chain Road to one entrance; and
 - b. Requiring Landscape Treatment 4 on the rail corridor frontage; and
 - c. Requiring retention of the existing trees on the eastern boundary.⁶
- 12. With respect to the number of accesses along Two Chain Road, I accept that Ms Faulkner's recommendation remains that a single entrance would be preferable in terms of mitigating effects on the amenity of residents along Two Chain Road.⁷ However, I consider that this needs to be balanced against other considerations. Taking into account the transport evidence from both Mr Collins and Mr Fuller, as well as the urban design evidence of Ms Lauenstein, I am

⁵ Evidence of Kim Seaton (planning), dated 5 October 2022, at 45.

⁶ Evidence of Kim Seaton (planning), dated 5 October 2022, at 91.

⁷ Summary Statement of Bronwyn Elizabeth Faulkner, 18 October 2022, at 9.

comfortable with retaining two accesses onto Two Chain Road. I accept that this will have a potentially greater impact on the amenity of residents along Two Chain Road, but note that this is in the context of other changes to the traffic environment which will occur regardless of PC80. In my view, the effects on amenity are therefore not sufficient to outweigh the costs associated with limiting the site to one accessway off Two Chain Road. Noting Ms Faulkner's view that two entrances are preferable to three,⁸ I consider that proposed Rule 17.6.x and 17.6.2 should be amended to provide (as a permitted activity) for two rather than three road crossings. I note that if a third road crossing is proposed in future, this would then trigger consent as a restricted discretionary activity, with matters of discretion including consideration of: the extent and nature of any other planting to mitigate the potential impact on amenity of the removal of a portion of the planting (17.6.3.2); the extent to which sites and industrial activities within the Business 2A Zone become visible from sites outside of the Business 2A Zone (17.6.3.3); and cumulative effects of multiple breaks in the planting (17.6.3.4). In my view this would allow for a case-by-case consideration of the impact of any potential third road crossing to address the matters of concern to Ms Faulkner.

13. With respect to the rail corridor frontage, I note that Ms Seaton does not support this for practical reasons (to allow for rail sidings) and her view that the requirement is unnecessary, given the lack of sensitivity of the rail corridor and State Highway 1.⁹ As noted by Ms Faulkner, there are existing boundary landscaping requirements in the adjoining Business 2 area to the east of the site, where the Business 2 zone boundary adjoins the railway.¹⁰ Taking this into account, as well as the length of the site, I consider that some form of landscape requirement is reasonable. However, I also consider that any requirement needs to be practicable, and not preclude gaps for rail sidings.
14. Currently, some landscaping requirements are controlled under the District Plan through Rule 24.1.3.13 in the subdivision chapter, which requires areas along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the landscape treatment areas identified on specified ODPs, and any principal building, to be landscaped to the standards set out. This is how the landscaping along the Two Chain Road boundary is to be implemented. The note under this rule also states that the landscaping is required along the full extent of the relevant boundaries, "*except across vehicle, rail, or pedestrian crossings*". While, if applied to the Site's southern boundary, exceptions would therefore be provided for rail crossings (and if required, could be amended to refer to rail sidings), from discussions with Ms Seaton, I understand the issue with this to be that the rule would require landscaping to be undertaken at the time of subdivision. However, the whereabouts of breaks required for rail sidings might not be known at the subdivision stage. Notwithstanding this, I tend to agree with Ms Faulkner that this is not sufficient reason to justify the lack of any planting along this boundary.¹¹
15. Chapter 16 of the Plan also contains rules relating to landscaping. Rule 16.1.2.1 requires (for any principal building in the Business 2A Zone) that a 3m landscaping strip is provided along any road frontage not otherwise identified in the rule. This is how the landscaping along the Walkers Road boundary is to be implemented. Similar rules (16.1.3 and 16.1.4) also apply to planting required along the boundaries of Business 2 zone areas to the east of this site.
16. I therefore consider that a similar rule could be applied to the railway boundary of this site, requiring planting to be established between any new principal building and the boundary with

⁸ *ibid*

⁹ Evidence of Kim Seaton (planning), dated 5 October 2022, at 91(ii).

¹⁰ Summary Statement of Bronwyn Elizabeth Faulkner, 18 October 2022, at 12-13.

¹¹ Summary Statement of Bronwyn Elizabeth Faulkner, 18 October 2022, at 15.

the railway reserve, except for any areas proposed to be used for rail sidings. The effect of this rule would be that landscaping along the boundary would not be required at the time of subdivision, but would be required when buildings are established. While this would result in greater visual effects in the short term (because planting would be established later) I consider this provides a better balance between mitigation of visual effects and providing flexibility in relation to the anticipated use of the site.

17. With respect to requiring the retention of the existing trees on the eastern boundary, Ms Faulkner remains of the view that this would visually soften the bulk of large buildings and other industrial structures when viewed along the road and rail corridor and result in higher quality outcomes.¹² Based on Ms Faulkner's advice, I continue to consider this to be appropriate.

Additional Provisions Sought by Submitters

18. Maurice Dale, while supporting the proposed rule package, seeks a new objective and policy be inserted into the Plan, relating to the prison site.¹³ Based on the numbering of the provisions, I understand that what is sought is effectively the insertion a new sub-section into the District Plan. However, to be consistent with the drafting and format of the current plan, an entire new sub-section would be required, including identification of the issue(s), the strategy, and the methods. No section 32 analysis of these provisions are provided by Mr Dale, nor any assessment of why additional provisions are required.
19. In my view, the changes proposed to apply to the site in relation to its interface with the Rolleston Prison site are related to better achieving Objective B3.4.1, which seeks that the District's townships are pleasant places to live and work in, reflecting that the Rolleston Prison site is a place where people live. I also consider that the provisions will assist in implementing Policy B3.4.6(b) which directs that Business 2A Zones are provided to cater for business activities requiring large footprint buildings and/or sites but which have sufficient provisions to safeguard people's health and well-being; and to Policy B3.4.10 which directs that noise in all zones does not adversely affect the health or well-being of people. In this case, the evidence has identified that in this particular context, additional measures are required to better address the potential effects of activities in the PC80 Site on the well-being of residents at the Prison site. I therefore agree with Ms Seaton that it is more appropriate to include an additional paragraph in the 'Explanation and Reasons' to Policy B3.4.6 which explains the reason for the additional rules that are proposed in response to this policy.

Conclusion

20. In terms of the matters that I identified needed to be addressed in order for PC80 to be approved, I consider that the noise effects and provision of water supply have been adequately addressed.
21. In terms of the application of the NPSHPL, I consider this to be a legal question. If this does not preclude the rezoning of that part of the Site which contains Class 3 soils, I consider that PC80 should be granted. If it does preclude this area being rezoned, I consider that PC80 can still be granted in part. Either way, I recommend that the additional amendments proposed by Ms Seaton be included, in addition to:
 - A requirement to provide landscaping along the rail corridor frontage, except where rail sidings are to be located. This could be achieved by an additional notation on the ODP

¹² Summary Statement of Bronwyn Elizabeth Faulkner, 18 October 2022, at 11.

¹³ Statement of Evidence of Maurice Richard Dale, 12 October 2022, at 8.5.

identifying a landscaping requirement along this boundary, and the addition of the following rule in Chapter 16:

16.1.4A Any principal building in the Business 2A Zone within the Outline Development Plan at Appendix 43B shall be a permitted activity if the following standards are met:

16.1.4A.1 The area between the common boundary of the Business 2A Zone and the railway reserve, as depicted on the Outline Development Plan at Appendix 3B, and the principal building shall be landscaped to the following standards:

(a) Trees shall be planted along the Business 2A Zone side of the common boundary, except across any rail sidings, or where unobstructed sight lines to and from any rail siding is required.

(b) The landscaping shall achieve, once matured, a minimum width of 5 metres and a minimum height of 8 metres.

(c) At the time of planting, trees shall be a minimum height of 2 metres, and at a maximum spacing of 3 metres, or 5 metres if the species is oak.

(d) Trees shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.

(e) The trees planted shall consist of one or more of the following species:

Oak

Macrocarpa

Leyland cypress

Radiata pine

Totara

- A requirement to retain the existing trees on the eastern boundary. This could be achieved by an additional notation on the ODP identifying the trees along this boundary as 'Existing trees to be retained' and an amendment to Rule 24.1.3.14 to refer to retention of vegetation within this area, as follows:

iii) Existing trees located within the area indicated on the Outline Development Plan at Appendix 43B shall be retained, and if dead, diseased, or damaged, shall be removed and replaced with the same species.

- An amendment to proposed new Rule 17.6.x and to Rule 17.6.2 as follows:

17.6.x The establishment of up to ~~three~~ two road crossings from Two Chain Road into the area identified on the Outline Development Plan at Appendix 43B is a permitted activity.

17.6.2 The establishment of a road or rail crossing requiring a break in the existing primary shelter belt or future secondary planting strip required by Landscape Treatment 3 in Rule 24.1.3.14 along the Railway Road frontage of the Business 2A Zone, or the establishment of a road crossing requiring a break in the future planting strip required by Landscape Treatment 2; or the establishment of a road crossing requiring a break in the future planting strip required by Landscape Treatment 1 as depicted on the Outline Development Plan in

Appendix 43A, or the establishment of more than ~~three~~ **two** road crossings requiring a break in the existing primary shelter belt or future secondary planting strip required by Landscape Treatment 5 as depicted on the Outline Development Plan in Appendix 43B, or the establishment of a road crossing from Runners Road into the area identified on the Outline Development Plan at Appendix 43B, shall be a restricted discretionary activity.

Liz White

21 October 2022