

Before the Selwyn District Council

under: the Resource Management Act 1991

in the matter of: Proposed Private Plan Change 80 to the Operative District Plan

and: **Two Chain Road Limited**
Applicant

Supplementary evidence of Kim Seaton (planning)

Dated: 15 November 2022

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SUPPLEMENTARY EVIDENCE OF KIM SEATON

- 1 My full name is Kim Marie Seaton. I am a Principal Planner at Novo Group Limited. My qualifications and experience are as set out in my Evidence in Chief.
- 2 My Supplementary Evidence addresses the need, or otherwise, for additional rules to mitigate adverse effects from potential Business 2A Zone activities on persons residing on the north side of Two Chain Road, opposite the proposed zone. This evidence responds to the email from David Middleton, dated 3 November 2022, that sets out the views of the Two Chain Road submitters ('the Middleton email').
- 3 In preparing this Supplementary Evidence, I rely in part on the evidence (both in Chief and Supplementary), of Mr Compton Moen (Landscape and Urban Design) and Mr Mark Lewthwaite (Acoustics).
- 4 In summary, I consider no additional or amended provisions are required to address potential adverse effects on residents to the north of Two Chain Road, beyond what has already been volunteered by the applicant and set out in Appendix 1 (revised ODP) and 2 (Revisions to the Proposal) of my Evidence in Chief. My reasons are set out below. The exception to this is in regard an amendment to the Landscape Treatment Five rule, for added certainty that the landscape treatment will mitigate stacked containers (and other tall structures).

Policy B3.4.6 (Township Volume)

- 5 The Middleton email references a quote from Policy B3.4.6¹, that "The Business 2A Zone does not adjoin any residential area and as such caters for a larger scale of activities than other Business 2 Zones". I note that this quote is from the explanation to the policy, not the policy itself. In any case however, the key point is that the land opposite the proposed Business 2A Zone on Two Chain Road is not a "residential area" in the sense that the District Plan intends it, it is a rural area.
- 6 Where the District Plan references "residential areas", it is referring to residentially zoned land. In respect of the Two Chain Road frontage, there are several dwellings located on that frontage, but they are all *rural* dwellings. They do not fall within the definition of rural residential activity either, which under the Selwyn District Plan definitions means "*residential units within the Living 3 Zone at an average density of between one and two households per hectare*".

¹ Policy B3.4.6(b) states 'To provide a Business 2A Zone which can 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 avoid pollution of natural resources or potential 'reverse sensitivity' effects.'

The land north of Two Chain Road is zoned Rural Inner Plains and the density of dwellings on that frontage does not drop below one per four hectares. This contrasts with the character of the Armack Drive development for example, which is clearly rural residential in density (20 allotments, all but one of which is less than 2ha in area), albeit Armack Drive is zoned Rural Inner Plains under the operative District Plan.

- 7 It remains my view that the proposal, as it currently stands, is consistent with Policy B3.4.6. Further, I do not consider Policy B3.4.6 gives any direction that the proposed rezoning must provide additional separation between industrial activity and rural dwellings, than is already the case elsewhere in Rolleston or already provided for in the current Plan Change 80 proposal.

The need for a "buffer zone"

- 8 It is my view that the creation of a "substantial buffer zone" (per the Middleton email) is not required to separate the Business 2A activities from the rural activity and residents to the north of Two Chain Road. In my Evidence in Chief, I acknowledged that:

'...there are currently more dwellings located on Two Chain Road opposite the PC80 site than can be seen on the industrial interface of Maddisons or Hoskyns Road, and for that reason agree that a more comprehensive landscape treatment is appropriate.'
(paragraph 31)

- 9 As the Middleton email references Armack Drive, I have provided a comparison of frontage treatment requirements on Railway Road versus Two Chain Road, in Table 1 below.

Table 1

Landscape Treatment 3 (Railway Road, as specified on ODP E22)	Landscape Treatment 5 (Two Chain Road)
Existing primary shelter belt to be retained on the B2A boundary.	Existing primary shelter belt to be retained and supplemented on the B2A boundary.
Secondary planting strip of Leyland cypress – min. 2.5m wide, 8m high. To be located within the road or water race reserve.	Secondary planting strip, 2 rows of native plantings on the bund, the plant species shall be selected from <i>Kunzea ericoides</i> , <i>Pittosporum tenuifolium</i> , <i>Pittosporum eugenioides</i> ,

	Phormium tenax, and Pseudopanax arboreus.
Provision for rail sidings through the landscape strip	Provision for up to three road crossings through the landscape strip
No earth bund	2.5 high earth bund
Minimum width of landscaping strip not specified.	15m minimum width.

- 10 In my view, the proposed Landscape Treatment 5 will provide a greater level of buffering/screening of industrial activity than is required on Railway Road, notably through the addition of a requirement for a 2.5m high earth bund and the minimum landscape strip width of 15m. Mr Compton Moen has also confirmed that the landscape strip will provide a high standard of visual screening and buffering. It therefore remains my view that the proposed landscape strip on Two Chain Road will be sufficient to mitigate potential visual and landscape character adverse effects of the proposed rezoning on residents to the north of Two Chain Road, without the need for further activity setback requirements. I will address noise and general amenity effects further below.

Other operational restrictions

- 11 The Middleton email requests that similar rules and restrictions as have been offered for Rolleston Prison also be offered on the Two Chain Road frontage, specifically:
- A 500m wide "zone" on the Two Chain Road frontage, where heavy industrial activity is restricted in the same way as has been offered on the Walkers Road frontage;
 - Restricted night time operation permitted within that 500m "zone"²; and
 - Additional height restrictions on container stacking and operating equipment.
- 12 I will address the question of container stacking separately below.
- 13 In paragraph 36 of my Evidence in Chief, I summarised the factors that I understand differentiate the Rolleston Prison site from the

² I have taken this to mean a similar rule to that which has been offered for the Walkers Road frontage.

generality of more typical “residential” activity, or rural dwellings. Notably this includes an inability to gain any respite from nearby activity, higher rates of mental health disorders, trauma and poorer physical health than the general population. The Prison population (within those areas where the cells are located) is also considerably higher/denser than can be found in the rural area. Evidence presented by Mr Dale at the hearing on behalf of the Department of Corrections (and supported by Ms Millar), further underlined the sensitive aspects of the Prison residents and Correction’s concerns about potential impacts on the effective operation of the prison and the wellbeing of its residents.

- 14 In my opinion, the area to the north of Two Chain Road does not share the same sensitivity to adverse effects as the Rolleston Prison site, and I therefore consider that additional restrictions on activity within 500m of the Two Chain Road frontage are not justified. I consider the existing Business 2A Zone provisions, as modified in Appendix 2 to my Evidence in Chief, are sufficient to address potential adverse effects. I note that this includes a requirement for resource consent for many heavy industrial activities, per the existing District Plan provisions in Chapter C13 BZ Status Activities. In other words, the absence of additional restrictions does *not* mean that there would be no restrictions on heavy industrial activity. The existing restrictions have been deemed to be appropriate on all other rural/Business 2A zone interfaces in the District, and I consider that remains the case on Two Chain Road (with the addition of the 15m wide landscape buffer and bund requirements).
- 15 Mr Lewthwaite in his Evidence in Chief and supplementary evidence, has stated that he did not consider additional noise-related setback restrictions were warranted on the Walkers Road frontage, that the District Plan noise limits would protect against unreasonable noise levels. Mr Lewthwaite’s supplementary evidence again confirms that the existing District Plan noise limits (and resource consent requirements where limits are not met) are appropriate for managing potential noise effects on residents to the north of the zone. The applicant has taken a slightly different, or broader, view than Mr Lewthwaite and I support that view, being that some restriction near the Prison is warranted for the reasons I have set out above, i.e. Prison residents are more sensitive. Mr Lewthwaite’s view on the sufficiency of the standard District Plan noise limits to manage noise in rural areas is accepted and agreed with north of Two Chain Road.
- 16 For these reasons, I also consider that the existing and proposed provisions managing broader amenity effects (e.g. noise, lighting, odour, dust, vibration, building scale), are sufficient to address potential adverse effects on residents to the north of Two Chain Road.

Shipping containers

- 17 The Middleton email has requested further restriction on the potential container stacks and operating equipment heights. This has been addressed by Mr Compton Moen in his Supplementary Evidence. He states that the existing landscape treatments on Two Chain Road are sufficient to mitigate potential adverse effects from any container storage or operating equipment. For added mitigation certainty, he does recommend adding two further provisions to the Landscape Treatment Five rule, being a minimum height limit for the existing shelterbelt, and a maintenance requirement. I accept Mr Compton Moen's advice and therefore recommend the following change to Chapter C24 BZ Subdivision, Rule 24.1.3.13:

Landscape Treatment Five

(a) A 15m wide landscape strip shall be created on the Two Chain Road frontage, consisting of:

(i) A landscape strip of 5m width incorporating the retention and supplementation of existing shelterbelts (except where access is required) within 3m of the road boundary. Where existing gaps occur, tree species of either Cupressus macrocarpa, Leyland cypress or Pinus Radiata (minimum 600mm high at the time of planting) are to be planted at 3.0m centres. Trees shall be maintained, at maturity, at a minimum height of 8m.

(ii) Provision for maintenance access on the southern side of the retained shelter belts.

(iii) Construction of a 2.5m high earth bund with a northern slope of 1:3. The southern slope may be between 1:1 and 1:4.

(iv) Planting of two rows of native plants on the upper section of the northern slope, and the top, of the earth bund. The rows shall be 2m apart, with plants at 1.5m centres and alternative offsets to create a dense native belt 3-5m in height. The plant species shall be selected from Kunzea ericoides, Pittosporum tenuifolium, Pittosporum eugenoides, Phormium tenax, and Pseudopanax arboreus. The plants are to be 0.5L pots with a minimum height of 300mm at the time of planting.

(v) All landscaping shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.

- 18 Additional to Mr Compton Moen's evidence, I also consider that the likelihood of large scale container stacking occurring near the Two Chain Road boundary is small. In my experience, any container stacking over two containers in height is most likely to occur in

proximity to rail sidings, which are restricted by the proposed ODP to locations south of the east-west primary road.

Section 32

- 19 As the Commissioner has noted in paragraph 7 of Minute 3, no evidence has been provided as to the additional costs and benefits of imposing the additional operational restrictions requested in the Middleton email, as required by Section 32 of the RMA.
- 20 I do not have access to economic evidence specifically addressing the submitter's preferred restrictions. However, I make the following observations:
 - i. Additional restrictions over heavy industrial activity and night time operation over all land within 500m of the Two Chain Road boundary, would apply to all but approximately 7.5ha of the proposed zone. If the volunteered activity restraint setback from Walkers Road is added in, only approximately 1.5ha (c. 1.53%) of the zone would be free of additional activity restraint, and around 4.5ha (4.59%) of the zone would be free of the night time operation constraint;
 - ii. Based on the evidence of Ms Hampson, there is likely to be a shortfall of industrial capacity to meet long term demand in Selwyn District. I consider that adding significant additional constraints on the type of activities that can occur across the large majority of the zone, and requiring resource consent for night time operation across the majority of the zone, would introduce more operational cost (resource consents), and would likely reduce the desirability of the zone. In my view that is likely therefore to increase the demand for more industrial zoned land elsewhere with less restrictive rules, to accommodate businesses that need to operate over night and wish to avoid the need for resource consent, or are of a heavier industrial nature. I do not have the expertise or evidence to quantify that demand;
 - iii. As noted above, there are existing rules controlling industrial activity, including the type of activity (the heavy industrial activity rules in Chapter B13), District Plan rules controlling height, building position, noise, lighting etc., and regional plan rules controlling air and odour discharges. These rules are already in place to ensure the health, wellbeing and amenity of adjoining areas is adequately protected; and
 - iv. For these reasons, I consider that the costs of putting additional restrictions on overnight operation and heavier industrial activity across almost the entirety of the zone

would likely outweigh any additional benefit that Two Chain Road residents might experience.

Water race

- 21 In regard the water race reference in the Middleton email, I note that there is no proposal to close the race, the proposed ODP requires that it be retained. Further, if in the future a land owner desired to close it, both a non-complying status resource consent application (under the RMA) and a separate application to Selwyn District Council to close the race, would be required.

Runners Road

- 22 Paragraph 12 of Minute 3 seeks further information on the unformed legal road in the southwest corner of the site. Though it is not fully formed, that section of unformed road is understood to be an extension of Runners Road. It was addressed prior to public notification of Plan Change 80, as follows³:

'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, 17.3.1.78, 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.'

Dated: 15 November 2022

Kim Seaton

³ Response to Request for Further Information, Letter from Novo Group to SDC dated 11 February 2022.