

**Commissioner Recommendation  
PLAN CHANGE 66  
REZONING SPECIAL PURPOSE (HOSPITAL) TO  
TEMPLETON SPECIAL RURAL ZONE**



**Report and Recommendation of David J. McMahon  
Acting as a Commissioner appointed by the  
Christchurch City Council pursuant to Section 34 of the  
Resource Management Act 1991**

**October 2012**

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## APPENDICES

- Appendix 1:** Minute 1 of the Commissioner dated 23 August 2012
- Appendix 2:** Record of conferencing between Landowner, CIAL and CCC dated 12 September 2012
- Appendix 3** Recommendations on individual submissions and further submitters
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## RECORD OF APPEARANCES

Heard on Wednesday 15 August 2012 at the, Committee Room 2, Level 2, Civic Offices, 53 Hereford Street Christchurch

### Hearing Commissioner

Mr David McMahon Independent Commissioner

### Hearing Administrator

Mr David Punselie Statutory Administration Officer, Strategy and Planning Group, CCC

### CCC Investigating Officers/ Regulatory Officers

Mr Andrew Long Senior Planner Strategy and Planning Group CCC  
Mr Tony Penny Transportation Consultant, Traffic Design Group  
Mr Russell Malthus Environmental Health Consultant, Novo Group  
Ms Hannah Lewthwaite Landscape Advisor, Strategy and Planning Group, CCC  
Mr Eoghan O'Neill Water / Wastewater Advisor, Asset and Network Planning, CCC

### APPEARANCES

#### For Rookwood Holdings Ltd (Land Owner and submitter)

Ms S J Eveleigh Solicitor and Counsel for Rookwood Holdings Limited  
Ms Warner Mauger Managing Director, Rookwood Holdings Limited  
Mr Simon Tucker General Manager, Rookwood Holdings Limited

#### For the Christchurch International Airport Limited (CIAL) (submitter)

Ms Tania Lowe Solicitor and Counsel for CIAL  
Mr Ken McAnergney Manager, Airport Planning  
Mr Matt Bonis Resource Management Planner and Associate, Planz Limited

#### Other Submitters

ASP Group Ltd Mr Arthur Pearce, Director, ASP Group Ltd  
Mr Mark Allan, Consultant Planner, Aurecon  
Ms S J Harnett Kikstra Local resident, 173 Pound Road  
Templeton Residents' Mr Peter Peterson  
Association  
Westmount School Mr John Frizzell (Board of Trustees)  
Mr Brendon Suckling (CEO and Board)  
Canterbury Regional Council Mr Nick Regnault, consultant planner, MWH  
(tabled evidence)  
Transpower NZ Ltd Mr David le Marquand Consultant Planner,  
Burtons (tabled statement)  
New Zealand Fire Service Ms Claire Lindsay, Consultant Planner, Beca  
Commission (tabled statement)

## 1.0 INTRODUCTION

### Context

- 1.1 I was appointed by the Council to hear submissions to, and to consider and make recommendations on, Proposed Plan Change 66, which seeks to alter the zoning of the former Templeton Hospital site by rezoning it from *Special Purpose (Hospital)* to *Templeton Special Rural Zone*.
- 1.2 The Plan Change has an extensive background, which I will canvas in due course, and has been the subject of a Council “section 32” report, wide consultation with land owners and occupiers, and of course the public notification and hearing to which this report is a culmination of.
- 1.3 Before discussing the details of the proposed Plan Change and the submissions to it, there are some procedural issues that I need to address, beginning with my role as Commissioner.

### Role of Commissioner and Report Outline

- 1.4 My appointment was made because of Council policy for City Plan matters (and resource consent applications) where there is potential for conflict – either real or perceived – to appoint independent commissioners. In this case, in order to remain neutral, and due to the number of issues that have been raised in submissions and further submissions, I was appointed to hear and determine the submissions. My role is limited to that of a recommender with the final decision as to whether or not to adopt my recommendations resting with the Council. In the event that the Council adopts my recommendations, then this report will become the Council decision.
- 1.5 In terms of the above, having familiarised myself with the proposed Plan Change and the background material (of which there is a considerable amount), read all submissions, conducted the hearing and heard from the submitters and the appointed Council advisors, as well as having visited the locality on several separate occasions, I hereby record my recommendations. In this respect, this report is generally divided into the following parts:

- (a) Background/Plan Change Outline:

This Section includes an outline of the background to the proposed Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change including an overview of the locality. This background section provides a relevant context to considering the submissions lodged to the Plan Change.

- (b) Assessment of Submissions:

Here, I record the various submissions received to the Plan Change, outline the concerns of the submitters to the Plan Change, and, where

relevant, amplify on the evidence/statements presented at the hearing. I then undertake an assessment of the submissions to PC66 and conclude with a recommendation on each one (refer to Appendix 3).

### Preliminary Comments

1.6 Before moving onto the background and proposal outline, I would like to make two preliminary comments. Firstly I record my appreciation at the manner in which the hearing was conducted by all the parties taking part. It was clear to me prior to the hearing that there was considerable background to this proposal, involving a variety of matters. In this respect, I would like to acknowledge the following endeavours:

- The role of the Council City Plan Statutory Administration Officer, David Punselie, in providing all the relevant background material both prior to and during the hearing and also for organising the post hearing information requested by me including checking factual details. In particular, I note the provision of a bespoke background report prepared by Mr Punselie regarding a previous proposal for the site that I requested information upon. This information supplied was supplied promptly and was a very useful context to the current plan change.
- The comprehensive nature of the reports from the various Council advisors, including Senior Planner Andrew Long and the technical reports prepared by Mr Penny, Ms Lewthwaite, Mr Malthus and Mr O'Neill.
- The agreement of most submitters to focus on the present Plan Change rather than get bogged down in procedural and historical issues.
- In particular, the willingness of submitters and advisors to accommodate a certain amount of dialogue between the parties during the course of the hearing via the questions of clarification approach I adopted.
- The agreement of the planners and counsel for the landowner, the Council and CIAL to conference on matters that I identified at the hearing and the succinct and clear report produced by Mr Long recording the outcomes of that conferencing.

1.7 The above actions promoted a much focused proceeding that has greatly assisted me when assessing and determining the issues.

1.8 Secondly, I stress that the purpose of this report is to bring to the attention of the Council the relevant information and issues regarding this Plan Change. It must also be emphasised that my conclusions and recommendations contained in this report are my own and are not binding upon the Council in any way.

## 2.0 BACKGROUND

### Context

- 2.1 I was advised by Ms Eveleigh that Rookwood Holdings and Christchurch City Council (the Council/CCC) had jointly prepared PC66 *to enable remediation of the site and efficient re-use of existing resources through redevelopment.*
- 2.2 My task is to decide whether Plan Change 66, as opposed to the current Special Purpose Hospital zoning, will better meet the purpose of the Resource Management Act 1991 and the Council's functions as set out in Section 31 of the Act and also achieve the operative objectives and policies of the City Plan. This is essentially the assessment that I will undertake section 12 having regard to the issues raised in submissions.
- 2.3 In the meantime, and as a context to this assessment, it is important that I understand the site affected, and the background to, and the nature of, PC66. My appreciation of those matters follows.

### Site Description

- 2.4 The site contains the former Templeton Hospital and is located at the Kirk/Maddisons Road intersection, one kilometre north of Templeton. Coincidentally, it is 66 hectares in total, although the plan change applies to an area of 60ha only, with 6ha retaining existing the SP(H) / RU2 zoning.
- 2.5 From my visits , I discerned the following features of the site and area:
- A significant number of buildings and internal roads related to the former hospital remain on the site, including a pool/gym and hall.
  - The site is also close to the Christchurch Men's and Women's Prisons, Nova Trust (residential drug and alcohol rehabilitation centre) Brackenridge Residential Estate (residential health care facility), Waitaha Learning Centre, a chapel, and (further afield) the airport.
  - The site has access to Kirk Roads, and State Highways 1 & 73 are nearby.
- 2.6 I was also told by the Council traffic advisor (Mr Penny) that Stage 2 of the Christchurch Southern Motorway is likely to bypass Templeton.

### Pre-Plan Change Initiatives and Sequence

- 2.7 Both of the landowner's representatives (Ms Eveleigh and Mr Mauger) and the Council Planner (Mr Long) collectively provided me with a comprehensive understanding of the background of events leading to PC66 being promulgated. Mr Punselie contributed to this background with his

memorandum regarding the statutory document affecting the site as part of the review of the City Plan in 1995 when it was notified and 1999 when decisions were released.

Site History: 1917 - 1999

- 2.8 The site was formerly the Templeton Hospital; a residential care facility for those with intellectual disabilities. Established in 1917, at its peak the hospital was home to approximately 650 patients and provided employment for an almost equal number of staff. The hospital was closed in the late 1990s/early 2000s.
- 2.9 The current owner, Rookwood Holdings, represented by Mr Mauger and Mr Simon Tucker, told me in evidence that following closure of the hospital, the District Health Board (DHB) sought to redevelop the site for residential use but this was found to be unacceptable due to airport noise issues.
- 2.10 During the hearing no one was able to shed much light on the above DHB initiatives and this is where Mr Punselie research and report usefully filled into gaps. Mr Punselie was able to advise that :
- *In 1995 Health link South Ltd (now Canterbury District Health Board) lodged a submission seeking relief that would change the wording of Rule 2.1 in Part 8 so that it would create a "default" living zone for the site.*
  - *At a hearing in early 1998 Healthlink South Ltd gave evidence that the site was unlikely to continue as a health facility as defined in the City Plan. It outlined that the decision sought had been to rezone the underlying zone of Templeton Hospital to Living 1 but, in the time since the submission had been lodged, this had been reassessed and refined and now a Living 1 Templeton zone was being sought. This zoning would provide for 435 lots with minimum lot sizes of 700m<sup>2</sup>, an average size of 1000m<sup>2</sup> and sites of 1500m<sup>2</sup> plus around the periphery to provide a buffer from the neighbouring rural zone. A concept plan for this development was produced at the hearing.*
  - *In February 1999, before the Council had considered its panel's recommendation, CIAL and CRC applied to the Environment Court for a declaration. After a defended hearing the Court made a declaration in May 1999 that:*  
  
*("-- - - the Council has no power to amend Clause 2.1 in the Special Purpose (Hospital) Zone section of the plan to provide for residential activities to be carried out on the Templeton Hospital land under a default zoning unless the Council amends its clause 7 summary and refortifies the availability of it so that any interested persons may lodge further submissions if they wish to."*
  - *Health link South Limited appealed this decision to the High Court. In December 1999 the High Court dismissed the appeal.*
- 2.11 As a result of these proceedings, it is clear to me that the rule was not amended as sought by Healthlink South Limited and the concept plan produced at the Council hearing did not develop into either a subdivision consent application or a plan change request.

Recent site History: 2003 – 2007

- 2.12 Mr Mauger advised me that in September 2003 Rookwood were approached by a real estate agent who enquired if he was interested in purchasing the Templeton Hospital site (known as Maddison Park). He further advised that after an inspection and investigation the company felt that *“there was potential for this property to be an area which would benefit the local population as well as being an asset for the City of Christchurch in the long term”*. He said the substantial buildings and infrastructure which have potential for reuse and the park like environment that exists (because of the many mature trees) were all factors in Rookwood’s decision to purchase the land.
- 2.13 The site was purchased by Rookwood in 2003 and the decision was made that none of the existing buildings on the site would be removed as Rookwood considered they had potential for reuse.
- 2.14 Mr Mauger also advised (and this was confirmed by representatives of Westmount School) that an approach from Westmount School, who had been required to vacate the School property in Briggs Road which they were using, was received in 2004 to see whether some of the Maddison Park buildings could be leased for educational purposes. I was advised that this was duly agreed to, and the school obtained resource consent from the CCC in 2006 for limited duration of 10 years. The School Trustees refurbished the buildings required and also use the Hall, Gymnasium, Sports Pavilion and the Playing field. One hundred and sixty school pupils come from Ashburton, Rangiora and Christchurch daily.
- 2.15 The resource consent for the school expires in 2016; a point confirmed by Mr Long. Mr Mauger proffered that although further consent could be sought to continue operation of the school, he understood that Council staff did not consider it appropriate to make general provision for a school within the new zoning given the site's location under the airport noise contours. This is a matter germane to the CIAL submission and I return to this under the heading of *“Airport Issues (Noise Sensitive Activities)”* in Section 9 of this report.
- 2.16 Other past and present uses of the site in this period as advised by Mr Mauger are:
- The former Main Headquarters Block has been used for the correction of Canterbury’s troubled youth by the Blue Light Organisation together with the Canterbury Youth Development Trust.
  - The property and existing roading network available to the Proactive Drive Youth Driver Education Trust. Proactive Drive is provided at no cost to Secondary College students for practical driver training courses.

Plan Change 23: 2008 - 2010

- 2.17 Mr Mauger advised that he was tasked by Rookwood with investigating the possibilities of the type of development that would be acceptable to the CCC and the Airport authority.
- 2.18 He advised that he approached the CIAL and enquired as to their opinion as to what they would consider would be acceptable for the area. The indication he received was that a Business Park development would most likely satisfy their requirements. From his discussions with CCC asset managers he noted that the site is fully serviced with infrastructure of, sewer, power, telephone, high pressure artesian water and a sealed roading network throughout the property.
- 2.19 I was told Rookwood then engaged a range of technical consultants to prepare a plan change proposal for a business park; known as PC23. Rookwood subsequently sought rezoning of the site as a new Business 4M zone through Plan Change 23 (PC23). The Business 4M zone provided for a range of business activities, including offices, light industrial and warehousing uses, as well as educational and recreational activities. It proposed retention of existing trees and lower building density (ranging from 25% to 40%).
- 2.20 PC23 was notified for submissions and further submissions in in 2009. I was advised by Ms Eveleigh that following a hearing before an independent commissioner in February 2010, a decision to decline the plan change was issued in April 2010. Ms Eveleigh explained that PC23 was declined by the Council *on the basis that it failed to achieve the settled objectives of the City Plan particularly as they relate to urban consolidation.*
- 2.21 Ms Eveleigh told me that Rookwood decided to appeal the CCC decision to decline PC23. She also advised that in tandem with pursuing PC23, Rookwood made submissions on Proposed Change 1 (PC1) to the Regional Policy Statement (RPS) seeking that the site be included within the urban limit and that provision be made for business development. She advised that:
- The PC1 Commissioners recognised the unique brownfield nature of the site and the difficulties associated with retaining the status quo.
  - The PC1 Commissioners agreed that the potential for degradation of existing buildings and other infrastructure if a financially viable reuse of the site was not developed warranted a special policy to cater for the site and other similar sites.
  - Despite the provision made by the PC1 Commissioners, it became apparent during the Plan Change 23 hearing that there was room for argument as to the interpretation of the policy. Accordingly, Rookwood

decided to appeal the PC1 decision to seek clarification of the policy or inclusion of the site within the urban limit.

- 2.22 Ms Eveleigh concluded the background by advising that Rookwood eventually withdrew its appeal against the CCC decision on PC23 and although its appeal on the PC1 decision is still 'alive', it is probable that Rookwood will withdraw that appeal pending the outcome of the decision on PC66.
- 2.23 I appreciate that this is a rather comprehensive background to the Plan Change but this is critical in terms of my assessment of the issues raised by submitters (particularly the issue of whether an adequate section 32 process and assessment has been undertaken) and by the various Council advisors. I thank all those parties who contributed to my understanding of this background. This précis will be re-visited later in my report.

### **Current Zoning**

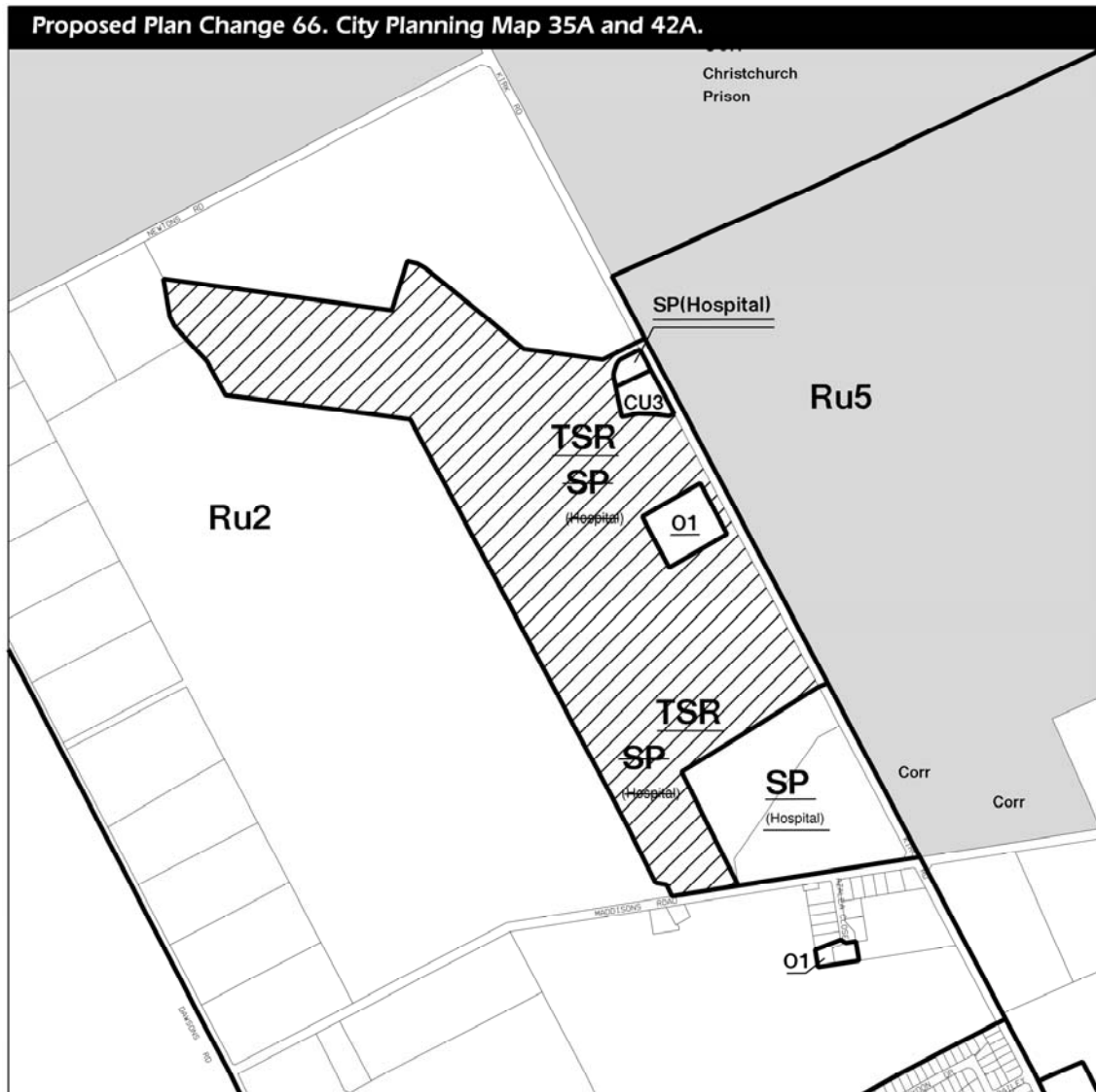
- 2.24 The site is currently zoned Special Purpose (Hospital), reflecting its former use. The zone description specifies that the zone is "*intended to facilitate the further development of hospital sites and associated health care complexes, including the provision of associated activities and support services appropriate to the primary health care function of the site*".
- 2.25 It was common ground for all parties to the hearing the above existing zoning intention is not realised for this site. The site<sup>1</sup> has no existing or obvious future health care function.
- 2.26 Both Mr Long and Ms Eveleigh advised me that, under the existing zoning, for those activities which are not health care activities, the Rural 2 rules apply. The rules primarily provide for rural activities, defined as "*the use of land or buildings for the purposes of agricultural, horticultural or pastoral farming; intensive livestock management; boarding or training of animals; outdoor recreation activity; or forestry; and may include a residential unit*".
- 2.27 The site has extensive existing infrastructure, including roading and around 20 former hospital and infrastructure buildings. That infrastructure prevents use of the site for many traditional rural uses and it is generally accepted by most submitters (with perhaps the exception of Ms Harnett) that the cost of removing that infrastructure is such that a restoration of this site for rural use (as permitted in the Rural 2 zone) is not financially viable.

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<sup>1</sup> As subject to PC66. A 6 hectare portion of the Special Purpose (Hospital) zone is to be retained to provide for the Brackenridge residential health care facility.

### Plan Change 66 (PC66)

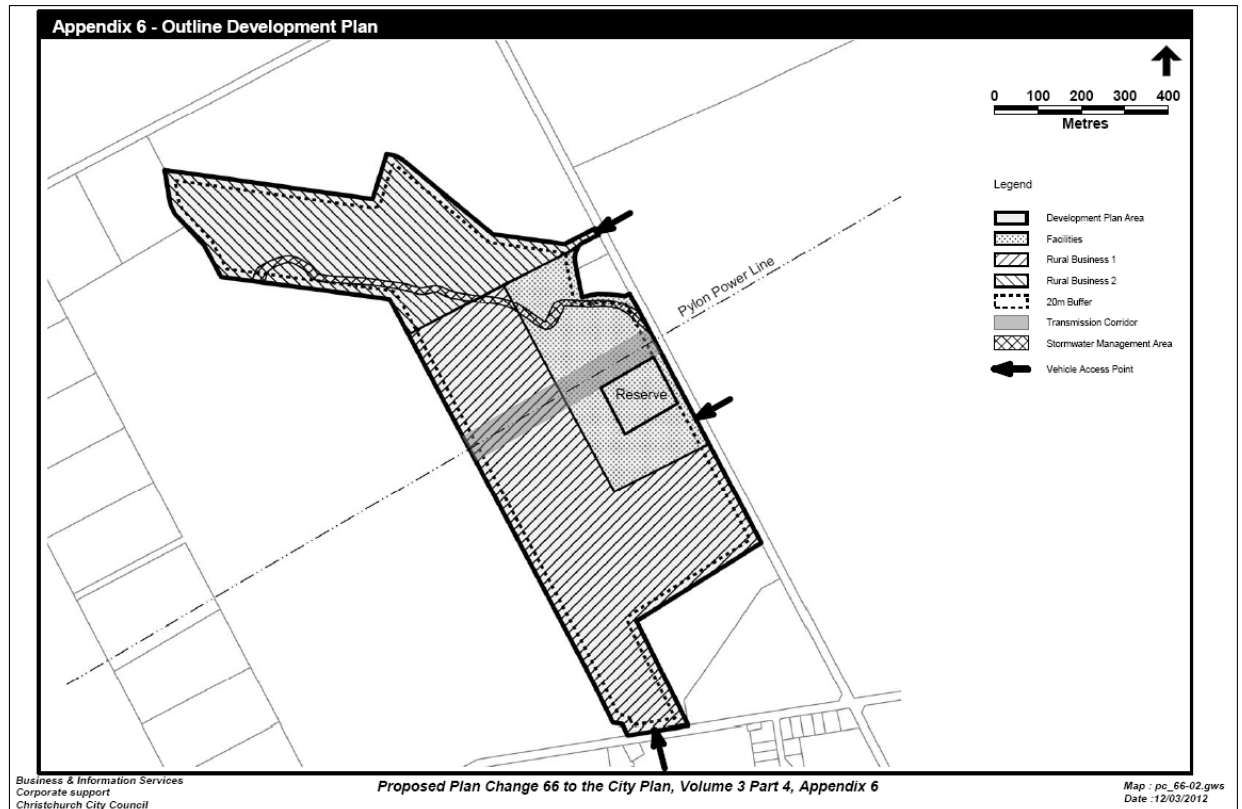
- 2.28 PC66 proposes a new zone – the Templeton Special Rural zone, which provides for a range of rural business activities. It seeks to provide a consolidated hub for rural business and research activities which might otherwise be located throughout the rural zone.
- 2.29 The zoning pattern introduced by PC66 is shown on the plan below.



- 2.30 The new Templeton Special Rural zone relies partly on existing provisions in Volume 2 Part 13 (Rural) and Volume 3 Part 4 (Rural Zone) of the City Plan. One new policy is proposed as well as a new zone description and a number of additional rules specific to this zone. This model follows the same format as other rural zones within the City Plan and the same cascade of activity classes applies as for other zones. The Plan Change also includes necessary consequential changes and amendments to the text of the City Plan.

2.31 One of the key features of the zone, and similar to other new zones (such as the Living G zone) introduced since the City Plan became operative in 2006, is the provision of an Outline Development Plan (ODP). The ODP shows the location of precincts, access points to Kirk/Maddisons Road, an electricity transmission corridor, open space, and stormwater management utilities.

2.32 The ODP in PC66 guides all site development and is set out below:



2.33 Within the zone (the ODP and rules package) there are three precincts:

(a) The Rural Business 1 precinct:

- This is located in the southern portion of the site.
- As outlined in the zone description, it provides for a low density built environment<sup>2</sup> with a significant landscaping component<sup>3</sup>, but also with a focus on achieving sufficient returns to facilitate remediation of the site. This is achieved through the comparatively greater site coverage and provision for smaller lot sizes<sup>4</sup> within this precinct.
- The zone description anticipates that activities to locate in the precinct might include processing of agricultural or horticultural produce, rural research facilities, farm machinery sales or hire, rural contracting businesses, warehousing of rural produce or supplies, rural based light engineering or mechanical repairs, and similar uses.

<sup>2</sup> 20% under Community standard 2.4.9, 30% under Critical standard 2.5.4

<sup>3</sup> Minimum 20%, up to 2000m<sup>2</sup> under Community standard 2.4.10

<sup>4</sup> 2500m<sup>2</sup> minimum, Critical standard 4.3.1

- (b) The Rural Business 2 precinct:
- This located in the north of the site, provides for a lower density built environment<sup>5</sup> and larger minimum lot sizes<sup>6</sup>.
  - The zone description anticipates that activities which might locate in this precinct include a vet clinic, equestrian centre, small scale agriculture or horticulture, rural research facilities, landscape supplies, depots for strategic infrastructure and similar uses.
- (c) The Facilities precinct:
- This contains the existing pool/gymnasium and is located in the east.
  - In addition to the existing recreational facilities, it is anticipated that permitted food outlets and similar activities to service the zone will be located in this precinct. Retail activities are restricted<sup>7</sup> to a maximum gross leasable floor area of 250m<sup>2</sup> and must also meet the definition of "rural activities" for the zone. The site coverage, lot size and landscaping provisions are the same as for the Rural Business 1 precinct, and it is anticipated that other uses within the Facilities precinct will be similar to those in the Rural Business 1 precinct.

2.34 The ODP and rules package in PC66 also provide for a 20m landscape buffer around the perimeter, with a further 5m setback for buildings, outdoor storage and signage. In addition to this landscaping requirement throughout the zone and shelterbelt provision within the landscape buffer, rules<sup>8</sup> also require that a minimum of 80 existing established trees be retained.

2.35 In essence, the purpose of this proposed Plan Change, therefore, is to enhance and rejuvenate the former hospital site. This is proposed to be achieved principally by changing the existing and redundant special purpose hospital zoning and replacing it with a new rural zone with new rules including the introduction of rules aimed at increasing the density of activity, whilst minimising the potential for adverse environmental effects.

2.36 As such, PC66 can be considered as policy enabling rural intensification on a specific Templeton site should there be demand for it.

### **Notification and Submissions**

2.37 The Plan Change was notified on 5 May 2012 with submissions closing on 1 June 2012 and further submissions closing on 29 June 2012. A total of 19 submissions and 5 further submissions were received on Plan Change 66. Submissions received seek a range of outcomes; from the adoption of the proposed change through to its withdrawal. Many submissions sought amendments to the content of the provisions within the City Plan.

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<sup>5</sup> 10% under Community standard 2.4.9, 20% under Critical standard 2.5.4

<sup>6</sup> 1 hectare minimum, Critical standard 4.3.1

<sup>7</sup> Critical standard 2.5.6

<sup>8</sup> Critical standard 2.5.12

## The Hearing

- 2.38 The hearing was convened on the 15<sup>th</sup> August 2012 at Committee Room 2, Level 2, Civic Offices, 53 Hereford Street Christchurch. I heard from the people listed on page 3 of this report (record of attendance) during the course of the hearing. This included:
- Council advisors (planning, traffic, servicing, noise and landscape)
  - Landowner and submitter – Rookwood Holdings Ltd
  - Submitters - including CIAL, CRC, local residents and associations, adjoining neighbours, tenants in the subject site and other submitters.
- 2.39 I opened the hearing at the scheduled time of 9.15am on 15<sup>th</sup> August and after initial introductions and procedural issues, including agreement on the sequence of presentations, the hearing commenced with the presentations by Mr Andrew Long and the other Council Advisors.
- 2.40 This was followed by individual presentations from submitters. I exercised my opportunity to question all persons present.
- 2.41 I have also read all the submission notices by those submitters who chose not to attend/were unable to attend the hearing.
- Nova Trust - 43 Newtons Road
  - Department of Corrections
  - Brian Kenny - 33 Maddisons Road
  - Laura Kenny - 33 Maddisons Road
  - Stephen and Valerie - 177 Maddisons Road
  - Elisa-Jane Currie - 250 Dawsons Road
  - Paul Brian Currie- 250 Dawsons Road
  - Waaka Wiremu Harris-Tatana -175 Maddisons Road
  - Kirsten Louise Harris-Tatana -175 Maddisons Road
  - New Zealand Transport Agency
  - Canterbury Regional Council
  - Transpower New Zealand Limited
  - New Zealand Fire Service Commission.
- 2.42 In terms of the last three of the above submitters, I note that I also had the benefit of reading the prepared statements tabled at the hearing (in lieu of attendance) by the Fire Service, Transpower and the Canterbury Regional Council.
- 2.43 The submission included the full spectrum of decision relief; namely, support opposition and conditional support. I have not produced a full précis of the evidence produced by the above submitters. This is because full copies of the original evidence are held on the Council's file along with the reports from Mr Long and the Council advisors.

- 2.44 Also, I will not be repeating this evidence verbatim, but will draw on it during my appraisal of the various submission issues in sections 6 to 11 of this recommended decision report.

### **Hearing Adjournment**

- 2.45 At the end of hearing with the completion of submissions, I granted an adjournment to the hearing to enable the Council advisors to consider the material presented and to prepare their summary reports.
- 2.46 The hearing was adjourned for four reasons, namely:
- (a) To enable me to undertake further site and locality visits;
  - (b) To seek further technical advice from the Council advisors, including legal advice on some issues of scope that arose during the course of the hearing;
  - (c) To enable some conferencing of the landowner, CIAL and Council regarding three matters I raised in the course of the hearing relating to airport issues; and
  - (d) To consider whether I had sufficient information in which to undertake deliberations and produce a recommendation to the Council.
- 2.47 In order to record these matters, I produced a Minute so that all parties had a record as to the reasons why the hearing was adjourned and the nature of the further information required by me. The Minute was dated 23 August 2012 and is attached as **Appendix 1** to this report.

### **Results of Conferencing**

- 2.48 As referred to above, I directed that caucusing occur between the parties to review the provisions of Plan Change 66 as confined specifically to rules relating to the following two airport related issues:
- (a) The provision of stormwater management systems and the avoidance of bird-strike under the approach path to the Christchurch International Airport;
  - (b) The location of noise sensitive activities under the airport noise contours.
- 2.49 I was advised that a meeting was held at the Civic Offices on 6 September 2012. The personnel involved in the caucusing were Mr Andrew Long (Senior Planner for the CCC), Mr Matthew Bonis (planning consultant for the Christchurch International Airport Limited), and Ms Sarah Eveleigh (counsel for Rookwood Holdings Limited). It was also recorded that Mr Warner

Mauger and Mr Simon Tucker were also present for Rookwood Holdings Limited.

- 2.50 I was presented with a signed joint statement dated 12 September 2012 which stated that the parties had reached agreement on the matters highlighted in my minute of 23 August 2012. The parties agreed that the joint statement and the attached amended plan change document be provided to me as an attachment to the Closing Statement of Mr Long, which it duly was. I attach a copy of this statement as **Appendix 2** to this recommendation as it forms the basis for many of the conclusions I have reached in the remainder of this recommended decision report.

**Closing Comments from CCC Planner**

- 2.51 The final act of the hearing process was completed in 25 September when Mr Punselie sent me a copy of Mr Long’s closing statement. That statement addressed matters discussed in the Hearing from Mr Warner Mauger, the Canterbury Regional Council, Ms Sara Harnett, Westmount School (Mr John Frizzell and Mr Brendon Suckling), Templeton Residents Association (Mr Pederson), ASP Group Ltd (Mr Mark Allan and Mr Arthur Pearce), New Zealand Fire Service Commission, Christchurch International Airport Limited (Ms Tania Lowe, Mr Ken McAnergney and Mr Matt Bonis), and Rookwood Holdings Limited (Ms Sarah Eveleigh).
- 2.52 Mr Long’s closing statement specifically addressed the following matters raised during the course of the hearing:
- (a) The Regional Policy Statement;
  - (b) Whether the plan change should facilitate education facilities;
  - (c) Whether the plan change should provide for custodial residences;
  - (d) Avoidance of bird strike;
  - (e) Definition of ‘rural activity’ and ‘strategic infrastructure’;
  - (f) Consistency in bulk and location provisions; and
  - (g) The landscape buffer to the western boundary of the site.
- 2.53 In addition to also including the joint conferencing statement as Attachment 1 to his closing, Mr Long also included the modified plan change document as Attachment 2; which reflected the discussions at the conferencing and his closing comments.
- 2.54 On the above basis and having determined that I had sufficient information to properly consider the matter and make my recommendations, I duly closed the hearing on 5 October 2012.

### 3. STATUTORY CONSIDERATIONS

#### General Statutory Requirements under the Act

- 3.1 Under section 34A of the Act, the Council cannot delegate its function of approving plan changes. In addressing the issues raised by submitters, I can therefore only make recommendations to the Council.
- 3.2 In formulating and arriving at a recommendation on the proposed PC66, I am required to take account of the provisions of section 74 of the Act apply, including the following matters of relevance:
- a) the extent to which PC66 achieves the purpose and principles of the Act (Part 2);
  - b) consideration of PC66 in light of the Council's functions as set out in Section 31;
  - c) the extent to which PC66 is necessary in terms of Section 32 and is the most effective and efficient means of achieving the desired outcome;
  - d) the extent to which PC66 is consistent with the Canterbury Regional Policy Statement and any Regional Plans;
  - e) the extent to which the proposed plan change is consistent with the any National Policy Statements and the New Zealand Coastal Policy Statement;
  - f) the extent to which PC66 is consistent with the operative City Plan.
- 3.3 I also have an obligation under s10(1), Schedule 1, Part 1, to consider (and make a decision on) the submissions and further submissions received on the proposed plan change. An assessment of how PC66 deals with any adverse effects on the environment is also required.

#### Part 2

- 3.4 I must also have regard to whether PC66 meets the purpose and principles of the Act under Part 2, including:
- Section 5 – the promotion of the sustainable management of the natural and physical resources of the District;
  - Section 6 – matters of national importance, which in this instance are not a relevant consideration for this plan change; and

- Section 7 – other matter, which include the following relevant considerations:

*(b) The efficient use and development of natural and physical resources;*

*(c) The maintenance and enhancement of amenity values;*

*(f) Maintenance and enhancement of the quality of the environment.*

### **Section 31**

- 3.5 Section 31 is also relevant to my considerations of PC66. That section sets out the functions of the District Council under the Resource Management Act, those relevant being:

*(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;*

*(b) The control of any actual or potential effects of the use, development, or protection of land...*

*(c) The control of subdivision of land.*

### **Section 32**

- 3.6 In regard to Section 32, which is the driving force behind any plan change, Council prepared an assessment prior to the notification of the proposed PC66 in accordance with the requirements of s32(1)(c).

- 3.7 Prior to issuing its decision under Clause 10, the Council must also undertake a further evaluation under s32(2)(a). The content of my report should be regarded as this further evaluation, with the focus being on how to most effectively address matters raised by submitters.

### **Evaluation**

- 3.8 My evaluation of PC66 in terms of its accord with Sections 31, 32 and 74 and Part 2 is contained in Section 12 of this recommended decision report.

#### 4. OVERVIEW OF SUBMISSIONS TO PLAN CHANGE 66

##### Numbers and Categories of Submission

- 4.1 Nineteen notices of submission were lodged to PC66 and 5 further submissions were received to those initial submissions lodged on Plan Change 66. There were no late submissions received. In total there were approximately 76 decision points requested amongst the submissions and a further 66 decision points were also made by the 5 further submitters giving a total of 142 decision points to be considered.
- 4.2 The general issues contained within the decision points raised by the submissions and further submissions are divided into a number of groups below:
- (a) General support and opposition (Section 6)
  - (b) Rural Character and Amenity (Section 7)
  - (c) impact on adjoining uses / users ( Section 8)
  - (d) Airport Effects (bird strike and noise sensitive activities) (Section 9)
  - (e) Potential nuisance effects (Traffic, noise, etc.) (Section 10)
  - (f) General Planning Issues (range of activities, bulk and location etc) (Section 11)

##### Approach to Assessment

- 4.3 I have used these categories as the basis for the assessment that follows. Due to the sheer number of submission / further submission decision points, this recommendation report does not contain specific recommendations on each and every submission point but instead discusses the various submissions under the grouped issues outlined above. Specific recommendations, drawing on this issue by issue assessment, on whether to accept, accept in part or reject the individual submissions and further submission under each issue are however contained in tabular format in **Appendix 3** to this report. **Appendix 4** contains the revised text for Proposed Plan Change 66.
- 4.4 Prior to assessing the submissions, some issues relating to this Plan Change have arisen which require some preliminary comment. These are discussed in the following section.

## 5. PRELIMINARY/GENERAL ISSUES ARISING

### Overview

- 5.1 PC66 and submissions received have raised some general issues/procedural preliminary issues which are dealt with initially here as they relate too many of the submissions and further submissions that are discussed in Sections 6-11 dealing with the grouped substantive issues.
- 5.2 These preliminary issues are as follows:
- (a) General scope issues
  - (b) Further submissions
- 5.3 As for the substantive issues, specific recommendations to accept, accept in part or reject the individual submissions concerned in respect to these preliminary matters are also contained in **Appendix 3**.

### General Scope of PC66

- 5.4 The brief for the post PC23 investigation by the CCC and Rookwood Holdings (the landowner) defined the area of interest and ultimately this defined the scope of area for PC66. As such PC66 relates to a limited geographical area and there is no scope for altering zoning or provisions relating to other parts of Templeton or the rural zone generally.
- 5.5 Likewise, the Plan Change sits within a process for a 'review' of the Operative City Plan. This relates to a potential for a change in zoning or the planning framework for this particular site only; it does not extend to actual changes in activities in the other rural zones or the wider City Plan. Accordingly, aside from changes in rules affecting subdivision and density, PC66 represents a continuation of the special rural zoning philosophy for the subject area.
- 5.6 Similarly PC66 does not affect or preclude other non RMA processes such as capital works programmes and design guideline programmes from occurring. To this end, I note that:
- (a) Firstly, the LTCP process undertaken by the Council will set the parameters for Development Contribution policies that will determine the ability or otherwise of the Council to "acquire" land and "compensate" property owners. Landowners have every opportunity to become involved in the LTCP process which is reviewed and updated yearly along with the Annual Plan.
  - (b) Secondly, the Council has its own guidelines for subdivision in the Christchurch district. Many of the themes associated with PC66 such as connectivity/linkages, street scene, and safety and security issues, are

comprehensively canvassed in those guidelines. I assume that in considering further subdivision, that both subdividers and the Council will have regard to those guidelines.

- (c) Thirdly, relief specifying roading upgrades of local roads (Kirk and Maddisons Roads) and to reduce the speed limit on certain roads (the Kirk/Maddisons Roads intersection to Newtons Road) are beyond my jurisdiction. Even if they were within my jurisdiction, the uncontested evidence of Mr Penny evidence (see section 10 of this decision) does not suggest that such measures are warranted.

- 5.7 For the above reasons, I conclude that the scope of PC66 is well defined geographically and in terms of subject matter. Submissions which fall outside those identified parameters cannot be considered.

#### **Further Submissions**

- 5.8 In total, 5 further submissions were received on Proposed Plan Change 66. The further submitters seek to oppose or support the original submissions; stating (in most cases) which particular parts of the original submission their further submission relates and the reasons for their support or opposition. Some of the further submissions were supported by information explaining their reasons. I do not have any problem with this.

- 5.9 However, some further submissions also introduced new matters (i.e. the matters were not discussed within the original submissions). I do have a problem with this for the following reasons:

- (a) As defined under Clause 8 of the First Schedule of the Resource Management Act 1991, any person may make a further submission, but are confined to either support or oppose the original submissions and cannot introduce additional matters.

- (b) The further submission procedure is designed to ensure there is widespread public knowledge of any proposal which may have been introduced by a submitter rather than re-litigating the original Plan Change.

- 5.10 Thus, it is clear that I am not in a position to consider any new information introduced through further submissions. I have therefore confined my assessment of issues to those contained within the original submissions and simply noted whether there is support or opposition of these initial submissions by the further submitters.

- 5.11 Having dealt with this general issues/procedural preliminary issues, I now turn my focus to the grouped substantive issues beginning with submissions expressing general support/opposition for/to PC66.

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## 6 SUBMISSIONS EXPRESSING GENERAL SUPPORT/OPPOSITION FOR/TO PC66

### Preamble

- 6.1 As a general introduction to this discussion, I wish to record my understanding of the differing views which separated PC66's opponents from its proponents; in particular the themes underpinning the opposition (i.e. seeking that the site revert to a generic rural zoning) versus the themes associated with support (i.e. the desire to create a specific and consolidated hub for rural business and research activities).
- 6.2 To this end, I believe a key consideration lies with the actual triggers which brings PC66's provisions "into play". In this respect, and as I outlined in my *Minute to the Parties* following the hearing adjournment, the need for unambiguous rules regarding permitted activities and standards controlling effects is critical. This is a matter that is covered further in section 11 of this decision report relating to *General Planning Issues*. It is suffice to say here however, that some tightening of the provisions in the Plan Change as notified is warranted in order to control the range of activities that can establish but also to control the effects associated with permitted activities.
- 6.3 In this regard, I see this tightening as necessary to generally meet the concerns of submitters but at the same time I don't believe it will unduly compromise the current landowners' ability to develop the land to a reasonable potential.
- 6.4 Furthermore, I believe that the findings in my recommendations that follow at the end of this report reflect a careful and suitable balance of the conflicting views; and, perhaps more appropriately, achieve the most efficient and effective outcomes in terms of meeting both the purposes of the Act and the objectives of the City Plan.
- 6.5 With that established I will now turn to my evaluation of the key issues and matters raised by submissions; starting with those submissions which express either generic support or opposition for PC66.

### Evaluation

- 6.6 A proportion of the submissions simply seek the withdrawal/cancellation or approval of proposed PC66.
- 6.7 On one hand there are submissions<sup>9</sup> opposed to PC66 which are generally based on perceived adverse effects of the zoning associated with traffic, noise and loss of land for traditional rural farming. To that extent, I note that

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<sup>9</sup> Sara Jane Harnett; Stephen Wright; Valerie Wright; Elisa-Jane Currie; Paul Brian Currie; Waaka Wiremu Harris-Tatana; Kirsten Louise Harris-Tatana

those generic submissions are in total opposition to PC66 as opposed to making any specific alterations. Conversely, other submissions (namely the landowners<sup>10</sup>) seek the approval of PC66 without modification.

6.8 It is not possible for me to make a final ruling on such submissions without firstly considering the various issues that underpin PC66. I do this in on an issue by issue analysis basis in Sections 7-11 of this report. However, and without prejudging the outcome, it is obvious to me that there has been a clear and well-articulated intention from the Council that the Special Purpose Hospital zone and the Rural 2 zone over the subject land would be no more than “holding mechanisms” until a revised strategy was formulated for the on-going development of this previously intensively used site Templeton. In support of this I note that:

- (a) The intent and purpose of the Proposed Plan Change is to alter the zoning over a former and redundant health facility to allow for an increase in rural activity/density, whilst minimising the potential for adverse environmental effects;
- (b) The range of investigations and processes already undertaken, along with the decisions under PC1, indicate a “general fit” for this brownfields site;
- (c) Expanded rural activity is a legitimate method by which to bring about an increase in rural density.
- (d) Expanded rural activities can however create effects, including adverse effects on the amenity values of the area and the social well-being and health of residents.
- (e) The Plan Change process – including the submissions to it - is an appropriate vehicle considering the ability to expand rural activities while protecting the area from adverse effects.

6.9 In this respect, I accept that PC66 is a well-researched document aimed at reducing some of these effects and ensuring the area is well integrated into the urban form by requiring all development to comply with an Outline Development Plan along with strict rules on activities and standards controlling the effects of activities.

6.10 In terms of the above, and as a starting point, I accept that PC66 does represent a valid technique to give effect to the managing the transition of the former hospital area from a brownfields site to a rural hub.

6.11 Notwithstanding the above, it is clear to me that the provisions of PC66 should not be implemented at all costs. As such, it is imperative that before I

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<sup>10</sup> Rookwood Holdings/Warner James Mauger

make a recommendation concerning the rejection or confirmation of PC66 (with or without modification) that I consider each category of submission issue in the first instance.

- 6.12 Accordingly, I am unable to simply accept those submissions that seek categorical acceptance or rejection of PC66. On this basis, I do not support the relief sought to simply withdraw/cancel PC66; I recommend that any submission points seeking this be rejected.
- 6.13 A number of submissions received were in general support of PC66 as notified. I recommend that these submissions are accepted in part insofar as they support PC66, subject to those recommended amendments made to PC66 in response to submissions.

## 7 SUBMISSIONS RELATING TO RURAL CHARACTER AND AMENITY

### Submissions

7.1 Mr Long summarised the following three submission groups which directly address this matter:

- S5 D5 (Sara Jane Harnett) considered that PC66 will fail to maintain the rural character of the area and seeks the plan change be declined in its entirety.
- S9 D1 (ECan) support the plan change subject to amendments (supported by Department of Corrections (F2) and opposed by Rookwood Holdings Ltd (F41)).
- S10 D1, D9, (ASP Group) offer support in part, subject to amendments.

### Evaluation

7.2 As a context to addressing these submission on rural character and amenity, I note the following characteristics of the area based on my own site and locality visits and from the evidence led at the hearing from Council and submitters:

- The site is located in a rural area, but a rural area which contains a variety of healthcare, institutional, educational, residential and rural uses.
- The site itself was formerly a hospital – a large non rural and institutional use with extensive built infrastructure giving it a semi urban appearance.
- PC66 has sought to protect this through the retention and maintenance of the existing shelterbelt and a significant number of specimen trees, and controls over building setbacks, site density, and lot size.

7.3 On the above basis, it is clear to me that whilst there are some uses atypical to rural areas, there is nevertheless a reasonable degree of rural character and amenity in the area – something that landscape architects (such as Ms Lewthwaite) involved with assessing PC66 have noted.

7.4 The submission by **Ms Harnett (S5 D5)** sought that the plan change be declined because it will fail to maintain the rural character of the area. In response, I heard the following from the CCC reporting officers:

- Mr Long drew my attention to the policy provisions in the City Plan at Volume 2 Section 13 Objective 13.4 (Rural amenity values) which states that *“over the rural area as a whole, rural amenity values, including visual*

*character, heritage values, cultural and recreational opportunities are maintained and whenever possible enhanced, and adverse effects of activities are recognised and controlled". Rural amenity is described in the explanation to this objective as "including a sense of open space, a low density (albeit variable) character, high levels of privacy, trees and forests, and a clear dominance of open space over the built environment. Rural character is however of variable quality".*

- Mr Long also pointed to the number of activities not considered traditionally rural at and around the plan change site, including the former hospital, two prisons, the Brackenridge Residential Estate, Nova Trust Drug and Alcohol Rehabilitation Centre, and the Waitaha Learning Centre – a theme I had also noted from my own site visits.
- Evidence from Ms Hannah Lewthwaite (Senior Landscape Architect, Christchurch City Council) was that PC66 as proposed will meet the relevant City Plan objectives, including Objective 13.4 above.

7.5 On the above basis, Mr Long therefore recommended that therefore S5 D5 be rejected and I concur with this.

7.6 **ECan Submission S9 D1** (supported by Corrections and opposed by Rookwood) sought that that Policy 13.4.7 be amended by adding a new clause (b) to ensure development occurs in a manner consistent with the rural character of the area and the ODP. Mr Long noted that this strengthening of the policy framework would be of benefit to Council in determining resource consent applications. I agree and note that it may also satisfy in part the earlier submission by Mrs Harnett regarding maintaining the rural character of the area without the extreme measure of rejecting the plan change in total.

7.7 On the above basis Mr Long recommended accepting S9 D1 (Ecan), F2 (Corrections), and rejecting F41 (Rookwood Holdings Ltd). Again I agree.

7.8 Two submissions by **ASP Group (S10) - D1 and D9** - both sought to modify PC66 as follows:

- Modify Policy 13.4.7 (including text to highlight the character and amenity of the area),
- Modify Rule 2.5.3 (including a cross-reference to Rule 2.4.10).

7.9 There was agreement by the CCC Officers that the changes sought to Policy 13.4.7 add to the intent of the policy rather than amend the intent. They are considered relatively minor, as is the modification sought to Rule 2.5.3. Their recommendation to accepting S10 D1 and D9 is adopted.

## SUBMISSIONS RELATING TO IMPACT ON ADJOINING USES / USERS

### Submissions

- 8.1 There was a group of submissions dealing with effects of the zoning change on adjoining users. Submissions S3 D1 (Nova Trust), S6 D1 (Department of Corrections) and S10 D7-10 (ASP Group) all commented on the impact of PC66 on adjoining uses/users. Each of these submitters owns land adjoining the site
- 8.2 A further submission from **Rookwood Holdings Ltd** opposed S10 (ASP Group) D10 (F44); however, further submissions from the **Department of Corrections (F3, F4, and F5)** were in support of S10 D7 - D10.
- 8.3 The first two of the above initial submissions are relatively straightforward and can be summarily dealt with as follows:
- **S3 D1 (Nova Trust)** does not seek a decision, but asks the Council to advise what type of activity might establish on the plan change site, particularly in the north near the Nova Trust centre. There is no decision per se required from me on this particular submission point but, based on the advice of Mr Long, I am able to address this matter later in this decision in section 10 in relation to S9 D5 (ECan) and the subject of the range of activities possible at the site.
  - **S6 D1 (Department of Corrections)** requests the plan change takes into account the potential expansion of the Men's Prison east of the plan change site and any reverse sensitivity matters which might then arise. I did not hear directly from the Department but read their notice of submission in full. This land has a designation in favour of the Minister of Corrections for use as a prison but is currently used for horticulture. Mr Long recommended that I accept S6 D1 and include the following text to 'Environmental Results Expected (at 1.11 Zone Description): *Development which is managed so as to avoid reverse sensitivity issues affecting lawfully established operations on the nearby Corrections designated land.* I concur with this in the circumstances and adopt that recommendation in relation to this established and important institutional physical resource.
- 8.4 The third group of submissions is more complex. **ASP Group (S10)** has with **submissions D7, D8 and D10** sought a number of amendments to PC66 to strengthen the buffering around the proposed Templeton Special Rural Zone. ASP Group's submission explains they wish to ensure that the potential for reverse sensitivity is minimised.
- 8.5 Before assessing this group of submission in more detail, I wish to record the following characteristics of the submitter and their property as advised by

their representatives Mr Arthur Pearce (Director, ASP Group Ltd) and Mr Mark Allan, (Consultant Planner, Aurecon).

8.6 The key information important to understanding the ASP submission is as follows:

- Mr Pearce and Mr Allan advised me that ASP owns all that land between Maddisons Road and Newton Road that is west of and adjoins the PC66 site, To this extent I understand that ASP shares a common boundary with the PC66 site of approximately 1.8km.
- Mr Pearce advised me that ASP’s land holding comprises a total land area of approximately 96ha and is zoned Rural 2 Zone. The property holding contains a substantial modern residential dwelling, associated curtilage, accessory buildings, farm implement sheds, and horse training arena, all of which are located in the southeast corner of the site, in close proximity to the Maddisons Road frontage and PC66 boundary. The balance of the land is presently used for a range of agricultural activities.
- Mr Allan explained that ASP has been an active participant in recent statutory planning processes relating to the former Templeton Hospital site, specifically as a submitter opposing Private Plan Change 23 and Proposed Change 1 to the Regional Policy Statement (PC1).

8.7 From the above, and through its involvement in PC66 proceedings, it is clear to me that ASP’s overriding objective has been *“to ensure any subdivision, use and development of the former Templeton Hospital site is the most appropriate in the context of the receiving environment, and does not adversely affect the character and amenity value of its land holding in respect of visual amenity, screening, noise, security and reverse sensitivity.”*

8.8 In terms of the above comments, I now turn to assess the ASP submission on PC66 as it relate to impacts on them as an adjoining user and in particular their concern to strengthen the buffering around the proposed Templeton Special Rural Zone and to ensure that the potential for reverse sensitivity is minimised.

### **Evaluation**

8.9 **S10 (ASP Group)** submissions **D7, D8 and D10** seek a number of amendments to PC66. I address the decisions requested by ASP in the paragraphs below.

8.10 **S10 D7** (supported by Corrections at F3) requested a change to Volume 3 Part 4 Rule 2.3.1 Road Scene, to simplify the rule by reference to clause (d) to a 25m setback, rather than the existing text which refers to a 5m setback in addition to the 20m buffer described in the ODP. Although the setback distance would be the same, Mr Long preferred the existing text because it

references the ODP, which includes important contextual detail relating to the buffer. Further, other proposed rules describe activities which are not permitted within the buffer, but would be permitted within the 5m setback.

- 8.11 I note that there is very little between the intent of the ASP submission and the position of Mr Long but on balance I believe the existing clause is preferred for the reasons advanced by Mr Long. Accordingly, it is my recommendation that S10 D7 and F3 both be rejected. For the record, I believe the net benefit will be the same for ASP regardless of this decision; namely the provision of a 25 metre setback (comprised of a 20m buffer and a 5 setback on top of that).
- 8.12 S10 (ASP) D8 (supported by Corrections at F4) seeks a similar change in relation to Volume 3 Part 4 Rule 2.3.2 (Separation from neighbours) clause (d), and for the same reason I recommend rejecting S10 D8 as to that part. S10 D8, however, also requests clarification to (c)(i) and (ii) as to when provisions at clause (d) would apply and I recommend accept those changes. Similarly, I recommend accepting in part F4 (Corrections).
- 8.13 Submission D10 S10 (ASP) is the main plank of the ASP submissions and sought a range of amendments relating to landscape character provisions. S10 D10 is supported by Corrections at F5, but opposed by Rookwood Holdings Ltd at F44.
- 8.14 This submissions by ASP Group submission D10, sought some significant change to the policy and rules affecting the size and composition of a buffer area along the adjoining zone boundary. It was explained to me by Mr Allan that ASP were specifically concerned about the previous removal of parts of the shelter belt along the property boundary and the lack of certainty as to the treatment of the Zone's western boundary. Accordingly, the ASP submission proposed relief that sought to address impacts of general farming practices on adjoining landowners and any reverse sensitivity issues which may arise. The crux of the original submission on this matter was the request for a shelterbelt three rows deep and a significant bund.
- 8.15 In terms of the impact of adjoining farming practices on the plan change site and any reverse sensitivity effects, Mr Long referred me to the advice received from both Mr Russell Malthus (Senior Environmental Health Consultant) and Ms Lewthwaite (Senior Landscape Advisor CCC)
- 8.16 Mr Malthus, who was present at the hearing and spoke to his report, and noted the following:
- *Vegetation such as would be effective in minimising any spray drift from farming operations would need to be a minimum 3m in height and 1m in depth (from the Natural Resources Regional Plan), and ... a 30m buffer to residential units would also be effective. I note that the plan change requires retention / maintenance of*

*the shelterbelt (including as adjoins rural land owned by ASP Group) and includes a 5m setback on top of the 20m buffer area.*

- *When combined with the shelterbelt on the ASP Group land, it is likely that a space of almost 30m between the spray unit and any building on the plan change site would exist. Further, with shelterbelts either side of this boundary, the vegetation height and depth requirements are likely to be met.*

8.17 On the above basis, Mr Malthus advised both Mr Long and me that the provisions of PC66 are appropriate in terms of spray drift. He further advises (at paragraph 37 of his evidence) that odour could cross the boundary regardless of trees, bunds, or buffer area.

8.18 As mentioned, the original submission from ASP sought a shelterbelt three rows deep and a 3m high bund. The advice from Ms Lewthwaite was:

- Such a wide shelter belt is not necessary to be consistent with shelterbelts across Plains or for maintaining rural character.
- The single row shelterbelts predominant at the site are by to be sufficient for this.

8.19 Ms Lewthwaite also examined the potential impact of the 3m high bund, finding that such would not be necessary in achieving rural amenity. Ms Lewthwaite suggested that some of the modifications sought to Rule 2.5.12, although not critical to the plan change, could be addressed in the ODP.

8.20 Based on the advice of Mr Malthus and Ms Lewthwaite I do not consider there is sufficient reason to include the modifications S10 D10 seeks to Rule 2.5.12 as relating to the 3m bund or three rows of shelterbelts.

8.21 However, and as mentioned previously, an agreed position on what modifications may be inserted into the ODP was presented at the hearing. In this respect, both ASP and Rookwood advised that there had been discussions between the owner of the plan change site and the submitter prior to the hearing around the form of the modifications and how they might be moulded into a form more suitable for an ODP. At the hearing an agreed position was presented to me which included:

- Shelterbelt will be established and maintained within 5m of the western boundary of the Zone;
- Shelterbelt trees will be selected from a list of suitable evergreen species;
- Shelterbelt trees will be planted at a maximum spacing of 1.5m and a minimum height of 600mm;
- Shelterbelt trees will be maintained at a minimum height at maturity of 8m;

- Shelterbelt trees will be maintained, and if dead, diseased, or damaged, will be replaced; and
- A grassed earth bund of minimum height 1.5m and width of 10m will be established on the inside of the shelterbelt.

- 8.22 I note that his agreement does not include three rows of trees or a 3m bund.
- 8.23 ASP and Mr Long presented an indicative cross-section of the 20m buffer along the western boundary illustrating the above matters. Both Mr Long and Mr Allan believed that such a cross-section should form part of the ODP (Rule 2.5.14 (Outline Development Plan – Templeton Special Rural Zone) in order to provide certainty that the outcome will be achieved. For consistency and clarity, Mr Long also recommended that Rule 2.5.12 Landscape Character is amended to refer to the cross-section in the ODP.
- 8.24 Given the almost complete agreement between the CCC reporting officer, ASP and Rookwood, it would be remiss of me not to adopt the above provisions in total. Accordingly, I can accommodate Mr Long’s recommendation to accepting in part S10 D10 and accepting F44 and F5 (in part).
- 8.25 S10 D10 also seeks to amend Rule 2.4.10 to exclude ‘outdoor storage areas’ from the buffer area. I recommend accepting S10 D10 in part and F5 (in part).
- 8.26 The final submission point by ASP related to fencing. S10 D17 sought to amend the Outline Development Plan to require a security fence erected along the zone boundary, in particular the western boundary. There are likely to be benefits for security, and Ms Lewthwaite considers that a uniform fence will avoid adverse effects associated with multiple types / heights or fencing along the boundary. Provision of fencing was part of the discussions noted in paragraph 40 and forms a part of the (soon to be) agreed package for this boundary. Mr Long originally recommended accepting S10 D17 in this regard and inserting text in the Outline Development Plan to the effect that within the 20m buffer around the Templeton Special Rural Zone, uniform mesh / wire fencing to a 1.8m height be provided.
- 8.27 At the hearing Rookwood advised that it would prefer the ODP not address fencing, and ASP Group told me that it no longer seeks relief in relation to fencing. Notwithstanding this, Mr Long still felt that there is some benefit in specifying that if further fencing is installed at the site should be generally uniform and typical of the rural area. I agree and have recommended accordingly.

## 9.0 SUBMISSIONS RAISING AIRPORT INFLUENCE ISSUES

### Submissions

- 9.1 Mr Long summarised the following three submission groups on this matter:
- S19 (CIAL) D1 Opposed in part Rule 2.5.13 Servicing – Templeton Special Rural Zone - amend (b) to ensure limited notification of CIAL for all applications to create a waterbody.
  - S19 (CIAL) D2- 14 4.3.1 - Amend the plan change to require a 4ha minimum lot size for the Templeton Special Rural Zone (including all precincts); opposed by Rookwood Holdings Ltd at F66.
  - S8 D1 (Westmount School) seeks that the plan change provide for the continued operation of the school (opposed by CRC at F25 and CIAL F68)

### CIAL Evidence

- 9.2 As a context to addressing these submissions on airport issues, I heard evidence from CIAL, Westmount School and Rookwood Holdings. In addition CRC tabled a written statement of evidence covering this and other matters.
- 9.3 The starting point of all this evidence was inevitably the presentations from CIAL. Its submissions generally fell into the following two categories:
- (a) The presence of noise sensitive activities (both residential and educational activities) within the airport Ldn 50 dBA noise contours;
  - (b) On-site water bodies (including stormwater retention) potentially increasing the risk of bird strike around the Airport.
- 9.4 That evidence from CIAL representatives largely defined why there is a potential issue regarding bird strike and noise sensitive activities in the vicinity of the noise contours and the flight path. I have précised this evidence below because it is critical to understanding the importance of the issues underpinning what is otherwise (by CIALs own admission) a reasonably innocuous proposed plan change in airport planning terms. Following that, I evaluate the respective positions of, on one side, CIAL and on the other, Westmount School and Rookwood Holdings.
- 9.5 CIAL was represented By Ms Tania Lowe a solicitor with Chapman Tripp. She called evidence from:
- Mr Ken McAnergney on CIAL’s approach to airport planning matters and the issue of bird strike at CIA; and
  - Mr Matt Bonis on planning.

- 9.6 Ms Lowe noted at the outset that CIAL does not anticipate its sought changes will affect or have any material impact on the overall viability of activities proposed to be undertaken as a result of PC66 – rather she submitted that what is sought are provisions that ensure that CIAL’s position and the interests of people frequenting the PC66 site are protected. She further advised that CIAL has been careful to limit its submission (and evidence) to matters that directly affect or derive from the matters set above. I acknowledge that.
- 9.7 Finally she told me that in the above context CIAL’s appearance is consistent with those at numerous other plan changes and resource consent hearings that raise matters in relation to residential activity under the airport noise contours and/or of stormwater/ponding issues throughout the greater Christchurch area.
- 9.8 In terms of proving some contextual background to CIAL and Airport Noise. Ms Lowe, Mr McAnergney and Mr Bonis covered a number of issues. I have included a verbatim summary of them below given the importance of this issue in the hearing.

**Significance of the Airport**

- *CIA is a significant physical and economic resource in national, regional and local terms.<sup>11</sup> It represents \$1.6 billion of capital. The flow of economic effects and assets are vast supporting 6000 jobs and indirectly around 9.7% of regional employment.<sup>12</sup>*
- *The airport has a competitive edge over other airports in New Zealand, Australia and the world as it operates uncurfewed and unrestricted as to the types of aircraft using it. The ability of the airport to continue to operate 24 hours a day, 365 days of the year without restriction is integral to the future economic and social well-being of people in the three local authority districts in the region, the South Island and nationally.*

**Approach to Planning**

- *Given the significance of CIA, CIAL is a regular participant in planning processes in order to protect the current position of the airport and to allow for its future growth. The company has for many years adopted a stance that the most appropriate way to protect the operations of this nationally and regionally significant asset is by robust planning provisions in regional and district schemes that discourages development that will affect, or be affected by, the airport.*
- *To date, the relevant Councils and the Courts have accepted this approach and the airport have historically been protected from such development under regional and district planning documents. Examples given include the Regional Policy Statement and the Christchurch City Plan (along with the Selwyn District and Waimakariri District Plans);*

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<sup>11</sup> *Christchurch International Airport Limited v Christchurch City Council* [1997] 1 NZLR 573 at 587. See also *Robinsons Bay Trust v Christchurch City Council* EC Christchurch C60/2004, 13 May 2004, at paragraphs [60]-[62].

<sup>12</sup> Appendix A to the evidence of Mr McAnergney provided a full discussion of the economic significance of CIA.

### **Development of the Noise Contours**

- *In the early 1990s (when plans were first being prepared post the enactment of the Resource Management Act 1991 (the RMA)), CIAL obtained expert advice to assess the effects of aircraft noise on land beneath the airport's flight paths in Christchurch City, Selwyn and Waimakariri Districts. This modelling formed the basis of the contours which went into the City Plan and two District Plans.*
- *The contours were subsequently updated in 2007 following an appeal by the Fosters in relation to a parcel of land at Rolleston.<sup>13</sup>*
- *CIAL remains resolute that the use of the Ldn 50 dBA airport noise contour is appropriate in determining where noise sensitive activities should be located.*
- *CIAL's position is evident through the long history of cases related to planning and the effects of aircraft noise from planes arriving and departing from CIA. For example, the Court in *Robinsons Bay Trust v Christchurch City Council*<sup>14</sup> found that the Ldn 50 dBA contour was the most appropriate level to set the point at which new residential zoning is avoided or discouraged.*

### **The Revised Contours and PC1**

- *The revised noise contours (as developed by the Expert Panel following the appeal in relation to the Foster matter) were reflected in the decision on proposed change 1 (PC1) to the Canterbury Regional Policy Statement 1998 (the RPS 1998). PC1 confirms that the Ldn 50 dBA is the appropriate point to control noise sensitive activities - although CCC are yet to adopt and notify the revised contours in a plan change to the City Plan. The revised contours however do appear (and are operative) in both the Waimakariri and Selwyn District Plans.*
- *PC1 (in a slightly modified form from the decisions version) was made operative as Chapter 12A to the RPS by the Minister for Earthquake Recovery in October 2011. The Minister also made a new chapter to the RPS (Chapter 22: Response to Canterbury Earthquakes) operative. Chapter 22 provided a very specific and limited exception for residential development in Kaiapoi under the noise contours, to offset the substantial loss of residential land in Kaiapoi through its red-zoning.*
- *However the Minister's decision was successfully challenged through judicial review proceedings<sup>15</sup>, resulting in the Minister's decision to insert Chapters 12A and 22 being set aside. Therefore for the purposes of this hearing CIAL have advanced on the basis that the decisions version of PC1 is now the relevant version of this Chapter for the decision maker to have regard to.*
- *PC1 was under appeal at the time the Minister made Chapter 12A operative (and those appeals are now likely to be reinstated), but no appellant (as far as CIAL was aware) was seeking to undermine the basis of the modelling undertaken by the Expert Panel. The issue was instead whether the existing Ldn 50 dBA contour in PC1 was the appropriate outer control boundary to restrict noise sensitive activities, or whether a different 'number' was appropriate (such as Ldn 55 dBA).*

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<sup>13</sup> The history to this revision was outlined in the evidence of Mr Ken McAnergney

<sup>14</sup> EC Christchurch C60/2004, 13 May 2004.

<sup>15</sup> I was advised that the High Court decision has been appealed and an application to stay the orders in the decision was declined by the High Court.

**Stormwater – bird strike risk**

- *CIAL takes the potential bird strike risk around CIA very seriously. For example, even if the risk of strike in a statistical sense is relatively low, it is beyond dispute that a single strike will have catastrophic effects.*
- *CIAL must actively work to minimise the threat and incidence of bird strike around CIA. CIAL is heavily involved in bird management around the airport<sup>16</sup> and is also a regular participant in planning processes<sup>17</sup> which involve the potential creation of waterbodies or other suitable bird habitat.*
- *Accordingly, from CIAL's perspective it would simply be untenable for it, as the responsible airport authority, to take a relaxed approach to potential development within the PC66 site.*

9.9 On the above basis, it was very clear to me that:

- (a) There needs to be good planning reasons for me to depart from what is a status quo of protecting, from noise sensitive activities, the Ldn 50 dBA outer control boundary established over many years through numerous Environment Court hearings and other determinations.
- (b) The City Plan already recognises the risk of bird strike (as does the Regional Policy Statement) so the issue posed in PC66 is certainly nothing new.

9.10 Having established the basis of the issues (with the assistance of the extensive CIAL evidence) I now turn to the two key issues raised by the submitters in this category – noise sensitive activities and bird strike.

**Noise Sensitive Activities**

9.11 There were two aspects to this first category - custodial residences and educational activities. CIAL was largely opposed to having provision for both activities in PC66.

Custodial Dwellings

9.12 Mr Long advised me that provision is made within Plan Change 66 (as notified) for 15 custodial residences, each with a maximum floor area of 65m<sup>2</sup>. This was opposed by CIAL who submitted that noise sensitive activities should be discouraged or limited within the airport noise contours, in order to avoid the potential for an increase in incidence of complaints about aircraft noise and pressure on CIAL to amend its operations. Relief sought by CIAL suggested a blanket 4ha minimum lot size over the proposed zone. Rookwood Holdings opposed this and sought the retention of the as notified

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<sup>16</sup> Mr McAnergney outlined why bird strike is one of the most significant issues faced by CIAL; and described CIAL's bird management work.

<sup>17</sup> Mr Bonis addressed the amendments that CIAL seeks regarding the stormwater provisions of PC66 in his evidence.

provision of custodial dwellings. Rookwood submitted that there is potentially a need for custodial residences given the lack of passive surveillance and the nature of some of the intended and existing adjoining uses.

9.13 At the hearing and in précisising his original section 42 report, Mr Long advised me that the plan change at volume 2 part 4 2.5.11 (Land Use – Templeton Special Rural Zone) already limits residential development to 15 custodial residences across the 60ha Templeton special rural zone - the equivalent of 1 per 4ha (as is permitted under the existing Rural 2 zoning and a density previously acceptable to CIAL). He also noted that the floor limit imposed by the plan change (65m<sup>2</sup>) is significantly less than a standard rural-residential dwelling. He continued by saying that the modification proposed by CIAL would only ensure these residences were evenly spaced across the site, rather than potentially clustered. He concluded in his report that it is unclear how modifying Rule 2.5.11 as sought in the CIAL submission (S19 D2) would better enable or protect CIAL's operations. Accordingly, he recommended rejecting S19 D2 and accepting F66.

9.14 Ms Eveleigh for Rookwood reiterated similar themes namely that:

- *The number of custodial units is limited to 15<sup>18</sup>, consistent with the number of residences which could occur as of right under current zoning.*
- *In addition, the floor area of those units is restricted to only 65m<sup>2</sup>, and the unit must be for the purposes of security or management of the business activity on the site.*
- *The number of potential residents within the zone will be much less than could occur if the site was developed with 15 large family homes enabled as of right under current zoning.*
- *Mr Russell Malthus has considered the effects of surrounding activities on custodial units, particularly the effects of airport noise, and concludes that such effects are acceptable.*

9.15 Accordingly, Rookwood supported Mr Long's initial position

9.16 In response, CIAL mounted a challenge to Mr Long's recommendation. CIAL's concerns around the proposed residential development under PC66 within the noise contour distilled down to the following four factors:

- (a) *The adverse effects that people living within the noise contours will receive in terms of effects on amenity (annoyance) or health through being subjected to noise from aircraft arrivals and departures. The Environment Court in Robinsons Bay Trust, for example, considered in relation to CIA that:*

*[49]... We accept the clear evidence given to us that noise can create impacts on amenity and some people will become highly annoyed. We also accept that there would be some benefit to the airport in future proofing its*

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<sup>18</sup> Critical standard 2.5.11

operation. That benefit is one that has local, regional and national significance.

- (b) *The risk (separate to the above) that adverse effects may lead to an increase in the incidence of complaints about noise and/or indirect pressure for CIAL to take steps to curb, curtail or amend its operations. In other words, there could be unacceptable reverse sensitivity effects of allowing PC66, in that a legitimate activity, such as CIA, may be constrained to accommodate for a sensitive activity (such as the custodial dwellings). CIAL submits a local authority has an obligation to not include provisions in plans (or approve a plan change) that would allow sensitive activities to locate in the vicinity of activities which produce adverse effects.<sup>19</sup> To date CIAL's concern has been specifically recognised in *Gargiulo v Christchurch City Council*<sup>20</sup>;*
- (c) *the extent to which PC66 is contrary to PC1, the policy framework in the City Plan and the large body of case law that precedes this hearing – there is basically no room for exceptions; and*
- (d) *The implications that such re-zoning and residential activity could have in terms of precedent and future applications in the noise contour affected rural zones.*

9.17 CIAL did acknowledge (but did not necessarily accept) the argument that the effects of individual development of 15 custodial dwellings might be minor. But as Ms Lowe reiterated, that does not do anything to reduce the significant possibility of “domino effects” that will inevitably arise through such a proposal. In this respect Ms Lowe submitted the following:

- *While there may be limited ‘brownfields’ sites where a truly similar development could occur (and also seek provision for custodial dwellings), the effect of allowing more residential activity under the contours would not be limited to just similar ‘brownfields’ developments - or to put that another way, the fact that this site might be a brownfields site is not sufficient justification to permit 15 custodial dwellings.*
- *Conceivably, future developments including residential activity could be justified under the pretence of being akin to ‘custodial dwellings’, when in fact, there is no real difference whether they are custodial dwellings or normal residential activity. The end result is there is an increase in people living under the noise contours, in circumstances which have previously not been acceptable to the various Councils and the Environment Court. CIAL is therefore concerned with the cumulative or ‘domino’ effect that such increases in residential activity can have.*

9.18 On the above basis, Mr Bonis for CIAL suggested some alternative wording for the rule in questions which would make some provision for custodial dwellings, but reduced from the notified provision. CIAL's original position was that PC66 be modified to require a 4ha minimum lot size across the

<sup>19</sup> *Auckland Regional Council v Auckland City Council* (1997) 3 ELRNZ 54.

<sup>20</sup> EC Christchurch C137/2000, 17 August 2000 at [65], [67] and [72].

Templeton Special Rural Zone. At the hearing Mr Bonis advised that such relief could be altered to require that any custodial residence be located on its own 4ha lot, with the proposed minimum lot sizes as notified remaining extant otherwise.

9.19 At that point, sensing that there might be an appetite between the parties for some compromise on this rule, I suggested that some post hearing adjournment conferencing might be in order to see if a rule could be derived and agreed. That subsequently occurred.

9.20 The outcome of the conferencing was reported back to me as part of Mr Long's concluding statement dated 10 September 2012. A signed conferencing statement<sup>21</sup> was attached to that. The relevant extract from that statement was:

*14 Mr Long pre-circulated an amendment to proposed Rule 2.5.11 as relates to custodial residences. The amendment retains the text of the rule as notified but reduces the number of permitted custodial residences from 15 to two (2). The 65m<sup>2</sup> floor area limit is proposed to be retained, significantly limiting the number of potential occupants.*

*15 The parties agreed that such a change was within the scope available to the Commissioner in relation to the CIAL submission. The parties further agreed that the provisions of two custodial residences across the 60ha site is an appropriate density with regards Policies 9 and 10 of PC1 and would better achieve Policy 6.3A.7 of the City Plan than the rule as notified.*

9.21 Whilst I had some appreciation and empathy with Mr Long's initial recommendation to retain the 'as notified' rule, given the agreement reached by the experts at conferencing it is largely incumbent on me to accept the above alteration and recommend its adoption accordingly. In doing so, I do note that (as Mr Long acknowledged), the revised position of the parties is probably more aligned to the policy-based approach embodied in the City Plan and PC1 on noise sensitive activities within airport influences.

9.22 In this respect, I acknowledge that Mr Bonis specifically noted objective 8 and policy 10 of PC1 (decision version) and policy 6.3A.7 of the City Plan as relevant to the provision of custodial residences at the site. I concur with that policy support for the agreed position.

9.23 Finally on this matter, and as Mr Long reminded me, CRC did not submit on this matter and the recommended modification is not expected to raise any particular concerns for them.

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<sup>21</sup> Attached as Appendix 2 to this decision report.

### Educational Facilities

- 9.24 Mr Long advised me that PC66 specifically does not provide for education facilities because the plan change site and school are within the air-noise contours for the Christchurch International airport, where noise sensitive activities are not considered appropriate.
- 9.25 S8 D1 (Westmount School) sought that provision be made within PC66 to allow the continued operation of the school. This submission was opposed by the Canterbury Regional Council and CIAL as follows:
- CRC submitted that noise sensitive activities such as education facilities should not establish within the airport noise contours as doing so would be contrary to Policy 6.3A.7 (Airport Operation) of the City Plan, which discourages noise sensitive activities, and Policies 9 and 10 of PC1 which seek to protect the safe and efficient operation, use, and growth of the airport and the health and wellbeing of people from exposure to noise.
  - CIAL submitted that noise education activities should be discouraged or limited within the airport noise contours, citing concerns with the potential for an increase in incidence of complaints about aircraft noise and pressure on CIAL to alter or reduce its operations.
- 9.26 At the hearing, I heard a very professional and impassioned plea from the representatives of Westmount School - Mr John Frizzell (Board of Trustees) and Mr Brendon Suckling (CEO and Board) - for specific provision for Westmount School to be included in PC66. In a written statement they outlined the following key points:
- Westmount School obtained resource consent from the CCC in 2006 to establish on the site. The consent has a limited duration of 10 years;
  - The school has developed existing buildings and their own buildings on the site and now have both a junior and a senior school in operation and have a growing roll with a strong emphasis on academic achievement;
  - The majority of activity is indoors in the classroom with only PE undertaken outside. There are no formal after school sports on the site;
  - Aircraft noise has had no adverse effect on staff, students or operations in the 6 years they have been established at the site and it is not expected this will change.
- 9.27 In answering several questions from me, the School's representatives made it clear that, whilst the Board was very concerned about the welfare of its staff and students, it is confident they will not be exposed to excessive aircraft noise. Moreover, they support the Airport's operations and believe the two operations (airport and school) can co-exist without any problems as in fact they have done for the last 6 years. They also said that if health effects had

been a concern then the Yaldhurst Model School which is nearby would have been closed down by now.

- 9.28 The final points made by the School's representatives were as follows:
- The School has had difficulty in the past finding suitable alternative sites in its north west catchment and the Maddison Park site was a perfect discovery at the end of a long search;
  - If specific provisions are made for Westmount School in PC66, this will allow the Board to put their resources into developing a quality education facility with security of lawful establishment and tenure.
- 9.29 CIAL's concerns in relation to the School's submission largely followed from their concerns with residential custodial dwellings. Namely, that this is another noise sensitive activity which is at issue in this plan change. Essentially, CIAL's opposition came down to a matter of principle; namely that as the PC66 site (including the School) is within the noise contours in which noise-sensitive activities<sup>22</sup> are not appropriate and should be "discouraged"<sup>23</sup> (City Plan), "avoided"<sup>24</sup> (Chapter 12A) or "limited"<sup>25</sup> (PC1). CIAL therefore supported the recommendations by the CCC officers (Mr Long at [59] of his section 42A Report and Mr Malthus at [41] of his Report) who both opposed such recognition for the School.
- 9.30 I confess that I have tremendous sympathy for the situation described by the School's representatives above and I expressed this at the hearing. In essence, whilst noting the deep concerns that CIAL and CRC have for this principled matter, I also recognised the existing school represents the efficient use of existing resources on the PC66 site and that the on-going operation of the school is an important wellbeing function for its community.
- 9.31 To this end, I invited the parties from the CCC, CIAL and Rookwood (as landowner and landlord to the School) to consider this issue further to see whether an exception to this principle might be able to be accommodated in this very genuine instance. Because CIAL was not present at the hearing to hear the School's representative's submission when they presented, I arranged for a copy of the School's written submission to be made available to CIAL.

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<sup>22</sup> Education activities are included within the definition of noise sensitive activities in the City Plan (at Volume 2; Section 6 Urban Growth; 6.3A and 6.3B Objectives Peripheral urban growth and Greenfield residential growth; 6.3A.7 Policy Airport operations).

<sup>23</sup> City Plan, Volume 2, Section 6, Policy 6.3A.7

<sup>24</sup> Policy 1 Explanation

<sup>25</sup> Policy 1 Explanation

- 9.32 I suggested that some form of specific recognition of the existing operation might be something that the parties could discuss and supply wording for.
- 9.33 Mr Long report advised in his concluding comments that the parties did in fact discuss this matter in caucusing after the Hearing as requested in my Minute (Attachment 1). He advised that:
- *Mr Bonis identified that he had concerns as to whether a comprehensive school and associated facilities could truly be considered a rural activity. He believed that a finding that it was not, would act as a preliminary hurdle in considering whether the Plan Change was only enabling 'rural activities', and would as a consequence raise wider policies matters in terms of urban growth.*
  - *The parties are agreed that providing for the school within the plan change would not better, or more appropriately, achieve what is sought in these policies than limiting such noise sensitive activities. While the parties have sympathy for the school, they further agreed that the plan change should not make provision for the Westmount School or any other education facility.*
- 9.34 Mr Long advised that all parties (including the land owner) agreed that their agreement is consistent with the policies in PC1 and the City plan and the notified plan change.
- 9.35 Whilst I find this outcome disappointing, as I am sure too will the Board of Trustees, I am not in a position to dispute the conferenced agreements or the policies that have been referred to on which the agreement appears to be based. Moreover, given this is a zoning issue first and foremost, I need to be satisfied that each and every provision that is included in the zone is appropriate by reference to the effective and efficiency tests in section 32 of the RMA and the sustainable management principles in Section 5 of the Act. In this instance, I accept that making generic and permissive planning provision (as opposed to say operator specific provisions like scheduling) for education facilities in a zone which is subject to airport influences does strain those tests and principles. I accordingly adopt the position in the post hearing conferencing statement and recommend that the Board's submission be rejected.
- 9.36 As a footnote however, I must wish to state that I did feel that a case existed for scheduling type provision for the School in the new zone. On that basis, and whilst I cannot prejudge the outcome of any further application by the School once its current consent expires, (or earlier due the need for certainty), I would encourage both the CCC and the CIAL to take a fresh pair of glasses to this issue and consider how an application for the continuation of the School might be accommodated in light of the track record and characteristics of this particular operator on this particular site<sup>26</sup>.

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<sup>26</sup> I note that the school would need resource consent as a non-complying activity under proposed Rule 2.5.11 (Land use – Templeton Special Rural Zone) to continue to operate at the site.

### **Stormwater Management and Bird-Strike**

- 9.37 Mr Long advised me that provision is made within PC66 to avoid situations which might give rise to bird strike and thus protect the on-going operations of CIA. In particular, the plan change as notified contains, in the Outline Development Plan (ODP), a number of criteria relating to the design of stormwater management systems, including criteria specific to the avoidance of bird-strike. Proposed Rule 2.5.14 (Volume 3 Part 4) requires that use, development and subdivision of the land be consistent with the ODP.
- 9.38 I have already canvassed this issue of Stormwater Management and Bird-Strike in my extensive précis of the CIAL evidence earlier in this section of this report and do not need to repeat it here.
- 9.39 At the hearing CIAL, via Mr Bonis, sought relief to the effect that stormwater management provisions be relocated from the ODP to a Development Standard specific to stormwater management so that a more precise outcome would be anticipated in terms of the management of bird strike through stormwater design and management. This relief was advanced under the proposition that the development standard would include similar criteria as does the ODP, but require consent as a restricted discretionary activity. Failing to comply with the criteria in the development standard would result in CIAL being a limited notified affected party. The creation of non-stormwater water bodies would remain a breach of a critical standard rendering such activities as non-complying.
- 9.40 Mr Bonis also sought consequential deletion of part of proposed Volume 3 Part 4 Rule 2.5.13 (b) and additional text in Volume 3 Part 14 9.4 (Assessment matters for resource consents) as relating to water bodies and bird strike.
- 9.41 As with the other airport issues, I suggested that these suggested changes be conferred on by the parties and an agreed statement presented back to me for consideration.
- 9.42 Mr Long advised that this occurred and that prior to the conference he had pre-circulated a draft rule, based on that proposed by Mr Bonis, but not requiring consent where the criteria are met. Mr Long said that at the meeting:
- The parties understood the purpose and intent of the rule, and much of the discussion at the conference focused on the appropriate activity status where a proposed system complied with the criteria.
  - Mr Bonis stated his preference for restricted discretionary activity status, citing concerns that a permitted activity status would not provide the Council with a mechanism to verify the adequacy of the system or decline an application if necessary.

- The parties noted at the meeting that there was agreement in relation to the criteria included in the proposed rule, and also that CIAL would only be notified in the event the criteria could not be met.
- 9.43 Mr Long advised that in discussions subsequent to the meeting, it was agreed that the rule as recommended by Mr Bonis be included in the plan change, including in relation to activity status.
- 9.44 For reasons similar to those outlined in respect to the custodial residences and school issues, I have accepted the agreement by the parties and accordingly recommend those changes. I should note that I am also persuaded by the fact that:
- The changes are generally supported at policy level by, the Decisions version of the Regional Policy Statement (July 2012) which must also be had regard to<sup>27</sup>. Chapter 9 (Ecosystems and Indigenous Biodiversity) of the RPS contains specific reference to the desire to take into account best practice in wetland and stormwater management design to alleviate the risk of bird strike in the vicinity of Christchurch International Airport.
  - As Mr Bonis<sup>28</sup> advised, the stormwater provisions agreed to in the conferencing are not dissimilar to what was that this adopted in the provisions included in the City Plan through PC19 in relation to the a plan change at Islington. Accordingly there is a degree of consistency there.

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<sup>27</sup> In accordance with section 66 of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010, appeals (to be lodged by 10 August) by those who made a submission or further submission can only be made to the High Court in Christchurch on points of law. I was advised that several appeals have been lodged with the High Court.

<sup>28</sup> pages 3 and 4 of Mr Bonis evidence

## 10.0 SUBMISSIONS RELATING TO POTENTIAL NUISANCE/SAFETY EFFECTS

### Overview

- 10.1 PC66 and submissions received have raised some issues which general fall into the potential nuisance and safety categories.
- 10.2 These nuisance and safety category issues are as follows:
- (a) Noise issues
  - (b) Traffic concerns.
- 10.3 In considering these submissions, and like Mr Long, I relied heavily on the evidence of Mr Malthus and Mr Penny who are consultants in the fields of Environment Health and Transportation Planning respectively. I do not intend to repeat their evidence in any detail as it is contained on the CCC file. I do note however that their evidence was uncontested by any other expertise in those specialist fields. This is not to say that lay evidence on these issues is not important (I agree it provides important local context) but rather that expert evidence on technical matters such as acoustics and traffic engineering is very difficult to dismiss when it is not challenged.
- 10.4 In the above respect, I must record that, with the exception of Ms S J Harnett-Kikstra and the Templeton Residents' Association represented by Mr Peter Peterson, there was no attendance from the below listed submitters who raised noise and traffic issues. In this respect, Mr Peterson did not discuss traffic or noise issues in any detail and whilst Ms Harnett touched on both matters they were not the mainstay of her concerns.

### Noise Issues – Identification and Evaluation

- 10.5 Mr Long summarised the following two submission groups which directly address this matter:
- Submissions S13-18 (Stephen Wright, Valerie Wright, Elisa-Jane Currie, Paul Brian Currie, Wanaka Wireman Harris-Tatiana, Kirsten Louise Harris-Tatiana) are identical, and at D2 they seek that the plan change be declined because of potential noise impacts. D2 also asks that if the plan change were to be approved, restrictions on the hours of operation be included in the plan change.
  - Further Submissions from Corrections (F8, F11, F14, F17, F20 and F23) and Rookwood Holdings Ltd (F49, F52, F55, F58, F61 and F64) oppose S13-18 D2.

- 10.6 Mr Long also advised that the proposed noise rule in PC66 (as notified) contained a formatting error. Submission S4 D10 (Christchurch City Council) and S10 D15 (ASP Group) picked that up and Mr Long recommended it be corrected by accepting the submission by CCC and ASP. I agree and do not need to discuss the minor matter any further.
- 10.7 Dealing firstly with above group of residents submissions which seek that PC66 be declined because of potential noise impacts, I note (on the advice of both Mr Long and Mr Malthus) that PC66 has notified has adopted the most stringent noise grouping in the City Plan (Group 1 at Volume 3 Part 11 Rule 1.3.2). This seems to be a very cautionary approach from the Council when compared to other rural zones and therefore is difficult to fault. Moreover, the categorical advice from Mr Malthus is that this noise grouping and its associated noise levels and controls grouping will generally provide adequate control over any potential noise nuisance.
- 10.8 On the above basis, I, as with Mr Long, do not support the deletion of the plan change due to potential noise effects.
- 10.9 The alternate relief sought by this group of local submitters, was a restriction on hours of operation at the plan change site. A further submission from the landowner opposed such a rule.
- 10.10 On this matter, Mr Malthus' view was that, although the Templeton area has a relatively high background noise level, the activities provided for in the new zone that have the potential to create higher noise levels creating this noise tend to tail off into the evening and overnight.
- 10.11 Based on the evidence of Mr Malthus, Mr Long in his pre-circulated s42A report, considered that the current noise controls in the City Plan are generally sufficient without the need for restrictions on the hours of operation. He recommended rejecting S13-18 D2 and accepting the further submissions from Corrections and Rookwood Holdings Ltd as listed above. However, he added the following rider:
- “... if the Commissioner was of a mind, a new clause to Rule 2.5.11 might be inserted into PC66 to the effect that no retail or manufacturing activity or heavy goods vehicle movements occur outside the hours of 6am – 8pm*
- 10.12 In terms of the above, Mr Long helpfully alerted me to the fact that the existing noise limits proposed for this zone include maxima for 'daytime' and 'night-time' in order to avoid unreasonable noise impacts. The delineations of this period is 10pm and 7am. However he said that traffic noise is exempt from these noise restrictions.

- 10.13 I queried Mr Long as to whether hours of operation are restricted within other rural zones. He confirmed that the City Plan does in fact include provisions to restrict hours of operation in certain areas (quarries, the Clearwater golf driving range, Business 4 Zone East Belfast). In particular, the Rural Quarry zone restricts operation to between Monday to Saturday 0600 hours to 1800 hours. As a context, Mr Long also advised that the restriction in the Business 4 East Belfast zone (one of the newer industrial type zone with some retailing and office provision) is 7am - 10pm daily.
- 10.14 Taking all the above into account, I have decided that some restriction on the hours of operation is warranted. Whilst I acknowledge the position Mr Malthus, I also note that the current noise controls do except traffic noise. Further, I am also aware of the sensitivity of locals to noise (due to Ruapuna mostly) and the likelihood that traffic will drive down Kirk Road through Templeton itself
- 10.15 On this basis, I recommended accepting in part S13-18 D2 and accepting in part the further submissions from Corrections and Rookwood Holdings Ltd by introducing a new clause to Rule 2.5.11 to the effect that: no retail or manufacturing activity or heavy goods vehicle movements occur outside the hours of 6am – 10pm. I note that the 10pm is later than recommended by Mr Long but this accords with the delineation point for daytime and night-time noise periods.

#### **Traffic Concerns – Identification and Evaluation**

- 10.16 A number of submissions raised concerns with additional traffic, road condition and traffic noise. These were:
- S2 D3 (Templeton Residents Association) (supported by F1 (Department of Corrections));
  - S5 D2 (Sara Jane Harnett);
  - S10 D16 and D17 (ASP Group) (D17 being opposed by Rookwood Holdings Ltd at F45);
  - S12 D2 (Brian and Laura Kenny) (supported by F6 (Department of Corrections) and opposed by F47 (Rookwood Holdings Ltd)); and
  - S13 - 18 D1 (Stephen Wright, Valerie Wright, Elisa-Jane Currie, Paul Brian Currie, Waaka Wiremu Harris-Tatana, Kirsten Louise Harris-Tatana). D1 is opposed by Further Submissions from Corrections (F7, F10, F13, F16, F19 and F22) and Rookwood Holdings Ltd (F48, F51, F54, F57, F60 and F63).
- 10.17 As a context to these submissions, I record that topics including traffic volume and road conditions in the area were addressed in a comprehensive report from Traffic Design Group (TDG) which were attached to the s42A report for PC66.

10.18 In addition, the author of the report, Mr Penny not only précised the main findings of the report but also answered several questions from me on roading proposals in the area. Mr Penny’s key conclusion was that the volume of traffic likely to be generated by development of the plan change site is in line with what is projected in the Christchurch Transportation Model (CTM) and the Christchurch Rolleston and Environs Transportation Study (CRETS) and upgrades proposed as part of that study. These upgrades include the Southern Motorway Stage 2 (CSM2) which will bypass Templeton and the Barters Road / SH1 intersection and Pound Road are also proposed to be upgraded.

10.19 Taking the above into account, the following summarises the issues and my findings:

Submissions S2 D3, S12 D2, and S13-18 D1 - concerns with traffic noise:

- These submissions included noise through ‘engine braking’ used by heavy goods vehicles;
- Traffic noise issues were assessed for the former PC23 (which sought a much more industrial/commercial zone) by Marshall Day Acoustics and MWH Ltd. Both experts found that the predicted noise increase from that particular plan change (3dBA on Maddisons Road, and 4-5dBA on Kirk Road) would be unlikely to result in a more than minor effect. Mr Malthus discussed traffic noise in his report and he did not advise of any significant concerns;
- I recommend rejecting these submissions as they relate to traffic noise.

Submissions S2 D3, S12 D2 and S13-18 D1 In relation to road condition and the impact of the plan change,

- The advice from TDG<sup>29</sup> is that traffic volumes on Kirk and Maddisons Roads are not expected to increase significantly as a result of the Plan Change, above what is predicted and provided for by the existing schedule of upgrades;
- On this basis, there was no rationale for including a requirement in PC66 for the developer to upgrade Kirk or Maddisons Roads. Also, I note that any roading upgrades are best considered under the subdivision and land use processes involving development and financial contributions which are determined under the Long Term Plan/Annual Plan processes (including the review of policy on Development Contributions);
- I recommend rejecting S2 D3, S12 D2 and S13-18 D1 and accepting further submissions from Corrections (F1, F7, F10, F13, F16, F19 and F22) and from Rookwood Holdings Ltd (F48, F51, F54, F57, F60 and F63).

Submission S12 D2 – restriction on access

- This submission seeks to restrict access to/from Kirk Road after hours;

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<sup>29</sup> at Table 1 in the TDG Report

- Advice from TDG is that traffic volumes outside peak hours are unlikely to require such a restriction;
- I recommend rejecting this aspect of S12 D2 also and accordingly accepting F47.

Submission S10 D16 – High Traffic Generator Rule

- This submission seeks that the amendment proposed in the plan change to Volume 3 Part 13 Rule 2.3.8 (High traffic generators) be deleted. The proposed amendment, as notified, would require consent for high traffic generators as a controlled activity;
- Deleting the proposed amendment would see high traffic generators require consent as a restricted discretionary activity. This would mean the HTG rule would be consistent with the HTG rule in other zones; and
- TDG also recommend deleting the proposed amendment to this rule and I therefore recommend accepting S10 D16.

Submission S10 D17 – Maddisons Road access

- This submission seeks to add to the ODP text or rules package describing the location of the access point onto Maddisons Road to ensure it is equidistant between adjoining properties (Brackenridge Residential Estate and the land owned by ASP Group);
- Rookwood Holdings Ltd (F45) opposes S10 D17 on the grounds that vehicle access details can be better determined at the time of development;
- Advice from TDG was that existing City Plan rules at Volume 3 Part 13 are adequate to avoid traffic management issues; and
- I recommend rejecting this aspect of S10 D17 and accepting F45.

Submission S5 D2– inefficient energy

- This submission considers that development of the plan change site will result in additional vehicle trips and increased energy use. Public transport, walking and cycling trips are unlikely to make up a significant percentage of trips to the site, and the site is outside the urban limit as noted above;
- While increased energy use is a valid RMA concern, on balance I consider the plan change to be appropriate to the site and in facilitating the re-use of the site and some of the existing buildings / infrastructure. It is also consistent with the RPS in terms of the type of activities which might occur;
- I recommend rejecting S5 D2.

Submissions S12 D2 and S13-18 D1 (supported by F6)

- This submission seeks a change in the speed limit on Kirk and Maddisons Roads;
- Whilst Mr Penny agrees with this submitter that such a reduction in speed on these roads may be warranted, it is premature to undertake this alteration. Also I note that such an alteration is not within the ambit of

the plan change process. This is something for the Community Board to consider at a separate time; and

- I recommend these submissions be rejected.

## 11.0 SUBMISSIONS RELATING TO GENERAL PLANNING ISSUES

### Overview

11.1 There were a large range of additional general matters which have been raised through submissions and the key aspects of these are addressed below under the following two grouped categories:

- (a) Range and definition of permitted activities
- (b) Development Controls; and
- (c) Minor Amendments/Miscellaneous

### Range and definition of Permitted Activities

11.2 I have organised these issues into the following five sub-headings

- General concerns
- Rural activity/Strategic Infrastructure
- Residential activity
- Retail activity
- Other activities

11.3 I discuss these one by one as follows:

#### General concerns with type and location of prescribed permitted activities

11.4 Mr Long directed my attention to the following two submissions which raised some general concerns about the range of activities that could establish on this site which is outside the urban limit:

- S5 D1 (Sara Jane Harnett) seeks that the plan change be declined because of activity types which could establish; and
- S5 D2 (Sara Jane Harnett) seeks similar relief because the site is outside the urban limit defined in the RPS.
- Submission S5 D4 (Sara Jane Harnett) seeks that the plan change be declined due to loss of versatile soils. Further Submission F40 (Rookwood Holdings Ltd) opposes S5 D4.

11.5 Submission S5 D1 sought that the plan change be declined partly on the basis that:

- Some activities that could establish under the Templeton Special Rural zone could equally establish under the existing Rural 2 (Templeton – Halswell) zone; and

- That other activities could be described as industrial and should be excluded because of a lack of demand for such uses and a lack of consistency with the RPS.
- 11.6 I agree with the submitter that it is true that some of the activities which may establish under Templeton Special Rural Zone could also establish in the existing Rural 2 zone – this is not in dispute. However, there are some activities (such as rural research activities) that the Rural 2 zone would not provide for. In addition, and an important point that Mr Long stressed, the plan change has a wider mandate than just permitting rural activities; rather the plan change provides for an integrated approach to developing the site and will result in an outcome consistent with relevant objectives and policies of the Plan. The ODP is an important mechanism to achieve that and other rural zones do not have such a mechanism.
- 11.7 This submitter also feared that that the site will become a general industrial zone. Mr Long did not share that concern and referred to the following in support of this:
- The use of the site is limited by Chapter 12A of the operative Canterbury Regional Policy Statement (RPS) to ‘rural activities’.
  - (As I discuss later in this section), the definition of rural activities is proposed to be further narrowed by the definition in the proposed zone description for the Templeton Special Rural Zone (Volume 3 Part 4 1.11).
  - Some activities are also specifically controlled at Rules 2.3.5 and 2.5.11 (Land use - Templeton Special Rural Zone).
- 11.8 For the above reasons, Mr Long recommended rejecting S5 D1. I agree.
- 11.9 He noted that S9 D5 (ECan) seeks a modification to Rule 2.5.11 to include further reference to the definition of rural activities contained in the zone description. Accordingly he also recommended accepting S9 D5 and rejecting F42 (Rookwood Holdings Ltd) and suggest including the revised definition of rural activity (as specific to the Templeton Special Rural Zone) in Volume 3 Part 1 (Definitions) of the City Plan. I return to this issue of the definition of rural activity later but can signal here that I fully concur as this narrowing of the definition was a critical issue that I raised at the hearing and covered in Minute 1 to the parties.
- 11.10 In the second part of this submission (S5 D2), it was requested that the plan change be declined because the site is outside the urban limit. Again this is factually correct and not disputed. In this respect, I acknowledge the submitter's inference that Chapter 12A of the RPS aims to prevent uncontrolled urban growth and requires that only rural activities occur on land outside the urban limit. However, balanced against this is the fact that

Volume 2 Section 6 of the City Plan Objective 6.1 (Urban Consolidation) seeks to accommodate urban growth with a primary emphasis on consolidation. The plan change site is outside the urban limit and is consistent with the RPS and Objective 6.1 in that it intends that only rural activities occur.

- 11.11 Mr Long spoke to this and advised that criteria in the plan change, in particular relating to building setbacks, building heights, lot size, and site coverage reinforce the above intention. He said this is in contrast with private plan change 23 which was based largely on the existing Business 4T zone provisions (the B4T zone is near the Memorial / Roydvale intersection), including that the B4T zone would have created an urban environment within the site in terms of intensity, scale, and type of activities.
- 11.12 Most critically in my mind however, in support of this particular plan change, is the fact that it (PC66) was promulgated to enable the re-use of the (brownfields) site, including at a higher density than provided by the Rural 2 and/or SP(H) zones, if appropriate and consistent with the City Plan and RPS objectives. The need for the plan change to be consistent with the City Plan and RPS has been central to its development and I consider that it meets the relevant objectives of both documents.
- 11.13 For the above reason, I endorse Mr Long’s recommendation to reject S5 D2.
- 11.14 The third and final submission in this category was also from Sara Jane Harnett. Her submission S5 D4 seeks that the plan change be declined as it has not considered loss of versatile soils. Further Submission F40 (Rookwood Holdings Ltd) opposes S5 D4. Rookwood considering that the plan change is appropriate to soil characteristics, existing assets, and historical use.
- 11.15 Mr Long pointed me to the section 32 assessment (at page 8) which addressed this matter, finding that the potential additional soil loss at the site is minor relative to the soil resource across the wider area, and noting that the site has a significant built environment already. For these reasons I recommend rejecting S5 D4 and accepting F40.

#### Definition of Rural Activity and Strategic Infrastructure

- 11.16 These two terms received considerable attention at the hearing. The term *rural activity* attracted attention not only from the larger planning agencies such as CRC and CIAL but also from some local residents. The term *strategic infrastructure* was a concern solely for the CRC and the NZTA.
- 11.17 In terms of the planning responses to the use of the term *rural activity*, the following emerged:
- PC1 at Policy 1 defines an urban limit, outside of which uses must be rural activities. Rural activities are broadly defined in PC1 and the plan change

adopted a similar definition in relation to the proposed Templeton Special Rural Zone. The zone description provides further direction in relation to the type of activity anticipated in the zone.

- ECan and CIAL, however, submit that a district plan should not provide for the wide range of rural activities anticipated by the RPS and that the definition of rural activity should be reduced in scope.

11.18 Like some of the submitters (notably Harnett and CIAL), I also expressed some concern at the hearing about the lack of precision in the part of the definition of rural activity relating to *“businesses... that support agriculture and horticulture activities.”*

11.19 I was concerned that activities as diverse as retailing, rural banking administrative and professional offices, as well as rural industrial uses could establish. I expressed these concerns in the Minute to the parties (reproduced as Appendix 1 to this report) and invited Mr Long to consider this matter from two aspects:

- Firstly, in terms the intention of the rule; and
- Secondly, in terms of the delivery of that intention.

11.20 Mr Long’s response was covered in his concluding statement. In terms of the intention the rule, his explanation was that the definition is derived from Plan Change 1 (PC1) to the Regional Policy Statement (RPS). Whilst I accept that is the case, I also noted that the level of provision required in a regional policy statement is of a different level to that in a district plan controlling land use. Notwithstanding this, the key point is what the rule delivers and in this respect Mr Long advised that he had reconsidered the matter since the hearing and that he recommended a number of modifications to the definition of *rural activity* to reduce its scope. He advised that these modifications were the subject of considerable discussion with Rookwood Holdings Ltd post the Hearing (as partners in preparation of the plan change).

11.21 The following inclusions were recommended by Mr Long:

- A description of the types of offices and a proposed additional clause to Rule 2.5.11 controlling floor area for offices;
- Reference to wholesale and retail activities, as provided for in proposed Rule 2.5.6(2) controlling the floor area for retail / wholesale outlets;
- Reference to custodial residential activity ;
- Reference to warehousing of rural produce and supplies as per the zone description;
- Exclusion of taverns (which includes all licensed premises); and
- A number of specific exclusions are listed.

11.22 I agree to the above amendments detailed above for the following reasons:

- The amendments provide further clarification as what constitutes a rural activity and addresses my concerns in the Minute; and
- The modifications are considered to be generally within scope of submissions.

11.23 The above aside, Mr Long directed my attention to the issue of office use. He noted that the notified plan change did not specifically reference office use in the zone description; however, in order to avoid inconsistency with City Plan policies seeking to maintain the primacy and function of the CBD and suburban centres, it did not seek to prohibit such uses. He quite correctly noted that increasing the specificity of the definition of rural activity requires that a distinction be made between appropriate and inappropriate use, including in relation to effects on or near the site, on the CBD or suburban centres, and in terms of relevant policy.

11.24 On the issue of scope therefore, I accept this explanation that the inclusion of criteria controlling the size of offices goes directly to defining what is or is not appropriate within the zone, and is given scope by submissions seeking that the definition of rural activity be reduced in breadth.

11.25 As mentioned earlier the term *strategic infrastructure* – a permitted activity – was the subject of submissions as follows:

- ECan at S9 D4 (supported by NZTA at F32) and D5 (opposed by Rookwood Holdings Ltd at F42) sought to modify the plan change in relation to the definitions of strategic infrastructure; and
- S10 D6 and D14 (ASP Group) sought to prohibit strategic infrastructure uses because they are not adequately defined in the plan change (opposed by Rookwood Holdings Ltd at F43).

11.26 The submission by Canterbury Regional Council (supported by F33 – New Zealand Transport Agency) sought that "*strategic infrastructure*" has the same meaning as defined in the RPS. In his section 42A report Mr Long recommended that such definition be included. I note that in addition to meeting this definition in order to be permitted, infrastructure facilities on site will be restricted to a depot or storage facility<sup>30</sup>. General rules for the zone will further control the scale of such facilities.

11.27 At the hearing Rookwood endorsed that definition and ASP resiled from their opposition to the term as a result of the restrictions introduced by Mr Long.

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<sup>30</sup> Development standard 2.3.5

- 11.28 In his closing statement Mr Long advised that the reference to *strategic infrastructure* has been relocated and now is proposed as a separate definition within Volume 3 Part 1 (Definitions). In addition, he confirmed that the words ‘*small scale facilities and depots*’ are inserted and align with proposed Rule 2.3.6 (Volume 3 Part 4) which provides a limit on the area which may be taken up for this type of strategic infrastructure within the Templeton Special Rural Zone.
- 11.29 I believe that these controls are sufficient to address any concerns related to the effects of infrastructure facilities within the zone.

Residential Activity

- 11.30 The use of the site for residential activity was the subject of certain submissions as follows:
- Submissions S10 D12 (ASP Group Ltd) and S13 - 18 D3 (Stephen Wright, Valerie Wright, Elisa-Jane Currie, Paul Brian Currie, Waaka Wiremu Harris-Tatana, Kirsten Louise Harris-Tatana) sought the plan change be declined because the site is better suited to residential activity.
  - Further submissions from Corrections (F9, F12, F15, F18, F21, and F24), Rookwood Holdings Ltd (F50, F53, F56, F59, F62 and F65), NZTA (F34 – 39) and ECan (F26 – 31) oppose S13-18 D3.
- 11.31 Through the extensive background provided by Mr Mauger, Mr Long and Mr Punselie, I am very aware that the use of the site for residential activity has been considered before the initiation of this plan change by both the former landowner (Healthlink South in 1995) and in part by the current landowner via PC23. The former proposal was declined by the CCC as part of decisions on submissions to the City Plan review in 1999 and the PC23 proposal was abandoned last year because the site is under the airport noise contour and would also be inconsistent with City Plan provisions seeking to ensure the on-going functionality of key infrastructure.
- 11.32 I was given a very clear impression that residential activity at other than rural-residential densities is likely to be strongly opposed by CIAL also. Mr Long also reiterated that the use of the site for residential use is further stymied by PC1 to the RPS and by Volume 2 Section 6 (Urban Growth) of the City Plan.
- 11.33 For the above reasons, I recommend rejecting S10 D12 and S13 - 18 D3 and accepting further submissions as listed above.

### Retail

11.34 In their notice of submission (ASP Group (S10 D11) sought modifications to Volume 3 Part 4 Rule 2.5.6 (Retailing) to clauses (i) and (iv). Those modifications and my findings on them are as follows:

- The modifications to (i) would change the rule from providing for the sale and display of goods provided it is a rural activity, to providing for the sale and display of goods where it is associated with a rural activity established on the site. This means that specific retailing activities, even rural based, could not establish on the site (without consent as a non-complying activity), potentially limiting the amount of retail at the site, when there is already a specific limit at clause (iv). For this reason, I recommend rejecting this aspect of S10 D11.
- In terms of clause (iv), the modification sought clarifies the intent of the clause and I recommend accepting this aspect of S10 D11.

### Other activities

11.35 Canterbury Regional Council sought that critical standard 2.5.11, which controls land use on site, be amended to require that activities are "*rural activities*" as defined in the zone description.

11.36 The rules for the rural zone include critical standard 2.5.5 which provides that "*other activities*" shall not exceed maximum site coverage for buildings, impervious surfaces and outdoor storage of 100m<sup>2</sup>. Mr Long told me that this rule, which applies throughout all rural zones, will appropriately control other activities which may seek to establish on this site. Mr Long's view therefore was that any amendment to critical standard 2.5.11 is unnecessary to achieve the objectives for the rural zone, or to control effects. I agree and dismiss the submission accordingly.

### **Development Controls**

11.37 I have organised these issues under this heading into the following three subheadings

- Bulk and location control
- Lot size
- servicing
- excavation and filing

11.38 I discuss these one by one as follows:

Consistency in Bulk and Location Provisions

- 11.39 At the Hearing ASP Group raised concerns regarding the bulk and location provisions in notified Rules 2.3.5, 2.4.9, 2.5.4, and 2.5.10. There is overlap in relation to impervious surfaces and outdoor storage. Mr Long recommend deleting Rule 2.3.5(a) and amending 2.5.11(iii) to require that outdoor storage shall not occur so that the net site area covered by buildings/structures, impervious surfaces, and outdoor storage exceeds 30%.
- 11.40 I believe this solution ensures consistency within the plan change and that a low density environment is promoted. I note that Rookwood Holdings Ltd was agreeable to this amendment.

Lot size

- 11.41 Three submissions seek modification to the subdivision rules:
- S12 D1 (Brian and Laura Kenny) and S19 D2 (CIAL) both sought seek modification to the proposed minimum lot sizes.
  - S11 D9 relates to electricity transmission corridors as managed by the subdivision section of the City Plan.
  - S12 D1 and S19 D2 are opposed by Rookwood Holdings Ltd at F46 and F66.
- 11.42 The crux of these requests and my assessment of them are as follows:
- S12 D1 seeks minimum lot sizes to be increased from 1ha to 4ha for Rural Business 1 precinct, and from 2500m<sup>2</sup> to 1ha for Rural Business 2 and Facilities precincts, to reduce the potential impacts of additional traffic generated by the plan change. The advice from Mr Penny is that the increase in traffic is considered likely to be commensurate with growth estimated and provided for by the CTM and CRETS and the volume and impact of heavy goods vehicles is likely to be negligible. I therefore recommend rejecting S12 D1 (and accepting F46).
  - S19 D2 seeks a 4ha minimum lot size across the zone. CIAL seeks this modification as a method of restricting the location and number of residences allowed on the plan change site, given its location under the airport noise contours and the sensitivity of residential activity to aircraft noise. The plan change at Volume 2 Part 4 2.5.11 (Land use – Templeton Special Rural Zone) as notified limited residential development to 15 custodial residences across the 60ha Templeton Special Rural Zone - the equivalent of 1 per 4ha (as is permitted under the existing Ru2 zoning and a density previously acceptable to CIAL), noting that the floor limit imposed by the plan change (65m<sup>2</sup>) is significantly less than a standard

rural-residential dwelling. Mr Long's position was that the modification proposed by CIAL would only ensure these residences were evenly spaced across the site, rather than potentially clustered. It is unclear how modifying 2.5.11 as sought in S19 D2 would better enable or protect CIAL's operations. Moreover, and as discussed earlier in this decision report, that custodial dwelling provision has since been recommended by me to provide for only two custodial dwellings. Therefore, I recommend rejecting S19 D2 and accepting F66.

- Transpower at S11 D9 seeks to add text to the City Plan subdivisions provisions, relating to transmission corridors. I accept S11 D9.

#### Excavation and filling

- 11.43 Excavation and filling of the site is addressed specifically by Rule 2.5.11 (Land use – Templeton Special Rural Zone) and also at Volume 3 Part 9 Section 5 in relation to excavation under power lines. A number of submissions raise this as an issue including S2 D2 (Templeton Residents Association), S4 D5 (Christchurch City Council), S5 D3 (Sara Jane Harnett), S10 D13 (ASP Group) and S11 D8 (Transpower).
- 11.44 The proposed rule contains a formatting error, which Mr Long recommended be corrected by accepting S10 D13, rather than as suggested in S4 D5 (which I recommend rejecting). I accept Mr Long's recommendation.
- 11.45 Mr Long also advised me that concerns by some submitters that the site may be quarried (as raised in S2 D2, and S5 D3) are in effect unfounded, noting that some confusion may have resulted from the formatting error in the plan change document. The controls proposed mirror what is provided for under the existing Special Purpose (Hospital) zone. Mr Long did not consider the volume of gravel able to be extracted to be a significant amount and not sufficient to create a viable gravel extraction operation. The rule as proposed provides for secondary activities such as for stormwater management, landscaping, building foundations and so on. He recommended accepting in part S2 D2 and S5 D3. I concur.
- 11.46 S11 D8 (Transpower) seeks that provisions are included in the City Plan to manage land use activities near transmission lines. The suggested amendments are in line with those recently included in the Plan through Plan Change 5 (Awatea) and Plan Change 19 (Islington). I recommend accepting S11 D8.

#### Servicing

- 11.47 S7 D1 (New Zealand Fire Service), S11 D1-7 (Transpower), and S19 D1 (Christchurch International Airport Ltd) relate to servicing issues.

- 11.48 S7 D1 seeks confirmation that adequate fire fighting supplies will be available. I heard from Mr Eoghan O’Neill (Council’s Water and Wastewater Engineer at the time). He discussed a range of servicing matters and confirmed (as per his evidence to PC23) that some upgrade is required to meet the Council’s requirements. Mr O’Neill also advised me that for rural areas, this does not include requiring fire fighting flows as sought in S7 D1. In those circumstances I must therefore recommend rejecting S7 D1 as not being relief that can be feasibly adopted in this particular instance.
- 11.49 Transpower at S11 D1-7 seeks to amend the policy framework and rules to ensure development occurs in an appropriate manner near the power lines crossing the site. Mr Long advised that these changes are consistent with those made recently for other plan changes (PC 5 (Awatea) and PC19 (Islington Park)). Accordingly, I recommend accepting these changes.

#### **Minor Amendments/Miscellaneous**

- 11.50 A number of submissions seek minor modifications to the plan change document. Based on Mr Long’s advice, I accept the modifications sought in:
- S4 D1-4 and D6-9 (Christchurch City Council);
  - S9 D2 and D3 (ECan);
  - S10 D2-5 and D12 (ASP Group); and
  - F33 (NZTA).
- 11.51 However, I reject the submission of S10 D3 seeks to include the word ‘continuation’ in relation to rural research (as like Mr Long), I consider this may not assist in promoting additional rural research activity.
- 11.52 Further, Mr Long advised me that some submitters noted that the proposed addition to Rule 2.5.4 (Volume 3 Part 4) does not make it explicit what ‘site coverage’ includes, where Rule 2.4.9 Volume 3 Part 4) does (maximum percentage of the net area of any site covered by buildings and impervious surfaces). To rectify this, I adopt Mr Long’s recommendation to include the description at Rule 2.4.9 at Rule 2.5.4 also.
- 11.53 There were also additional miscellaneous matters which have been raised through submissions. There were too many individual points to comment on all the matters individually and as such I address specific recommendations on these submissions in the table in **Appendix 3** to this report along with my recommendation on all other submissions covered in this report.

## 12 STATUTORY EVALUATION

### Overview

- 12.1 Having, considered, in some detail, all the various submissions to PC66, I am now required to give an overall evaluation of the proposal in terms of the statutory tests set down in the RMA.
- 12.2 To this end, and as I outlined in Section 3 of this report, Section 74 of the Resource Management Act sets out the matters that must be considered in preparing a change to the District Plan. Amongst other things, section 74 requires a local authority to:
- comply with its functions under section 31;
  - undertake the duties set out under section 32;
  - ensure the contents of district plans meet the requirements of section 75;
  - ensure that the overall purpose of the Act under Part 2 is met. This includes the matters of national importance (section 6), other matters that require particular regard in achieving the purpose of the Act (section 7) and the Treaty of Waitangi (section 8).
- 12.3 As the Commissioner with delegations to make recommendations on these matters, I record below, a summary of my findings.

### Section 31

- 12.4 Council's functions under section 31 include:

*“(A) the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”*

- 12.5 PC66 introduces policies and methods to achieve the integrated management and development of the former hospital site and now largely vacant brownfields site. My discussion of submissions in the preceding sections of this report forms the basis for my considerations as to how Plan Change 66 achieves integrated management.
- 12.6 For the record, and by way of summary, I conclude that the evidence and material that I have based on own findings on regarding how the proposed rezoning will assist the Council in fulfilling its duty under section 31 to control the actual and potential effects of the development, was very compelling. In this respect I note that a range of technical assessments have been carried out and were provided with the plan change. Those reports were supplemented by the evidence presented by Council officers.

12.7 The key evidence that informed my findings was as follows:

- A geotechnical report was provided with the plan change as notified and concluded that the site is not likely to be at risk of liquefaction. To this end, I note that proposed critical standard 2.5.11 requires that buildings have specific foundation design prepared in accordance with the Department of Building and Housing Guidelines. This was a fundamental ‘stake in the ground’ for me in terms of establishing the physical suitability of the site for built development.
- Mr Eoghan O’Neill (CCC Water/Wastewater Engineer) discussed a range of servicing matters. He confirmed that the site is capable of adequately servicing in terms of water and stormwater/wastewater disposal. For me, this was another tick against site suitability for the new zoning.
- Mr Tony Penny, Consultant Traffic Engineer, found that the traffic effects of the proposed plan change are similar to the traffic effects of potential development under the existing land zoning, and that the traffic levels and characteristics are consistent with the function and purpose of the surrounding roads. This was solid evidence on the ability of the roading infrastructure network to accommodate likely effects.
- Mr Russell Malthus, Environmental Health Consultant, found that appropriate zone groups for noise, glare and hazardous substances have been applied to the proposed zone so that effects should be consistent and compatible between sites within the zone and adjoining zones. He considered that the proposed buffer surrounding the site is sufficient to address reverse sensitivity effects. From a ‘baseline’ perspective this was an important conclusion on the ability of the proposed planning framework to appropriately manage effects.
- Ms Hannah Lewthwaite, Landscape Architect, concluded that the proposed provisions will ensure adequate levels of rural landscape character and amenity are maintained.

12.8 In addition to the above, I record that:

- The evidence from submitters was also very helpful and generally of a constructive nature. For the airport issues, I particularly relied on the agreements arrived at from the joint conferencing between planning witnesses for the landowner, CIAL and CCC.
- Mr Long’s concluding statement which addressed various matters raised in my Minute was of immense value.

12.9 Importantly, I have been able to conclude from the above findings that PC66 provides for redevelopment of the site, utilising existing resources and enabling remediation or removal of those assets which may otherwise fall into disrepair resulting in adverse environmental, visual and amenity effects.

12.10 It is my finding that the proposed rezoning is consistent with Councils functions under section 31 of the Act. In particular, it will assist the Council in fulfilling its duty under section 31 to control the actual and potential effects of the proposed development in order to achieve integrated management and meet the purpose of the Act.

### Section 32

12.11 In accordance with Section 32 of the Act, I (on behalf of the Council) have a duty to consider alternatives, benefits and costs of the proposed change. I note that the tests of section 32 should be read in the context of Part 2 and, in particular, the enabling provisions of section 5(2).

12.12 The relevant assessment under section 32 requires me to consider:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives; and
- the benefits and costs of policies, rules or other methods.

12.13 In terms of the above, I note that PC66 does not propose to change any objectives of the City Plan. The significance of this is that the settled objectives of a district plan can be taken to reflect sustainable management in appropriate circumstances<sup>31</sup>. In this case therefore, the section 32 test is narrowed to focus on the comparative performance of the proposed plan provisions versus the existing plan provisions in implementing the existing and settled objectives framework.

12.14 The CCC undertook a section 32 assessment and this was provided with the plan change as notified. It concluded that the proposed rezoning, policy and associated rules better achieves the objectives of the City Plan than the status quo, and that the benefits of the rezoning outweigh the costs. The potential for rehabilitation of the site is recognised as a significant benefit and this is reflected in proposed Policy 13.4.7. I adopt this section 32 conclusion also.

<sup>31</sup> *Eldamos Investments Limited v Gisborne District Council W47/05; Abraham Holdings Limited v North Shore City Council A69/07*

12.15 Based on Mr Long's identification of the policy framework and the issues assessment in the proceeding section of this decision report, I have concluded that there are several aspects of PC66 that accord strongly with the objective and policy framework of the City Plan. In summary these are:

- In relation to urban growth, Objective 6.2 seeks patterns of land use that promote and reinforce a close proximity and good accessibility between living, business and other activities. PC66 provides for businesses, research facilities and laboratories where they support agricultural and horticultural activities through processing, producing or providing goods or services directly necessary to agriculture and horticulture. This ensures proximity and accessibility between the business or research activities which may establish on site and the surrounding rural activities which they support.
- Objective 6.3A seeks that peripheral urban development is of a scale and character consistent with a primary emphasis on urban consolidation; which avoids, remedies or mitigates adverse impacts on water, versatile soils, significant amenity values and other natural resources, and which makes efficient use of physical infrastructure. The activities provided for by PC66 are consistent with the definition of "rural activities" rather than urban activities as proposed by PC1. Those activities that are more urban in nature are of a scale and character that will not compromise the emphasis on urban consolidation. Moreover, the rezoning will remove the current provision for establishment of health care facilities on the site, removing the prospect of a hub of urbanised health facilities establishing and compromising the goal of consolidation. To the extent that PC66 will demonstrate a somewhat greater level of urbanisation than the surrounding rural zones, the proposed zone provisions address potential effects and are directed at making efficient use of the existing physical infrastructure on the site.
- Supporting policies in the City Plan seek that industrial activities which require a rural location are of a scale compatible with the dominant rural character<sup>32</sup> and that regard is had to the presence of any incompatible activities in the rural area in addressing urban growth proposals<sup>33</sup>. While these matters only arise to a limited extent given the restricted range of activities which may occur in the zone, the controls provided through PC66 in respect of site coverage, setbacks and boundary treatments will ensure that the policies are achieved.
- In relation to rural areas, objectives seek that the open space character and low density of built form which distinguish the rural area be

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<sup>32</sup> Policy 6.2.3

<sup>33</sup> Policy 6.3A.8

maintained and enhanced<sup>34</sup>, and that over the rural area as a whole, rural amenity values, cultural and recreational opportunities are maintained and whenever possible enhanced and adverse effects of activities are recognised and controlled<sup>35</sup>. These objectives are best achieved by proposed Policy 13.4.7 which seeks remediation of the site while avoiding adverse effects on surrounding land, and the efficient reuse of existing resources in a manner which does not significantly detract for the character of the area. The ODP and associated rules have been developed as an efficient and effective method to achieve the proposed policy and ultimately the objectives for the rural area.

12.16 In conclusion, I note that Section 32 is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of costs and benefits at its final decision-making.

12.17 Accordingly, I find that the Section 32 report prepared for Plan Change 66 is comprehensive and was well supplemented by the submissions received and the hearing of those submissions. That process has received further benefit from the information to be presented at the hearing.

12.18 It is my finding that PC66 via its introduction of policies and methods represents an efficient and effective mechanism for achieving to achieve the integrated management and development of the former hospital site and now largely vacant brownfields site area, whilst simultaneously promoting and maintaining amenity in the outskirts of Templeton.

## Sections 75

12.19 Pursuant to section 75(3) of the Act the district plan must give effect to:

- any national policy statement; and
- any regional policy statement.

12.20 The National Policy Statement on Electricity Transmission (NPSET) is particularly relevant to the consideration of this plan change. High Voltage Transmission lines traverse the site west/east towards the Islington substation. Policies 10 and 11 of the NPSET are particularly relevant to the consideration of this submission. These require the Council to include transmission corridors for lines owned by the transmission network operator (Transpower). The ODP does include a transmission corridor. As an aside, Mr Long advised that the CCC (including himself) is working on draft utilities plan change which, amongst other matters, will deal with transmission lines in

<sup>34</sup> Objective 13.1

<sup>35</sup> Objective 13.4

more detail. That aside, I am satisfied from the statement of evidence tabled by Burtons on behalf of Transpower that PC66 is not a threat to the NPSET.

12.21 The RPS is also directly relevant. I was informed that Chapters 12A and 22 were inserted (as operative) by CERA and are relevant to this plan change in relation to the development of Greater Christchurch, and the noise contour around the Christchurch International Airport. These chapters, however, were the subject of a Judicial Review (Independent Fisheries et al). Chisholm J found in favour of Independent Fisheries, however, and I was advised that the Minister for Earthquake Recovery's decision to revoke PC1 and insert Chapters 12A and 22 into the RPS had been the subject of successful judicial review proceedings, although the High Court's decision is now the subject of further appeals to the Court of Appeal. At the present time, the relevant version of PC1 for my consideration is the Regional Council decision version (as recommended by Independent Commissioners), noting that that version remains subject to appeals to the Environment Court. The relevance of PC1 to PC66 is as follows:

- PC1 places the site beyond the urban limits.
- PC66 is consistent with that location and the PC1 definition of "rural activities" which can occur beyond the urban limits.
- Policy 13, drafted to provide for urban development of brownfield sites beyond the urban limit, including this site, currently forms part of PC1. PC66 does not seek to rely on Policy 13, nor is it in conflict with that policy.

12.22 Of the above matters, perhaps the most important is the location of the site outside the urban limit defined at Map 1 to PC1, which is referenced in Policy 1. Policy 1 states that 'urban activities within Greater Christchurch shall only occur within the Urban Limit'. The site is within Greater Christchurch and therefore activities must fit within the definition of a rural activity as contained in Ch12A:

***Rural Activities: means***

- *Rural land use activities such as agriculture, aquaculture, horticulture and forestry Businesses that support rural land use activities*
- *Large – footprint parks, reserves, conservation parks and recreation facilities*
- *Residential activity on lots of 4 ha or more*
- *Quarrying and associated activities*
- *Strategic Infrastructure outside the urban limits.*

12.23 In terms of PC1, Policies 9 and 10 have relevance as the 50dBA Ldn air noise contour as defined in the RPS for the airport covers the bulk of the site (some of the northern end is outside the contour). The policies seek the avoidance of noise sensitive activities within the contour. It is noted that although the 50dBA contour in the RPS is currently different to those contours shown in

the City Plan, the site is covered by both sets to a similar degree. Mr Long advised me that a separate plan change would seek to adopt the new RPS contours.

12.24 The effect of Policies 9 and 10 is that the City Plan, and this plan change, may not enable a noise sensitive activity. These are defined in the RPS as -

**Noise Sensitive Activities: means**

- Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;
- Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan or on other land used or available for business activities;
- Travellers accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;
- Hospitals, healthcare facilities and any elderly persons housing or complex.

12.25 I conclude that in terms of the above PC66 it is consistent with the RPS.

12.26 It is my finding that PC66 is not inconsistent with the National Policy Statement on Electricity Transmission (NPSET); and, other than for some minor wording issues with the proposed rules, the Canterbury Regional Council's submission supports PC66 because it is consistent with the RPS.

**Section 74**

12.27 Section 74 (2) (b) requires that a local authority give regard to management plans and strategies prepared under other Acts to the extent that their content has a bearing on resource management issues in the District.

12.28 Relevant Plans/Strategies and my assessment of how PC66 "stacks up" against them, is as follows:

(a) The Greater Christchurch Urban Development Strategy (the UDS)

The UDS has been produced by a partnership of District Councils (Selwyn, Waimakariri and Christchurch City), Environment Canterbury and the New Zealand Transport Agency. Its purpose is to manage future urban development in the Greater Christchurch area until 2041. The UDS sets the framework for managing urban growth in Greater Christchurch through a combination of staged urban expansion and more intensive use of the existing urban areas. It aims to achieve compact, sustainable urban form and high quality development. PC66 does not challenge the UDS.

(b) The Regional Land Transport Strategy (RLTS)

This has relevance, particularly with regard to the location of Stage 2 of the CSM, which is a matter addressed in the reports from Traffic Design

Group (TDG). This is addressed in TDG's report for the s32 assessment, where they found that the proposed plan change is consistent with growth predictions and modelling associated with the RLTS.

(c) The Recovery Strategy for Greater Christchurch (the Recovery Strategy)

This was prepared by the CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "*read together with, and forms part of*" other relevant legislation within the greater Christchurch area. The City and District Plans (and other statutory documents) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy.

"Recovery" is defined under the CER Act as including both restoration and enhancement (Section 03). Section 04 identifies the vision for the recovery of Greater Christchurch and supporting goals relating to the six components of recovery: leadership and integration, economic recovery, social recovery, cultural recovery, built environment recovery and natural environment recovery. Of particular relevance to land use activities are the following goals which broadly seek to:

- restore the confidence of the business sector and insurance and finance markets to enable economic recovery and growth;
- deliver quality and accessible community, health, education and social services;
- rebuild infrastructure and buildings in a resilient, cost-effective and energy-efficient manner;
- have a range of affordable housing options connected to community and strategic infrastructure;
- provide public access to and opportunities for outdoor recreation;

12.29 It is my finding that PC66 will assist in the implementation of the Greater Christchurch Urban Development Strategy and is consistent with growth predictions and modelling associated with the RLTS. It also is not inconsistent with the Recovery Strategy for Greater Christchurch.

12.30 Overall, it is my finding that PC66 is consistent with the various (and relevant) management plans and strategies prepared under other Acts to the extent that their content has a bearing on resource management issues in the District.

## Part 2 of the RMA

12.31 Here, I form an overall evaluation under Part 2 of the RMA.

### Section 5

12.32 Section 5 of the RMA requires Councils to manage the development of natural and physical resources in a way that will enable the community to provide for its social, economic and cultural wellbeing while avoiding, remedying, or mitigating any adverse effects of activities on the environment. This results in a balancing of interests and a need for trade-offs to be made.

12.33 Sub-clause (a) of Section 5 requires resources to be sustained to meet the reasonably foreseeable needs of future generations. PC66 is concerned with the subdivision and development of a brownfields site for prescribed rural activities in Templeton in an efficient and effective manner. In this respect, the needs of future generations (for connectivity and integrated form) need to be balanced against the desires of existing landowners.

12.34 The pattern of urban development created by further subdivision is likely to be longstanding and as such it is appropriate that a degree of management be applied to ensure it is well integrated with its surroundings and meets the needs of future generations.

12.35 Sub clause (c) of Section 5 requires that adverse effects of activities on the environment be avoided, remedied or mitigated. The rules and environmental outcomes of PC66 is aimed at avoiding and mitigating the adverse effects of rural activity on this 60 ha site from uncoordinated ad-hoc development, in a manner consistent with the objectives of the City Plan.

12.36 PC66 achieves the sustainable management purpose of the Act in that:

- The ODP and rules framework manage the use and development of the site and its existing physical resources in a way which provides for the social, economic and cultural wellbeing of people and communities.
- In particular, business and research activities will support the surrounding rural community, while the recreational facilities will be an asset to those who work within the site as well as the wider community.
- The provision for small scale infrastructure facilities on the site will also assist with the infrastructure needs of the site and the wider community.

12.37 Although not provided for in the zone, I believe these activities can also be successfully complemented, via the resource consent process) or via scheduling in the zone), by the continued operation after 2016 of the existing

Westmount School, and I particularly hope that view is endorsed by CIAL at the time.

### Section 6

12.38 Section 6 identifies matters of national importance that Council must recognise in the preparation of a District Plan. In my view there are no matters listed which are relevant to PC66.

### Section 7

12.39 Section 7 identifies a list of other matters that the District Plan should have particular regard to. Of relevance to Plan Change 66 are:

- section 7(b) the efficient use and development of natural and physical resources;
- Section 7(c) the maintenance and enhancement of amenity values; and
- Section (f) maintenance and enhancement of the quality of the environment.

12.40 Based on my understanding of all the issues I conclude that:

- PC66 would support the efficient use of the considerable physical resources on the site- both land and infrastructure - in accordance with section 7 (b).
- It would also contribute to the maintenance and enhancement of amenity values in a more effective way than the existing provisions (special purpose hospital zoning) which are largely redundant given the cessation of the hospital a decade ago. Particularly having regard to the status quo, PC66 will better maintain and enhance amenity values and the quality of the environment by avoiding deterioration of the existing infrastructure and through plan provisions which will provide for rural character and amenity of the site. In this way it would support matters (c) and (f).

12.41 On the above basis, I find that PC66 meets the purpose and principles of the Act under Part 2, including the promotion of the sustainable management of the natural and physical resources of the District.

## 13.0 CONCLUSION

### Summary of Key Recommendations

13.1 The matters I have assessed and the recommendations I have reached are:

13.2 **Firstly** I have recommended confirmation of PC66 as notified subject to the changes recommended by Mr Long in his concluding statement dated 10 September 2012. That statement included a revised version of the PC66 provisions based on his consideration of the matters raised at the hearing and his involvement in the conferencing that occurred after the hearing adjournment and which resulted in an agreed statement by the parties who participated. The main alterations to the notified plan change are:

#### **Policy 13.4.7**

(a) Additions to Policy – Templeton Special Rural Zone

- To refer to the role of the ODP to ensure subdivision, development and use of the Templeton Special Rural Zone occurs in an integrated manner consistent with the rural character of the area.
- Additions to the reason to the policy to back this up.

#### **Volume 3 Part 1 Definitions**

(a) Alteration to the definition of *Rural Activity* – Templeton Special Rural Zone and specifically to the term “*activities that support agricultural, horticultural or pastoral farming through processing, producing, or providing necessary goods or services*”. Several exclusions are listed including service stations, mineral extraction and certain industrial activities.

(b) Inclusion a new definition of the term “*strategic Infrastructure*”

#### **Templeton Special Rural Zone Description**

(a) **additions to the Zone Description and purpose to :**

- Reference to avoiding reverse sensitivity issues affecting lawfully established operations on adjoining land, including on Corrections land.
- Reference to the high voltage transmission line (Roxburgh – Islington A single circuit 220kV line on towers) and to the National Policy Statement on Electricity Transmission 2008 (NPSET).
- To note that residential occupation is restricted to two (2) custodial units within strict parameters as to scale and acoustic attenuation.

(b) **Consequential Alterations to Environmental results expected**

#### **Templeton Special Rural Zone Rules**

(a) **alteration to development standards relating to**

- Minimum building setback from zone boundaries.
- Servicing – Making stormwater facilities a discretionary activity and including a rule on service of limited notified applications to Christchurch International Airport Limited for such applications.

- Cross-reference to Volume 3 Part 13) transportation rule (Development Standard) 2.3.8 (High Traffic Generators).

**(b) Alteration to Community Standards**

- Introducing a rule on outdoor storage generally and specially in relation to locations to be avoided ( e.g. buffer areas).
- Adding an advice note regarding vegetation controls within the transmission corridor shown on the Outline Development Plan for the Templeton Special Rural Zone.
- Limiting the number of custodial units that can be developed (2 such units shall be established within the zone).

**(c) Alteration to Critical Standards**

- In Rule 2.5.6 clarifying the restrictions applying to retailing also apply to wholesale sales. Also clarifying that the total restriction on gross leasable floor area (5000m<sup>2</sup>) applies over the whole area contained within the Outline Development Plan in Appendix 6 Part 4.
- Restrictions on floor space for offices, other than those associated with rural research facilities or laboratories,
- Reinforcing that any use or activity must be a rural activity or strategic infrastructure as defined.
- Reword controls on the 20m buffer along the western boundary as shown on the Outline Development Plan at Appendix 6 to Volume 3 Part 4 and reference to the new cross section plan (showing landscaping and bunding) forming part of that Outline Development Plan.

**(d) Assessment Matters**

- Adding assessment matters regarding water bodies and bird strike risk for Templeton Special Rural Zone

13.3 These changes are by no means the full extent of all of the various changes made but they do however represent the main changes that have been recommended to the PC66 as a result of the submissions/hearing process.

13.4 **Secondly**, I have recommended alteration of PC66 in respect to the following single matter which did originally form part of Mr Longs recommendation:

**Templeton Special Rural Zone Rules**

- (a)** Critical standard - add a new clause to Rule 2.5.11 to the effect that no retail or manufacturing activity or heavy goods vehicle movements occur outside the hours of 6am – 10pm

13.5 A full itemisation of all the changes in terms of precise wording and formatting is shown in Appendix 4 to this decision report. The provision highlighted in yellow represent changes that have been made as a result of the submission and hearing process.

## Concluding Remarks

- 13.6 There are a number of themes I would like to address in closing.
- 13.7 **Firstly** in terms of **process and outcome**, this has been an interesting and challenging deliberations exercise. There are a number of reasons for this. Of these, the principle one has been the complexity of the issues involved. Whilst the driving force of PC66 – rezoning of a brownfields site - is reasonably straightforward, the related issues are anything but. These include a wide suite of sub-topics and issues ranging from the very broad considerations of zoning mix, and connectivity linkages (all covered in the zoning plan and ODP), through to the precise specific rules affecting the range of activities and their associated performance standards. In the midst of that there was the issue of future roading proposals in the wider area which, whilst it does not form part of PC66 itself and instead is part of the NZTA Roads of National Significance (RONs) process, was still a relevant other matter.
- 13.8 **Secondly**, in respect to the **hearing**, I wish to comment on the contribution of the participants. I am appreciative of the considerable effort that went into the presentation of hearing material by not only Mr Long and his advisors but also those submitters who elected to present at those forums.
- 13.9 **Thirdly**, and in terms of relevant issues there have been a host of matters to wade through including scope issues (both in terms of submissions lodged and scope of PC66 itself), the relevance of RPS PC1/Chapters 12A and 22 (or at least their relative weighting compared to other statutory documents) and a raft of day to day planning issues such as the extent of zoning, the envelope for bulk and location controls, and controls on custodial dwellings. Of these issues, the key is the significant matter of airport influences (avoiding noise sensitive activities in relation to the airport noise contours and controlling water bodies under the flight path to reduce the potential for bird strike by aircraft). This dominated the hearing and post hearing process. Fortunately, and due to the willingness of the parties to conference, these matters were settled reasonable amicably and this should avoid any further litigation from those parties on this matter.
- 13.10 Arising from the airport influence issues, I have made two observations and I repeat then here:
- (a) For planning certainty, it is important that CCC swiftly moves to initiate the plan change process to implant the new noise contours into the City Plan in the same manner that both Selwyn and Waimakariri District Councils have done<sup>36</sup>. This will eventually lead to more settled provisions in the City Plan and more certainty for all parties.<sup>37</sup>

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<sup>36</sup> The revised contours do appear (and are operative) in both the Waimakariri and Selwyn District Plans.

(b) The issue of whether or not to provide for the Westmount School in PC66 was a delicate one. Despite having sympathy for the School's position, in the end the provisions of PC1 regarding avoiding noise sensitive activities (such as schools) under the noise contours trumped the matter and won the day. I did think that given the history of the School and its exemplary no complaints track record combined with this efficient use of existing buildings might have meant it might be deserving of some special scheduling on this particular site and I would encourage the CCC in conjunction with the school, landowner and CIAL to give this future consideration. Failing that, and subject to due process under section 95 and 104 of the Act, I would encourage the CCC to give special consideration to any future resource application to re-consent the School (when the current consent expires in 2016).

13.11 **Fourthly**, and in **overall environmental terms**, I consider that PC66 is fundamentally sound for the following reasons:

- The site is currently zoned Special Purpose (Hospital), but contains no health care facility and is unlikely to do so in the future. While the Rural 2 zone rules apply for non-health care activities, the remnant infrastructure prevents many traditional rural uses. Further, removal of that infrastructure for a return to traditional rural use is likely to be financially unviable and in the absence of an alternative use there is significant potential for degradation of that infrastructure in a way which will adversely affect the quality and visual amenity of the environment.
- PC66 has been specifically developed to enable redevelopment of the site and use of the existing physical resources. It has been developed to ensure consistency with the site's location outside of the urban limit and to achieve the objectives and policies of PC1 and the City Plan in relation to urban growth and the rural area. The ODP and rule framework appropriately address potential effects and achieve the objectives and policies of the City Plan in respect to rural character and amenity values.

13.12 On the above basis it is abundantly clear to me that PC66 more appropriately achieves the objectives and policies of the City Plan and the sustainable management purpose of the Act, and should be preferred over the status quo.

13.13 **Fourthly**, in terms of **alternatives**, the do nothing option - the retention of the status quo - is not a valid response in this instance. This is particularly so in light my conclusion immediately above about the unlikelihood of the site to

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<sup>37</sup> I understand that this process may have started with a draft plan change being consulted on (PC74) but no statutory notification of it yet.

ever returning to its former use. Also, the existence of valuable non rural infrastructure on the site is a deterrent to traditional Rural 2 uses.

13.14 Fifthly, and in terms of **effects of PC66**, the clear conclusion from the preceding sections of this decision report is that the planning framework embodied in PC66 is well equipped to effectively minimise any adverse effects either through performance standards or through the resource consent process that is required where standards are beached. This relates to all effects - servicing, landscape, traffic, noise, amenity and airport influences.

13.15 Finally, I appreciate that the plan change process may have caused stress and uncertainty for the landowner and some aspects of the community but note that this is the case with any substantive Plan Change process. I consider it to be important that the decision process now proceeds without delay to give some certainty to all interested parties in what is happening in the area. In this respect I note that any decision reached on my recommendations will not satisfy all parties due to some of the polarised views expressed. Nonetheless, and in terms of **outcome**, this recommendation does its best to deliver the certainty of direction that all parties have requested.

13.16 With that said I now present my overall recommendation for PC66.

## 14.0 OVERALL RECOMMENDATION

14.1 Based on my consideration of all the material before me including the section 42A report from the council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32, I recommend to the Council that:

(a) **The Plan Change be accepted as notified, except in relation to the changes identified in yellow highlight in Appendix 4.**

(b) **Consequently, the submissions and further submissions lodged to the Plan Change be accepted, accepted in part or rejected as identified in the tabular summary in Appendix 3.**

(c) **I encourage the Council to consider the wider and non-statutory suggestions made by me which would be of benefit to the wiser community** (these matters are all beyond the scope of the Plan Change). These are:

- (i) That the Council swiftly moves to initiate the RMA statutory plan change process to implant the new airport noise contours into the City Plan in the same manner that both Selwyn and Waimakariri Districts have done.
- (ii) That the CCC undertake consultation with Westmount School, Rookwood Holdings limited and Christchurch International Airport Limited, with a view to investigating special scheduling on the Westmount School activity on the PC 66 site.

DATED AT CHRISTCHURCH THIS 8<sup>Th</sup> DAY OF NOVEMBER 2012



DJ McMahon  
Commissioner



**APPENDIX 1**

**MINUTE 1 OF COMMISSIONER**



**CHRISTCHURCH CITY COUNCIL**

**PLAN CHANGE 66: TEMPLETON SPECIAL RURAL ZONE**

**MINUTE 1 OF COMMISSIONER**

**Introduction**

1. I have been appointed by the Christchurch City Council to hear and determine<sup>38</sup> the abovementioned Plan Change and the submissions lodged to it. The hearing commenced at 9.15 am on 15 August 2012 and was adjourned at 4.15pm that afternoon for the purposes of receiving some further written material from certain parties and for a site/locality visit by me (at a date and time to be determined).
2. At the time of the adjournment I had heard from all parties; namely the Council, and all submitters wishing to be heard, including the owner of the land proposed to be rezoned (Rookwood Holdings Ltd).
3. The purpose of this Minute is to formalise some verbal instructions given at the hearing and to provide a timeframe for the receipt of additional material.

**Response from Council Planning Officer**

4. During the course of the hearing, there were occasions when I sought clarification and further information from the Council reporting officer, Mr Long. Initially it appeared that Mr Long might be able to respond to the queries before the hearing adjournment but as the list became longer and the hearing continued this proved to be not only impossible but also an undue imposition on Mr Long. Accordingly, I agreed that it would be more appropriate (and transparent) if Mr Long responded in written form once he had time to obtain the information sought and consider the clarifications requested. Unlike me, Mr Long kept a record of the requests, but the key information I require is:
  - An aerial photo of the site and surroundings marked up with (where relevant) submitters' properties and any activities/items of relevance.
  - A copy of the resource consent application and decisions for the private school on the application site (subsequently provided),
  - Information on a 450 lot submission/plan change referred to by Mr Mauer (Rookwood Holdings).
5. The above information aside, the key response I require from Mr Long concerns one of the provisions in the proposed Templeton Special Rural Zone. That

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<sup>38</sup> My powers are to issue a recommendation to the Council which they can in turn decide to accept or not.

provision is Rule 2.2.1. In the Templeton Special Purpose Zone, *rural activity* is defined as:

- *agriculture and horticulture;*
- *businesses, research facilities and laboratories that support agriculture and horticulture activities through processing, producing, or providing goods or services directly necessary to agriculture and horticulture;*
- *food outlets and similar such as service activities within the zone;*
- *private parks, reserves and facilities such as service activities within the zone;*
- *small scale facilities associated with strategic infrastructure, such as associated with the provision of electricity, telecommunications and reticulated services.*  
(*emphasis added*)

6. Like some of the submitters (notably Harnett and CIAL) I expressed some concern about the lack of precision in the part of the definition relating to “*businesses... that support agriculture and horticulture activities.*” Mr Long’s explanation was that the definition is derived from Plan Change 1 (PC1) to the Regional Policy Statement (RPS). Whilst I accept that is the case I also noted that the level of provision required in regional policy statement is of a different level to that in a district plan controlling land use.
7. In particular, I was concerned that activities as diverse as retailing (e.g. PGG Wrightsons), rural banking (Rabobank), administrative and professional offices (such as that of an agricultural consultant), as well as rural industrial uses such as a fertiliser manufacture and storage, or farm machinery/implements repairs and sales could establish. Whilst some of these activities may have been intended I have my doubts that businesses involving merchandise retailing were envisaged.
8. In case I am wrong, I invited Mr Long to consider this matter from two aspects:
  - Firstly, in terms the intention of the rule; and
  - Secondly, in terms of the delivery of that intention.
9. In respect to the latter matter I invited him to discuss with the Development Control team at the Council how such a rule would be administered. Implicit in this invitation is that opportunity for Mr Long to make suggestions as to how to tighten the rule in one of two ways; either by adding further words (such as examples) or specifically excluding activities; or by a combination of both methods.
10. In addition to the above, there is also the opportunity for Mr Long to respond in his written reply to any other matter that was raised in the presentation of submissions at the hearing.

### **Airport Issues**

11. At the hearing I received a comprehensive presentation from Christchurch International Airport Ltd (CIAL) represented by Ms Lowe (Counsel) Mr McAnergney (Airport Planner) and Mr Bonis (Consultant Planner). Helpfully all three précised their written statements and focused on the relatively few matters of contention. These were largely confined to the following matters:
  - Control on noise sensitive activities in the 50 dBA noise contour (notably the existing Westmount School and the proposed provision for custodial residences)
  - Controls on stormwater water bodies that could give rise to bird strike.
12. Essentially, the position of CIAL was that in its current form PC66 would enable noise sensitive activities to establish and that this could lead to reverse sensitivity effects on the strategic infrastructure of Christchurch International Airport. Also CIAL was worried that there was not an appropriate management regime in the PC66 to alleviate the risk of bird strike risk on airport operations.
13. Mr Bonis usefully provided some wording suggestions to address the concerns of CIAL. These involved changes to the wording for Development and Critical Standards affecting stormwater infrastructure and residences respectively. He also identified some consequential changes to the assessment matters and reasons associated with those rules. There was some discussion of these changes at the hearing as part of the questions from me and the clarification I sought from the officers (notably Mr Long and Mr Malthus). It became apparent, and Mr Bonis agreed, that there was merit in Mr Long and Mr Bonis being afforded the opportunity outside of the hearing to 'conference' on these wording changes. It would also be appropriate for a representative of the landowner to take part in such conferencing.
14. Accordingly, I direct that such conferencing occurs as soon as is conveniently possible. I would like Mr Long to be responsible for capturing the outcomes of such conferencing and in particular to provide a written statement as to what was discussed, the areas of agreement and disagreement and any agreed wording changes. Notwithstanding the strongly stated position of the CIAL regarding the continued operation of/provision for Westmount school/education facilities per se, I do wish that topic to be part to the agenda for conferencing. In this respect the written statement from the Westmount School should be made available to Mr Bonis.

### **Next steps/Timetable**

15. Mr Punsellie would like to have my written recommendation on the plan change for the Council at the end of October 2012 to enable it to be considered at the November Council meeting. In order to achieve this timetable it would be useful if I could have Mr Long's responses to my queries/information requests and his written statement on the conferencing by no later than 21 September 2012. The

exception to this is for the aerial map referred to earlier. I would like that to be available for collection by me on the afternoon of Thursday 30 August this week for my site visits on Friday 31 August.

16. Finally, I request a word version document of the following from the Council, the CIAL and Rookwood Holdings:

- Mr Long: s42A report and hearing statement
- CIAL: Statements of Lowe, McAnergney and Bonis.
- Rookwood Holdings: Statements of Mauger and Eveleigh

17. The hearing remains adjourned until the information and clarifications sought above are received. At this point no other information is sought from any other party.

18. Any queries in relation to this Minute should be directed to the CCC Hearings Administrator Mr Punselie, in the first instance.

**DATED** this 23<sup>rd</sup> day of August 2012



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DJ McMahon  
Independent Commissioner

**APPENDIX 2**

**RECORD OF CONFERENCING BETWEEN LANDOWNER, CIAL AND CCC  
DATED 12 SEPTEMBER 2012**



**IN THE MATTER**

**of the Resource Management Act 1991**

**AND**

**IN THE MATTER**

**Plan Change 66 – Templeton Hospital**

Joint Statement Mr Andrew Long (planner for the Christchurch City Council), Mr Matthew Bonis (planning consultant for the Christchurch International Airport Limited), and Ms Sarah Eveleigh (counsel for Rookwood Holdings Limited) regarding rules relating only to the provisions of stormwater management and avoidance of birdstrike, and noise sensitive activities within the airport noise contours contained in the City Plan.

**10 September 2012**

## **A INTRODUCTION**

- [1] This Caucusing Statement is the joint statement of Mr Andrew Long (planner for the Christchurch City Council), Mr Matthew Bonis (planning consultant for the Christchurch International Airport Limited), and Ms Sarah Eveleigh (counsel for Rookwood Holdings Limited). The meeting was held at the Civic Offices on 6 September 2012. Mr Warner Mauger and Mr Simon Tucker were also present for Rookwood Holdings Limited.
- [2] Caucusing occurred as directed by the Commissioner (Mr David McMahon) in his minute dated 23 August 2012. Following the meeting and subsequent discussions, this joint statement was agreed through email exchange.
- [3] It is our understanding that the Commissioner directed caucusing occurs between the parties to review the provisions of Plan Change 66 (Templeton Hospital) as confined specifically to:
- The provision of stormwater management systems and the avoidance of bird-strike under the approach path to the Christchurch International Airport;
  - The location of noise sensitive activities under the airport noise contours.

## **B STORMWATER MANAGEMENT AND BIRD-STRIKE**

- [4] The plan change as notified contains, in the Outline Development Plan (ODP), a number of criteria relating to the design of stormwater management systems, including criteria specific to the avoidance of bird-strike. Proposed rule 2.5.14 (Volume 3 Part 4) requires that use, development and subdivision of the land be consistent with the ODP.
- [5] Mr Bonis at the Hearing sought relief to the effect that stormwater management provisions be relocated from the ODP to a Development Standard specific to stormwater management so that a more precise outcome would be anticipated in terms of the management of bird strike through stormwater design and management. The development standard would include similar criteria as does the ODP, but require consent as a restricted discretionary activity. Failing to comply with the criteria in the development standard would result in Christchurch International Airport Limited (CIAL) being a limited notified affected party. The creation of non-stormwater water bodies remain a breach of a critical standard rendering such activities as non-complying.

- [6] Mr Long pre-circulated a draft rule, based on that proposed by Mr Bonis, but not requiring consent where the criteria are met. The parties understood the purpose and intent of the rule, with much of the discussion focusing on the appropriate activity status where a proposed system complied with the criteria. Mr Bonis stated his preference for restricted discretionary activity status, citing concerns that a permitted activity status would not provide the Council with a mechanism to verify the adequacy of the system or decline an application if necessary.
- [7] The parties noted at the meeting that there was agreement in relation to the criteria included in the proposed rule, and also that CIAL would only be notified in the event the criteria could not be met.
- [8] In discussions subsequent to the meeting, it has been agreed that the rule as recommended by Mr Bonis be included in the plan change, including in relation to activity status. The parties have agreed to recommend the following be included in plan change.

**Volume 3 Part 4 Development Standard 2.3.7 Servicing – Templeton Special Rural Zone**

- (a) **There shall be no creation of waterbodies, except for stormwater facilities for the disposal and / or treatment of stormwater.**
- (b) **Stormwater facilities shall be a discretionary activity, with the exercise of the Council's control limited to the extent to which the design, layout and plant species proposed have been undertaken and selected having consideration to the operations of the Christchurch International Airport and the need to minimise potential bird strike. The stormwater system shall be certified by a suitably qualified person to the following standards:**
- (i). **The design, operation and management of the stormwater system shall avoid attracting bird species which constitute a hazard to aircraft;**
  - (ii). **Stormwater infiltration basins are designed to fully drain within 48 hours of the cessation of a 2% AEP storm event;**
  - (iii). **Rapid soakage overflow chambers in sufficient numbers and with sufficient capacity to minimise any ponding of stormwater outside of the infiltration basin areas;**
  - (iv). **The use of plant species within the basin (including its margins) that are suitable for inundation by stormwater and are not attractive to birds; and**
  - (v). **Basin size and side slope dimensions that are suitable for stormwater management and are not attractive to birds.**

**Any proposal that does not comply with either of these provisions shall be limited notified to Christchurch International Airport Limited.**

**Reference to other community standards**

**Electricity Transmission Line Corridor**

**(refer Part 4, Clauses 4.4.7 and 4.4.8)**

**Volume 3 Part 4 Assessment Matter 4.2.24 Waterbodies and Birdstrike risk – Templeton Special Rural Zone**

- (a) **The extent to which the proposed water features will be attractive to birdlife that might pose a birdstrike risk to the operation of Christchurch International Airport Limited;**
- (b) **Whether a management plan has been developed that demonstrates there will be ongoing operation and maintenance of the stormwater system to minimise bird strike risk for the life of the stormwater system.**

#### Volume 3 Part 4 Reason for Rule 5.1.23 Waterbodies and Birdstrike risk

The Templeton Special Rural Zone is located in proximity to the Christchurch International Airport Limited aircraft approach path. As such, it is important that the risk of birdstrike on Airport operations is minimised. Water features are therefore not anticipated in the zone, apart from any basins necessary for the management and disposal of stormwater. Such basins are to be designed to minimise their attractiveness for bird species that potentially create a birdstrike risk. Proposals that do not comply with this rule are to be limited notified to Christchurch International Airport Limited so that CIAL can have the opportunity to respond to potential risk posed by such proposals.

#### Volume 3 Part 4 Appendix 6 Outline Development Plan – Templeton Special Rural Zone

(...)

##### Stormwater

The site has been assessed as being suitable for on-site stormwater management. Each allotment will have individual on-site stormwater management systems in line with the requirements outlined below, and there will be communal stormwater management to handle stormwater from the public realm. The Communal system will include a contingency amount for unusually heavy rainfall events. Rule 2.3.7 (Servicing – Templeton Special Rural Zone) includes design criteria for the system.

The diagram shows a stormwater management area in the north of the site, in an existing natural swale, but communal detention and management will need to occur elsewhere within the site also. The transmission corridor mid-site provides an opportunity for this.

Stormwater management at the site should be designed in general accordance with the following:

- Roof water should be put directly to ground via sealed pipework and soakage pits;
- Stormwater from individual allotments shall be retained on-site and put to ground via first flush soil absorption basins and rapid soakage. A 2% Annual Exceedance Probability design is required.
- In addition, a minimum volume of stormwater storage per allotment of 10% AEP (Annual Exceedance Probability) design storm event of 18 hours with rainfall depth of 85mm.
- First flush volume shall be the stormwater runoff volume from the first 25mm of rainfall depth of any storm event.
- A system of first flush basins, detention and rapid soakage shall be provided at the time of subdivision for all public roads and public hardstand areas within the zone. An additional amount of detention shall be provided on public land within the zone equivalent to 10% of the estimated run-off volume from private land with a 2% AEP (Annual Exceedance Probability) level of service;
- The design, operation and management of the stormwater system shall avoid attracting bird species which constitute a hazard to aircraft; and
- Stormwater infiltration basins are designed to fully drain within 48 hours of the cessation of a 2% AEP (Annual Exceedance Probability) storm event.

(...)

## **C WESTMOUNT SCHOOL**

- [9] The existing Westmount School has temporary resource consent at its present location providing for existing operations until 2016. It is not provided for in the notified plan change and would need resource consent as a non-complying activity under proposed rule 2.5.11 (Land use – Templeton Special Rural Zone) to continue to operate at the site.
- [10] Education facilities are included in the definition of noise sensitive activities in Proposed Change 1 to the Regional Policy Statement. Policies 9 and 10 of PC1 and also by Policy 6.3A.7 of the City Plan relate to the continued operation of the airport and to noise sensitive activities.
- [11] Mr Bonis also identified that he had concerns as to whether a comprehensive school and associated facilities could truly be considered a rural activity. A finding that it was not, would act as a preliminary hurdle in considering whether the Plan Change was only enabling 'rural activities', and would as a consequence raise wider policy matters in terms of urban growth.
- [12] The parties are agreed that providing for the school within the plan change would not better, or more appropriately, achieve what is sought in these policies than limiting such noise sensitive activities. While the parties have sympathy for the school, they further agreed that the plan change should not make provision for the Westmount School or any other education facility.

## **D CUSTODIAL RESIDENCES**

- [13] The notified plan change provided for 15 65m<sup>2</sup> custodial residences across the 60 hectares proposed to be zoned Templeton Special Rural Zone – a rate commensurate with Rural 2 provisions for rural-residential activity. CIAL submitted in opposition on this matter, suggesting that the plan change be modified to require a 4ha minimum lot size across the Templeton Special Rural Zone. The relief sought was altered at the Hearing to require that any custodial residence be located on its own 4ha lot, with the proposed minimum lot sizes as notified remaining extant otherwise.
- [14] Mr Long pre-circulated an amendment to proposed rule 2.5.11 as relates to custodial residences. The amendment retains the text of the rule as notified but reduces the number of permitted custodial residences from 15 to two (2). The 65m<sup>2</sup> floor area limit is proposed to be retained, significantly limiting the number of potential occupants.

[15] The parties agreed that such a change was within the scope available to the Commissioner in relation to the CIAL submission. The parties further agreed that the provisions of two custodial residences across the 6oha site is an appropriate density with regards Policies 9 and 10 of PC1 and would better achieve Policy 6.3A.7 of the City Plan than the rule as notified.

### Volume 3 Part 1 Definitions

#### Rural Activity – Templeton Special Rural Zone

For the purposes of applying City Plan rules to the Templeton Special Rural Zone, rural activity is defined as;

- a. agricultural, ...
- e. a limited number of residences for security / custodial purposes;

#### 1.11 Templeton Special Rural Zone

##### Zone description and purpose

The location of the site outside the urban limit and under the airport noise contours as defined in the operative Regional Policy Statement (particularly chapters 12A and 22) effectively precludes it from being used for urban or noise sensitive activities. Residential occupation is not enabled, and only two custodial units are provided for by the zone within strict parameters as to scale and acoustic attenuation.

#### Volume 3 Part 4 Critical Standard 2.5.11 Land use – Templeton Special Rural Zone

(a) ...

(c) No more than one residential unit shall be established per site. Any residential unit must be for the purposes of security or management of the business activity on the site only. No residential unit shall have a floor area greater than 65m<sup>2</sup> and no more than 15 2 such units shall be established within the zone.

Refer also to Development Standard 2.3.5 (Strategic Infrastructure – Templeton Special Rural Zone), Development Standard 2.4.9 (Site Coverage – Rural Activities), and Development Standard 2.3.8 (High Traffic Generators) at Volume 3 Part 13).

#### Volume 3 Part 4 Reason for Rule 5.1.22 Land use - Templeton Special Rural Zone

The rule addresses a range of issues and activities as may occur within the zone. Firstly, a limit is set on the amount of impervious surfaces. This forms part of the stormwater management package, but also seeks to minimise the adverse visual effects of large hardstand areas, and the loss of rural soils as sought by objectives and policies in Volume 2 Part 13 of this Plan.

Secondly, the rule limits the number of custodial residences. While it is acknowledged that there may be activities establish at the site requiring custodial management, the site is located largely under the airport noise contours identified in this Plan. Accordingly, residential activity is restricted to ensure that it does not impact on operations of the Christchurch International

Airport. In addition, rule 3-4-2.5.7 provides that any residence under the airport noise contour shall have the appropriate acoustic attenuation.

Secondly, the rule sets limits on the amount of outdoor storage and where it can be located. This is to minimise the adverse visual effects of large or cumulatively large areas of outdoor storage and is an essential part of maintaining the character of the area.

Thirdly, the rule sets parameters around the use of the site for specific activities as referenced in the zone description, including strategic infrastructure facilities as defined in Volume 3 Part 1, in particular rural activities – Templeton Special Rural Zone, and strategic infrastructure. The rule provides criteria in order to manage adverse effects, particularly relating to the road network and visual effects, and to help maintain the character of the site and surrounds.

#### D SUMMARY

[16] The parties have reached agreement on the matters highlighted by the Commissioner in his minute of 23 August 2012. The parties agree that this joint statement and the attached amended plan change document be provided to the Commissioner as an attachment to the Closing Statement of Mr Long.

	Signed	Dated
Mr Matthew Bonis		<u>12 September 2012</u>
Ms Sarah Eveleigh		<u>12/09/12</u>
Mr Andrew Long		<u>12/09/12</u>



**APPENDIX 3**

**RECOMMENDATIONS ON INDIVIDUAL SUBMITTERS AND FURTHER SUBMITTERS**



**PLAN CHANGE 66 – TEMPLETON SPECIAL RURAL ZONE  
RECOMMENDATIONS BY COMMISSIONER DJ McMAHON  
ON DECISIONS SOUGHT AND FURTHER SUBMISSIONS**

<b>Submitter</b>	<b>Submission No.</b>	<b>Decision No.</b>	<b>Request</b>	<b>Decision Sought</b>	<b>Recommended Decision</b>
Warner James Mauger	<b>S1</b>	<b>D1</b>	Support	Rezone 60ha of the site to Templeton Special Rural Zone.	<b>Accept in part</b>
Templeton Residents Association (Inc)	<b>S2</b>	<b>D1</b>	Support in part	Retain 6ha of the site as Special Purpose (Hospital).	<b>Accept</b>
		<b>D2</b>		Prevent quarrying activity at the site.	<b>Accept in part</b>
		<b>D3</b>		Address concerns with heavy traffic and road condition.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F1 - Department of Corrections</b>			Yes	<b>Accept</b>
Nova Trust	<b>S3</b>	<b>D1</b>	No decision requested	Consideration as to the type of business which might establish near the Nova Trust Drug and Alcohol Rehabilitation Centre.	<b>NA</b>
Christchurch City Council	<b>S4</b>	<b>D1</b>	Support	Volume 3 Part 13 Policy 13.4.7 Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Add the word “as” after the words “facilities such” in the second paragraph under the heading “Reasons”</li> </ul>	<b>Accept</b>
		<b>D2</b>		Volume 3 Part 4 Rural zones Zone Description 1.11 Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Delete the word “diary” and substitute “dairy” in the ninth paragraph under the heading “Zone description and purpose”</li> </ul>	<b>Accept</b>
		<b>D3</b>		Volume 3 Part 4 Rural zones Zone Description 1.11 Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Delete the word “Internal” and substitute “International” in (g) under the heading “Environmental results anticipated”</li> </ul>	<b>Accept</b>
		<b>D4</b>		Rule 2.5.11 Land use – Templeton Special Rural Zone	

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				<ul style="list-style-type: none"> <li>Delete “(d)” and substitute “(c)” in the last line of (b).</li> </ul>	<b>Accept</b>
		<b>D5</b>		Rule 2.5.11 Land use – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Amend (d) to read “Any gravel extraction, other than for the creation of stormwater management basins or building foundations, that exceeds a maximum volume of 150m<sup>3</sup>/ha and a maximum depth of 0.5m shall be a non-complying activity”.</li> </ul>	<b>Reject</b>
		<b>D6</b>		Rule 2.5.13 Servicing – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Delete the word “in” after the words “margins and plantings)” under (b) and substitute “as”.</li> </ul>	<b>Accept</b>
		<b>D7</b>		Rule 4.2.3 Land use – Templeton Special Rural zone <ul style="list-style-type: none"> <li>Delete reference to Rule 2.5.12 at (a) and substitute “2.5.13”.</li> </ul>	<b>Accept</b>
		<b>D8</b>		Reason for rule 5.1.19 <ul style="list-style-type: none"> <li>Delete the word “is” at the end of the first sentence.</li> </ul>	<b>Accept</b>
		<b>D9</b>		Reason for rule 5.1.21 <ul style="list-style-type: none"> <li>Add the words “a lack of” before the words “capacity at the Bromley Treatment Plan”</li> </ul>	<b>Accept</b>
		<b>D10</b>		Volume 3 Part 11 Health and Safety Rule 1.3.2 Noise standards <ul style="list-style-type: none"> <li>Delete the words under the second bullet point and substitute “All rural zones (except Rural Quarry Zone)”</li> </ul>	<b>Accept</b>
Sara Jane Harnett	<b>S5</b>	<b>D1</b>	Decline	The existing zoning provides for a wide range of activities, including most of those promoted in this plan change. The plan change would	<b>Reject</b>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				allow industrial uses. There is no demand for additional industrial land in this part of the City.	
		<b>D2</b>		The site is outside the urban limit defined in the Regional Policy Statement and rezoning the site would encourage urban growth and energy use, and would therefore be inconsistent with the Policy Statement.	<b>Reject</b>
		<b>D3</b>		There are sufficient quarries in the area already.	<b>Accept in part</b>
		<b>D4</b>		The plan change does not address potential loss of versatile soils.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F40 – Rookwood Holdings Ltd</b>			No	<b>Accept</b>
		<b>D5</b>		The plan change will fail to maintain the rural character of the area.	<b>Reject</b>
Department of Corrections	<b>S6</b>	<b>D1</b>	Support in part	Amend the plan change to take into account any reverse sensitivity issues which may arise from the proximity of the prison facilities in the area, including possible expansion of the Men's Prison on land immediately east of the site.	<b>Accept</b>
New Zealand Fire Service Commission	<b>S7</b>	<b>D1</b>	Support in part	Amend the City Plan to refer to relevant New Zealand Fire Service requirements relating to fire fighting water supply.	<b>Reject</b>
John Frizzell - Board of Trustees, Westmount School	<b>S8</b>	<b>D1</b>	Support in part	Amend the plan change to make provision for the continued operation of the Westmount School within the plan change area.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F25 – Canterbury Regional Council</b>			No	<b>Accept</b>
Canterbury Regional Council	<b>S9</b>	<b>D1</b>	Support	Amend 13.4.7 Policy - Templeton Special Rural Zone by inserting: <ul style="list-style-type: none"> <li>b).To ensure development of the Templeton Special Rural Zone occurs in an integrated manner consistent with the rural character of</li> </ul>	<b>Accept</b>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				the area by avoiding subdivision, development and use which does not accord with the Outline Development Plan in Appendix 6 (Part 4, Volume 3).	
	<b>Further Submission</b>			<b>Support?</b>	
	F2 - Department of Corrections			Yes	<b>Accept</b>
	F41 – Rookwood Holdings Ltd			No	<b>Reject</b>
		<b>D2</b>		Amend 13.4.7 Policy - Templeton Special Rural Zone - Reasons <ul style="list-style-type: none"> <li>• Delete the words ‘is restricted’ and substitute ‘are limited’ in paragraph 1.</li> <li>• Delete the word ‘difficult’ and substitute ‘necessarily constrained’ in paragraph 1.</li> </ul>	<b>Accept</b> <b>Accept</b>
		<b>D3</b>		Amend 13.4.7 Policy - Templeton Special Rural Zone - <ul style="list-style-type: none"> <li>• Insert ‘the continued use of’ before the word ‘facilities’ in paragraph 2 under the header ‘Reasons’.</li> </ul>	<b>Accept</b>
		<b>D4</b>		Volume 3 Part 4 Rural zones Zone Description 1.11 Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Add ‘Strategic infrastructure shall have the same meaning as defined in the Regional Policy Statement’ as an additional bullet point to the definition of rural activity.</li> </ul>	<b>Accept</b>
	<b>Further Submission</b>			<b>Support?</b>	
	F32 – New Zealand Transport Agency			Yes	<b>Accept</b>
		<b>D5</b>		Rule 2.5.11 Land use – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Add ‘(f) Any use or activity must be a Rural Activity as defined in the zone description and purpose.’</li> </ul>	<b>Accept</b>
	<b>Further Submission</b>			<b>Support?</b>	

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
	F42 – Rookwood Holdings Ltd			No	Reject
ASP Group Limited	S10	D1	Support in part	13.4.7 Policy – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Add ‘and amenity values’ after ‘character’ in the proposed policy.</li> <li>Add ‘and enhancing’ after ‘maintaining’ and add ‘and amenity values’ after ‘character’</li> </ul>	Accept Accept
		D2		13.4.7 Policy – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Amend paragraph 2 Reasons as follows: food outlets <b>and other such activities to service the zone and similar activities such as provide for the zone;</b> and parks, reserves, and facilities such <b>as</b> the <b>existing</b> hall, gym, pool, and sports oval reserve; <b>and small scale facilities associated with strategic infrastructure.</b></li> </ul>	Accept
		D3		Make minor amendments to Volume 3 Part 4 Rural Zones Zone Description 1.11 Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Add ‘the continuation of’ after ‘Of these uses only’ in paragraph 3.</li> <li>Add ‘provides for’ after ‘The zone’ in paragraph 5.</li> <li>Pluralise ‘rural contracting business’, and add ‘and’ after ‘supplies’, at paragraph 7.</li> <li>Substitute ‘diary’ with ‘dairy’ at paragraph 9.</li> </ul>	Reject Accept Accept Accept
	<b>Further Submission</b>			<b>Support?</b>	
	F33 – New Zealand Transport Agency			Yes	Accept
		D4		Volume 3 Part 4 Rural Zones Zone Description 1.11 Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Amend the definition of rural activities:</li> <li>At bullet point 3 - food outlets and <b>similar other such as service</b> activities <b>providing an important service to within</b> the zone;</li> </ul>	Accept

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				<ul style="list-style-type: none"> <li>At bullet point 4 - private parks, reserves and <b>other such activities facilities providing important recreational facilities such as service activities</b> within the zone;</li> </ul>	
		<b>D5</b>		Substitute 'International' for 'Internal' at Environmental Results Anticipated.	<b>Accept</b>
		<b>D6</b>		<ul style="list-style-type: none"> <li>Delete all reference to "strategic infrastructure" in the plan change, including: Volume 3 Part 4 Rural Zones Zone Description 1.11 Templeton Special Rural Zone</li> <li>Delete 'depots for strategic infrastructure, and similar uses' from paragraph 8.</li> <li>Delete bullet point 5 from the definition of rural activity.</li> </ul> <p>Volume 3 Part 4 Rural Zones 2.3.5 Land use- Templeton Special Rural Zone</p> <ul style="list-style-type: none"> <li>Delete (c) in its entirety.</li> </ul> <p>Volume 3 Part 4 5.1.22 Land use – Templeton Special Rural Zone</p> <ul style="list-style-type: none"> <li>Substitute the word 'zone' for 'site' in paragraph 3 and delete the words 'including strategic infrastructure facilities' from same.</li> </ul>	<p><b>Reject</b></p> <p><b>Reject</b></p> <p><b>Reject</b></p> <p><b>Reject</b></p>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F43 – Rookwood Holdings Ltd</b>			No	<b>Accept</b>
		<b>D7</b>		<p>Volume 3 Part 4 Rural Zones 2.3.1 Road scene Amended as follows:</p> <ul style="list-style-type: none"> <li>Amend (d) to delete 'the zone boundary, including to' after 'setback from'</li> <li>Amend (d) to include '25m' instead of '5m in addition to the 20m buffer shown on the Outline Development Plan in Appendix 6</li> </ul>	<p><b>Reject</b></p> <p><b>Reject</b></p>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				(Volume 3 Part 4).’	
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F3 - Department of Corrections</b>			Yes	<b>Reject</b>
		<b>D8</b>		<p>Volume 3 Part 4 Rural Zones 2.3.2 Separation from neighbours</p> <ul style="list-style-type: none"> <li>• Add to (c)(i) ‘except where a greater setback is required by (d) below’ after ‘5 metres’.</li> <li>• Add to (c)(ii) ‘except where a greater setback is required by (d) below’ after ‘10 metres’.</li> <li>• Amend (d) to include ‘25m’ instead of ‘5m in addition to the 20m buffer shown on the Outline Development Plan in Appendix 6 (Volume 3 Part 4).’</li> </ul>	<p><b>Accept in part</b></p> <p><b>Reject</b></p> <p><b>Reject</b></p> <p><b>Reject</b></p>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F4 - Department of Corrections</b>			Yes	<b>Accept in part</b>
		<b>D9</b>		<p>Volume 3 Part 4 Rural Zones 2.3.5 Land use- Templeton Special Rural Zone</p> <ul style="list-style-type: none"> <li>• Add a cross reference to Volume 3 Part 4 2.4.10 Landscape Character after clause (b).</li> </ul>	<b>Accept</b>
		<b>D10</b>		<p>Volume 3 Part 4 2.4.10 Landscape Character</p> <ul style="list-style-type: none"> <li>• Add to (c) the words ‘outdoor storage area’ after ‘sign’.</li> </ul> <p>Volume 3 Part 4 2.5.11 Land use – Templeton Special Rural Zone</p> <ul style="list-style-type: none"> <li>• Add a new (e)(ii) the words ‘occur within the 20m buffer shown at Appendix 6 (Volume 3 Part 4);’</li> <li>• In the existing (e)(ii), expand ‘RB’ to ‘Rural Business’</li> </ul> <p>Volume 3 Part 4 2.5.12 Landscape Character – Templeton Special Rural Zone</p>	<p><b>Accept</b></p> <p><b>Accept</b></p> <p><b>Accept</b></p>



Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				<p>coherent and consistent landscaping strip along the zone boundary;</p> <p>(f) The type, scale, density and appearance of vegetation proposed for screening;</p> <p>(g) The visibility of the buildings and activity from properties in the adjoining rural zone or from external roads.</p> <p>(h) The extent to which potential nuisance effects (e.g. odour, spray drift) from lawfully established rural activities undertaken on properties in the adjoining rural zone is mitigated.</p> <p>Volume 3 Part 4 5.1.19 Landscape Character – Templeton Special Rural Zone</p> <ul style="list-style-type: none"> <li>Amend to reflect the changes sought to 2.5.12 and 4.2.22 above.</li> </ul> <p>Volume 3 Part 4 Appendix 6 – Outline Development Plan Templeton Special Rural Zone</p> <ul style="list-style-type: none"> <li>Amend the text of the Outline Development Plan under the heading ‘Landscaping and the 20m buffer’ as follows: The diagram shows a 20 metre buffer on the perimeter of the Templeton Special Rural Zone. This is designed to protect adjoining <b>properties landowners</b> from adverse effects <b><u>associated with land use and development within the zone, and to reduce the likelihood of reverse sensitivity issues arising from complaints about nuisance effects (from lawfully established activities on the adjoining Rural 2 zoned land) on</u></b></li> </ul>	<p><b>Accept</b></p> <p><b>Reject</b></p>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				<p><del>activities within the zone, and vice versa.</del>  The zone is adjoined by...manage adverse effects. The buffer <del>shall should</del> not contain hard stand, outdoor storage <b><u>areas, parking or loading areas, signs</u></b> or buildings. <b><u>It shall comprise earth mounding and planting in accordance with the Plant Species List to achieve an effective and attractive screen along the zone boundary, and</u></b> It may count towards the landscaping component. The existing shelterbelt is largely within the buffer and is to be retained and maintained <b><u>as a consistent landscape strip, or, where incomplete/removed, shall be replaced with planting of at least equivalent screening quality.</u></b> It is an integral part of the buffering effect and is also important for the retention of rural character and visual amenity <b><u>within the zone and adjoining sites, at the site, and the reduction of reverse sensitivity issues arising from lawfully established activities being undertaken in the area.</u></b></p>	
	<b>Further Submission</b>			<b>Support?</b>	
	F5 - Department of Corrections			Yes	<b>Accept in part</b>
	F44 – Rookwood Holdings Ltd			No	<b>Accept in part</b>
		<b>D11</b>		<p>Volume 3 Part 4 Rural Zones 2.5.6 Retailing</p> <ul style="list-style-type: none"> <li>• Add to (e) (i) the words ‘associated with’ after ‘It is’, and ‘established on site’ after ‘rural activity’.</li> <li>• Add to (e) (iv) the words ‘over the whole area contained within the Outline Development Plan in Appendix 6 (Vol 3,</li> </ul>	<p><b>Reject</b></p> <p><b>Accept</b></p>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				Part 4).’	
		<b>D12</b>		Volume 3 Part 4 2.5.11 Land use- Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Delete from (b) the words ‘Any residential activity shall be for custodial purposes and must comply with the criteria at (d).’</li> <li>• Add to (c) the word ‘gross’ before ‘floor area.’</li> </ul>	<b>Accept</b>  <b>Reject</b>
		<b>D13</b>		Volume 3 Part 4 2.5.11 Land use- Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Delete (d) in its entirety.</li> </ul> Volume 3 Part 9 General City Rules 5.5 Filling and Excavation – volume and depth of material. <ul style="list-style-type: none"> <li>• Add a new ‘(o) Templeton Special Rural Zone’ and insert figures into Columns A – E respectively: 150m<sup>3</sup>/ha, na, 0.5, 0.5, na.</li> </ul>	<b>Accept</b>  <b>Accept</b>
		<b>D14</b>		Delete 4.2.23 Land use – Templeton Special Rural Zone in its entirety.	<b>Accept</b>
		<b>D15</b>		Volume 3 Part 11 Health and Safety Rule 1.3.2 Noise standards – Zone groupings and sites containing scheduled activities <ul style="list-style-type: none"> <li>• Delete the exemption for the Templeton Special Rural Zone</li> </ul>	<b>Accept in part</b>
		<b>D16</b>		Volume 3 Part 13 2.3.8 High Traffic Generators <ul style="list-style-type: none"> <li>• Amend (d) to substitute the words ‘controlled’ with ‘restricted discretionary.’</li> </ul>	<b>Accept</b>
		<b>D17</b>		Volume 3 Part 4 Appendix 6 – Outline Development Plan Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Amend the text of the Outline Development Plan to specify parameters for vehicle access to the site from Maddisons Road.</li> </ul>	<b>Reject</b>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				<ul style="list-style-type: none"> <li>Amend the text of the Outline Development Plan to specify fencing requirements on the west boundary.</li> </ul>	<b>Accept in part</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F45 – Rookwood Holdings Ltd</b>			No	<b>Accept in part</b>
Transpower New Zealand Limited	<b>S11</b>	<b>D1</b>	Support in part	Volume 2 Part 8 Objective 8.3 Provision of utilities <ul style="list-style-type: none"> <li>Amend 8.3(c) to include the words ‘Templeton Special Rural Zone’ after ‘effects in the’.</li> </ul>	<b>Accept</b>
		<b>D2</b>		Volume 2 Part 8 Policy 8.3.7 Development adjacent to electricity transmission lines in the Business 7, Business 8, Open Space 3 Carrs Road and Living G (Awatea) Zones <ul style="list-style-type: none"> <li>Amend 8.3.7 to include the words ‘Templeton Special Rural Zone’ in the policy title and in the list of relevant zones in line 1 of the policy.</li> <li>Amend paragraph 1 of the reasons to Policy 8.3.7 to reference planning map 35A.</li> </ul>	<b>Accept</b>
				Volume 2 Part 8 – Implementation <ul style="list-style-type: none"> <li>Add the words ‘and on the Outline Development Plan for the Templeton Special Rural Zone’ to the end of bullet point 5 under the heading ‘District Plan’</li> </ul>	<b>Accept</b>
		<b>D3</b>		Volume 3 Part 4 1.1 General description and purpose <ul style="list-style-type: none"> <li>Insert the following paragraph: The Templeton Special Rural Zone (refer Outline Development Plan in Appendix 6) is traversed by a high voltage transmission line Roxburgh – Islington A single circuit 220Kv</li> </ul>	<b>Accept</b>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				line on towers. In accordance with the National Policy Statement on Electricity Transmission 2008 (NPSET) the Council is required to manage the development to ensure that development in the transmission corridor does not affect the on-going operation, maintenance, up-grading and development of the line or result in any reverse sensitivity effects.	
		<b>D4</b>		Volume 3 Part 4 1.11 Zone Description Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Add to environmental results anticipated the words ‘The protection of the security of supply of electricity to the City and prevention of reverse sensitivity in respect of the National Grid.’</li> </ul>	<b>Accept</b>
		<b>D5</b>		Volume 3 Part 4 2.4.10 Landscape Character – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>• Add the following Advice Note: Vegetation to be planted within the transmission corridor shown on the Outline Development Plan for the Templeton Special Rural Zone should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting near any electrical line, contact Transpower.</li> </ul>	<b>Accept</b>
		<b>D6</b>		Volume 3 Part 4 Other Community Standards <ul style="list-style-type: none"> <li>• Add the words ‘Electricity Transmission Line Corridor (refer Part 4 Clauses 4.4.7 and 4.4.8).’</li> </ul>	<b>Accept</b>
		<b>D7</b>		Volume 3 Part 9 Section 4 Rule 4.4.7	

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				<p>Electricity Transmission Line Corridor</p> <ul style="list-style-type: none"> <li>• Add to paragraph 1 the words ‘Part 4 Appendix 6 Outline Development Plan (Templeton Special Rural Zone) after ‘Block and’.</li> <li>• Delete bullet point two in its entirety.</li> <li>• Add in advice note two, the words ‘Templeton Special Rural Zone’ after ‘corridor in the’.</li> <li>• Add a third advice note as follows: Vegetation to be planted within the transmission corridors should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting near any electrical line, contact the line operator.</li> </ul> <p>Volume 3 Part 9 Section 4 Rule 4.4.8 Electricity Transmission Line Corridor</p> <ul style="list-style-type: none"> <li>• Add to paragraph 1 the words ‘Part 4 Appendix 6 Outline Development Plan (Templeton Special Rural Zone) after ‘Block and’.</li> <li>• Delete bullet point two in its entirety.</li> </ul> <p>Volume 3 Part 9 4.5.3 Assessment Matters</p> <ul style="list-style-type: none"> <li>• Add the words ‘Templeton Special Rural Zone’ to title.</li> </ul>	<p><b>Accept</b></p> <p><b>Accept</b></p> <p><b>Accept</b></p> <p><b>Accept</b></p> <p><b>Accept</b></p> <p><b>Accept</b></p>
		<b>D8</b>		<p>Volume 3 Part 9 Filling and Excavation 5.5A: Filling and excavation under transmission lines</p> <ul style="list-style-type: none"> <li>• Add the words ‘Templeton Special Rural Zone’ to rule title after ‘Transmission Lines.’</li> </ul>	<p><b>Accept</b></p>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				Volume 3 Part 9 5.7.6 Assessment Matters <ul style="list-style-type: none"> <li>Add the words 'Templeton Special Rural Zone' to title.</li> </ul>	<b>Accept</b>
		<b>D9</b>		Volume 3 Part 14 Subdivision 23.0 <ul style="list-style-type: none"> <li>Add the words 'Templeton Special Rural Zone' to the rule title</li> </ul> Volume 3 Part 14 subdivision 23.1 <ul style="list-style-type: none"> <li>Add the words 'and the Outline Development Plan (Templeton Special Rural Zone) Part 4 Appendix 6' to the end of both subclauses at (b).</li> </ul> Volume 3 Part 14 23.2 Assessment Matters <ul style="list-style-type: none"> <li>Add 'and the Outline Development Plan (Templeton Special Rural Zone) Part 4 Appendix 6' to the end of "(c).</li> </ul>	<b>Accept</b>  <b>Accept</b>  <b>Accept</b>
Brian & Laura Kenny	<b>S12</b>	<b>D1</b>	Oppose	Volume 3 Part 14 4.3.1 Minimum standards - Rural zones <ul style="list-style-type: none"> <li>Substitute '1ha' for '4ha' after 'Rural Business 2 Precinct'</li> <li>Substitute '2500m2' for '1ha' after 'Rural Business 1 ad Facilities Precincts'</li> </ul>	<b>Reject</b>  <b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F46 – Rookwood Holdings Ltd</b>			No	<b>Accept</b>
		<b>D2</b>	Oppose in part	Amend plan change 66 to require the upgrade of Kirk and Maddisons Roads, to restrict access to Kirk Road after hours, and to reduce the speed limit at the Kirk/Maddisons Roads intersection to Newtons Road.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F6 - Department of Corrections</b>			Yes in part	<b>Reject</b>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
	F47 – Rookwood Holdings Ltd			No	Accept
Stephen Wright	S13	D1	Decline	Decline the plan change because of the impact of additional heavy traffic. In the event the plan change is approved, amendments are sought to reduce the speed limit on Kirk and Maddisons Road, and require the upgrade of Kirk and Maddisons Roads.	Reject
	<b>Further Submission</b>			<b>Support?</b>	
	F7 - Department of Corrections			No in part	Accept
	F48 – Rookwood Holdings Ltd			No	Accept
		D2		Decline the plan change because of the noise impact of activities which may establish under the proposed zoning. In the event the plan change is approved, amendments are sought to restrict hours of operation.	Reject
	<b>Further Submission</b>			<b>Support?</b>	
	F8 - Department of Corrections			No	Accept
	F49 – Rookwood Holdings Ltd			No	Accept
		D3		Decline the plan change because the site is better suited to low density residential activity.	Reject
	<b>Further Submission</b>			<b>Support?</b>	
	F9 - Department of Corrections			No	Accept
	F26 – Canterbury Regional Council			No	Accept
	F34 – New Zealand Transport Agency			No	Accept
	F50 – Rookwood Holdings Ltd			No	Accept
Valerie Wright	S14	D1	Decline	Decline the plan change because of the impact of additional heavy traffic. In the event the plan change is approved, amendments are sought to reduce the speed limit on Kirk and Maddisons Road, and require the upgrade of Kirk and Maddisons Roads.	Reject

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F10</b> - Department of Corrections			No in part	<b>Accept</b>
	<b>F51</b> – Rookwood Holdings Ltd			No	<b>Accept</b>
		<b>D2</b>		Decline the plan change because of the noise impact of activities which may establish under the proposed zoning. In the event the plan change is approved, amendments are sought to restrict hours of operation.	<b>Accept in part</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F11</b> - Department of Corrections			No	<b>Accept</b>
	<b>F52</b> – Rookwood Holdings Ltd			No	<b>Accept</b>
		<b>D3</b>		Decline the plan change because the site is better suited to low density residential activity.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F12</b> - Department of Corrections			No	<b>Accept</b>
	<b>F27</b> – Canterbury Regional Council			No	<b>Accept</b>
	<b>F35</b> – New Zealand Transport Agency			No	<b>Accept</b>
	<b>F53</b> – Rookwood Holdings Ltd			No	<b>Accept</b>
Elisa-Jane Currie	<b>S15</b>	<b>D1</b>	Decline	Decline the plan change because of the impact of additional heavy traffic. In the event the plan change is approved, amendments are sought to reduce the speed limit on Kirk and Maddisons Road, and require the upgrade of Kirk and Maddisons Roads.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F13</b> - Department of Corrections			No in part	<b>Accept</b>
	<b>F54</b> – Rookwood Holdings Ltd			No	<b>Accept</b>
		<b>D2</b>		Decline the plan change because of the noise impact of activities which may establish under the proposed zoning. In the event the plan change is approved, amendments are sought to	<b>Accept in part</b>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				restrict hours of operation.	
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F14</b> - Department of Corrections			No	<b>Accept in part</b>
	<b>F55</b> – Rookwood Holdings Ltd			No	<b>Accept in part</b>
		<b>D3</b>		Decline the plan change because the site is better suited to low density residential activity.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F15</b> - Department of Corrections			No	<b>Accept</b>
	<b>F28</b> – Canterbury Regional Council			No	<b>Accept</b>
	<b>F36</b> – New Zealand Transport Agency			No	<b>Accept</b>
	<b>F56</b> – Rookwood Holdings Ltd			No	<b>Accept</b>
Paul Brian Currie	<b>S16</b>	<b>D1</b>	Decline	Decline the plan change because of the impact of additional heavy traffic. In the event the plan change is approved, amendments are sought to reduce the speed limit on Kirk and Maddisons Road, and require the upgrade of Kirk and Maddisons Roads.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F16</b> - Department of Corrections			No in part	<b>Accept</b>
	<b>F57</b> – Rookwood Holdings Ltd			No	<b>Accept</b>
		<b>D2</b>		Decline the plan change because of the noise impact of activities which may establish under the proposed zoning. In the event the plan change is approved, amendments are sought to restrict hours of operation.	<b>Accept in part</b>
	<b>Further Submission</b>			<b>Support?</b>	
	<b>F17</b> - Department of Corrections			No	<b>Accept in part</b>
	<b>F58</b> – Rookwood Holdings Ltd			No	<b>Accept in part</b>
		<b>D3</b>		Decline the plan change because the site is better suited to low density residential activity.	<b>Reject</b>
	<b>Further Submission</b>			<b>Support?</b>	

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
	F18 - Department of Corrections			No	Accept
	F29 – Canterbury Regional Council			No	Accept
	F37 – New Zealand Transport Agency			No	Accept
	F59 – Rookwood Holdings Ltd			No	Accept
Waaka Wiremu Harris-Tatana	S17	D1	Decline	Decline the plan change because of the impact of additional heavy traffic. In the event the plan change is approved, amendments are sought to reduce the speed limit on Kirk and Maddisons Road, and require the upgrade of Kirk and Maddisons Roads.	Reject
	<b>Further Submission</b>			<b>Support?</b>	
	F19 - Department of Corrections			No in part	Accept
	F60 – Rookwood Holdings Ltd			No	Accept
		D2		Decline the plan change because of the noise impact of activities which may establish under the proposed zoning. In the event the plan change is approved, amendments are sought to restrict hours of operation.	Accept in part
	<b>Further Submission</b>			<b>Support?</b>	
	F20 - Department of Corrections			No	Accept in part
	F61 – Rookwood Holdings Ltd			No	Accept in part
		D3		Decline the plan change because the site is better suited to low density residential activity.	Reject
	<b>Further Submission</b>			<b>Support?</b>	
	F21 - Department of Corrections			No	Accept
	F30 – Canterbury Regional Council			No	Accept
	F38 – New Zealand Transport Agency			No	Accept
	F62 – Rookwood Holdings Ltd			No	Accept
Kirsten Louise Harris-Tatana	S18	D1	Decline	Decline the plan change because of the impact of additional heavy traffic. In the event the plan change is approved, amendments are sought to	Reject

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommended Decision
				reduce the speed limit on Kirk and Maddisons Road, and require the upgrade of Kirk and Maddisons Roads.	

	Further Submission		Request	Support?	Recommended Decision
	F22 - Department of Corrections			No in part	Accept
	F63 – Rookwood Holdings Ltd			No	Accept
		D2		Decline the plan change because of the noise impact of activities which may establish under the proposed zoning. In the event the plan change is approved, amendments are sought to restrict hours of operation.	Accept in part
	Further Submission		Request	Support?	Recommended Decision
	F23 - Department of Corrections			No	Accept in part
	F64 – Rookwood Holdings Ltd			No	Accept in part
		D3		Decline the plan change because the site is better suited to low density residential activity.	Reject
	Further Submission		Request	Support?	Recommended Decision
	F24 - Department of Corrections			No	Accept
	F31 – Canterbury Regional Council			No	Accept
	F39 – New Zealand Transport Agency			No	Accept
	F65 – Rookwood Holdings Ltd			No	Accept
Christchurch International Airport Ltd (CIAL)	S19	D1	Opposed in part	Volume 3 Part 4 2.5.13 Servicing – Templeton Special Rural Zone <ul style="list-style-type: none"> <li>Amend (b) to ensure limited notification of CIAL for all applications to create a waterbody.</li> </ul>	Accept in part
		D2		Volume 3 Part 14 4.3.1 Minimum standards – Rural zones <ul style="list-style-type: none"> <li>Amend the plan change to require a 4ha minimum lot size for the Templeton Special</li> </ul>	Reject

			Rural Zone (including all precincts).	
	<b>Further Submission</b>		<b>Support?</b>	
	<b>F66 – Rookwood Holdings Ltd</b>		No	<b>Accept</b>



**APPENDIX 4**

**REVISED TEXT FOR PROPOSED PLAN CHANGE 66**





Resource Management Act 1991  
Christchurch City Council  
Christchurch City Plan  
Proposed Plan Change

66

### Templeton Special Rural Zone

#### Explanation

Christchurch City Council has initiated Plan Change 66 - Templeton Special Rural Zone, to facilitate the redevelopment of the site at 185 Kirk Road (Lot 2 DP 315110), containing the former Templeton Hospital, for rural or rural business purposes.

#### Purpose and reasons

In July 2011, the Council initiated Plan Change 66 aims to rezone the site in accordance with district and regional planning policies while retaining the existing uses and re-using some of the existing buildings and infrastructure. The existing Special Purpose (Hospital) and 'underlying' Rural 2 (Templeton-Halswell) zones are not likely to facilitate significant healthcare or traditional rural activities at the site and there is a risk that the existing buildings and infrastructure will fall into disrepair and that resource lost.

#### Changes to the City Plan

- Amend to Objectives and Policies and explanations, and include a new policy in Volume 2 Section 13 Rural
- Amend or insert rules, assessment matters, reasons for rules and new appendix 6 (Outline Development Plan for Templeton Special Rural Zone) in Volume 3 Part 4 Rural Zones.
- Amend rules in Volume 3 Part 9 – General Rules.
- Amend rules in Volume 3 Part 11 – Health and Safety.
- Amend rules in Volume 3 Part 13 – Transport.
- Amend rules in Volume 3 Part 14 – Subdivision.
- Amend planning maps 35A and 42A to show the Templeton Special Rural Zone.

**Date Publicly Notified:** 5 May 2012

**Date Operative:**

**Plan Details:** Planning Map 35A and 42A

**File No:** PL/CPO/3/66

## City Plan Amendments

Note: For the purposes of this plan change, any text amended as a result of other decisions is shown as “normal text”. Any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~**bold strikethrough**~~. Text added by the Commissioners recommendation is shown as **bold highlighted** and text to be deleted as ~~**highlighted bold strikethrough**~~.

Amend the City Plan as follows:

### 8.3 Objective : Adverse environmental effects

- (a) Avoid remedy or mitigate the adverse effects of utilities on their surrounding environments, particularly those in living areas or areas of high landscape value; and
- (b) Avoid, remedy or mitigate the adverse effects of utilities that generate significant levels of low frequency magnetic fields or radio frequency radiation.
- (c) Avoid, remedy, or mitigate adverse effects in the Business 5 Zone at Sir James Wattie Drive, **Templeton Special Rural Zone**, Business 7, Business 8, Open Space 3 Carrs Road, and Living G (Awatea) Zones in instances where new development occurs near existing electricity transmission line utilities.

#### Reasons

(...)

### 8.3.7 Policy : Development adjacent to electricity transmission lines in the Business 5 Zone at Sir James Wattie Drive, **Templeton Special Rural Zone**, Business 7, Business 8, Open Space 3 Carrs Road and Living G (Awatea) Zones

In the Business 5 Zone at Sir James Wattie Drive, **Templeton Special Rural Zone**, Business 7, Business 8, Open Space 3 Carrs Road and Living G (Awatea) Zones avoid, remedy, or mitigate adverse effects from new development on the existing high voltage electricity transmission lines traversing those zones.

#### Reasons

Where a development activity is proposed by a person (as defined by the Resource Management Act 1991) that is not the transmission line operator, it will be managed by the City Plan to avoid, remedy or mitigate its potential reverse sensitivity effects on the existing transmission line.

The reverse sensitivity effects generated by subdivision and land use adjacent to the transmission lines, including within the identified corridor, need to be managed in order to avoid, remedy, or mitigate its potential reverse sensitivity effects on the existing transmission line.

The reverse sensitivity effects generated by subdivision and land use adjacent to the transmission lines, including within the identified corridor, need to be managed in order to avoid, remedy, or mitigate the adverse effects on both the safe, secure and efficient use and development of the transmission lines and the safety and amenity values of the community. The electricity transmission line corridor will be managed by set minimum buffer distances from the transmission line assets to manage activities in both the immediate proximity of and adjacent to the lines. The position of the transmission power lines is shown on planning maps 44B and 51B (for Awatea), 36B and 43B (for Islington) and 43B for Business 5 (Sir James Wattie Drive) **and on Planning Maps 35A and 42A for the Templeton Special Rural Zone.**

The owner and operator of the transmission lines need to be able to maintain the infrastructure for the purposes of electricity transmission. Exemption is therefore made for the owner and operator to erect buildings and structures for the purpose of electricity transmission.

## Volume 2 Part 8 Implementation

Objective 8.3 and associated policies will be implemented through a number of methods including the following:

### District Plan

- City rules relating to identified Special Purpose Zones (Landfill and Transfer Stations), e.g. drainage, protection of groundwater and hazardous and/or toxic substances rules.
- General city rules relating to the erection of transmission lines, related incidental equipment, and new support structures.
- General city rules relating to the status of utilities, e.g. size and height controls on utility buildings, setback and landscaping requirements.
- Other city rules applying to utilities and particularly their provision, e.g. regarding Subdivision and Development and rules on filling and building adjacent to waterways.
- Rules for the avoidance remedy and mitigation of adverse reverse sensitivity effects on electricity transmission infrastructure shown on planning maps 44A and 51A (for Awatea), 36B and 43B (for Islington) and 43B for Business 5 (Sir James Wattie Drive), **and on the Outline Development Plan for the Templeton Special Rural Zone.**

(...)

## Volume 2 Section 13 - Rural

### 13.1.1 Policy : Building development

**To provide for a pattern of subdivision and density of building development in the rural area which reflects the character of the locality and potential constraints.**

### Explanation and reasons

(...)

Within the rural area (and in some cases covered by other sections of the Plan) are a number of activities and features which collectively occupy a significant area and which substantially impact on the surrounding rural area. These include:

- Detached urban developments in the rural area, (Belfast, Templeton, Kennedy's Bush, Westmorland and Halswell).
- Small rural villages or settlements, (e.g. Spencerville, Brooklands, Stewarts Gully, Marshlands, Ouruhia and Yaldhurst).
- Rural industrial areas (e.g. Chaney's and Johns Road).
- The City landfill area adjacent to the coast (north of Parklands), the Styx Mill Transfer Station, and an identified waste disposal area at Chaney's.
- The resort community at Clearwater.
- Christchurch International Airport.
- The McLeans Island recreation area, Isaac Conservation Park and other recreation areas adjacent to the Waimakariri, Styx and Otukaikino Rivers.
- The wide gravel bed of the Waimakariri River and its adjacent banks (shared with Waimakariri District).
- Quarry areas, (Miners Road, parts of the Isaac Conservation Park and Pound Road).
- Motor sport recreation areas (Ruapuna and Carrs Road).
- Templeton Golf Club area.
- "Institutional" activities (Paparua Prison ~~and Templeton Hospital~~).
- Open space and recreation areas on the Port Hills.
- The use of New Zealand Defence Force land at Wigram for defence purposes including aviation and for education and recreational activity related to the Air Force Museum.

(...)

### 13.4 Objective : Rural amenity values

**That over the rural area as a whole, rural amenity values, including visual character, heritage values, cultural and recreational opportunities are maintained and whenever possible enhanced, and adverse effects of activities are recognised and controlled.**

#### Reasons

The rural area has a distinctive character because of the generally low density of settlement and its relative predominance of open space. Within the rural area itself there are substantial variations in landscape character ranging from the highly visible and generally open landscape of the Port Hills, more intensively settled areas in the western and north-western parts of Christchurch, and large tracts of open plains such as in the area west of the International Airport. Large parts of the rural area are also adjacent to, or contain, important recreational facilities and river corridors.

Rural amenity includes a sense of open space, a low density (albeit variable) character, high levels of privacy, trees and forests, and a clear dominance of open space over the built environment. Rural character is however of variable quality.

Rural amenities are valued not only by residents of the rural area itself, but are of wider benefit to the people of the City and beyond. Consistent with the need to recognise demands to use resources, the Plan contains provisions to ensure that rural amenity values are maintained and enhanced. Some activities have the potential to detract from the quality of rural amenity values and the Plan contains measures to avoid or mitigate any adverse effects that may occur. However, this does not mean that the present character of the rural area will not change in any way. Scope is provided for change in the rural area, but in a manner that seeks to enhance the overall quality of rural amenities.

**The Templeton Special Rural Zone is a response to the closure and abandonment of Templeton Hospital, and the need to rehabilitate the site and to make efficient use of the existing assets. The zone provides for rural activities with a low density built environment, in a manner which does not significantly affect the rural character and amenity of the area.**

The Council will encourage a continuing improvement in the standard of rural amenities and retention of areas or features of heritage value, as this reinforces positive elements in the character of the rural area.

#### 13.4.7 Policy – Templeton Special Rural Zone

**(a) To provide for the remediation of the former Templeton Hospital site while avoiding adverse effects on the surrounding rural land, and for the efficient re-use of the existing resources in a manner which does not significantly detract from the character and amenity values of the area.**

**(b) To ensure development of the Templeton Special Rural Zone occurs in an integrated manner consistent with the rural character of the area by avoiding subdivision, development and use which does not accord with the Outline Development Plan.**

#### Reasons

**When the use of the site for the Templeton Hospital was discontinued, many buildings and a significant amount of private infrastructure remained in situ. These are likely to become further dilapidated, potentially resulting in adverse visual effects in particular. Outside the urban limit, the range of activities which could establish is restricted are limited, including by the Regional Policy Statement and this Plan. Consequently, re-development of the land is difficult necessarily constrained. To achieve remediation and efficient use of resources, it is necessary for the Plan to specifically provide for the re-development of the site.**

**Specifically the zone enables rural activity, including agriculture and horticulture; businesses that support agriculture and horticulture activities; food outlets and other such activities to service the zone similar activities such as provide for the zone; and parks, reserves, and the continued use of facilities such as the existing hall, gym, pool, and sports oval reserve; and small scale facilities associated with strategic infrastructure.**

The level of development allowed by the rules accompanying this policy is greater than for traditional rural land, to enable remediation of the site as an economically viable proposition. To help achieve remediation and integrated re-use in a manner consistent with the rural character of the area, an Outline Development Plan is included in Volume 3 of the City Plan. It provides guidance for subdivision, development and use of the site, particularly with regard to transport matters, stormwater, and landscaping. Landscaping is particularly important in terms of maintaining and enhancing rural character and amenity values of the site and surrounds.

### Volume 3 Part 1 Definitions

#### Rural Activity – Templeton Special Rural Zone

For the purposes of applying City Plan rules to the Templeton Special Rural Zone, rural activity is defined as:

- (a) agricultural, horticultural and pastoral farming excluding intensive livestock management and pig farming;
- (b) food and beverage outlets excluding taverns;
- (c) private parks, reserves, the existing hall, gym/pool and other such facilities which provide important recreational opportunities within the zone;
- (d) administrative and professional offices that directly and primarily service agriculture and horticulture or pastoral activities;
- (e) a limited number of residences for security / custodial purposes;
- (f) wholesale and retail activities of rural produce or rural supplies which directly and primarily service agriculture and horticulture or pastoral activities;
- (g) warehousing of rural produce or rural supplies which directly and primarily service agriculture and horticulture or pastoral activities, excluding general freight or distribution activities;
- (h) boarding and training of animals;
- (i) rural research facilities and laboratories;
- (j) activities that support agricultural, horticultural or pastoral farming through processing, producing, or providing necessary goods or services, excluding:
  - (i) service stations;
  - (ii) mineral extraction activity;
  - (iii) activities listed in Volume 3 Part 1 as commercial services;
  - (iv) industrial activities (other than wholesaling as defined at (f)).
  - (v) abattoirs, dairy factories and fertiliser manufacture.

#### Strategic Infrastructure:

For the purposes of applying City Plan rules to the Templeton Special Rural Zone, strategic infrastructure means small scale facilities and depots relating to infrastructure which is regionally or nationally significant.

### Volume 3 Part 4 – Rural Zone

#### 1.1 General description and purpose

Within the overall area of about 31,000 ha of rural land within the city boundary, there are a variety of different activities ranging from those which directly utilise rural resources, to others primarily concerned with residential, recreational, industrial, or institutional uses. Primarily urban activities are catered for by separate zones and rule provisions in the Plan. A range of rural zones is provided to cater for those activities primarily reliant upon utilising rural resources. The distinction between each rural zone reflects the physical location, environmental influences and environmental results anticipated in these areas. ~~Nine~~ **Ten** rural zones have been identified as follows:

- Rural 1 (Coastal) Zone
- Rural 2 (Templeton-Halswell) Zone
- Rural 3 (Styx/Marshland) Zone
- Rural 4 (Waimakariri) Zone
- Rural 5 (Airport influences) Zone

- Rural 6 (Grasslands) Zone
- Rural 7 (Port Hills Intensive Farming) Zone
- Rural Hills Zone
- Rural Q (Quarry) Zone
- **Templeton Special Rural Zone**

The Styx/Marshland and Templeton/Halswell zones include extensive areas of highly versatile soils, capable of a wide range of potential horticultural uses. Localised pockets of such soils also occur elsewhere in other rural zones. A small intensive farming zone comprising parts of two Port Hills valleys has been recognised. A specific rural zone has been provided to cater for dry land quarrying.

The maintenance of primary production and of rural amenities is a desired outcome in the rural zones generally, although a limited degree of urbanisation is expected which will alter the location of the rural/urban interface.

Important areas for landscape and ecological heritage purposes comprise much of the Rural Hills and Rural 6 Zone and also occur on some identified sites outside these zones. These are identified in Appendix 2 to the rules.

### **1.11 Templeton Special Rural Zone**

#### **Zone description and purpose**

**The Templeton Special Rural Zone applies to the former Templeton Hospital site, situated north of Templeton and bordered by Kirk and Maddisons Roads. The hospital closed in 2000 but numerous buildings and items of infrastructure remain on the site. The site is surrounded by Rural 2 and Rural 5 land and a number of uses which are not traditional rural activities, including residential health-care, drug and alcohol rehabilitation, corrections facilities, and small scale education facilities. Development should be managed so as to avoid reverse sensitivity issues affecting lawfully established operations on adjoining land, including on Corrections land.**

**The use of the site for a hospital involved a significant number of buildings and internal road network and servicing infrastructure, much of which remains. The site was formerly zoned Special Purpose (Hospital) and Rural 2 (Templeton - Halswell) to enable its use as a hospital and, in the event a non-healthcare use is proposed, for general rural activities. Large scale healthcare facilities are considered unlikely to re-establish at the site, and the remaining buildings and infrastructure make the site unsuitable for agricultural or horticultural activities generally anticipated in rural zones.**

**The Templeton Special Rural Zone (refer to the Outline Development Plan in Appendix 6) is traversed by a high voltage transmission line (Roxburgh – Islington A single circuit 220kV line on towers). In accordance with the National Policy Statement on Electricity Transmission 2008 (NPSET) the Council is required to manage development or ensure that development in the transmission corridor does not affect the on-going operation, maintenance, up-grading and development of the line or result in any reverse sensitivity effects.**

**While the site was zoned SP(H) / Ru2, some temporary activities established, including driver training, a school, and rural research. Of these uses only rural research is promoted within the zone, as it is considered to fit well with the Templeton Special Rural Zone.**

**The location of the site outside the urban limit and under the airport noise contours as defined in this Plan in the operative Regional Policy Statement (particularly chapters 12A and 22) effectively precludes it from being used for urban or noise sensitive activities. Residential occupation is restricted to two (2) custodial units within strict parameters as to scale and acoustic attenuation.**

**The zone seeks provides for the remediation of the site and efficient re-use of existing resources through re-development, including the removal of buildings and infrastructure which cannot be**

re-used and which could potentially lead to adverse visual effects and servicing issues.

At a finer scale, the zone provisions seek to achieve a high standard of visual amenity through building setbacks, outdoor storage area limits, and landscaping requirements in recognition of the rural character and amenity of the site and the surrounding land. The zone also seeks to enable the efficient re-use of existing buildings, facilities, and infrastructure.

The zone is divided into three precincts to help achieve the expected environmental results, as described below. The Rural Business 1 precinct is key in delivering these outcomes. It provides for a low density built environment with a significant landscaping component, but also with a focus on achieving sufficient returns to facilitate remediation of the site. Anticipated land uses in this precinct might include plant for processing agricultural or horticultural produce, rural research facilities; farm machinery sales or hire, rural contracting businesses, warehousing of rural produce or supplies, and rural-based light engineering and mechanical repairs, and similar uses.

The Rural Business 2 Precinct provides for activities which require larger areas of open space relative to building footprint. Uses might include vet clinic, equestrian centre, small scale horticulture or agriculture, rural research facilities; landscape supplies, depots for strategic infrastructure, and similar uses.

The Facilities Precinct includes the existing pool/gym, and hall. Other facilities might include a small ~~diary~~ dairy or café servicing the zone. Otherwise uses similar to those expected for the Rural Business 1 precinct are likely to be predominant.

For the purposes of applying City Plan rules to the Templeton Special Rural Purpose Zone, rural activity is defined as:

- agriculture and horticulture;
- businesses, research facilities and laboratories that support agriculture and horticulture activities through processing, producing, or providing goods or services directly necessary to agriculture and horticulture;
- food outlets and similar such as service activities within the zone;
- private parks, reserves and facilities such as service activities within the zone;
- food outlets and other such activities providing an important service to the zone;
- private parks, reserves and other such activities providing important recreational facilities within the zone;
- small scale facilities associated with strategic infrastructure, such as associated with the provision of electricity, telecommunications and reticulated services. Strategic infrastructure shall have the same meaning as defined in the Regional Policy Statement.

#### Environmental results expected

- (a) Retention of the rural character and amenity to ensure compatibility with the existing activities on the site and surrounds, including through the identification and protection of a significant number of existing trees.
- (b) Rural activities as defined for the Templeton Special Rural Zone or those which support rural activities, and which occur within a relatively low density built environment, including rural research facilities.
- (c) Maintenance of the relatively quiet environment in keeping with the surrounding rural area and to ensure compatibility with current activities on and adjoining the site.
- (d) Development which generates low volumes of traffic to minimise effects on residential and other activities in the area.
- (e) Re-use of existing infrastructure, facilities, and buildings when and where appropriate.
- (f) Limitations on discharges of trade wastes and the storage and handling of hazardous substances in recognition of the location of the site on the periphery of the City's reticulated services, and the need to protect aquifer recharge areas from contamination.
- (g) Residential occupation confined to on-site management or security in recognition of air noise contours surrounding Christchurch International Airport and the potential for reverse sensitivity.

**(h) Minimised risk of reverse sensitivity which could potentially arise from development within the zone adjoining rural land and sensitive land-use activities.**

**(i) The protection of the security of supply of electricity to the City and prevention of reverse sensitivity effects in respect of the National Grid.**

### 2.2.1 Rural 1-7, Templeton Special Rural Zone, and Rural Hills Zones

(a) Any rural activity or other activity which complies with:

- all of the development standards under Clause 2.3;
- all of the community standards under Clause 2.4; and
- all of the critical standards under Clause 2.5

shall be a **permitted activity** .

(b) Any rural or other activity which complies with all of the community standards and critical standards, but does not comply with any one or more of the development standards under Clause 2.3, shall be a **discretionary activity** with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

(c) Any rural or other activity which complies with all of the critical standards, but does not comply with any one or more of the community standards under Clause 2.4, shall be a **discretionary activity**.

(d) Any rural or other activity which does not comply with any one or more of the critical standards under Clause 2.5, shall be a **non complying activity, except** where specified as a **prohibited activity** .

(e) Clarification of categories of activities:

The standards may also specify that an activity is discretionary (community or development standards) or non-complying (critical standards). In the case of non-compliance with a development standard, the exercise of the Council's discretion is limited to the matter subject to that standard.

**Note** - Prohibited activities relate only to buildings subject to aircraft noise within the 65dBA Ldn / 95 SEL dBA air noise boundary marked on the planning maps.

## 2.3 Development Standards

### 2.3.1 Road scene

The minimum building setback from road boundaries shall be 15 metres **except that**;

- (a) for sites of less than 0.4 hectares in area, the minimum building setback shall be 6 metres;
- (b) for rural selling places or sites with frontage to a major or minor arterial road listed in Part 8, Appendix 3, the minimum building setback shall be 30m;
- (c) for the Templeton Special Rural Zone - Rural Business 1 Precinct, the minimum building setback from internal road boundaries shall be 10 metres;**

**~~(d) for the Templeton Special Rural Zone, the minimum building setback from the zone boundary, including to Kirk and Maddisons Roads, shall be 5m in addition to the 20m buffer shown on the Outline Development Plan in Appendix 6 (Volume 3 Part 4).~~**

### 2.3.2 Separation from neighbours

- (a) The minimum building setback from internal boundaries shall be 10 metres **except that** for sites of less than 0.4 hectares in area, the minimum building setback shall be 3 metres.
- (b) For a residential unit in the Rural 2, 3 and 7 Zones; Rural 5 Zone (that part south or east of the Special Purpose (Airport) Zone as shown in Part 4 Appendix 4); Rural Hills Zones; the minimum setback from a building, compound or part of a site used for intensive livestock management, shall be 200 metres.

**(c) for the Templeton Special Rural Zone:**

**(i) in the Rural Business 1 Precinct - the minimum building setback from internal or precinct boundaries shall be 5 metres; and**

**(ii) in the Rural Business 2 and Facilities Precincts, the minimum building setback from internal or precinct boundaries shall be 10 metres.**

(d) for the Templeton Special Rural Zone, the minimum building setback from zone boundaries shall be 5 metres, in addition to the 20 metre buffer shown on the Outline Development Plan in Appendix 6 (Volume 3 Part 4).

### 2.3.5 Zone boundary setbacks – Templeton Special Rural Zone

For the Templeton Special Rural Zone, the minimum building setback from zone boundaries shall be 5 metres, in addition to the 20 metre buffer shown on the Outline Development Plan in Appendix 6 (Volume 3 Part 4).

### 2.3.5.6 Land-use Strategic Infrastructure - Templeton Special Rural Zone

#### Impervious Surfaces:

(a) Within the Facilities and Rural Business 1 Precincts, a maximum net area of any site covered by impervious surfaces, excluding buildings and outdoor storage shall be 10% or 1000m<sup>2</sup>, whichever is the lesser.

(b) Within the Rural Business 2 Precinct, a maximum net area of any site covered by impervious surfaces, excluding buildings and outdoor storage shall be 20% or 2000m<sup>2</sup>, whichever is the lesser.

(Refer also to community standard 2.4.10 (Landscape Character Templeton Special Rural Zone).

#### Strategic Infrastructure

(e) Use of the land for strategic infrastructure shall occur only where it is a depot or storage facility, and where associated outdoor storage does not exceeding a total of 20000m<sup>2</sup> within the zone.

Refer also to Community Standard 2.4.9 Site Coverage – Rural Activities), Critical Standard 2.5.4 (Site Coverage – Rural Activities) and Critical Standard 2.5.11 (Land use – Templeton Special Rural Zone).

### 2.3.7 Servicing – Templeton Special Rural Zone

(a) There shall be no creation of waterbodies, except for stormwater facilities for the disposal and / or treatment of stormwater.

(b) Stormwater facilities shall be a discretionary activity, with the exercise of the Council's control limited to the extent to which the design, layout and plant species proposed have been undertaken and selected having consideration to the operations of the Christchurch International Airport and the need to minimise potential bird strike. The stormwater system shall be certified by a suitably qualified person to the following standards:

- (i) The design, operation and management of the stormwater system shall avoid attracting bird species which constitute a hazard to aircraft;
- (ii) Stormwater infiltration basins are designed to fully drain within 48 hours of the cessation of a 2% AEP storm event;
- (iii) Rapid soakage overflow chambers in sufficient numbers and with sufficient capacity to minimise any ponding of stormwater outside of the infiltration basin areas;
- (iv) The use of plant species within the basin (including its margins) that are suitable for inundation by stormwater and are not attractive to birds; and
- (v) Basin size and side slope dimensions that are suitable for stormwater management and are not attractive to birds.

Any proposal that does not comply with either of these provisions shall be limited notified to Christchurch International Airport Limited.

#### Reference to other community standards

#### Electricity Transmission Line Corridor

**(refer Part 4, Clauses 4.4.7 and 4.4.8)**

## 2.4 Community Standards

### 2.4.9 Site coverage - Rural activities

Maximum percentage of the net area of any site covered by buildings and impervious surfaces shall be as follows:

- |     |                                                                                                                                        |                                                                      |
|-----|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (a) | Rural 1 and 4 Zones, Rural 5 Zone (that part north or west of the Special Purpose (Airport) Zone) as shown in Part 4 Appendix 4        | 3% of net site area or 6000m <sup>2</sup> , whichever is the lesser  |
| (b) | Rural 2 and 3 Zones, Rural 5 Zone (except that part north or west of the Special Purpose (Airport) Zone) as shown in Part 4 Appendix 4 | 5% of net site area or 2000m <sup>2</sup> , whichever is the lesser  |
| (c) | Rural 7 Zone                                                                                                                           | 10% of net site area or 2000m <sup>2</sup> , whichever is the lesser |

**In the Templeton Special Rural Zone the maximum percentage of the net area of any site covered by buildings and impervious surfaces shall be:**

- |     |                                                         |                                    |
|-----|---------------------------------------------------------|------------------------------------|
| (d) | <b><u>Rural Business 1 and Facilities Precincts</u></b> | <b><u>20% of net site area</u></b> |
|     | <b><u>Rural Business 2 Precinct</u></b>                 | <b><u>10% of net site area</u></b> |

**except for:**

- (i) existing lots in the above zones less than 4ha in area, but greater than 0.4ha in area, where the maximum coverage shall be 10% of the net area of the site or 2000m<sup>2</sup>, whichever is the lesser;
- (ii) existing lots of less than 0.4 ha in area in the above zones where up to 35% of net area of the site may be covered;
- (iii) ecological heritage sites 3.13, 8.10, 15.21 and 15.06 identified in Part 4, Appendix 2 (refer 2.4.5(c));
- (iv) shade houses, tunnel houses and glass houses which are excluded from site coverage calculations provided that they are not located over an impervious surface.

(Refer also to critical standard clause 2.5.5 - Site coverage - Other activities, **and Development Standard 2.3.5 Land use – Templeton Special Rural Zone**, **Critical Standard 2.5.4 (Site Coverage – Rural Activities)** and **Critical Standard 2.5.11 (Land use – Templeton Special Rural Zone)**)

### **2.4.10 Landscape character - Templeton Special Rural Zone**

- (a) Landscaping for each allotment shall cover a minimum of 20% of the site, up to 2000m<sup>2</sup>.**
- (b) Buildings shall be painted or powder coated such that reflectivity is less than 35%.**
- (c) No building, sign, outdoor storage area, or car park shall be established in the 20m buffer shown at Appendix 6 (Volume 3 Part 4).**

**Advice note:**

**Vegetation to be planted within the transmission corridor shown on the Outline Development Plan for the Templeton Special Rural Zone should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting near any electrical line, contact Transpower.**

## 2.5 Critical Standards

### 2.5.4 Site coverage - Rural activities

#### **(a) Rural Hills Zone**

Any building above the 160m height contour shall be a non-complying activity.

(Refer also to community standard 2.4.4(c) and critical standard 2.5.2.)

#### **(b) Templeton Special Rural Zone**

**The maximum percentage of the net area of any site covered by buildings and impervious surfaces shall be:**

**Site coverage shall not exceed:**

**Rural Business 1 and Facilities Precincts** **30% of net site area**

**Rural Business 2 Precinct** **20% of net site area**

**Refer also to Critical Standard 2.5.11 (Land use – Templeton Special Rural Zone)**

### 2.5.6 Retailing

#### **(1) For all Rural Zones except Templeton Special Rural Zone**

- (a) Retail activities shall be restricted to rural selling places of not more than 75m<sup>2</sup> in area.
- (b) The retail sale of goods shall be restricted to rural produce grown, or grown and processed, on that site and ancillary quantities of rural produce grown off the site to a maximum of 30% of the floor area of the rural selling place.
- (c) The access point to any rural selling place shall be laid out in accordance with the provisions of Part 13, Clause 2.3.7 and Appendix 7.
- (d) Rural selling places shall not be located on any site where vehicular access is from a state highway, limited access road or major arterial road listed in Appendices 3, 4, and 5, Part 8.

#### **(2) For the Templeton Special Rural Zone**

**(a) wholesale or retail activity shall only consist of the display and sale of goods where:**

- i. **It is a rural activity as defined in the Volume 3 Part 1;**
- ii. **The gross leasable floor area for retail activities shall not exceed 250m<sup>2</sup> per site;**
- iii. **Any outdoor display area shall not exceed 250m<sup>2</sup> per site; and**
- iv. **The total gross leasable floor area and outdoor display area for retail activities over the whole area contained within the Outline Development Plan in Appendix 6 Part 4 within the zone shall not exceed 5000m<sup>2</sup>.**

### 2.5.7 Aircraft noise exposure

(a) Rural 2, 4, 5, and 6 Zones **and Templeton Special Rural Zone only:**

(i) Subject to subclause (a) (iii) below, any new residential unit, or any building or part of a building described in Part 4 Appendix 1, and which is between the 55 dBA Ldn noise contour and the 65 dBA Ldn/95 SEL dBA air noise boundary shown on the planning maps, shall be insulated from aircraft noise so as to comply with the provisions of that appendix.

(ii) Subject to subclause (a) (iii) below, any additions to existing residential units, or to any buildings or parts of a building described in Part 4, Appendix 1, and which is within the 55 dBA Ldn noise contour shown on the planning maps, shall be insulated from aircraft noise so as to comply with the provisions of that appendix.

(iii) Subject to subclause (b) below, any proposed residential unit, or any building or part of a building described in Part 4, Appendix 1, which is within 800m of the engine testing area (located in the Special Purpose (Airport) Zone and shown on Planning Map 23) shall be a non-complying activity.

(b) Rural 4 and 5 Zones

Construction of residential units, education facilities including pre-school places or premises, travellers' accommodation, hospitals, healthcare facilities, elderly persons housing or complexes (excluding in all cases accessory buildings, outdoor storage or car parking) on land that is within the 65 dBA Ldn/95 SEL dBA air noise boundary as shown on the Planning Maps, shall be a prohibited activity, and no resource consent shall be granted;

**except** that one residential unit may be erected on each of Lot 5, DP 18488; Lot 6, DP 23538; Lot 9, DP 23538; Lot 3, DP 58380 and Lot 3, DP 67673 as a discretionary activity, provided that:

- (i) the lots remain above the minimum size specified in the Rural 5 Zone under Part 4, Rule 2.5.2, and
- (ii) the dwelling is insulated from aircraft noise so as to comply with the provisions of Appendix 1, and
- (iii) that the owner enters into a covenant, registered against the title, that the use of any building on the property for any of the purposes specified in Part 4, Appendix I shall endure only for so long as no complaint relating to the noise of aircraft using Christchurch International Airport (or any operation arising thereto) is made; and that upon registration the covenant shall be binding on the owner and the owner's successors in title.

#### **2.5.11 Land use – Templeton Special Rural Zone**

**(a) New buildings shall have specific foundation design prepared in accordance with the Department for Buildings and Housing “Guidelines for the geotechnical investigation and assessment of subdivisions in the Canterbury region 2011.”**

**(b) Research facilities and laboratories shall not have an education or healthcare component within the zone. Any residential activity shall be for custodial purposes and must comply with the criteria at (d).**

**(c) No more than one residential unit shall be established per site. Any residential unit must be for the purposes of security or management of the business activity on the site only. No residential unit shall have a floor area greater than 65m<sup>2</sup> and no more than 15 2 such units shall be established within the zone.**

**(d) Gravel extraction, other than for the creation of stormwater management basins or building foundations, where it exceeds a maximum volume of 150m<sup>3</sup>/ha and a maximum depth of 0.5m.**

**(d) Offices, other than those associated with rural research facilities or laboratories, shall not exceed 250m<sup>2</sup> gross leasable floor area and shall only be for administrative and professional activities which directly and primarily service a rural activity.**

**(e) Outdoor storage shall not:**

**i occur between the primary building and any street frontage, including to Kirk and Maddisons Roads;**

**ii occur within the 20m buffer shown at Appendix 6 Part 4;**

**iii occur such that the net site area covered by buildings/structures, impervious surfaces, and outdoor storage exceeds 30% have an area greater than:**

**15% of a site in the Rural Business RB 1 and Facilities precincts;**

**20% of a site in the Rural Business RB 2 precinct.**

**(f) Any use or activity must be a rural activity or strategic infrastructure as defined in the zone description.**

**(g) No retail or manufacturing or heavy goods vehicle movements occur outside the hours of 6am – 10pm.**

**Refer also to Development Standard 2.3.5 (Strategic Infrastructure – Templeton Special Rural Zone), Development Standard 2.4.9 (Site Coverage – Rural Activities), and Development Standard 2.3.8 (High Traffic Generators) at Volume 3 Part 13).**

#### **2.5.12 Landscape character - Templeton Special Rural Zone**

**(a) Shelterbelt planting shall be retained, maintained or provided along the zone boundary.**

(b) A minimum of 80 existing established trees shall be retained within the zone, excluding shelterbelts and excluding trees within the 20m buffer shown on the Outline Development Plan at Appendix 6 to Volume 3 Part 4. A plan identifying the trees shall be submitted prior to the issue of any subdivision or land-use consent.

(c) the 20m buffer along the western boundary as shown on the Outline Development Plan at Appendix 6 to Volume 3 Part 4 shall be established and maintained in accordance with the cross-section forming part of that Outline Development Plan.

#### 2.5.13 Servicing – Templeton Special Rural Zone

(a) Trade waste disposal is constrained to a daily average sewage flow not exceeding 0.09 litres/second/hectare. Provision shall be made for the disposal of wastewater via the Christchurch City Council reticulated wastewater system.

(b) There shall be no creation of waterbodies except for those used in managing the disposal and/or treatment of stormwater. Any non-reticulated stormwater facilities must be designed, operated and managed (including the margins and plantings) in as described in the Outline Development Plan at volume 3 Part 4 Appendix 6.

Any proposal that does not comply with (b) shall be limited notified to Christchurch International Airport Limited.

#### 2.5.14 Outline Development Plan - Templeton Special Rural Zone

In the Templeton Special Rural Zone, subdivision, development and use of land shall be consistent with the Outline Development Plan at Volume 3 Part 4 Appendix 6.

### 4.0 Assessment matters

#### 4.2.22 Landscape Character – Templeton Special Rural Zone

(a) The impact of the activities on the rural character and amenity values of the zone and surrounding land;

(b) The visibility of the buildings from roads, parks, public places and the surrounding land, both internal and external to the zone;

(c) The appropriateness of the selected 80 established trees in terms of location, condition, type and proximity to roads or services where the health of the tree or driver visibility may be affected;

(d) The number of identified trees proposed to be removed, the health and significance of the tree(s) and whether appropriate replacements are provided and the impact on the character of the site and locality.

#### 4.2.23 Land use Strategic Infrastructure - Templeton Special Rural Zone

##### Impervious surfaces:

(a) The extent to which an increase in impervious surfaces increases stormwater run-off and the capacity of the stormwater management system to accept any additional stormwater without breaching the requirements of Volume 3 Part 4 Rule 2.5.123 (Servicing – Templeton Special Rural Zone);

(b) The impact which an increase in impervious surfaces would have on the visual amenity of the site and the area, including as viewed from outside the zone, particularly in relation to certain land uses in the facilities precinct including the pool/gym, sports field and hall.

##### Strategic Infrastructure Facilities:

(a) The amount of traffic generated and the effect of the development on the road network in terms of safety, efficiency and capacity.

(b) The scale and dimensions of buildings and the impact on the surrounding area, taking into account the extent of landscaping and the degree to which it screens or softens the buildings.

- (c) The storage of materials, taking into account the type and volume of material.
- (d) The significance of the facility in regional or local national terms, including whether it has a function in ensuring the supply of essential services during an emergency.
- (e) The impact such a facility would have on the visual amenity of the site and the area, including as viewed from outside the zone, particularly in relation to certain land uses in the facilities precinct including the pool/gym, sports field and hall.

#### 4.2.24 Waterbodies and Birdstrike risk – Templeton Special Rural Zone

- (a) The extent to which the proposed water features will be attractive to birdlife that might pose a birdstrike risk to the operation of Christchurch International Airport Limited;
- (b) Whether a management plan has been developed that demonstrates there will be ongoing operation and maintenance of the stormwater system to minimise bird strike risk for the life of the stormwater system.

## 5.0 Reasons for Rules

### 5.1 Rural 1-7, Templeton Special Rural Zone, and Rural Hills Zone

#### 5.1.16 Retailing

The type of goods able to be offered for sale and the maximum floor area specified, are intended to ensure that rural resources are sustainably managed in support of rural activities, rather than being able to develop or expand as of right into predominantly commercial activities which have little relationship to the limited rural land and soil resources.

The ability to sell produce grown on the site, and also limited produce from outside the property, recognises the importance of this type of retailing to the economic viability of some rural activities.

The rule restricting access from major arterial roads or limited access roads is designed to protect the function of these roads and is imposed in terms of traffic safety, and enabling vehicles to enter/exit without disturbing traffic flows on rural roads.

At the Templeton Special Rural Zone, a more substantial amount of retail is provided for, where it aligns with the definition of rural activity in Proposed Change 1 to the Regional Policy Statement and as reflected in the City Plan in relation to this zone. A significant number of buildings and infrastructure assets remained on the site following the closure of the Templeton Hospital and in order to facilitate remediation, the Council has created a special zone. The zone allows for a limited amount of retail, in keeping with the character of the area and the nature of the existing and proposed road network

#### 5.1.19 Landscape Character – Templeton Special Rural Zone

The Canterbury Plains are a largely rural area with a distinctive pattern formed by road layout and shelterbelts is. Care needs to be taken to ensure that the rural aspect is maintained with the Templeton Special Rural Zone. The rule therefore requires retention of the existing shelterbelts, specific treatment of the 20m buffer adjoining the western boundary of the zone, and landscaping internal to each site within the zone, which is expected to result in a pattern similar to the wider Canterbury Plains. The rule also requires a significant percentage of the site to be landscaped to assist with retention of the rural aspect.

#### 5.1.20 Outline Development Plan - Templeton Special Rural Zone

The Outline Development Plan for the Templeton Special Rural Zone has been included to ensure that the development proceeds in a manner which achieves the objectives and policies relating to the rural zones, particularly as they relate to rural character, amenity values, and transport in particular. The Outline Development Plan provides a general indication of where

vehicle access to the site will be provided and where the three precincts are located, and the extent of landscape buffer treatment along the zone boundaries.

#### 5.1.21 Servicing – Templeton Special Rural Zone

The zone is on the periphery of the City’s reticulated water and sewer systems, and there is no reticulated stormwater in the area. The rule seeks to limit trade waste because of capacity at the Bromley Treatment Plant. The rule also reflects the ability of the site to manage stormwater without connection to Council infrastructure and limits the time water ponds at the site due to the need to avoid bird habitat near the airport.

#### 5.1.22 Land use - Templeton Special Rural Zone

The rule addresses a range of issues and activities as may occur within the zone. Firstly, a limit is set on the amount of impervious surfaces. This forms part of the stormwater management package, but also seeks to minimise the adverse visual effects of large hardstand areas, and the loss of rural soils as sought by objectives and policies in Volume 2 Part 13 of this Plan.

Secondly, the rule limits the number of custodial residences. While it is acknowledged that there may be activities establish at the site requiring custodial management, the site is located largely under the airport noise contours identified in this Plan. Accordingly, residential activity is restricted to ensure that it does not impact on operations of the Christchurch International Airport. In addition, rule 3-4-2.5.7 provides that any residence under the airport noise contour shall have the appropriate acoustic attenuation.

Secondly, the rule sets limits on the amount of outdoor storage and where it can be located. This is to minimise the adverse visual effects of large or cumulatively large areas of outdoor storage and is an essential part of maintaining the character of the area.

Thirdly, the rule sets parameters around the use of the site for specific activities as referenced in the zone description, including strategic infrastructure facilities as defined in Volume 3 Part 1, in particular rural activities – Templeton Special Rural Zone, and strategic infrastructure.

The rule provides criteria in order to manage adverse effects, particularly relating to the road network, noise, and visual effects, and to help maintain the character of the site and surrounds.

#### 5.1.23 Waterbodies and Birdstrike risk

The Templeton Special Rural Zone is located in proximity to the Christchurch International Airport Limited aircraft approach path. As such, it is important that the risk of birdstrike on Airport operations is minimised. Water features are therefore not anticipated in the zone, apart from any basins necessary for the management and disposal of stormwater. Such basins are to be designed to minimise their attractiveness for bird species that potentially create a birdstrike risk. Proposals that do not comply with this rule are to be limited notified to Christchurch International Airport Limited so that CIAAL can have the opportunity to respond to potential risk posed by such proposals.

### Volume 3 Part 14 9.4

#### 9.4 Assessment matters for resource consents

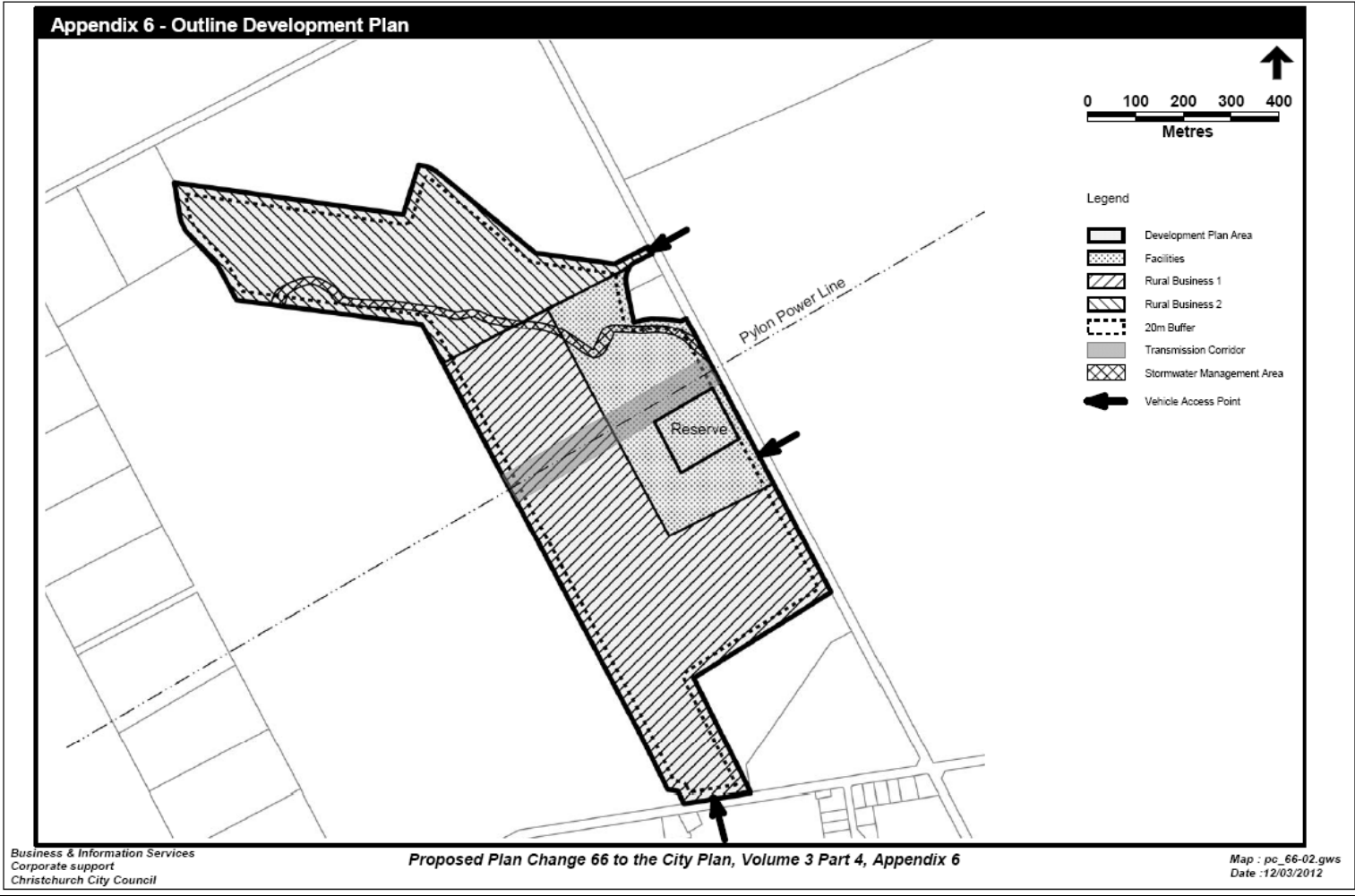
In considering whether or not to grant consent or impose conditions in respect of stormwater disposal, the Council shall have regard to the following assessment matters.

(...)

- (v) For the Templeton Special Rural Zone the extent to which the size, design, construction, management and maintenance of any waterbodies for stormwater treatment or disposal purposes and where there will be ponding or standing of water for more than 48 hours, will deter birds that pose a risk to aircraft from inhabiting the site.

**Note:** Development contributions for network infrastructure for surface water management services may be required under the Council's Development Contributions Policy.

Volume 3 Part 4 New Appendix 6 – Outline Development Plan Templeton Special Rural Zone



### Outline Development Plan -Templeton Special Rural Zone

The Outline Development Plan seeks to guide subdivision and development of the site, particularly with regard to stormwater management, landscaping and buffers, and the internal road network. The diagram also shows the Rural Business 1, 2 and Facilities precincts.

### Stormwater

The site has been assessed as being suitable for on-site stormwater management. Each allotment will have individual on-site stormwater management systems in line with the requirements outlined below, and there will be communal stormwater management to handle stormwater from the public realm. The Communal system will include a contingency amount for unusually heavy rainfall events. Rule 2.3.7 (Servicing – Templeton Special Rural Zone) includes design criteria for the system.

The diagram shows a stormwater management area in the north of the site, in an existing natural swale, but communal detention and management will need to occur elsewhere within the site also. The transmission corridor mid-site provides an opportunity for this.

Stormwater management at the site should be designed in general accordance with the following:

- Roof water should be put directly to ground via sealed pipework and soakage pits;
- Stormwater from individual allotments shall be retained on site and put to ground via first flush soil absorption basins and rapid soakage. A 2% Annual Exceedance Probability design is required.
- In addition, a minimum volume of stormwater storage per allotment of 10% AEP (Annual Exceedance Probability) design storm event of 18 hours with rainfall depth of 85mm.
- First flush volume shall be the stormwater runoff volume from the first 25mm of rainfall depth of any storm event.
- A system of first flush basins, detention and rapid soakage shall be provided at the time of subdivision for all public roads and public hardstand areas within the zone. An additional amount of detention shall be provided on public land within the zone equivalent to 10% of the estimated run-off volume from private land with a 2% AEP (Annual Exceedance Probability) level of service;
- The design, operation and management of the stormwater system shall avoid attracting bird species which constitute a hazard to aircraft; and
- Stormwater infiltration basins are designed to fully drain within 48 hours of the cessation of a 2% AEP (Annual Exceedance Probability) storm event.

### Landscaping and the 20m buffer

The **diagram Outline Development Plan** shows a 20 metre buffer on the perimeter of the Templeton Special Rural zone. This is designed to protect adjoining landowners from adverse effects, and vice versa. The zone is adjoined by the Brackenridge Residential Estate, Nova Trust Rehabilitation Centre, Waitaha Learning Centre, a chapel, and farmland, making it particularly important to manage adverse effects. The buffer should not contain hard stand, outdoor storage or buildings. It may count towards the landscaping component.

The existing shelterbelt is largely within the buffer and is to be retained and maintained. It is an integral part of the buffering effect and is also important for the retention of rural character and visual amenity at the site.

The site also contains numerous established trees, identified through previous subdivision. The rules provide that 80 trees must be selected for retention. The shelterbelt and any other tree within the buffer cannot be included in the list of 80 trees.

**Any fencing at the site should be uniform and typical of the rural area.**

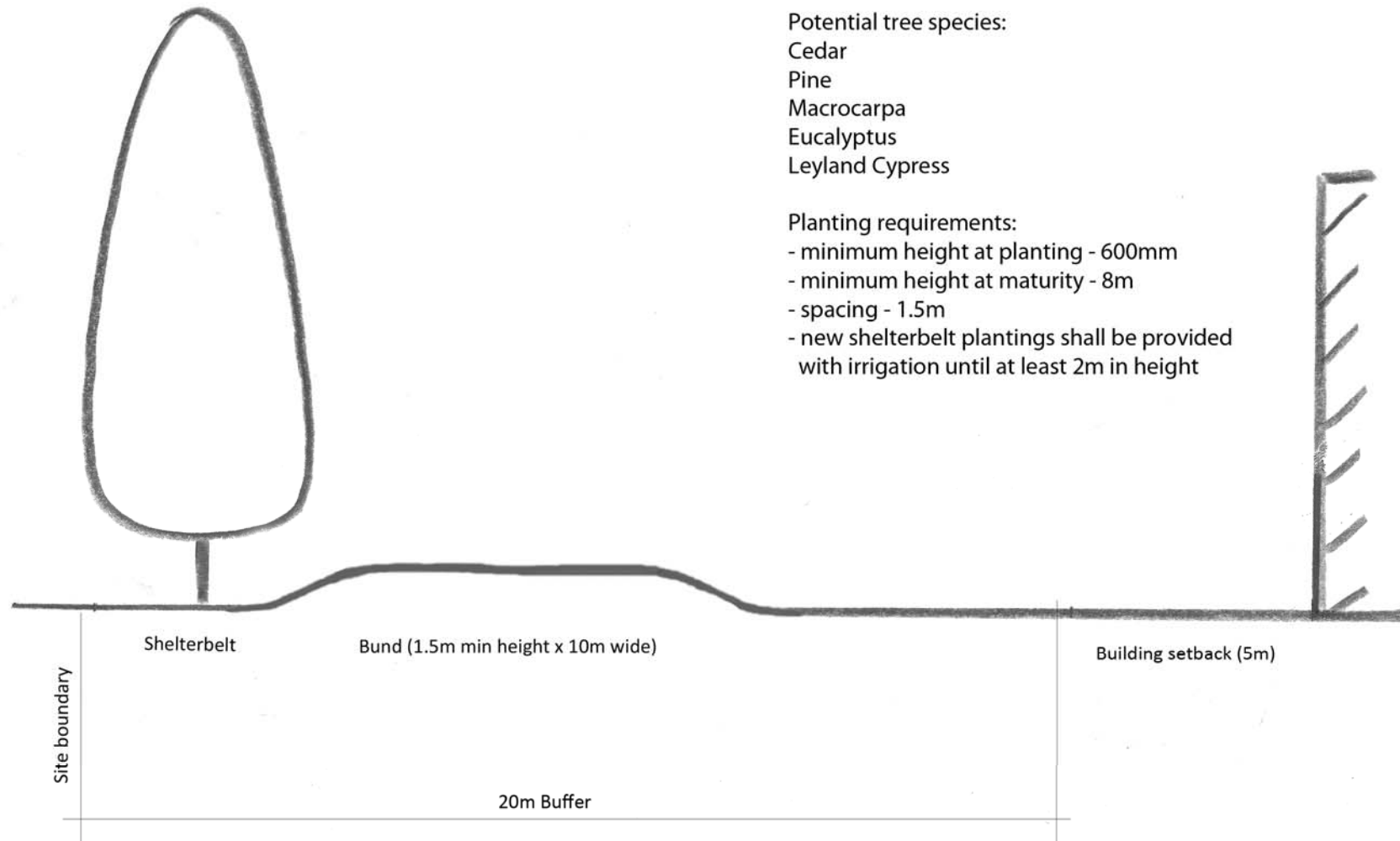
## PLAN CHANGE 66 WESTERN BOUNDARY INDICATIVE CROSS SECTION

Potential tree species:

Cedar  
Pine  
Macrocarpa  
Eucalyptus  
Leyland Cypress

Planting requirements:

- minimum height at planting - 600mm
- minimum height at maturity - 8m
- spacing - 1.5m
- new shelterbelt plantings shall be provided with irrigation until at least 2m in height



### **Road network**

**The diagram shows access and egress points from the site to Kirk and Maddisons Roads. The final internal road layout is dependant on various factors and flexibility is afforded the developer to reflect this. The developer will need to consider the re-use of the existing internal road network and the relocation of a large private sewer line which traverses the site (serving the prison and other land) amongst other things.**

**The internal roadway will include footpath/cycleway provision, landscaping, underground services (where appropriate) and stormwater management facilities. Provision shall be made for a bus stop also, even if just making space available to create a bus stop if the service to the hospital and prison is restored.**

**Internal roads shall also be designed in accordance with Council requirements and should have a clear hierarchy and layout.**

### Volume 3 Part 9

#### 4.4.7 Electricity Transmission Line Corridor - Restricted Discretionary Activity —~~Corridor applicable to the area shown on Part 2, Appendix 3T – Outline Development Plan (Awatea)~~

For the transmission lines shown on Part 2, Appendix 3T - Outline Development Plan (Awatea) and Part 3, Appendix 18, Outline Development Plan Business 8 Zone – Islington; and Part 4 Appendix 6 Outline Development Plan (Templeton Special Rural Zone), the

- Erection of a building; or
- ~~Planting of vegetation that can exceed a height of 3m when mature; or~~
- Erection of any other structure that exceeds 3m in height.

shall be a restricted discretionary activity where located between 12 and 32 metres from the centre line at ground level of the transmission corridor.

Except that:

This rule shall not apply to buildings or structures erected for the purposes of electricity transmission by a Network Utility Operator.

For the purpose of this rule the 12 and 32 metres shall be measured horizontally from the centre point at ground level.

Advice note:

The Electricity Transmission Line network utility owner or operator shall be considered an affected party for any activity requiring consent.

Any application within the transmission line corridor in the Templeton Special Rural Zone and Business 8 Zone need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited.

Vegetation to be planted within the transmission corridors should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting near any electrical line, contact the line operator.

#### 4.4.8 Electricity Transmission Line Corridor - Non Complying Activity - ~~applicable to the area shown on Part 2, Appendix 3S – Outline Development Plan (Awatea)~~

Within 12 metres either side of the centre line of the transmission lines shown on Part 2, Appendix 3T - Outline Development Plan (Awatea) and Part 3, Appendix 18 Outline Development Plan Business 8 Zone (Islington), and Part 4 Appendix 6 Outline Development Plan (Templeton Special Rural Zone), there shall be no:

- Erection of a building; or
- ~~Planting of vegetation that can exceed a height of 3m when mature (except in the Business 8 Zone); or~~
- Erection of any other structure that exceeds 3m in height.

Except that:

This rule shall not apply to buildings or structures erected for the purposes of electricity transmission by a Network Utility Operator.

For the purpose of this rule the 12m shall be measured horizontally from the centre point of the transmission line at ground level.

**4.5.3 Assessment matters - Electricity Transmission Line Corridor - applicable to the area shown on Part 2, Appendix 3T - Outline Development Plan (Awatea), Part 3, Appendix 18, Outline Development Plan Business 8 Zone (Islington) and Part 3, Appendix 21, Outline Development Plan - Sir James Wattie Drive and Part 4 Appendix 6 Outline Development Plan (Templeton Special Rural Zone):**

(a) Where an application for resource consent for building(s) is considered, the Council's discretion shall be restricted to the following:

- the risk to the structure and functioning of the transmission line;
- the effects on the ability of the transmission line owner (or an authorised agent) to operate, maintain and upgrade the high-voltage transmission network;
- the proximity of buildings to electrical hazards;
- the risk of electrical hazards affecting public safety, and/or risk of property damage;
- the risk of electrical faults causing disruption to electrical supply;
- the extent of earthworks required, and use of mobile machinery near the transmission line corridor which may put the line at risk;
- the risk of electrical hazards due to the mature height of any associated vegetation, including within the landscaped areas;
- the siting of building(s) in relation to transmission lines to minimise visual effects from transmission lines;
- the risk of generating radio interference or earth potential rise;
- any other matters set in plans for buildings;
- extent of compliance with NZECP34:2001.

**5.6.4 Exemptions from these rules**

The rules set out in Clause 5.5.1 above and in Table 1 do not apply to:

- (a) (...)

<b>Table 1 - Filling and excavation - volume and depth of material:</b>					
	Column A	Column B	Column C	Column D	Column E
	<b>Max. volume</b>	<b>Max. volume</b>	<b>Max. depth of excavation (m)</b>	<b>Max. depth of fill (m)</b>	<b>Max. slope of land to be filled or excavated</b>
	(Development standard)	(Critical standard)	(Development standard)	(Development standard)	(Development standard)
(o) Templeton Special Rural	150m <sup>3</sup> /ha	Na	0.5	0.5	na

Zone

Notes:

(1)

(...)

### **5.7 Rule: Filling and Excavation Under Transmission Lines Business 5 Zone at Sir James Wattie Drive, Templeton Special Rural Zone, and Business 8 Zone**

Except for earthworks for existing and new Network Utilities, no earthworks (Including both filling and excavation) shall be carried out within 12 metres from the centre line of the electricity transmission lines shown on outline development plans for the Templeton Special Rural Zone, Business 5 Zone at Sir James Wattie Drive and the Business 8 Zone Islington.

Any application for earthworks within the transmission line corridor need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited.

#### **5.9.7 Filling and Excavation Under Transmission Lines - Business 5 Zone at Sir James Wattie Drive Templeton Special Rural Zone, and Business 8 Zone**

- (a) Any effects on the integrity of the transmission line.
- (b) The volume, area and location of the works, including temporary activities such as stockpiles in relation to the transmission line corridor and infrastructure.
- (c) The timing and duration of the works.
- (d) The effectiveness of the proposed site remediation and the long-term protection of effects on the transmission line.
- (e) The use of mobile machinery near the transmission line which may put the line at risk.
- (f) The extent to which the proposal will comply with NZECP 34:2011.
- (g) Outcomes of any consultation with Transpower New Zealand Limited.

## **Volume 3 Part 11 Health and Safety**

### **1.3.2 Noise standards - Zone groupings and sites containing scheduled activities**

- (a) Group 1 Zones (most noise sensitive zones) include:
  - All living zones except the Living 5 Zone
  - All rural zones (except Rural Quarry Zone ~~and Templeton Special Rural Zone~~)
  - Business 4T Zone
  - All conservation zones, **except that** part of the Conservation 3 zone within the "Entertainment Precinct" shown in Part 11, Appendix 1
  - All open space zones, **except** the Open Space 3 and 3B Zones and that part of Open Space 3D (Isaac Conservation Park) Zone where quarrying is provided for in the Plan (ICP/Q Activity Area)
  - All cultural zones, **except** the Cultural 4 zone (Christchurch Polytechnic - Central City Site only)
  - Special Purpose (Hospitals) Zone
  - Special Purpose (Ferryhead) Zone - Areas A, B and C
  - All scheduled activities except scheduled service stations and fire stations

- All parts of the Special Purpose (Road) or Special Purpose (Rail) Zones within 50m of a living or rural zone boundary
- (b) Group 2 Zones (moderately noise sensitive zones) include:
- (...)

### Volume 3 Part 13

#### 2.3.8 High traffic generators

(a) Any activity on a site which is not in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces (with the exception of the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street which is subject to the development plan contained in Part 3, Appendix 14) shall be a **discretionary activity** with the Council's discretion limited as follows:

- retail activities in B3, B3B, B4, BRP, Central City Edge, and Special Purpose (Wigram) (Area B) zones: matters associated with any traffic effects of the activity.
- other activities and other zones: matters associated with vehicular access.

(b) Any activity on a site in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces shall be a **controlled activity** with the exercise of the Council's discretion limited to vehicular access.

(c) Special Purpose (Landfill) Zone

Any activity which generates more than 250 vehicle trips per day shall be a non-notified controlled activity, with the exercise of the Council's control limited to vehicular access and any traffic effects:

- on the function and/or safety of the surrounding road network, and properties along the designated access routes illustrated in Appendix 7 of Volume 3 Part 8 Special Purpose (Landfill) Zone;
- on the surrounding activities in terms of noise, vibration and fumes of vehicles using the access; and
- of extra traffic generated by the activity on the amenity and safety of surrounding residential streets.

~~(d) Any activity on a site in the Templeton Special Rural Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces shall be a controlled activity with the Council's discretion limited to consideration of vehicle access, impact on traffic safety internal and external to the zone, and visual amenity.~~

### Volume 3 Part 14 Subdivision

#### 4.3.1 Minimum standards - Rural zones

Every allotment to be created by a subdivision shall comply with the minimum standards specified for each zone below, **except**

- (i) as provided for in Clauses 4.3.9 - 4.3.13 below; and
- (ii) that three additional lots may be created from Lot 1 DP 79425 provided that these lots are in general accordance with the outline development plan in Part 4, Appendix 5. Note: Environment Court Decision C22/2005 requires that covenants preventing further subdivision are to be attached to each of the new lots.

Zone	Minimum net area
Rural 1, 4 and that part of the Rural 5 Zone west or north of Christchurch International Airport as shown in Part 4, Appendix 4	20ha
Rural H and 6	100ha
Rural 2, 3 and that part of the Rural 5 Zone east or south of Christchurch International Airport as shown in Part 4, Appendix 4	4ha

Rural Q	4ha
Rural 7	2ha
<b><u>Templeton Special Rural Zone - Rural Business 2 Precinct</u></b>	<b><u>1ha</u></b>
<b><u>Templeton Special Rural Zone - Rural Business 1 and Facilities Precincts</u></b>	<b><u>2500m<sup>2</sup></u></b>

### 23.0 Subdivision in the Business 5 Zone (Sir James Wattie Drive) **and Templeton Special Rural Zone**

#### 23.1 Development Standards

(a) Within the Business 5 Zoned land covered by the Outline Development Plan (Sir James Wattie Drive - Appendix 21) the subdivision of land shall be in accordance with the Outline Development Plan landscape areas, plant species, road, pedestrian and cycleway layout and provision for stormwater.

Within the Business 5 Zoned land covered by the Outline Development Plan (Sir James Wattie Drive - Appendix 21) the establishment and maintenance of planting within the landscape setback areas from Shands Road and Marshs Road shall be required as a condition of subdivision consent.

Any development not in accordance with the Outline Development plan will be a restricted discretionary activity with the exercise of the Council's discretion limited to the relevant matters with which the development does not comply.

(b) With respect to any subdivision within the transmission line corridors on the Outline Development Plan (Sir James Wattie Drive - Part 3, Appendix 21) **and the Outline Development Plan (Templeton Special Rural Zone – Part 4 Appendix 6)**:

No allotment shall be created within the transmission line corridors other than an allotment to provide for a network utility (for example stormwater), that does not allow for a building that complies with Clauses 4.4.7 and 4.4.8 Volume 3 Part 9 **and the Outline Development Plan(Templeton Special Rural Zone – Part 4 Appendix 6)**.

#### 23.2 Assessment Matters

When considering an application for subdivision within the transmission line corridors shown on the Outline Development Plan (Sir James Wattie Drive - Appendix 21) **and the Outline Development Plan(Templeton Special Rural Zone – Part 4 Appendix 6)**, the Council shall reserve its control over:

- (i) the extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the line, or lot layout.
- (ii) the ability for maintenance and inspection of the transmission line, including ensuring access for the same.
- (iii) the extent to which the design and development will minimise risk or injury and/or property damage from such lines.
- (iv) the extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms and landscape design.
- (v) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
- (vi) The outcomes of any consultation with the affected utility operator.

### Planning Maps 35A and 42A

