

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Proposed Plan Change No. 20 to the  
Hurunui District Plan

**SECTION 42A OFFICERS REPORT**

**Executive Summary**

Plan Change No 20 is a plan change that introduces specific financial contribution provisions concerning the upgrade of the Argelins Road / Woodbank Road / SH7A intersection at Hanmer Springs into the District Plan.

I consider the main issues are the safe functioning of the intersection and the equitable sharing of the cost of the intersection upgrade.

I consider that the plan change achieves the purpose of the Resource Management Act 1991 and is compatible with the District Plan.

## **1. INTRODUCTION**

### **Planner's Details**

- 1.1 My full name is Rachel Sarah McClung. I am employed as a Senior Resource Management Planner by the Hurunui District Council. I have approximately 8 years of planning experience. During this time, I have performed the functions of a local authority planner and consultant planner in both New Zealand and the United Kingdom.
- 1.2 I hold a Bachelor of Science from Canterbury University and a Master of Science in Resource Management (Hons.) from Lincoln University. I am a graduate member of the New Zealand Planning Institute.
- 1.3 I did prepare Proposed Plan Change No. 20 and the Section 32 report. I have visited the site and am familiar with the site and its surrounds.
- 1.4 I am familiar with the Environment Court Code of Conduct for Expert Witnesses and have complied with it in preparing this Report.

### **Purpose and Content of Report**

- 1.5 The purpose of this report is to provide the Council with an assessment of the plan change proposal. The reports and recommendations are the professional opinion of the author. They do not represent the views of the Hearing Panel or the Council. The Hearing Panel will consider this report and recommendations along with the information presented by all submitters, in making its decision on the proposed plan change.
- 1.6 The plan change was publicly notified on 8 August 2009. The Summary of the submissions is attached as Appendix 1. No Further Submissions were received. Individual submitters are referred to in this report, in relation to the issues which are raised in their submissions.

My report addresses the following matters:

- (i) Description of the site, locality and proposal
- (ii) Submissions and further submissions
- (iii) Statutory considerations
- (iv) Assessment of environmental effects
- (v) Conclusions and recommendations

## 2. PLAN CHANGE

### Summary of reasons for Proposed Plan Change

- 2.1 Tourism growth in Hanmer Springs is anticipated to continue. Compounded with this is the future expansion and urban development of the Hanmer Springs Township. The Council is aware of forthcoming private plan changes which will seek the rezoning of land and the extension of the urban boundary. There is also additional land within the existing boundary that will be subject to development.
- 2.2 The intersection of Argelins Road/Woodbank Road and State Highway 7A is inadequate and will not cope with this predicted growth. This intersection is required to be upgraded as a matter of safety and efficiency. The HLTCP development contributions policy anticipates that 473 new allotments will be created in the Hanmer Springs ward over the next 10 years to accommodate anticipated growth. This equates to an estimated 1041 new residents.
- 2.3 The funding for this intersection upgrade has been the subject of much discussion and an agreement in principle had been negotiated which sees the cost of the intersection upgrade shared between the New Zealand Transport Agency (NZTA), ratepayers and private development.
- 2.4 The intersection upgrade work is programmed in the HLTCP for the 09/10 financial year. The cost of upgrade funding is to be split as follows:

New Zealand Transport Agency	\$150, 000	41.67%
Hurunui District Council – general roading rate	\$75, 000	20.83%
Hurunui District Council – Hanmer Springs amenity rate	\$50, 500	14.02%
Private development contribution	\$84, 500	23.48%
Total	\$360, 000	

Table 1: Summary of Funding Split

A financial contribution mechanism needs to be put in place in the District Plan to ensure private development will pay a fair portion of the upgrade costs at the time of development. The financial contribution, as derived from the proposed formula, will be set at a fixed rate of \$210 per additional allotment. This rate would be adjusted slightly annually in line with inflation. By 2019 it is anticipated that this rate would be \$270 per additional allotment.

### **Proposal**

- 2.5 Plan Change No 20 (PC20) is a proposed plan change to the Hurunui District Plan made under Part II of the First Schedule of the Resource Management Act 1991 (RMA).
- 2.6 PC20 does not propose any alteration to the objectives and policies in the District Plan, but proposes a new rule. In summary, the new rule introduces specific financial contribution provisions concerning the upgrade of the Argelins Road / Woodbank Road / SH7A intersection at Hanmer Springs into the District Plan. The purpose of the proposed rule is to ensure future growth contributes recover a fair portion of the upgrade costs, at the time of development.
- 2.7 The rule would work by allowing the Council to impose the financial contribution as a condition of subdivision consent on all development within the Hanmer Springs ward until the funding is recovered. The contribution would be payable before the s224 certificate could be issued in relation to the subdivision. The progress of cost recovery will be documented through the Hurunui Long Term Community Plan.

### **Site and Surrounds**

- 2.8 The intersection subject of this plan change is located just inside of the existing Hanmer Springs Urban Management boundary, south of the township. The intersection is the only all weather entry and exit to the township.
- 2.11 SH7A follows a south-north alignment towards the centre of the Hanmer Springs Township. Argelins Road is north-west bound and connects with Jacks Pass Road, which in turn links with the Hanmer Springs town centre. Woodbank Road runs east to west and connects with State Highway 7A (SH7A) and Argelins Road. Please refer to the attached Map at Appendix A.
- 2.12 The posted speed limit drops from 100km/hr to 70km/hr just after the intersection of West View Place and SH7A. The posted speed limit remains at 70km/hr in the vicinity of the intersection and then drops to 50km/hr at the intersection of SH7A and Fraser Close and also drops to 50km 1km along Argelins Road, north of the intersection, at the bend. Approximately 800 metres west of the intersection, along Woodbank Road, the speed limited increases to 100kph.

- 2.13 The intersection is sealed. SH7A is identified in the District Plan's Planning Maps as being a limited access road and designated (D82) for the purpose of state highway. As SH7A is a limited access road, this means that development of the vacant land would have to be accessed via Argelins Road. Woodbank Road and Argelins Road are both identified as Local Roads.
- 2.14 A strip of residential zoning fronts both SH7A (west side) and Woodbank Road (south side). There are a number of existing, well established residential dwellings in this zoning. Beyond this strip of residential zoning lies General Management Area (rural). The land to the north of Woodbank Road and west of Argelines Road is zoned Rural-Lifestyle. Development of this area is more recent with less than 50% of allotments approximated to have residential dwellings erected on them. The land to the east of Argelines Road and SH7A is zoned General Management Zone (rural).
- 2.15 Plan Change 14 and Plan Change 16 recently rezoned land in the Woodbank Road area from General Management to Residential River Edge Zone and Woodbank River Edge Zone respectively, which provide for relatively higher density development. The Council is aware of another forthcoming private plan change which will seek to rezone land currently zoned General Management to mixed density residential. The area is bounded by Argelines Road, SH7A and the existing urban boundary.

### **3. SUBMISSIONS**

- 3.1 The plan change was publicly notified on 8 August 2009 with submissions closing on 4 September 2009. A total of 3 submissions were received by the closing date. Of these 1 was in opposition (Rippinvale Developments Limited) and 2 supported the proposal (NZTA and Mr Shane Cundy). No further submissions were received. The submissions are attached at Appendix B.
- 3.2 In summary, the issues raised in submissions include:
- Roading and safety issues
  - Fair appointing of upgrade cost
- 3.3 The issues raised in submissions are addressed in the detail of this report.

## **4. PLAN CHANGE PROCESS**

### **Functions and Duties of the Council**

- 4.1 The first matter to confirm is that the Council has the statutory power to decide on this plan change request and what statutory duties it has in doing so. The Council's statutory functions and duties relating to land uses and district plans are found in the RMA 1991. I believe sections 31, 32, 72, 74, 75 and the First Schedule to the Act are relevant. Copies of these provisions are attached in Appendix Two.
- 4.2 I believe the Council is able to hear and decide on this plan change request for the following reasons:
- The Council's functions under the RMA include the integrated management of the effects of land uses, control of the effects of land uses; and control of subdivision under sections 31(1)(a), (b) and (2).
  - The purpose of a district plan is to assist the Council to carry out its functions under the RMA (section 72).
  - The plan change has been prepared in accordance with the First Schedule to the RMA.
- 4.3 The Council's duties in deciding on a plan or plan change are set out in sections 32, 74 and 75 of the RMA. My assessment of these matters is undertaken in section 5 of this report.
- 4.4 Pursuant to Clause 10 of the First Schedule, the Council may, after considering the plan change, approve, or approve the plan change with modifications and is required to give reasons for accepting or rejecting submissions. Alternately, under Clause 8D of the First Schedule the Council can withdraw a proposed plan change anytime prior to lodgement of an appeal to the Environment Court.

## **5. PLAN CHANGE ASSESSMENT**

### **Assessment Matters**

- 5.1 Considering the purpose of district plans and the Council's functions and duties under the RMA, I have assessed the plan change request using the following set of criteria:
- (i) Effects of the proposed financial contribution on the environment;
  - (ii) Consistency of the proposed plan change with relevant statutory planning documents; and
  - (iii) The statutory requirements under section 32 of the RMA.

## **Assessment of Effects on the Environment**

### **Basis of Assessment**

5.2 The purpose of the RMA and the functions of district councils under the RMA focuses on managing the effects of activities on the environment. The RMA defines Environment as follows:

*Environment includes-*

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) and (c) of this definition or which are affected by those.*

5.3 I consider that a financial contribution falls under (d) of the above definition, as the contribution is an economic matter that is required before the intersection (a physical resource) can be upgraded, which will have effects on the environment.

5.4 Having reviewed the section 32 report, the submissions received and the District Plan, the key environmental effects to be addressed can be summarised as follows:

- Roading and safety
- Fair apportioning of upgrade cost

### **Roading and Safety**

5.5 All three submitters have made comments about roading and safety matters such as:

- The upgrade is required immediately.
- A footpath along Woodbank Road is also required.
- The entire Hanmer Springs community will benefit from the intersection upgrade.
- The intersection requires an upgrade as a direct consequence of urban development in this area. Further development will increase pressure on the intersection which requires an upgrade.
- There is a duty for applicants under the RMA to avoid, remedy or mitigate their effects on the environment. The NZTA supports financial contributions as a method to mitigate the road network.

5.6 With respect to the physical works of upgrading the Argelins Road/Woodbank Road/SH7A intersection, it is my understanding that Hurunui District Council and New Zealand

Transport Authority have agreed on an intersection upgrade design (attached as Appendix Four). The works are provided for in the Council's 2009-2019 Long Term Community Plan (LTCCP) and are due to be completed in the 2009/2010 financial year that is before July 2010.

- 5.7 The upgrade works do not include a footpath. There is not the ability to consider the design of the intersection upgrade through this forum, as this plan change seeks a rule which will require a financial contribution that will assist in funding the intersection upgrade only, not a rule which seeks the particular roading layout that was accepted by the Hanmer Springs Community Board, Council Engineers and NZTA. This matter can however, be brought to the attention of the Community Board.
- 5.8 As the intersection is the only all weather access to the Hanmer Springs township, the wider Hanmer Springs Community will benefit from the upgrade, as will visitors/tourists.
- 5.9 All submitters appear to agree that the upgrading of the intersection is necessary and will be of benefit to the road users, improving road safety.
- 5.10 For the above reasons I consider that the plan change as notified is the most effective and efficient way to achieve the purpose of the Act.

#### **Fair Apportioning of Upgrade Costs**

- 5.11 All three submitters have made comments about fairly apportioning the cost of the upgrade such as:
- Mr Shane Cundy supports the plan change as notified because the 'user pays' concept is a fair system.
  - Rippinvale Developments Limited (Rippinvale) does not support the plan change as notified C as it is their belief that developers already contribute significantly to infrastructure. They consider that the Council will be placing yet another financial burden on developers and are 'double dipping' with rates and that Option C is a better option, which uses additional funds from the general roading development rate.
  - The NZTA supports the plan change as notified as a method to mitigate the effects of growth on the road network.
- 5.12 The District Plan contains provisions intended to offset any potential adverse effects of development on the District's infrastructure. In respect of roading, Policy 12.9 requires developers to pay the full costs of any new road or upgrade within a development and up to

75% of the cost of any new road or upgrade outside the development. As the intersection is the only all weather access to the Hanmer Springs Township, the wider Hanmer Springs Community will benefit from the upgrade, as will visitors/ tourists. Given that the upgrade of the intersection will benefit the wider community and visitors, the developer portion has been set at 18.75%, which is considerably lower than 75%. The apportioning of funding is shown in Table 1 above.

- 5.13 Rippinvale believe that the proposed method to obtain funding is 'double dipping' as the money will be recovered through both rates on existing properties and financial contributions on development. The rate is a targeted rate that will be taken only once from existing properties in the 09/10 financial year. The financial contribution will be taken at time of subdivision for each additional newly created allotment. Therefore, the proposed method will not take twice from the same land parcels and therefore will not be 'double dipping'.
- 5.14 For the above reasons, I consider that the arguments of the Rippinvale submission should be rejected and that the proposed method of appointing the upgrade costs, as notified, is the most effective and efficient way to achieve the purpose of the Act.

## **Consistency with Statutory Planning Documents**

### **Statutory Duties**

- 5.15 Section 74 of the RMA provides that a council must prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II of the Act, and its duties under section 32. It also requires a territorial authority to have regard to any proposed regional policy statement or plan. Section 75(3) of the RMA requires a district plan to give effect to any operative regional policy statement. Section 75(4) states that a district plan must not be inconsistent with any regional plan in relation to matters specified in section 30 of the RMA.
- 5.16 The relevant planning documents to be considered in evaluating PC20 under sections 74 and 75 include:
- (i) The Canterbury Regional Policy Statement (RPS);
  - (ii) The Hurunui District Plan;
  - (iii) The Transitional Regional Plan (TRP)
  - (iv) The Proposed Natural Resources Regional Plan (PNRRP)
  - (v) The New Zealand Transport Strategy
  - (vi) Canterbury Regional Land Transport Strategy 2008-2018

- (vii) The Draft Canterbury Regional Land Transport Programme 2009-2019
- (viii) Te Runanga o Kaikoura Environmental Management Plan
- (ix) The Hanmer Springs Growth Management Strategy & Town Centre Development Plan

5.17 The Plan Change is consistent with the above listed documents. An assessment of these documents was provided in the s32 assessment that supported the Plan Change and was publically notified with the Plan Change. The submissions have not raised any concerns that affect the contents of these documents; therefore the assessment completed pursuant to s32 is not repeated here.

### **Purpose and Principles of the Act**

5.18 Part II of the RMA sets out the purpose and principles of the RMA under Sections 5, 6, 7 and 8.

5.19 The purpose of the RMA is *“to promote the sustainable management of natural and physical resources.”*

5.20 Section 5(2) of the RMA defines sustainable management as:

*“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

5.21 Section 6 identifies matters of national importance which shall be recognised and provided for by all persons exercising functions and powers under the RMA and include:-

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*

- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:’*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development*
- (g) *The protection of recognised customary activities.*

5.22 Section 7 lists other matters which all persons exercising functions and powers shall have particular regard to and include:-

- (a) *Kaitiakitanga:*
  - (aa) *The ethic of stewardship:*
  - (b) *The efficient use and development of natural and physical resources:*
    - (ba) *the efficiency of the end use of energy*
    - (c) *the maintenance and enhancement of amenity values:*
    - (d) *Intrinsic values of ecosystems:*
    - (e) Repealed
    - (f) *Maintenance and enhancement of the quality of the environment*
    - (g) *Any finite characteristics of natural and physical resources:*
    - (h) *The protection of the habitat of trout and salmon*
    - (i) *The effects of climate change:*
    - (j) *The benefits to be derived from the use and development of renewable energy.*

5.23 Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

5.24 I do consider that the proposal in its current form achieves the purpose of the RMA. My reasons are listed below:

- (i) The targeted financial contribution is effective in fairly apportioning the costs of the intersection upgrade to enable the Hanmer Community to provide for their economic well-being.
- (ii) There is certainty that the development portion of costs will be recovered and this will occur at a rate directly proportional to the level of benefit incurred. This certainty ensures the intersection upgrade can proceed within this financial year thereby

managing the use of the intersection at a sustainable rate, while providing for the safety and well being of road users.

- (iii) The targeted financial contribution provides for an environmentally sustainable roading intersection and pattern of development, meeting both the needs of today's community and the reasonably foreseeable needs of future generations.

## **6. RECOMMENDATION**

6.1 I recommend that the Plan Change be approved as notified.



Rachel McClung

**SENIOR PLANNER**

23 November 2009

Appendix A – Map

Appendix B – Submissions