

**David Hattam**

**From:** David Smith  
**Sent:** Wednesday, 9 March 2011 3:35 p.m.  
**To:** David Hattam  
**Subject:** FW: Submission on Proposed Plan Change 12 - Foodstuffs (South Island) Properties Limited  
**Attachments:** SCAN-10K2-11030411170.pdf

**From:** Racheal Hansen [mailto:racheal.hansen@andersonlloyd.co.nz] **On Behalf Of** Jen Crawford  
**Sent:** Friday, March 04, 2011 11:26 AM  
**To:** Submissions  
**Cc:** roger.davidson@foodstuffs-si.co.nz; Rebecca.parish@foodstuffs-si.co.nz; Joshua Leckie  
**Subject:** Submission on Proposed Plan Change 12 - Foodstuffs (South Island) Properties Limited

## ANDERSONLLOYD

LAWYERS

<<SCAN-10K2-11030411170.pdf>>

Attached is a Submission on Proposed Plan Change 12 to the Selwyn District Plan on behalf of Foodstuffs (South Island) Properties Limited.

Sent on behalf of  
Jen Crawford

**Jen Crawford**  
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**Submission on Proposed Plan Change 12 to the Selwyn District Plan**

*Clause 6, First Schedule, Resource Management Act 1991*

To: Selwyn District Council  
PO Box 90  
Rolleston 7643  
submissions@selwyn.govt.nz



**Name of Submitter:** Foodstuffs (South Island) Properties Limited ("Foodstuffs")

1. This is a submission on Proposed Plan Change 12, which is a review of the transport related provisions in the Selwyn District Plan ("the District Plan").
2. This submission relates to Proposed Plan Change 12 in its entirety.
3. The specific provisions of Proposed Plan Change 12 that this submission relates to are those relating to car parking and amenity.
4. Foodstuff's submission is:
  - a. In opposition to Proposed Plan Change 12.
  - b. Foodstuffs opposes Proposed Plan Change 12 for the following reasons:

**General**

- i. Proposed Plan Change 12 does not assist the Selwyn District Council ("the Council") in efficiently carrying out its statutory duties under the Resource Management Act 1991 ("the Act"), including achieving the integrated management of the effects of the use, development, or protection of land; and
- ii. Proposed Plan Change 12 fails to meet the requirements of section 32 of the Act, as the proposed objectives are not the most appropriate method for achieving the Act's purpose and the proposed provisions are not the most efficient and effective means for achieving the District Plan's objectives; and
- iii. Proposed Plan Change 12 does not promote the sustainable management of natural and physical resources and is not in accordance with Part 2 of the Act.

*Specific*

- i. Proposed Rule 17.7.1 would give the Council unreasonable discretion to control the layout of entire developments based simply on the number of car parking spaces required for a particular proposal. This is not effects-based and could lead to decisions being made in relation to the development of entire properties that are not sufficiently related to the effects of car parking.
- ii. Issues relating to amenity (such as that reflected by Policy B3.4.18(b)) should not be controlled by one arbitrary "catch-all" traffic generation rule. The Proposed Plan Change 12 documentation states that the activity status and proposed provisions are intended to provide Council with the ability to achieve an improved outcome and apply conditions of consent without creating undue uncertainty for developers and applicants. However, that is not what may occur in practice. Although the wording seeks to provide clear direction for Council staff when assessing applications, it in fact does the opposite. Administrators of the District Plan will not have adequate knowledge in the broad range of matters at their discretion to make informed integrated decisions on consents. This lack of information could result in inconsistent decision making and further uncertainty for developers and applicants which is contrary to the purpose of Proposed Plan Change 12, the objectives of the District Plan and the Act.
- iii. The stated intent of Proposed Rule 17.7.1 is to achieve a better design whilst enabling activities to be efficient and viable. However, the discretion reserved to Council under the guise of the controlled activity status is so wide that this will not be the case. Under the guise of car park controls, Proposed Rule 17.7.1 has the potential to enable control to be imposed on the entire layout of a development. Such constraints are not supported by Proposed Plan Change 12 documentation, particularly given the lack of an appropriate amenity and landscape assessment in the section 32 analysis.
- iv. Proposed Plan Change 12 will therefore not necessarily enable the Council to effectively provide a better urban form and a more sustainable land transport system, or cater for future transport networks. It is not efficient or effective, will not achieve settled objectives and policies of the District Plan, and is not the most appropriate means by which to achieve the purpose of the Act.

5. Foodstuffs seeks the following decision:
- a. That Proposed Plan Change 12 be rejected in its current form; or
  - b. That Proposed Policy 3.4.18(b) and Proposed Rule 17.7.1 be deleted or amended to reflect the issues raised in this submission; and/or
  - c. Such other relief as may be required to give effect to this submission, including consequential amendments to the objectives and policies of the District Plan that address the matters raised by Foodstuffs.
6. Foodstuffs wishes to be heard in relation to this submission.
7. If other parties make a similar submission, Foodstuffs would be prepared to consider presenting a joint case with them at the hearing.



**Foodstuffs (South Island) Properties Limited**  
By its solicitors and duly authorised agents  
ANDERSON LLOYD

J M Crawford / J M Leckie

Dated this 4<sup>th</sup> day of March 2011

**Address for service of Submitter:**

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Attention: Jen Crawford / Josh Leckie

