

**David Smith**

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**From:** Mark Brown [mark.brown@dls.co.nz]  
**Sent:** Thursday, April 15, 2010 11:55 AM  
**To:** David Smith  
**Cc:** Submissions  
**Subject:** Plan Change 23 - late submission  
**Attachments:** 20100415123251929.pdf

David

As discussed please find attached a submission to Plan Change 23 on behalf on Jenny Butt, 20 Globe Bay Drive, Templeton and 60 Trents Rd, Templeton.

In respect of this submission I would ask that it be accepted as a late submission, and that the failure to comply with the closing date of 13 April, 2010 be waived pursuant to section 37 of the Act.

The failure to observe the closing date was my responsibility on two counts:

1. My unavailability over the past week due to prior work commitments, and
2. Confusion over the closing date, which I mistakenly thought was Friday 16th April

This oversight on my behalf should not unduly impinge on Mrs Butt and her ability to submit in respect of the potential effects on her property arising from Plan Change 23. With the submission being just over a day late, I do not see any party being unduly prejudice by accepting this late submission.

regards

**Mark Brown**  
Associate - Planning

**Davie Lovell-Smith Ltd**

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4. †I seek the following decision from Selwyn District Council: .....refer attached.....

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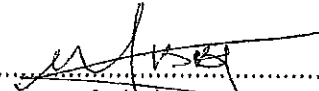
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†Give precise details, including the nature of any change sought. Continue on a separate sheet if necessary.

5. I WISH ~~DO NOT WISH~~ to be heard in support of my submission (delete as applicable)
6. If others make a similar submission, I will consider presenting a joint case with them at a hearing  
(delete if you would not consider presenting a joint case)

7.  ..... 15/04/2010 .....  
Signature of submitter (or person authorised to sign on their behalf) ..... Date

8. Address for service of submitter: c/- David Lovell-Smith .....  
P.O. Box 679, Christchurch .....

Telephone: 03 963 0710 ..... Fax: .....

Email: mark.brown@dls.co.nz .....

Contact person: Mark Brown ..... Title ..... (if appropriate)

**My submission in opposition is:**

I oppose the repositioning of the air noise contours due to the constraining effect it will have on the future use of my property.

The repositioned contours do not reflect the existing uses occurring within this location. Assumptions have been made that all land within the inner plains zone is consistent with the activities promoted within this zone, however no cognisance has been given to existing activities and environments that are not consistent with the inner plains zoning.

Due to this assumption, the proposed new air noise contours will impinge my ability to give any weight to the existing character and amenity of the current environment when assessing the future use of my property.

The property was purchased in the knowledge that future use would not be constrained by the air-noise contours. Being in close proximity to the territorial authority boundary as well a raft of non-rural activities we were aware that exceptional circumstances were in existence that would be given weight when considering potential activities on the site. The proposal to relocate the air noise contours will negate these circumstances, which were so fundamental in our decision to acquire this site.

**I seek the following decision from Selwyn District Council :**

Provide a mechanism through objectives, policies and rules, whereby exceptions can be considered and the appropriate weight given to the existing character of the receiving environment when determining the merits of activities sensitive to noise within the air/noise contour.

Without such a mechanism, the air-noise contours become an influential tool that over-rides the effects-based arguments that would ordinarily carry significant weight in any other location outside the air/noise contour. Furthermore, without the ability for such exceptions to be considered, the ability to apply discretion when deciding on activities that are not permitted becomes severely limited.