

9.0 Section 32 Analysis

This section provides an assessment of the various options that the applicant has considered for managing the land resource at Darfield. This assessment is required under Section 32 of the Act and represents a summary of the evaluation undertaken. This section should be read in conjunction with the explanation and proposed Selwyn District Plan amendments contained in the previous sections of this report.

Under Section 32 of the Act, an applicant for a private plan change must carry out an evaluation to examine:

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

The evaluation is required to take into account:

- The benefits and costs of policies, rules or other methods.
- The risk of acting, or not acting, if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

9.1 Efficiency

An evaluation of efficiency must take into account the benefits and costs of the proposed policies, rules and other methods.

9.2 Effectiveness

‘Effectiveness’ means how successful a particular option is in addressing the issues and achieving the desired environmental outcomes. It is also a measure of how successful the policies, rules and other methods of the framework would be in achieving the objective should be included.

A Section 32 report is part of an evolving process of understanding the costs and benefits associated with a proposed plan change. A further evaluation is required prior to the Council making a decision on a plan change.

10.0 Objectives and Policies of the Selwyn District Plan

The objective of the proposed plan change is to provide for a coherent and well designed residential neighbourhood, which would provide for an economically efficient and environmentally sound outcome for the ongoing use and management of the land.

In consideration of this, a brief summary of the key objectives and policies relevant to this proposal and how the proposed plan change best meets them is included below. In addition to this assessment, a more detailed assessment has been carried out on the potential impact of having additional zoned land being created in Darfield, despite the currently significant areas of land that are zoned for Living but not yet developed. The assessment attached in Appendix 14 confirms that the District Plan does not preclude township growth.

10.1 Township Growth

The plan provides information on a 'preferred growth option' for Darfield. It states:

'The plan provides for a pattern of development in and around the township which in general terms provides for development in a concentric pattern, with lower rural-residential densities on the periphery (Living 2A and 2A1) and graduated higher densities towards the centre (Living 2, Living X and Living 1).'

As at April 2004, township water supply is a constraint that until overcome will substantially limit the extent of further development possible around the township. With the exception of the Living 2A1 zone, which is already intensively subdivided, outline development plans will be required for the coordinated development of land in the large Living 2A zones, the Living X zone, and part of the Living 2 zone north of Kowhai Drive.

The development of large areas of land on the periphery of the township will be deferred pending an upgraded water supply, the incorporation of outline development plans and measures to address reverse sensitivity effects. The ultimate development of land in the deferred zones may ultimately be subject to review in respect to effluent treatment required.

The proposed plan change will result in a development that better meets the goals of the preferred growth option for Darfield, in that the ODP proposed provides for a graduated dwelling

density, allows for development subject to water supply, and provides for coordinated development.

The following two policies are relevant in terms of the effects of the proposed plan change on water supply:

Policy B1.2.1

Ensure all activities in townships have appropriate systems for water supply, and effluent and stormwater treatment and disposal to avoid adverse effects on the quality of ground water or surface waterbodies.

Policy B1.2.2

Ensure land rezoned to a Living or Business zone can be serviced with a water supply and effluent and stormwater disposal without adversely affecting groundwater or surface waterbodies.

It is recognised that the plan seeks to ensure all new development has access to services. In this case, at the time this application is written, the details of the new water supply for Darfield have not yet been confirmed, however it is understood that access to the water supply is pending, and it is anticipated that a water supply will be available at the time this plan change is processed and heard. However, if this is not the case, a change to the plan is sought, to make it clear that only a Council resolution will be necessary to lift the deferral for water, as opposed to the current requirement for a plan change. As such, this proposed plan change meets the purpose of these policies, in that it will only allow development once a water supply is secured.

There are a number of options for sewer treatment as described in the servicing strategy accompanying this application. All of these options meet the purpose of these policies.

10.2 Transport

The District Plan contains a number of objectives and policies relating to the effects of development on existing and future transport networks. Objective B2.1.1 seeks the safe and efficient operation of the District's transport networks and that the network is not impeded by adverse effects from activities on surrounding land or by residential growth. Other policies also seek to avoid reverse sensitivity effects from allowing development near transport networks as well as seeking to manage the effects of activities on the safe and efficient operation of the District's road network.

Policy B2.1.9.

Address the impact of new residential or business activities on both the local roads around the site and the Districts road network.

Policy B2.1.10

Assess the effects of allowing or disallowing residential growth in townships in Selwyn District on transport demand and promote land use patterns that will reduce the demand for transport.

These policies relate to the potential impact of development on the roading network. The proposed plan change will increase the potential for traffic on local and arterial roads in the Darfield area. The application seeks consent for 45.3ha of Living 1 zoned land, as well as 54.8 hectares of Living 2A zoned land. 13.3ha of Business zone is also proposed. Traffic counts taken by Selwyn District Council confirm that Cardale Street (between Rizzo Street and Mathias Street) had 424 vehicle movements per day in October 2006, and Mathias Street (between the Sicon depot and Cardale Street) had 522 vehicle movements per day in April 2006.

TDG has assessed the changes that could potentially occur as a result of the proposed plan change, and anticipate that the existing roading infrastructure will be able to cater for the increased demand. It is considered that the proposed plan change meets these policies and provides the most efficient framework for the future development of the land. The development of the site for solely Living 2A development would on the other hand, require substantial servicing whilst not gaining full efficiency of use of that infrastructure.

Policy B2.1.11

Encourage people to walk or cycle within and between townships.

The proposed ODP layout is designed to ensure that appropriate linkages are available in all directions of the site, and that inhabitants of the site will be able to easily enter and exit the site. The layout of the site is considered appropriate given the scale of the site, and will assist in encouraging pedestrian and cycle movements. It is considered in regard to linkages, that the proposed ODP reflects the goals of the District Plan.

10.3 Reserves

Policy B2.3.8 – Ensure residents in Selwyn District have access to sufficient reserve areas to meet their needs for space for active and passive recreation.

No specific reserve areas are located on the proposed ODP. This is as a result of consultation with Council, in which Council advised they would prefer that an amenity corridor was extended along the water race, and that for the size of the development a local reserve would not be necessary. It is therefore considered that the existing reserves and recreational areas of Darfield are sufficient to support the proposed residential activity.

10.4 Quality of the Environment

Objective B3.4.1

The District's townships are pleasant places to live and work in.

Objective B3.4.2.

A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

The proposed plan change allows for a mix of residential densities. The character of the proposal is in keeping with the Plan's stated goals of providing a pleasant living environment, and a variety of activities in townships. The proposed plan change will reflect the character anticipated by the plan for each zone, while enabling the expansion of the township.

Objective B3.4.3

Reverse sensitivity effects between activities are avoided.

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values.

The proposed plan change contains specific rules to ensure that reverse sensitivity effects of the proposal are mitigated. Buffer zones have been designed to reflect the scale of the potential for adverse effects, and are considered sufficient. The creation of the new residential areas in accordance with the proposed ODP will achieve a high level of township amenity and given this, the proposed ODP is considered to represent the most efficient use of the land resource and provides the best solution to the reverse sensitivity issue.

Policy B3.4.2

To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.

Land adjoining the township is already compromised in terms of its level of rural amenity. Indeed increased density can have a positive effect on amenity, particularly in comparison to Living 2A style development. When immediately adjoining the township, Living 2A land, which is neither rural nor urban, and can lead to poorly maintained properties that do not represent an efficient use of land. The use of land closest to the centre of the township for Living 1 purposes, is therefore a better outcome than the current rules permit.

It is expected that the proposal will be in keeping with the spacious residential character of the Darfield township, and that amenity will not be compromised. Furthermore, the plan change allows for Business zoned land to be located in a more appropriate location than currently, and therefore meets Plan goals that seek to ensure high residential amenity.

Policy B3.4.3

To provide Living zones which:

- *are pleasant places to live in and provide for the health and safety of people and their communities*
- *are less busy and more spacious than residential areas in metropolitan centres; and*
- *have safe and easy access for residents to associated services and facilities.*

The design of the proposed ODP provides a pleasant living environment, with future linkages that will enable a well designed subdivision.

The site is located adjoining the existing township and therefore has close connections with the existing amenities provided in the town centre. To complement this, the largely incongruous existing Business zone on Cardale Street will be separated from the residential properties that it currently adjoins and will move to a more appropriate location adjoining other existing Business zoned land.

Policy B3.4.5

To provide Business 2 zones with few requirements to aesthetic or amenity values, but which have sufficient provisions to safeguard people's health and wellbeing and to avoid pollution or natural resources or potential reverse sensitivity effects.

The proposed Business 2 zoned land on the site meets this policy and is the subject of a number of proposed rules to ensure that amenity issues are dealt with. The resulting Business zone will be separated from adjoining land uses by amenity buffer zones. The proposal is consistent with policy B3.4.5.

10.5 Growth of Townships

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones.

The plan recognises that *'larger section sizes than those found in Christchurch need to dominate townships, to maintain spaciousness thus reflecting something of the rural character by sense of open space, panoramic views and rural outlook that attract residents to these townships'.*

The plan goes on to note that the market is the best determinant of the range and variety of section and house sizes that should be provided – what people choose to meet their needs. As such, the proposal to provide for both Living 1 and Living 2A style housing best meets this policy.

Policy B4.1.2

Maintain Living 2 zones as areas with residential density which is considerably lower than that in Living 1 zones.

The explanation and reasons for this policy are of importance to this plan change and have therefore been reproduced in full.

Living 2 zones replaced rural-residential zones in the Transitional District Plan, where these zones adjoined townships. Average section sizes in these zones vary from 0.5 to 1 hectare. Roads and other utilities have been designed for a population of that density to reflect the sense of open space and spaciousness anticipated by persons wishing to live in a low density residential environment.

Policy B4.1.2 retains Living 2 zone areas with lower residential density than Living 1 zones. The policy refers to 'considerably lower' which acknowledges that low density living zones be spacious and reflect something of the rural characteristics in which they are located. Currently

they are from 6-12 times lower. The Council suggests average section sizes would need to remain between 3 and 6 times lower than that of Living 1 zones, to have a visually discernable difference in residential density. If a more intensive residential density than this is desired in Living 2 zones, the areas should be rezoned to another Living zone.

In recent years the Council has received applications from landowners in Living 2 zones to subdivide their sections. The information supplied in those applications and in response to the Council's township surveys (November 1998 and April 1999) suggest that 1 hectare or even 0.5 hectare allotments are larger than necessary to meet at least some of the demand for larger residential sections. However some proposals for further subdivision of allotments in Living 2 zones have been opposed by surrounding residents, who have purchased properties in that area because the residential density is one house per hectare or 0.5 of a hectare.

Subdivision of land into smaller allotments in Living 2 zones may be desirable if:

- *Makes more efficient use of the land;*
- *Enables people to provide for their economic well-being by selling surplus land; or*
- *Improves the amenity values of the area because allotments are easier to maintain.*

When considering adverse effects on amenity values the consent authority should consider that a change in residential density per se, is not necessarily an adverse effect. For example, if people are having difficulty maintaining larger allotments, drains or water races or vehicular accessways, increasing residential density may improve the amenity of the area.

It is considered that the proposal to provide a limited amount of Living 1 zoned land provides a method by which this policy can be achieved. The smaller allotments proposed are to be part of a wider comprehensive development, as indicated on the ODP (attached as **Appendix 4**). Living 1 zoned land provides for a more efficient use, and ensures that higher density residential development is congregated around the existing township and has a direct link to the township centre.

An increase in people living in the Darfield area will stimulate economic growth in the township, leading to an increased use of local services and facilities, and in turn put less pressure on transport networks as more people are able to obtain goods locally. The proposal represents development that better meets the goals of the Plan as they relate to the growth of townships.

Policy B4.1.3 seeks to allow where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:

- *A compact township shape;*
- *Consistent with preferred growth options for townships;*
- *Maintains the distinction between rural areas and townships;*
- *Maintains a separation between townships and Christchurch City Boundary;*
- *Avoid the coalescence of townships with each other;*
- *Reduce the exposure to reverse sensitivity effects;*
- *Maintain the sustainability of the land, soil and water resource;*
- *Efficient and cost-effective operation and provision of infrastructure.*

The proposed plan change is consistent with the criteria above. The ODP design will ensure a compact township shape.

The proposal does not compromise the distinction between rural areas and townships. By providing for higher density residential zoning, as well as low density rural-residential zoning, the distinction between rural and residential areas will be enhanced and retained.

The inclusion of a Living 1 style residential neighbourhood allows for the opportunity to develop servicing concepts that will maintain the sustainability of the land, soil and water resource. Furthermore, the concentric nature of the Living 1 zoned land proposed, will ensure the efficient operation and provision of infrastructure, including roads.

Policy B4.3.1

Ensure new residential or business development either:

- *Complies with the Plan policies for the Rural zone; or*
- *The land is rezoned to an appropriate Living of Business Zone.*

The proposed plan change accords with this policy. The proposed ODP is intended to be incorporated into the Plan and will provide the blueprint for the future development of the land.

The most appropriate zoning for the 45.3ha closest to the town centre is Living 1 as proposed, and is considered to be the most efficient use the land resource in this location. The inclusion of a larger Business zone, in an area more appropriate than the existing location, is another

positive feature of this plan change. The master planning process that has occurred over the site has been thorough, and this, in conjunction with the consultation carried out with local interest groups and the Council, has lead to the conclusion that the proposed design is the most appropriate way forward.

Policy B4.3.2

Require any land zoned for new residential or business development to adjoin, along at least one boundary, an existing Living or Business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner than achieves compact township shape.

Policy B4.3.5 Encourage townships to expand in a compact shape where practical.

The proposed plan change entails a Living 1 zone to be located adjoining the existing urban perimeter of Darfield. It does not extend any great distance from the town, and will adjoin a proposed business zone to be located in a more appropriate location than the existing business zone currently located on Cardale Street. The proposed plan change meets the intent of these policies, by ensuring the existing compact built form of Darfield is retained.

The plan contains some policies that are specific to Darfield:

Policy B4.3.17

Encourage new residential and business development on sites in existing Living and Business zones if such sites are available and appropriate for the proposed activity.

The zoning of the land as proposed will assist in encouraging new residential development in the District. It also provides a more appropriate location for business zoning – adjacent to the state highway and other business use. The ODP allows for integrated solutions so that a mix of densities and land uses can be provided for. The proposed plan change is considered to meet the purpose of policy B4.3.17.

Policy B4.3.18

To encourage the provision of large residential allotments within the Living 2 zones.

Although the site is zoned 2A deferred, a higher density in the form of the Living 1 zone is proposed over part of the subject site. It is considered that despite the density proposed for 45.3ha of the land being greater than allowed by the underlying zoning, it is most appropriate to

allow higher density development closest to the township centre. The effects of the density proposed are offset by the efficiencies gained and will be insignificant in terms of the wider context of the development of Darfield township. In any case, the plan change provides for choice in accommodation type, by retaining 13.3ha of Living 2A zoned land.

Policy B4.3.22

To provide for mixed densities in the Living X zone and rural residential development around the township in the Living 2A (deferred) zone to a minimum average area of 1ha, and in the Living 2A1 zone to a minimum average area of 2ha, subject to the following:

- *That all new allotments are able to be serviced with a reticulated potable water supply;*
- *That outline development plans have been incorporated into the Plan for the coordinated development of five identified areas of land in the Living 2A zone, the Living X zone and part of the Living 2 zone to address roading, reserve and pedestrian/cycle linkages;*
- *Where applicable, provision has been made to address any reverse sensitivity issues.*

The plan notes that the outline development plans mentioned in this policy (with the exception of Area 4) must be added to the Plan by variation or plan change.

The Plan states that under previous legislation Council had to predict the amount of land that would likely be needed for residential or business growth. This approach had the disadvantage that areas were zoned for residential use that were not always the areas where people wanted to live, creating surpluses of unwanted land and shortages of sought after land.

With the enabling emphasis of the Act on letting the market decide where appropriate areas of growth are, Council's role is to ensure that any residential development promotes sustainable management of natural and physical resources.

The proposed plan change promotes Living 1 style development in a location that is able to provide services and community facilities through its closeness to the Darfield township while enabling people to enjoy the amenities of a wider rural environment. As previously discussed it is considered that the clustering of smaller residential sites is considered to be a sustainable way of managing natural resources (water and land) and physical resources (services) within any residential subdivision.

10.6 Conclusion in Respect to the Relevant Objectives and Policies of the Plan

The proposed plan change adds to the range of living environments available in the Darfield area and maintains the spacious character of the Selwyn District while also providing for a more appropriate Business land location. The subject land adjoins Darfield Township and benefits from social and physical links with the township community.

The plan change is considered to be consistent with the policy direction of the Plan for development of the land surrounding townships.

11.0 Consideration of Costs, Benefits and Alternatives (For Section 32 Analysis)

In order to provide for the sustainable use and management of the site, the following methods have been considered:

- Continue with the status quo;
- Apply for resource consent; or
- Initiate a plan change.

The costs and benefits of these methods, in regards to achieving the purpose of the Act are as follows:

11.1 Status Quo

To retain the status quo would mean retaining the Business 2 zoning in the northwest corner of the site, and the retention of a Living 2A (deferred) zoning across the remainder of the site. As the deferral would not be lifted, a plan change with the incorporation of an ODP into the plan and a confirmed water supply is required in order to lift the deferral. Prior to the deferral being lifted, the site reverts to its Rural (Outer Plains) zoning, and as such, only very limited development can currently occur as of right.

The benefits of retaining the status quo are limited, apart from the saving in costs that are related to the preparation and processing of the private plan change application, and the retention of an area of land with limited and temporary rural character (given its deferred Living 2A status).

11.2 Resource Consent

Another alternative that has been considered is to seek a resource consent for the change. This option has already been unsuccessful over a portion of the site. Resource consents that covered all the necessary issues for the entire site would be fraught with difficulty.

The cost involved with the ongoing process may become prohibitive, making the development of the land largely uneconomical, whilst creating difficult administrative issues for the Council.

Furthermore, a singular resource consent would not provide the degree of flexibility required to develop the land for residential purposes, and as such, there would be an ongoing need for additional resource consents and the associated time and costs involved in obtaining these consents.

In any case, the granting of resource consent for such a large scale development may potentially undermine the Plan and challenge the integrity of the existing plan rules.

11.3 Proposed Plan Change

A private plan change option has been determined as the most appropriate way to proceed in this instance. There are two main options available to the applicant. They could seek to lift the deferral over the site, and carry out development of the site to a Living 2A standard across the site. This would provide for rural-residential development of the sort originally anticipated by the plan, however would not represent the most efficient use of land. Furthermore, it would result in a fragmented ownership and would preclude higher density development being able to occur in an integrated manner over the site in the future.

The second option is the preferred and therefore proposed option. The costs and benefits of the plan change option chosen are described below:

Costs

- Costs and time associated with the preparation and processing of the private plan change application.
- Limited cost to Council recognising that the greater cost of preparation and processing will be met by the applicant.
- Reduction in area of rural land.
- Short term development impacts on neighbouring zones until development is completed and landscaping matures.

Benefits

- Achieve the zoning of the land to Living 1, Living 2A and Business 2 which allows for the owners and occupiers to develop the land in accordance with the relevant rules in the plan.
- Allows for development in accordance with the proposed ODP that is designed to integrate with the existing township at a scale and in a location that is most appropriate, while achieving a high level of amenity.
- Allow for development to occur in accordance with a detailed landscape concept, thus ensuring high amenity outcomes.
- Flexibility for the most efficient use of the land resource.
- Detailed study of infrastructure requirements has been carried out, and evidence is provided showing that servicing of the land can be carried out with no adverse effect on the environment.
- Traffic effects of the development can be mitigated to avoid adverse effects on the surrounding road network.
- Remove the reverse sensitivity issues already occurring given the proximity of Pemberton Drive residential dwellings adjacent to existing businesses.
- Integrity of Selwyn District Plan maintained.

The following table is a detailed analysis of the efficiency, effectiveness, costs, benefits and appropriateness of the proposed new rules and should be read in conjunction with the detailed analysis of the objectives and policies of the plan and their suitability.

Rule Number	Effectiveness	Efficiency	Benefits	Costs	Appropriateness
1.4.1 Deferral. This rule has been designed to ensure that should a water supply not be available at the time a decision is made on this plan change, the plan change can be deferred until the water supply is available.	The overall effectiveness is considered to be high. This rule is only to be included in the plan if necessary. The rule is considered to be workable and is proposed as a simple solution to the issue of water availability. The proposal to only include it if necessary promotes flexibility.	The overall efficiency of this rule is considered to be high. This rule provides certainty that is water is not available at the time the decision on this plan change is reached, that the owners of the land will not need a new plan change and will instead be able to seek a council resolution.	Avoids the need for a future potentially costly additional plan change to lift the deferral.	No costs.	Rule 1.4.1 is an appropriate method of implementation for the policies that seek the deferral of development until all available services are available.
13.3.1 Deferred Business zone - Darfield This rule has been designed to ensure that should a water supply not be available at the time	The overall effectiveness is considered to be high. This rule is only to be included in the plan if necessary. The rule is	The overall efficiency of this rule is considered to be high. This rule provides certainty that is water is not available at the time	Avoids the need for a future potentially costly additional plan change to lift the deferral.	No costs.	Rule 13.3.1 is an appropriate method of implementation for the policies that seek the deferral of development until all available services are

a decision is made on this plan change, the plan change can be deferred until the water supply is available.	considered to be workable and is proposed as a simple solution to the issue of water availability. The proposal to only include it if necessary promotes flexibility.	the decision on this plan change is reached, that the owners of the land will not need a new plan change and will instead be able to seek a council resolution.			available.
5.2.1.8 Accessway limitations in Residential zones	The overall effectiveness of this rule is considered to be high. It allows for existing accessways and accessways identified on the ODP, but limits accessways by requiring a non-complying land use consent application.	The overall efficiency of this rule is considered to be high. This rule provides certainty to the community that Creyke Road will not be affected by a multitude of accessways occurring while still enabling landowners to retain existing accesses.	Enables certainty of access locations and protects character of Creyke Road.	Limits landowner's ability to install accessways wherever they choose.	Rule 5.2.1.8 is considered to be appropriate, as through making additional accesses a non-complying activity it strongly identified the importance of the existing rural character of Creyke Road.
12.1.3.8	The overall effectiveness of this	The overall efficiency of this rule is	Ensures that the rule is clear about which	No costs.	The amendments to this rule are an

	change is considered to be high. The amendment to this rule recognises that Area 3 has been the subject of a plan change application and no longer needs an ODP to be included in the plan as it already has one.	considered to be high. This rule is considered to be workable.	land it applies to.		appropriate method for ensuring that the rule applies to particular parts of the Darfield township only.
12.1.3.11 Subdivision to be in general accordance with the ODP	The overall effectiveness of this change is considered to be high.	The overall efficiency of this rule is considered to be high. This rule is considered to be workable.	Ensures certainty over future development. Does not preclude future development.	Future occupiers are required to meet the requirements of the ODP	The use of an ODP is recognised as a key planning tool.
12.1.3.12 Subdivision to be consistent with Landscape Concept Plans	The overall effectiveness of this change is considered to be high. The rule provides for development to be in accordance with a detailed landscape	The overall efficiency of this rule is considered to be high. This rule is considered to be workable.	These rules ensure that the required landscaping will be established to ensure minimal reverse sensitivity and visual amenity effects.	At subdivision stage the owners of the land will be required to meet the requirements of the rule which therefore represents a cost.	This rule is appropriate and important as it provides the basis by which the effects of the proposal are mitigated.

	plan.				
16.1.5 and 16.1.7	The overall effectiveness of this rule is considered to be high. This rule requires referral to a detailed plan for landscaping of the Business zone and determines when such landscaping should take place.	The overall efficiency of this rule is high. This rule is considered to be workable.	These rules ensure that the required landscaping will be established to ensure minimal reverse sensitivity and visual amenity effects.	Before any buildings are erected on the site, the owners of the land will be required to meet the requirements of the rule which therefore represents a cost.	This rule is appropriate and important as it provides the basis by which the proposed activities in the Business 2 zone will have any potential effects mitigated.
17.2.1.8 SH 73 Access	The overall effectiveness of this rule is considered to be high. It allows for existing accesses but limits future accessways and road linkages to the State Highway. This rule is considered to be workable and is proposed to ensure that new roading	The overall efficiency of this rule is considered to be high. This rule seeks to ensure no roading access will be gained from the Business zone to the State Highway.	Ensures that the functioning of State Highway 73 will not be affected by this plan change	Limits the access options for the site.	This rule is appropriate given the recognised importance of SH73 as a strategic transport link.

linkages are not permitted to the State Highway.					
22.14.1 and 22.14.2 Business activities to be established once landscaping established	The overall effectiveness of this rule is considered to be high. This rule verifies the importance of the ODP to be attached as Appendix 33 and ensures consideration of the ODP.	The overall efficiency of this rule is considered to be high. This rule is considered to be workable.	These rules ensure that the required landscaping will be established to ensure minimal reverse sensitivity and visual amenity effects.	Before any business activity commences on the site, the owners of the land will be required to meet the requirements of the rule which therefore represents a cost.	This rule is appropriate and important as it provides the basis by which the proposed activities in the Business 2 zone will have any potential effects mitigated.
24.1.3.22, 24.1.3.23 Business zone to be developed in accordance with ODP and landscape concept plan	The overall effectiveness of this rule is considered to be high. This rule verifies the importance of the ODP to be attached as Appendix 33 and ensures consideration of the ODP.	The overall effectiveness of this rule is considered to be high. This rule is an efficient way of ensuring that development occurs in a coordinated manner and is in accordance with the ODP.	These rules allow for certainty that development of the Business zone will occur in accordance with the ODP and that development of the land will not preclude future development of adjoining land.	Costs in terms of establishing landscaping	This rule is appropriate as a mechanism for ensuring that development occurs in general accordance with the proposed ODP.

The plan change proposal seeks a form of development over much of the site that is already anticipated by the plan, given that the land is already zoned Living 2A deferred. The plan change proposal provides a framework for the future development of the site, and confirms an approach that will ensure that development will occur in an integrated and coordinated manner. The development of the site does not preclude future development of surrounding sites, and will complement the existing layout of Darfield.

In summary, it is considered that having regard to their efficiency, the existing objectives, policies, new rules associated with the proposed rezoning, and the proposed inclusion of an ODP in the plan, are the most appropriate means of achieving the objectives of the Plan and the purpose of the Act.

11.4 Alternative Locations Considered

In the Environment Court Case of Brown in Dunedin CC, Decision No. C144/02, it was found that Section 32 of the Act does not contemplate that determination of the site specific plan change will involve a comparison with alternative sites.

Despite this, it is important to consider why this land is the most appropriate for the form of development proposed.

Darfield currently has a number of areas of land surrounding the township earmarked for future development, but has not, in recent years, completed an evaluation of which sites are most appropriate for early development. It is understood that the Council will soon start work on a district wide planning strategy, followed by the preparation of a structure plan for the Darfield area, however the completion of this is still some years away.

The subject land is considered to be the most appropriate for early development of the form proposed:

- The proposed plan change area is located in an area bounded by access roads, on the eastern side of Darfield. It is easily accessed, and has a direct linkage into the centre of Darfield, as well as enabling access to and from the site from other key directions.
- Detailed assessment has been carried out on the ability to service the land. As part of the previous attempt to subdivide the land, consents were obtained from Environment Canterbury for stormwater discharge from roofs, hardstanding and roads, as well as

sewage discharge consent for a technologically advanced reticulated sewage disposal system that could eventually be extended to provide for the rest of the township.

- The applicants have bought additional land to confirm the Cardale St / Mathias Street link to the site, without which, the future development of the whole block is not feasible. Darfield currently suffers from a lack of cross-connective roads, and the proposed development improves the current situation by foreseeing links across the township, rather than in the current radial pattern.
- The land is already mostly zoned Living 2A deferred, and as such is appropriate for low density development. The proposal to cluster Living 1 zoning in the northwest part of the site represents a future ability to use infrastructure in the most efficient way.
- A vast majority of the site is currently owned by one owner who is keen to invest now and proceed with the development of the site. Other land in Darfield earmarked for development in the future has many owners which may lead to development occurring in a fragmented manner unless equitable agreements can be reached. The opportunity to develop the majority of the subject site is available now.

11.5 Alternative Methods Considered

The alternative methods for the future development of the site involve the use of resource consents to allow development. As discussed above, the use of resource consents to allow for residential development of the scale proposed by the ODP is neither efficient nor cost-effective.

12.0 Consultation

Clause 1(h) of the Fourth Schedule of the Act requires that persons affected by the proposal are to be identified, along with the consultation undertaken, if any, and any response to the views of any person consulted.

It is noted that Clause 1AA of the Fourth Schedule to the Act states that:

“To avoid doubt, Clause 1(h) [of the Fourth Schedule] obliges an applicant to report as to the persons identified as being affected by the proposal, but does not –

- a) Oblige the applicant to consult with any person; or*
- b) Create any ground for expecting that the applicant will consult with any person”*

Clause 25 of Part 2 of the First Schedule to the Act requires that should Council agree to accept a plan change request, the proposal must be publicly notified for submissions. Public notification is a form of consultation and it is important to recognise that a greater number of persons may be notified than may have been involved in the initial consultation process.

Consultation and information exchange has been undertaken with the following parties.

12.1 Selwyn District Council

This plan change follows on from an attempt to seek land use and subdivision consent for 50 residential allotments on the north-western corner of the site. Consultation with the Council has been ongoing since well before that application was made and involved meetings with various Council staff within the Policy Planning, Resource Consent Planning, and Assets sections of the Selwyn District Council. Meetings were also held by the applicants with political members of the Council and the applicant has attended meetings of the Darfield Township Committee and the Malvern Community Board.

A draft plan change application was submitted to the Council in May. Since that time, ongoing discussions have occurred with Council staff, and their comments have resulted in the extension of the plan change area.

The meetings have involved the Council providing input into the development, and since the plan change has been determined as the best way forward to successfully develop the site, Council involvement has included consideration of draft ODPs and potential additional rules.

The applicant has also consulted with virtually all adjoining landowners, as detailed in Appendix 8.

12.2 Environment Canterbury

Consents were obtained from Environment Canterbury for the previous subdivision consent application. All these consents were granted.

12.3 Iwi

Iwi will be provided with a copy of this application for their information and feedback.

12.4 NZTA

The applicant has met with NZTA regarding the effects of the proposal on State Highway 73. The application has been designed to meet NZTA concerns regarding access to the State Highway. Details of the consultation is attached within Appendix 9.

12.5 Ministry of Education

The applicant has sought comments from the Ministry of Education with regards to the potential impact of the proposed plan change on Ministry facilities. No response has yet been received.

13.0 Conclusion

Based on the assessment undertaken above, in accordance with the requirements of Section 73 (2) and Section 32 of the Act, the overall conclusion is that the proposed zoning of the site to a mixture of Living 1, Living 2A and Business 2, will achieve the objectives and policies of the Selwyn District Plan. It is also concluded that the benefits of the proposed change will outweigh the costs.

The Plan Change will achieve the principles and purpose of the Act for the following reasons:

- The proposed plan change represents a sound resource management response to the need to efficiently develop land on the outskirts of Darfield in an integrated and timely manner.
- Any effects of the Plan Change on adjoining property owners can be effectively mitigated.
- The proposed plan change and its associated ODP represent an appropriate and sustainable way to develop the site.

The proposed plan change will not result in any conflict with existing objectives and policies of the District Plan, and will not be inconsistent with any other relevant Plan's objectives and policies.

It is considered that the rezoning of the land and the adoption of the proposed ODP would result in a District Plan that would continue to meet the purpose and principles of the Act, and will better assist the Selwyn District Council to carry out its functions under Section 31 of the Act.

Having regard to Clause 25(2)(b) of the First Schedule of the Act, it is requested that the Council accept the proposed plan change and proceed to public notification of this application as soon as possible.