

Appendix 14

Policy Assessment on Township Growth

Objectives and policies of the Selwyn District Plan as they relate to the growth of Darfield

“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 gradual higher densities towards the centre (Living 2, Living X and Living 1).”

Objectives/Policies	Consistency ?
Objective B1.1.2 New residential or business activities do not create shortages of land or soil resources for other activities in the future.	Consistent with this policy.
Policy B1.1.8 Avoid removing land which contains versatile soils for new residential or business development if: <ul style="list-style-type: none">- The land is appropriate for other activities; and- There are other areas adjoining the township which are appropriate for new residential or business development which do not contain versatile soils.	Consistent with this policy. The assessment has concluded that this is the most efficient use of this land.
Objective B2.1.1 The safe efficient operation of the District’s transport networks is not implemented by adverse effect from activities on surrounding land or by residential growth.	Consistent with this policy. See TDG’s transport assessment
Policy B2.1.9 Address the impact of new residential or business activities on both the local roads around the site and the District’s road network, particularly road links with Christchurch City.	Consistent with this policy. See TDG’s transport assessment.
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.	Consistent with this policy. See TDG’s transport assessment.
Policy B3.4.39 Avoid rezoning land for new residential development adjoining or near to existing activities where are likely to be incompatible with residential activities, unless any potential reverse sensitivity effects will be avoided, remedied or mitigated.	Consistent with this policy. Buffer zones etc proposed will be sufficient to mitigate reverse

	sensitivity effects.
<p>Policy B4.1.2</p> <p>Maintain Living 2 zones as areas with residential density which is considerably lower than that in Living 1 zones.</p>	Consistent with this policy.
<p>Policy B4.1.3</p> <p>To allow, where appropriate, the development of low density living environments in location in and around the edge of townships where they will achieve the following:</p> <ul style="list-style-type: none"> - A compact township growth; - Consistent with preferred growth options for townships; - Maintains the distinction between rural area and townships; - Maintain 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 suitability of the land, soil and water resource; - Efficient and cost-effective operation and provision of infrastructure. 	Consistent with this policy. The proposal provides a compact township shape; is not contrary to preferred growth options, and therefore achieves the objectives of this policy.

Within Chapter B4.3 Residential and Business Development, the Plan states:

“The RMA puts greater emphasis on allowing the market to determine the rate and amount of residential growth in any area. The role of the Council is to ensure that any proposed residential development occurs on sites and under conditions which promote sustainable management of natural and physical resources”.

“Whether land is zoned for residential development can make a big difference to the value of that land, especially in the area where demand for residential growth is high. It can also make a big difference to the time, cost and effort required to enable residential or business development to occur on that land. Therefore, it is important that the decisions the Council makes about allowing residential development on sites are consistent between landowners and related to environment effects”.

Growth of Townships Policies

<p>Policy B4.3.2</p> <p>Require any land rezoned 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 that achieves a compact township shape.</p>	<p>The subject site meets this policy.</p>
<p>Policy B4.3.3</p> <p>Avoid zoning patterns that leave land zones Rural surrounded on three or more boundaries with land zoned Living or Business.</p>	<p>The subject site meets this policy.</p>
<p>Policy B4.3.4</p> <p>Encourage new residential or business development to occur on vacant land in existing Living or Business areas, if that land is available and appropriate for the proposed activity.</p> <p>(Policy B4.3.4 also recognises that sites in existing zones may not always be available for new activities. In addition they may not be available at an appropriate price or be suitable for the proposed activity.)</p>	<p>This policy 'encourages' already zoned land to be used. It does not 'require' it, and therefore does not preclude the zoning of additional land. The proposal is not contrary to this policy.</p>
<p>Policy B4.3.5</p> <p>Encourage townships to expand in a compact shape where practical.</p>	<p>Consistent with this policy.</p>
<p>Specific Darfield Preferred Growth Option</p> <p>Policy B4.3.17</p> <p>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. (Refer to Policy B4.3.4).</p>	<p>This policy 'encourages' already zoned land to be used. It does not 'require' it, and therefore does not preclude the zoning of additional land. The proposal is not contrary to</p>

	this policy.
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Conclusion

- All policies seek a compact and coordinated town form for townships such as Darfield.
- Policies specific to town form and growth of townships recognise that town form of townships should reflect development in a concentric pattern with lower rural-residential densities on the periphery and graduated higher densities towards the centre.
- Only policies B4.3.4 and B4.3.17 consider the areas of land at Darfield that are already zoned Living. While they *'encourage'* new residential and business development of these sites, the policies temper this by adding *'...if such sites are available and appropriate for the proposed activity'*. While these policies encourage the take up of existing zoned land, these policies do not preclude the rezoning of additional land, in cases where the proposal is not contrary to other policies.
- It is considered that the proposed plan change is therefore consistent with the policy direction of the plan as it related to the rezoning of land for residential purposes and the growth of Darfield township.

Appendix 15

Market Demand Approach

17 March 2011

Bellbird Consulting Group
PO Box 305
CHRISTCHURCH

Attention: Janette Dovey

Dear Janette

SILVER STREAM ESTATES LIMITED - DARFIELD PLAN CHANGE

1. We refer to your RFI letter of 26 January 2011. This was responded to in part by Davis Ogilvie by an electronic letter from Mary Clay dated 3 March 2011.
2. The purpose of this letter is to respond to Question 1), page 4 concerning the lack of demand for further residential land. As noted in my email of 4 March 2011, further information will be separately provided to you in terms of an updated application showing amendments, an economic analysis of business distribution, and further traffic impact assessment information from Mr Carr.

Demand

3. At page 2 of your letter you discuss lack of demand and the consequences of this. In terms of the latter, you take the view that the plan change request relies on a market-led approach which you do not prefer.
4. Silver Streams position is that:
 - 4.1. The District Plan openly acknowledges a reliance on privately requested plan changes by landowners as a mechanism to provide for urban growth; and
 - 4.2. An analysis of the relevant objective and policy framework for township growth, including Darfield, shows that there is no policy basis for Council to adopt an allocative regime to township growth based on supply and demand.

Market driven approach

5. The suggestion that a market-led approach is inappropriate is at odds with the District Plan itself.
6. Part A4.5 explains how the plan deals with townships and zones. On page A4-011 it says:

"The District Plan contemplates the use of private plan change procedures under the Act as the method by which to expand

townships. Any person may request a plan change to rezone their land at almost any time. The plan contains a policy framework to guide decisions to rezone land, to ensure it promotes 'sustainable management'. The policy framework for rezoning land as Living or Business, and the Councils' reasons for using this method, are outlined in Part B, Section 4.3."

(Our underlining)

7. The growth of townships is provided for in Part B, Section 4. This includes a strategy for residential and business development at B4-022. This states as relevant:

"The Township Volume of the District Plan uses the following basic strategy to address residential and business growth issues:

...

- Areas for new residential or business development are created by rezoning land Living or Business.
- Land is rezoned Living or Business by people who believe they have a suitable site, and want to develop it, making requests to the Council.
- Each plan change request to rezone land is assessed against the policies in the Plan to see if it is consistent with those policies (or alternatively, they are changed).

..."

8. The Council has therefore expressly adopted a market-led approach. It relies on landowners/developers making plan change requests. However, these are to be assessed against the policies in the plan and not against a market analysis of predicted supply and demand. In other words, the demand is in the sense of where people want to develop, as the need arises.

9. It is accepted that demand and the efficient use of resources are elements of the broad concept of sustainable management in Part II of the Act. However the policy framework is not directive in addressing issues of demand and efficient use. This is illustrated in the "Utilities - Strategy" where it states at page B2-023:

"Efficient Use

- Residential or business growth is not promoted or restricted based on the capacity of existing utilities.
- Utility services needed for each area are set out in the Plan and provision made to recover the costs of providing Council owned utilities.
- Any controls on utilities relate to effects, not the type of utility or who provides it."

10. As such, the critical element of the strategy is that each plan change request is assessed against the relevant policy framework for the growth of townships. These policies are operative and must be taken to subsume all relevant Part II matters.¹

¹ *Suburban Estates Limited v Christchurch City Council*, C217/01.

Policy Framework

11. The relevant objectives and policies are set out as an appendix to the plan change application.
12. The Environment Court in *Bates*², having discussed the township growth strategy, summarised the relevant objective and policy framework as follows:

“[20] The three key objectives (page 171) are:

1. The expansion of townships does not adversely affect:
 - Natural or physical resources;
 - Other activities;
 - Amenity values of the township or the rural area; or
 - Sites with special ecological, cultural, heritage or landscape values.
2. New residential or business development, adjoins existing townships at compatible urban densities [Clause 16(2) 1st Sch RMA].
3. Land is rezoned for new residential or business development by use of a consistent and equitable process.

...

[21] Critical in considering a change of zoning from Rural to a Living Zone is the statement at page 174, Part 2.4.3, III(iii):

... Any variation or [R38A.4] plan change request should be consistent with each and every relevant policy in these two parts of the plan or seek to change those policies with which it is not consistent [R38A.4]

[22] Because of their importance to the consideration of the matters before the Court, we will state briefly the five associated policies:

- (1) Ensure new residential or business development either:
 - Complies with plan policies for the rural zone; or
 - The land is rezoned to an appropriate Living or Business Zone;
- (2) Require any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or Business Zone in a township.
 [Note: Adjoining land is defined as:
 ... includes land separated by a road, water race, drain, easement or other vehicular accessway.]
- (3) Avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business.
- (4) Encourage new residential or business development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity.
- (5) Encourage townships to expand in a compact shape where practical.

² *Bates v Selwyn District Council*, Decision C7/06.

[23] The Plan then has specific policies for each township..."

13. The objectives referred to by the Court in paragraph [20] are B4.3.1, B4.3.2, and B4.3.3. These are almost unchanged by the appeal process. The same can be said for the associated policies which are now contained in policies B4.3.1-B4.3.5.
14. The point is that the policy framework does not rely on supply and demand and does not involve an allocative regime for township growth based on or otherwise requiring a supply and demand model. Rather the approach is that plan changes are at the developers cost and, if successful, at their development risk. Provision of infrastructure is to be cost neutral to the Council.
15. We therefore suggest that the alternative assessment you require is not required for the purposes of assessing the plan change request against the relevant policy framework.

Yours faithfully

CAVELL LEITCH PRINGLE & BOYLE

Per: 

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Appendix 16
Economic Report

The council has requested further information on “ The effect of the proposed business zone on the function and amenity of the existing town centre, and any consequential effects

- this should include an retail impact assessment from an appropriate expert based on non-fanciful scenarios”.

As a consequence of this request for further information I have examined the proposed move of B2 land as proposed in the ODP and I am of the unequivocal opinion that it will have little if any, additional distribution effects on the existing town centre.

My reasons for that view are twofold. First, the existing B2 location already allows for the establishment of a shopping centre which, if established, will have trade competition and possibly some flow-on distribution effects on the existing town centre. The proposed change of location to the West Coast Road will confine existing business activities that do not move to the new location to their existing use. By definition, there can be no “marginal” increase from activities that already exist, i.e. in respect to trade competition/distributional effects.

Second, the business activities that do move to the West Coast Road will transfer the effects that would arise from undertaking the same activities at the previous site accessed from Cardale Street. The most that could be argued is that the higher profile West Coast accessed site could enhance potential trade competition/distributional effects compared to the status quo.

It is highly unlikely that the proposed change will alter the type of activities that would occur compared to the Cardale Street access arrangement, but it may “marginally” improve those activities trading performance. Some of the improvement could be due to attracting new business activities which would otherwise would not have been captured (e.g. it encourages substitution of previously preferred shopping locations). Therefore, I am of the opinion that the “marginal” impact (i.e. over and above what would occur at Cardale Street) of the proposed change in access is insignificant in respect to any potential increase in functional and amenity effects on the existing town centre.

Philip Donnelly
17 March 2011