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LAWYERS

1 July 2011

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Attention: David Smith

Silver Stream Estates Limited - Plan Change 24

Please find enclosed submissions on the publically notified proposal for a plan change to the Selwyn District Plan filed on behalf of our client Torlesse Travel Limited.

Yours faithfully

A handwritten signature in black ink, appearing to read "Katherine Patterson".

Katherine Patterson
Solicitor

k.patterson@duncancotterill.com

BEFORE THE SELWYN DISTRICT COUNCIL

BETWEEN SILVER STREAM ESTATES LIMITED

Applicant

And SELWYN DISTRICT COUNCIL

Council

**SUBMISSIONS ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE TO
THE SELWYN DISTRICT PLAN**

Clause 6 of First Schedule, Resource Management Act 1991

Duncan Cotterill
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To: Selwyn District Council

Name of Submitter: Torlesse Travel Limited

Background

1. Torlesse Travel Limited is an established bus company which operates a fleet of buses, serving a wide catchment area for tours, charters and school bus routes from its Cardale Street site ("the site"). The hours of business operation are by their nature irregular.
2. The business operations of Torlesse Travel Limited are fully accommodated with a purpose-built premises and fleet workshop on the site. The workshop can often operate into late evening hours. There are other ancillary courier and administration services also operating from the site.
3. Torlesse Travel Limited currently operates within a business 2 zone as defined by the existing Selwyn District Plan.
4. This is a submission on a proposed change to the following plan ("the proposal").
 - 4.1 The Selwyn District Plan, in particular, the land located on the south eastern fringe of Darfield.
5. We could not gain a competitive advantage in trade competition through this submission.
6. The specific provisions of the proposal that our submission relates to are:
 - 6.1 The proposed rezoning to existing living 2A deferred and business 2 zones on the corner of Cardale and Mathias streets to living 1; and the relocation of the business 2 zone to a specifically designed business park area located on the boundary of West Coast Road.

7. Our submission is:

7.1 We support the plan change as set out in the proposal subject to the Council approving the entire plan change as proposed and also granting the subsequent rezoning i.e. living 2A to living 1 and existing business 2 to be relocated to the new business 2 business park area proposed.

7.2 We are not prepared to support the plan change if the Council sees fit to only rezone living 2A to living 1 and retain the status quo for the existing business 2 zone. In this scenario we would be required to rely on existing use rights and it is likely that reverse sensitivity issues would be significant given the nature, character and intensity of our business.

8. This submission is also conditional upon the applicant commencing work to develop the new business 2 zoned business park within 12 months from the date the rezoning is processed.

9. A staged development where residential areas are completed years before the proposed business park would not benefit our business or the overall expansion of the town. It is preferable that the business 2 zone is relocated prior or at least simultaneously with the residential areas being developed.

Development Staging

10. We understand that the land on which the business park is to be located has not yet been acquired by the applicant. This ought to be a priority immediately that the rezoning has processed to mitigate any reverse sensitivity effects on the proposed living 1 zoned land at the corner of Cardale and Mathias streets.

Reasons for proposal

11. We agree that the proposal contains a zoning pattern for this particular area of Darfield that reflects the most efficient and appropriate use of the land. If the development proceeds we think it would encourage expansion in Darfield's business community which is greatly needed and the proposal has been designed to still preserve the rural appeal of the town.

12. We hope that the construction of the new Fonterra Factory and other initiatives will bring with it an influx of business to the area (and residents) which will stimulate the town economy that has become depleted in recent years with the exodus of many Darfield residents.

Outline development plan features

13. Given that the land in question is already zoned living 2A deferred it makes sense to fast track the living 1 residential use for this area.
14. In order to mitigate the associated reverse sensitivity issues which are evident if the proposal proceeds it is, in our opinion, of primary importance to relocate this business zone away from the residential area sooner rather than later.
15. The 'look' of the town as a whole will be improved if all business areas are located together in a purpose built business park. We would require the business park to be serviced with all the standard connections including but not limited to water and sewage so that our business can operate independently from the site.

Urban design considerations

16. We are reasonably satisfied that the infrastructure proposed will be sufficient to service the development provided that the new roads in and around the business park, which are yet to be defined are wide enough to accommodate our bus fleet and that appropriate manoeuvring space is available.
17. We understand that if we were to relocate our business operations to the new business park there is a landscaped buffer designed to block the noise of vehicles travelling to and from the business park from neighbouring residents on the opposite side of the road. This is important to us as our hours of operation are irregular and we would not like to deal with reverse sensitivity issues in this new location.
18. We make no comment on the water and waste issues raised in the proposal. In our opinion this is an issue for the Council and the applicant to resolve.

Positive effects from the proposal

19. For Darfield to get its foot in the door to attract those people and businesses displaced from the Canterbury earthquake it is necessary to improve the look and functionality of the town. We think the proposal achieves this and ought to be marketed accordingly.


Character

20. The design of the proposal appears to retain the rural character of the town while increasing the desirability to live in a rural town with manageable sections and good aesthetics.

Traffic

21. The report compiled by Traffic Design Group shows that an increase in traffic flow can be managed by the current and proposed new roading.
22. We seek the following decision from the local authority:
- 22.1 That the Selwyn District Council approve the plan change and make the recommended rezoning as proposed.
23. We reserve our right to be heard in support of our submission.
24. If others make a similar submission, we would be prepared to consider presenting a joint case with them at a hearing.

Dated 30 June 2011


Katherine Patterson

Counsel for Torlesse Travel Limited