

Submission on Proposed Plan Change 29 to the Selwyn District Plan

Clause 6, First Schedule, Resource Management Act 1991

To: Selwyn District Council
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Name of Submitter: Foodstuffs (South Island) Properties Limited ("Foodstuffs")

1. This is a submission on Proposed Plan Change 29 ("PC29"), which concerns the provisions in the Selwyn District Plan ("the District Plan") related to new development in the Business 1 zone.
2. This submission relates to PC29 in its entirety, and including in particular the following specific provisions:
 - a. Proposed Policies B3.4.22, B3.4.23a and 4.3.6;
 - b. Proposed Rules 16.9, 16.10, 16.11, 16.12, 17.6, 17.7 and 19.1.
3. Foodstuffs' submission is in opposition to PC29, for the following reasons:

General

- i. PC29 does not assist the Selwyn District Council ("the Council") in 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.
- ii. PC29 fails to meet the requirements of section 32 of the Act, in that the proposed policies and rules are not the most appropriate method for achieving the Act's purpose nor are they the most efficient and effective means for achieving the District Plan's objectives.
- iii. PC29 does not promote the sustainable management of natural and physical resources and is not in accordance with Part 2 of the Act.

Specific

- iv. The assumptions underlying PC29 areas are unjustified and will not necessarily result in the most optimum planning solution for the District. The controls proposed by PC29 may in fact present a hurdle to achieving the most appropriate urban design outcomes, which in turn will act to stifle economic development and the vitality of townships. Good design and high quality commercial development is not always achieved simply by compliance with a rigid set of rules. The design and form of development in the Business 1 zone would be better managed through an effects assessment on a site-specific basis, and if necessary by the use of non-statutory measures such as design guidelines, rather than through the imposition of "one-size-fits-all" controls in the District Plan.
- v. PC29 reflects a centres-based approach to town planning, yet experience has shown that concerns about retail activity establishing outside of a town centre are generally unjustified. There is limited evidence to support the contention that such activity will undermine the vitality of an existing town centre to the point that it results in significant adverse effects on the wellbeing of the wider community.
- vi. PC29 seeks to actively discourage the use of parking between retail and roads. Such controls assume that this reflects poor site layout. This overlooks the function of large format retail businesses, such as supermarkets. It may also result in a number of unintended outcomes, such as compromising the safety of customers and undermining pedestrian flow. This approach contradicts the District Council's own economic assessment, which acknowledges that the link between carparking and stores needs to be safe, and will also be contrary to the broader objectives and policies of the District Plan.
- vii. The exceptions to Policy B3.4.22 relate to outstanding natural features, landscapes, and heritage and amenity values. The control on the design and form of town centres does not fit appropriately with this policy.
- viii. PC29 purports to manage "on-site public space", however what this amounts to is an inappropriate control on the use of privately owned spaces. This will potentially result in an erosion of private property rights without the necessary benefits to justify the additional controls, particularly when it is acknowledged

within the supporting documentation for PC29 that the carparking areas in front of retail can operate in a positive way as de facto public spaces.

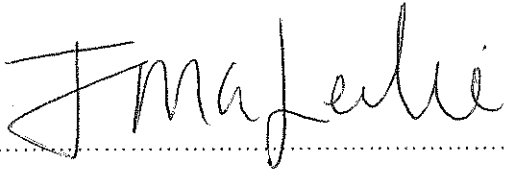
- ix. Once of the issues outlined in the supporting documentation for PC29 is car dependency. This overlooks the destination shopping role that is played some forms of large format retail activity, such as supermarkets. Imposing planning controls over the design and form of Business 1 land is not properly effects-based and is not an appropriate means to address the issue. If the District Council wishes to address car dependency, this is more properly managed through a broader transportation strategy dealing with matters such as public transport funding and, if necessary, provision for public carparking.
- x. The District Council states that a holistic approach to managing development layouts is required for large format retail activity. PC29 purports to achieve this through restricted discretionary activity status, however the assessment matters in Rule 16.10.2 are so broad they undermine that approach.
- xi. Proposed Rules 16.9 and 16.10 in particular will act as a disincentive to large format retailers and other forms of retail that may seek to establish in the District, which is inconsistent with the broader objectives and policies of the District Plan.

4. Foodstuffs seeks the following decision:

- a. That Proposed Plan Change 29 be rejected in its current form; or
- b. That the Policies and Rules be 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 objectives, policies and rules of the District Plan that address the matters raised by Foodstuffs.

5. Foodstuffs wishes to be heard in relation to this submission.

6. 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 28th day of April 2011

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