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David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 4:02 p.m.
To: David Hattam
Subject: FW: Proposed Plan Change 29 - Design of Development in Business 1 Zones
Attachments: Selwyn District Council - Tait.pdf; Submission - Kelvin Tait.pdf

From: Rebecca Hill [mailto:rebecca.hill@andersonlloyd.co.nz] **On Behalf Of** Joshua Leckie
Sent: Thursday, April 28, 2011 3:46 PM
To: Submissions
Cc: Jen Crawford
Subject: Proposed Plan Change 29 - Design of Development in Business 1 Zones

ANDERSONLLOYD
LAWYERS

Please find **attached**, on behalf of Kelvin Tait , a submission on proposed Plan Change 29. Original to follow by post.

Regards

Joshua Leckie
Solicitor

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ANDERSONLLOYD

28 April 2011

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The Planning Department
Selwyn District Council
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ROLLESTON 7643

By email - submissions@selwyn.govt.nz

Proposed Plan Change 29 - Design of Development in Business 1 Zones

Please find **enclosed** a submission on proposed Plan Change 29 to the Selwyn District Plan on behalf of Kelvin Tait.

Yours faithfully
Anderson Lloyd

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Partner/Solicitor
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Submission on Proposed Plan Change 29 to the Selwyn District Plan

Clause 6, First Schedule, Resource Management Act 1991

To: Selwyn District Council
PO Box 90
Rolleston 7643
submissions@selwyn.govt.nz

Name of Submitter: Kelvin Tait

1. I am the owner/operator of the Darfield Four Square.

2. 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.

3. 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.

4. My submission is in opposition to PC29, for the following reasons:

   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.

   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.

v. The proposed controls will act as a disincentive to retailers that may seek to establish in the District, which is inconsistent with the broader objectives and policies of the District Plan.

vi. 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.

vii. 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 my private property rights without the necessary benefits to justify the additional controls.

viii. 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 issues such as 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.

ix. The proposed discretion given to the District Council when managing development undermines the effects based approach that is required for individual developments.

5. I seek the following decision:

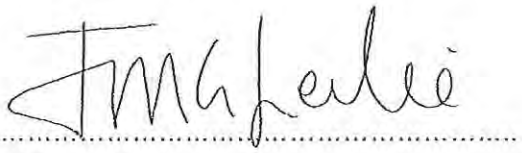
a. That Proposed Plan Change 29 be rejected in its current form; or

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 I have raised.

6. I wish to be heard in relation to this submission.

7. If other parties make a similar submission, I would be prepared to consider presenting a joint case with them at the hearing.



Kelvin Tait
By his solicitors and duly authorised agents
ANDERSON LLOYD

J M Crawford / J M Leckie

Dated this 28th day of April 2011

Address for service of Submitter:

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Attention: Jen Crawford / Josh Leckie