

FORM 5:

Submission on Publicly Notified Proposed Policy Statement or Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

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To: Selwyn District Council

Name of person(s) making the submission:

Ivan Hatton, on behalf of Hatton Investments Limited

This is a submission on the following proposed plan change:

Plan Change 46 to the Selwyn District Plan – Township Volume
(Gillian Logan – Living 2A (Deferred), 160 Bangor Road, Darfield)

We could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are:

- The proposed plan change's exclusion of other sites within the Living 2A (Deferred) Zone and Darfield ODP Area 5, particularly Lot 1 DP 81020 (which is owned by the submitter).

My/our submission is:

Scope of Plan Change and Policy Framework

The purpose of proposed Plan Change 46 is "to lift the deferred status over 130.39 hectares of land located on Bangor Road, Darfield, from Living 2A (deferred) to Living 2A, in order to enable utilisation of the land for rural residential development".

The deferred status of the Living 2A zone is controlled by Policy B4.3.28 of the Township Volume of the Selwyn District Plan. This policy is considered to demonstrate the scope of what is to be incorporated into the proposed plan change. This policy reads:

Policy B4.3.28

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 four 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; [emphasis added]
- Where applicable, provision has been made to address any reverse sensitivity issues.

This policy explicitly seeks that outline development plans provide for the coordinated development of the identified areas of Darfield. These identified areas are shown in Appendix 25 to the Township Volume of the District Plan. It is considered that a plan change to lift the deferred status of Living 2A sites should therefore consider all allotments within the relevant areas identified in Appendix 25 as part of its scope.

The applicant's allotments (Section 2 SO 438579 and Lot 2 DP 81020) do not constitute the entirety of Area 5 shown in Appendix 25. Also within Area 5 and subject to the Living 2A (Deferred) Zone are Section 1 SO 438579 (which is owned by Selwyn District Council), Lot 1 DP 81020 (which is owned by the submitter), Lot 1 DP 55963, Part Lot 2 DP 18559 and Section 3 Darfield Village Settlement (also known as Lot 3 DP 16539). These are shown in Figure 1, below.

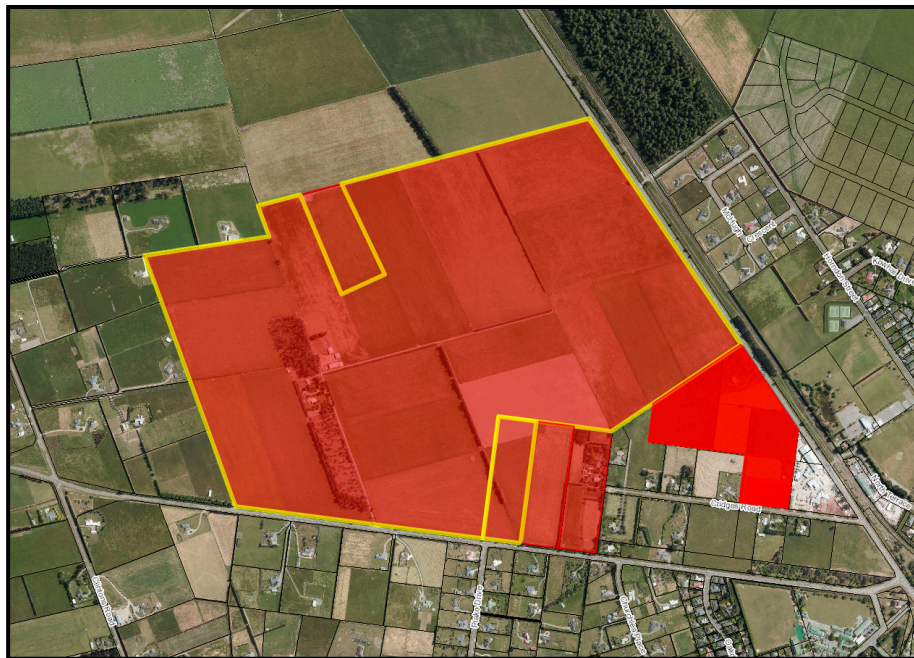


Figure 1: Aerial image of the sites within Darfield Area 5 shaded in red, and the plan change applicant's sites outlined in yellow.

The applicant's allotments account for the majority of the sites within Area 5; however, by excluding the remaining allotments, the ability to provide coordinated management of Area 5 as required by Policy B4.3.28 is restricted. Due to this, it is considered that Council should not be able to approve the proposed plan change in its current form.

This restriction will be particularly noticeable when the current or future owners of the other sites are unable to develop their allotments without requiring further plan change applications to introduce further Outline Development Plans for Area 5. The remaining parcels are small (one 9 ha lot, four 4 ha lots and one 2 ha lots) and no more than two of these parcels directly adjoin. If the Outline Development Plan for the applicant's sites was approved, this would require at least three additional Outline Development Plans to be introduced by new plan changes to 'fill in the gaps'. Multiple ODPs for a single area identified in Appendix 25 is not considered to result in coordinated development as sought by Policy B4.3.28.

Effectively, the approach of introducing an Outline Development Plan for each allotment (or allotments in the same ownership) within Area 5 would be similar to each allotments applying for subdivision consent, albeit a lengthier and more intensive process. Therefore, the intentions of requiring an Outline Development Plan for Area 5 rather than only requiring subdivision consents to be applied for is lost. These intentions including ensuring coordinated design of roading and access across the sites and therefore avoiding ad-hoc or piecemeal development that may result in inefficient or unintended outcomes.

It is considered that in order to be consistent with Policy B4.3.28, if the proposed plan change to lift the deferral status of the applicant's sites then the deferral status of all sites within Area 5 shown in Appendix 25 should also be lifted. Therefore, the scope of proposed Plan Change 46 is considered to extend to all sites that are shown as within Area 5.

Roading

The proposed Outline Development Plan only shows the location of roads to service the allotments that would be subdivided from the applicant's sites. Consideration is made for access to other sites within the Living 2 (Deferred) zone; however, there is no certainty as to whether these connections will be made.

Without certainty of these connections, the inclusion of 'potential links' is effectively the same as not showing them on the ODP at all. If these links are intended to be provided, they should be shown as such. Otherwise, the future development of the sites is able to ignore them completely, regardless of the beneficial reasons for which they were shown. If the ODP shows them as required, but they are later considered unnecessary, this can be included as a non-compliance dealt with at the subdivision consent stage and should these links truly be unnecessary Council can approve their non-provision.

If these roading connections were provided, it would suggest that a link could be made through Lot 1 DP 81020 and Lot 1 DP 55963 to extend Cridges Road, and another link made through part Lot 2 DP 18559 either to Cridges Road or West Coast Road (although it is understood that NZTA have voiced their concern over any additional road link to West Coast Road).

The roading layout shown and the traffic assessment provided with the plan change application only consider the applicant's sites in isolation. No consideration is given to any future links through the other Living 2A (Deferred) zoned sites and the effects these would

have for both the proposed development and (particularly) the Cridges Road environment. For example, if a link was provided through Part Lot 2 DP 18559 and Section 3 Darfield Village Settlement between the applicant's site and Cridges Road, a significant volume of traffic generated from the applicant's sites (especially from its eastern side) would most likely use this road to access Darfield and other locations rather than the road to Bangor Road as currently anticipated.

Whether such roading links are to be provided should be considered within this plan change application to introduce an Outline Development Plan for Darfield Area 5. Referring back to Policy B4.3.28, the scope of a plan change application to lift the deferral status of a Living 2A (Deferred) zoned site should ensure for the coordinated development of each of the identified areas. Using passive language such as "potential" in an Outline Development Plan, especially when this relates to a roading link between two sites that are both within Area 5, does not ensure that coordinated development is achieved.

In addition, it should not be burden of the sites through which these connections could be made (which are also within Area 5) to account for traffic generated from the applicant's site as part of a separate Outline Development Plan. Not accounting for these connections now, or not providing certainty over whether they should be constructed, does not promote coordinated development of this area as sought by the District Plan and results in a piecemeal approach to provide a suitable roading network for the entirety of Darfield Area 5. Again, this is considered to be inconsistent with Policy B4.3.28.

Density

The proposed Outline Development Plan included in the plan change application provides three density levels. An average allotment size of 2 ha is provided for some 66 ha of land at the north of the site (33 allotments), a average allotment size of 1 ha is provided for some 43 ha of land in the middle of the site (43 allotments), and an average allotment size of 3,700 m² for some 18 ha of land at the south of the site (49 allotments). As detailed in the urban design report included as part of this application, the purpose of these densities is to "to support the traditional pattern of rural settlements, such as Darfield, decreasing in density towards their outskirts."

However, this pattern of density does not account for the adjoining Living 2A (Deferred) zoned land, which if separate Outline Development Plans were created would only allow for a minimum average allotment size of 1 ha. By developing Area 5 in a piecemeal manner, the gradual decrease in density sought by this plan change application would be disrupted by the potential density of these other Living 2A (Deferred) zoned sites.

Therefore, if it is accepted that the proposed plan change should consider all of the sites within Area 5 rather than just the applicant's sites, it should therefore be within the scope of the plan change to provide for the coordinated development of density in the manner sought by the proposed plan change by extending this gradual decrease in density to these other sites.

In terms of the Selwyn District Council owned allotment, which the applicant's site surrounds at the north, it would be more suitable for allotment sizes of 2 ha to be provided to be consistent with the allotments proposed at the north of the applicant's sites and also reduce reverse sensitivity effects as this site also borders land zoned Outer Plains (20 ha minimum allotments).

To the south, the band of 3,700 m² allotments would be adjoining sites with a 1 ha minimum average – those sites that are also within the Living 2A (Deferred) zone – or sites with a 5,000 m² average allotment size – those sites in the Living 2 zone. The approach of excluding the other Living 2A (Deferred) zone land when considering density results in the disruption of this gradual decrease in density sought by the Outline Development Plan. A density of 3,700 m² between 1 ha allotments (on the applicant's sites) and 5,000 m² allotments (Living 2) also creates notable disruption.

It is considered that the other sites in the Living 2A (Deferred) zone southeast of the applicant's sites should be at a density comparable to the adjoining Living 2 zone. However, it is suggested that 2 ha allotments should be extended along West Coast Road and 1 ha allotments provided adjacent to the Business 2 zone for reverse sensitivity reasons. The density of the 3,700 m² strip of land shown on the proposed Outline Development Plan should also be decreased to avoid an abrupt increase of density.

It has been determined that a minimum average allotment size of 4,500 m² is best suitable for the area shown as 3,700 m² on the proposed Outline Development Plan and the majority of the other Living 2A (Deferred) zoned sites to the southeast. This ensures that the change in density between these areas and the Living 2 zone is not distinct and allows for a 1 ha average allotment size across the entirety of the Outline Development Plan to be retained. This is detailed in the following table:

Site	PC46 ODP		Potential allotments (1 ha)	Amended ODP		Change
	No.	Size		No.	Size	
Section 2 SO 438579 and Lot 2 DP 81020	33	2 ha	125 (as stated in urban design report)	33	2 ha	0
	43	1 ha		43	1 ha	0
	49	0.37 ha		41	0.45 ha	-8
Section 1 SO 438579	N/A		4	2	2 ha	-2
Lot 1 DP 81020	N/A		4	8	0.45 ha	+4
Lot 1 DP 55963	N/A		4	8	0.45 ha	+4
Part Lot 2 DP 18559 and Section 3 Darfield Village Settlement	N/A		11	2	2 ha	+2
				2	1 ha	
				9	0.45 ha	
Total			148	148		0

An amended outline development plan showing the density scenario detailed above is attached for consideration.

Reverse Sensitivity

Policy B4.3.28 seeks to ensure that prior to lifting the deferral status of the applicant's sites' zoning that provision has been made to address any reverse sensitivity issues.

The proposed plan change has recognised the applicant's sites' north-eastern and north-western boundaries as having potential for reverse sensitivity effects, due to adjacent railway and state highway corridor and neighbouring rural allotments, respectively. They have accounted for these by providing larger allotment sizes (2 ha average) along these borders.

However, by not including the other Living 2 (Deferred) zoned sites, the southern boundary also has potential for reverse sensitivity effects. By not lifting their deferral status alongside the applicant's sites', these parcels are effectively still within a rural zone. Each of the adjoining sites are over 4 ha and thus are able to sustain some rural activities.

While there would be the potential for the deferral status of these parcels to be lifted in future (if the proposed Outline Development Plan is not extended to cover all of Area 5 by this plan change), it cannot be guaranteed. Therefore, some consideration of reverse sensitivity effects to the current (and permitted) uses of this land should be made in order for the proposed plan change to be consistent with Policy B4.3.28.

The proposed Outline Development Plan will lead to islands of deferred zoned land, with separate ODPs for each expected to be introduced. However, the cost of a plan change application to allow only two or three additional allotments (as a 1 ha average allotment size would have to be met in isolation, and some allotments are only 4 ha) would most likely not be economically viable. Therefore, unless these other Living 2 (Deferred) zoned sites are included as part of Plan Change 46, there is a strong possibility that rural activities will remain between the existing Living 2 zone and the applicant's sites' due to the higher costs of development.

The proposed Outline Development places allotments with an average size of 3,700 m² next to these sites, while 2 ha allotments are proposed next to other rural boundaries. In order to account for potential reverse sensitivity issues at the boundaries with other Living 2A (Deferred) sites, it is anticipated that larger allotments would be provided there, to be consistent with the approaches to reverse sensitivity proposed elsewhere. However, to do so would further disrupt the density pattern proposed by the plan change and would be deemed unnecessary in future if these other sites were to be subdivided (for example, if the sites were rezoned by a public plan change or new district plan).

It is considered most suitable to include these other Living 2A (Deferred) sites as part of the proposed Outline Development so that these reverse sensitivity issues are not required be addressed. As development of these sites would no longer need an additional plan change, it would be more economically viable (and therefore more likely) for these sites to

be subdivided for residential use in the short term. This approach also allows for the coordinated development of all sites within Area 5.

Section 32

The plan change application has considered lifting the deferred status of the Living 2A zone over the entire Area 5 as Option 5 in its section 32 analysis.

The majority of the costs considered by Option 5 are potentialities that could have been determined to not be costs had the plan change proceeded considering all of the sites within Area 5. For example "potential implications for servicing" is vague, neutrally worded and could easily be related to any medium- to large-scale development.

The potential difficulties related to dealing with multiple stakeholders are also highlighted as costs in relation to lifting the deferred status of all sites in Area 5. However, there is potential for a plan change to consider a larger area of land without the direct involvement of these land owners.

An example is Plan Change 36, which sought to rezone three parcels from Inner Plains to Living 3. The three allotments together were identified as Area 6 in the Rural Residential Strategy 2014, in a similar manner to how a total of seven allotments are identified as Area 5 by Appendix 25 of the Selwyn District Plan. The Plan Change 36 was applied for by the landowner of one of these parcels with direct input from the second of these parcels. The third landowner was not directly involved with the plan change application, but provided input through the submission process and ultimately affected the outcomes proposed on their site.

Therefore, while Plan Change 46 can be led by the owner of the largest of the sites, there should be no reason why it should not include all of Area 5 (in order to be consistent with Policy B4.3.28), even if the owners of these sites are not directly involved.

The outcome of landowners with differing future goals for their land (considered as a cost for Option 5) would remain the same should the proposed ODP area cover all of Area 5 or just the applicant's sites. Should these owners seek an alternate layout or density for their site, they could apply for a plan change to vary their part of the ODP. If the ODP did not originally cover their site, they would still be required to apply for a plan change (in this case to introduce a new ODP) and would still have to work within the restrictions of what has already been approved on the applicant's sites.

However, for those landowners that share the same goals as put forward by an ODP that included their land, a single plan for the entire Area 5 has multiple benefits by allowing for development of these smaller parcels to be more economically viable and less time intensive.

While the costs of Option 5 are considered to be inflated, the stated benefits similarly are unnecessarily (and potentially intentionally) limited. Almost all of the benefits in relation to Option 4 (only lifting the deferral status of the applicant's sites) are considered to also be

relevant to Option 5. Therefore, the benefits listed in Option 4 should be considered in addition to those listed for Option 5.

Option 4 includes “creates a logical transition from high density living areas of Darfield to the Outer Plains zone” as a benefit. However, as detailed earlier, by not including the other Living 2A (Deferred) zoned sites within Area 5, this density transition will be disrupted by the requirement for these other sites (most of which are between the existing Living 2 zone and the applicant’s sites) to meet a minimum average allotment size of 1 ha, which is at least half the density of adjacent properties. Therefore, this should not be considered a benefit of Option 4.

The analysis of Option 4 in the application has only suggested two costs, both related to the loss of rural land. Option 4 would also result in the diminished ability to master plan the entirety of Area 5, and ultimately leads to ad-hoc and piecemeal development of Area 5. The piecemeal approach to developing Area 5 as shown in Appendix 25 should therefore be considered a significant cost for Option 4.

When this is all considered, the case for lifting the deferred status of all of the sites in Area 5 changes dramatically from that which was put forward by the plan change application. It is considered that Option 5 would then be the most effective and efficient way of achieving the objectives of the Selwyn District Plan and the Resource Management Act.

Consultation

The plan change application states that an informal drop in meeting was held for “approximately 50” neighbouring property owners as part of the consultation process for the proposed plan change. However, there has not been any consultation arranged by the applicant specifically for the smaller number of property owners who own sites that are also within Area 5. This plan change application if approved will have considerable implications on the viability of developing their sites in future (as discussed above).

The application states that “adjoining owners did not express a wish for their land to be come part of the plan change”. However, the owners of sites within Darfield Area 5 have often expressed their interest for an ODP to be introduced. This includes during the development of Public Plan Change 31 (Darfield Integration Plan) in 2012, which was ultimately withdrawn. (It is noted that at that time, the applicant for this plan change application was not in support of development). At the drop in meeting, owners of land within Area 5 did express their wish to discuss the inclusion of their sites as part of the plan change; however, the applicants proceeded to focus solely on their own sites.

For reasons detailed earlier, even if a neighbour did not wish to be involved with the plan change, it would be inconsistent with Policy B4.3.28 to for an Outline Development Plan to not include any site within Area 5. Therefore, even if these adjoining neighbours explicitly stated they do not wish to be involved in the plan change process, provision should still be made by the applicant to include their site.

However, the submission process currently being undertaken, and ultimately the plan change hearing, will allow for the potential effects of the plan change on these adjoining owners to be realised and accounted for.

We seek the following decisions from the local authority:

In its current form, it is sought that the plan change application be declined, due to:

- The application's inconsistency with Policy B4.3.28 due to not including all other allotments within Darfield Area 5 as shown in Appendix 25 to the Selwyn District Plan – Township Volume; and
- The application's flawed section 32 analysis, particularly in relation to the benefits and costs of Option 5.

However, should Council consider that it is within the scope of the plan change application to extend the proposed Outline Development Plan to include all Living 2A (Deferred) zoned sites within Area 5, the following amendments and additions to the plan changes put forward by the application are sought:

- That the proposed Outline Development Plan be amended to include other properties zoned Living 2A (Deferred) that are also within Area 5 shown in Appendix 25 to the Township Volume.
- That the proposed Outline Development Plan be amended to require the potential future roading connections through Lot 1 DP 81020 and Part Lot 2 DP 18559 to be provided. (Such as shown on attached amended Outline Development Plan).
- That the densities shown in the proposed Outline Development Plan be amended to ensure that the decrease in density as the distance from the Darfield town centre increases is retained when other sites in the Living 2A (Deferred Zone) is considered, whilst ensuring a minimum 1 ha average allotment size is retained. (Such as shown on attached amended Outline Development Plan).
- That the following item is inserted into Table C12.1 (additions underlined):

Darfield	<u>Living 2A (Bangor Road)</u>	<u>Minimum average allotment size and maximum number of allotments as specified in the operative Outline Development Plan (Appendix 45).</u>
		<u>A minimum average allotment size of 1 ha shall be achieved when calculated across all allotments in the ODP area.</u>

An amended version of the proposed Outline Development Plan is attached, which includes all sites within Darfield Area 5. This extends the outcomes sought by the proposed plan change (such as a gradual decrease in density, setbacks from State Highways and 'loop' road links) to cover these additional sites also.

I/we wish to be heard in support of my/our submission.

If others make a similar submission, I/we will consider presenting a joint case with them at hearing.



Signature of person authorised to sign on behalf of submitters

23 September 2015

Date

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**BASELINE
GROUP**

A full assessment of easements will be undertaken after the survey has been completed. This may result in additional easements to those already shown

Areas and dimensions are subject to final survey

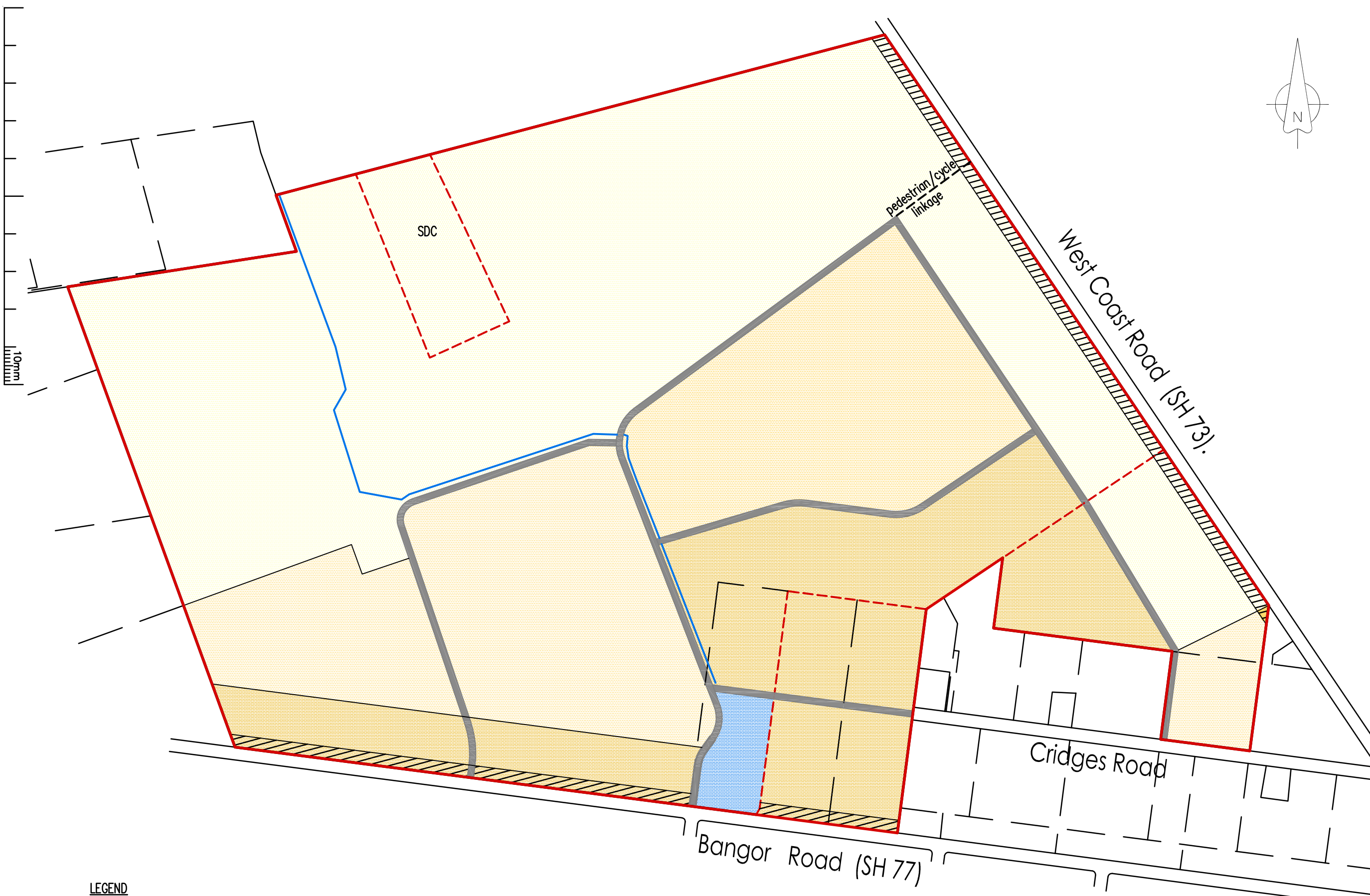
OUTLINE DEVELOPMENT PLAN.

Scale	1:6000 (A3)
Date	Sept 2015
Design	JF
Drawn	EY
Review	JF

rev.	date	amendment
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revision	1
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sheet	1 OF 2
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LEGEND

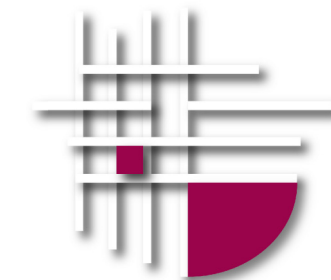


Proposed ODP Boundary
Original ODP Boundary
20m setback



Average 4500m² lots (66 lots)
Average 1ha lots (45 lots)
Average 2ha lots (37 lots)

AREA 5 BANGOR ROAD, DARFIELD



**BASELINE
GROUP**

A full assessment of easements will be undertaken after the survey has been completed. This may result in additional easements to those already shown

Areas and dimensions are subject to final survey

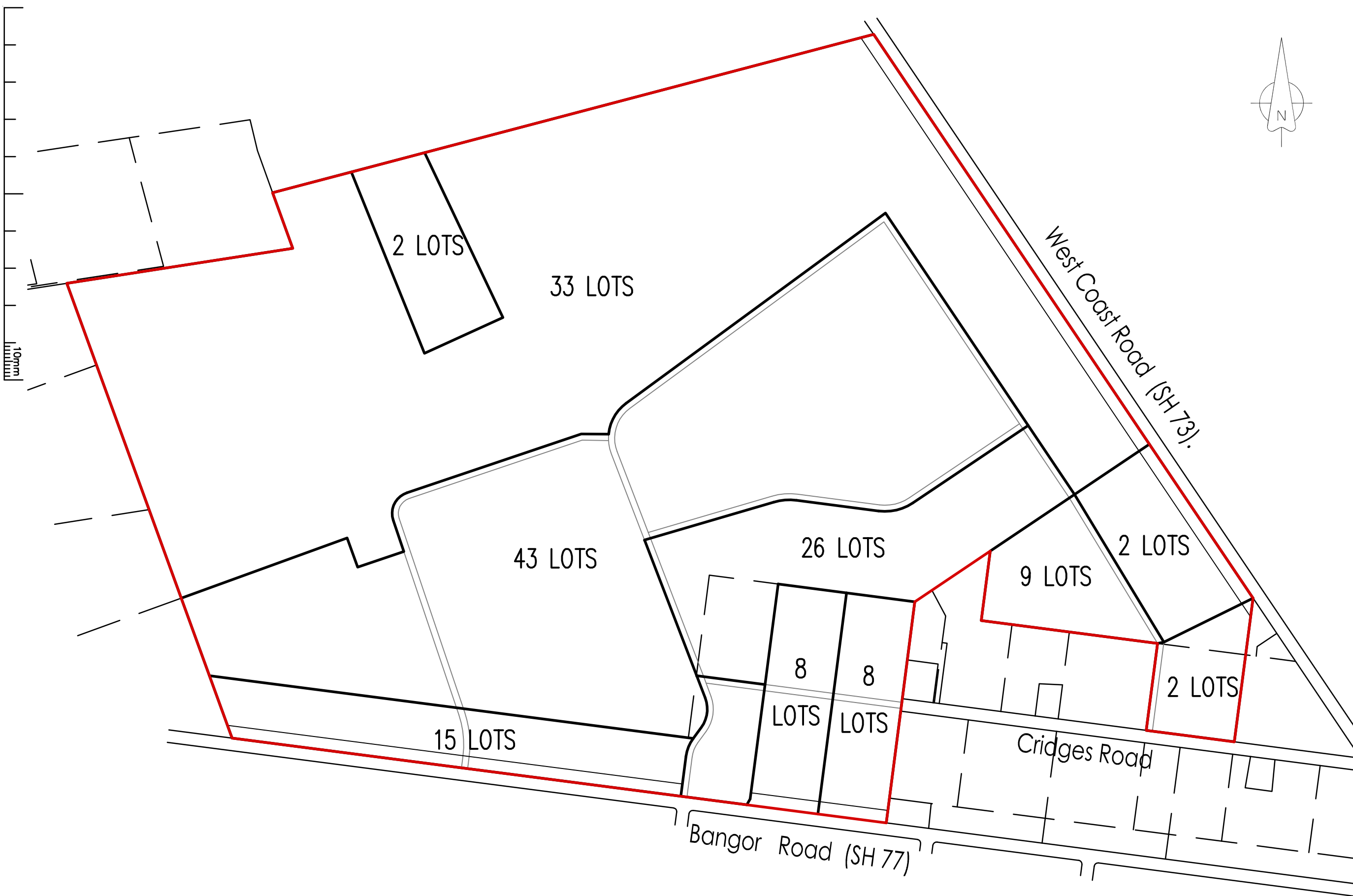
**OUTLINE
DEVELOPMENT
PLAN.
MAXIMUM
SITES**

Scale	1: 6000 (A3)
Date	Sept 2015
Design	JF
Drawn	EY
Review	JF

rev.	date	amendment

revision	1
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sheet	2 OF 2
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AREA 5 BANGOR ROAD, DARFIELD