

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of an application for a  
private plan change by  
Gillian Logan to lift the  
deferred zoning of 130ha  
of land at Darfield

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## **RECOMMENDATION OF THE COMMISSIONER**

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### **INTRODUCTION**

1. Planning Maps 64, 65, 67 and 68 of the Selwyn District Plan (Townships Volume) show an area between Bangor Road (SH77) and West Coast Road (SH73) on the northern periphery of Darfield with a Living 2A (Deferred) zoning. Part B4 “Growth of Townships” puts the “deferred” status in context. Among other things, this states:

*“The development of large areas of land on the periphery of the Townships will be deferred pending an upgraded water supply, the incorporation of outline development plans and measures to address reverse sensitivity effects.”*

Until recently, further expansion of Darfield has been constrained by the lack of sufficient capacity in the town’s water supply. The required capacity is now available and this has been the catalyst for the request for the plan change to lift the deferred status.

2. The total land area subject to the plan change request is some 130.39ha. The uplifting of deferred status would enable the accommodation of some 125 rural residential sections averaging about 1ha in size. The land is part of (but not all of)

Area 5 set out in an Outline Development Plan contained in Appendix 25 of the District Plan (Townships Volume).

The vision for future development at Darfield is captured by Policy B4.3.28. Future development depends upon a number of factors:

- Firstly, the ability to be serviced with a potable water supply;
  - Secondly, the incorporation with the Plan of an Outline Development Plan for the co-ordinated development of identified areas including the aforementioned Area 5; and
  - Provision to address any reverse sensitivity issues.
3. In order to facilitate the plan change, a new Outline Development Plan is proposed to guide the staged subdivision of the subject land. The application also requests amendments to the relevant planning maps to show the land as Living 2A. No changes to existing policy elements of the plan are proposed but a number of new and amended rules are anticipated.
4. After a period of review and the response to requests for further information, the plan change application was accepted for public notification on 29 July 2015. The application was publicly notified with submissions closing on 23 September 2015. Further submissions closed on 21 October 2015. A total of four original submissions were received and one further submission in support of an original submission.

## **THE HEARING**

5. The hearing was conducted on Monday 21 December 2015 at the Council's Darfield Library and Service Centre. At the hearing I was assisted by Mr Nick Boyes, a consultant planner who was responsible for the section 42A report. The following parties were represented at the hearing:

For the Applicant: Mr Aidan Prebble (Counsel)

Witness: Mr VG M Mthamo (Environmental Engineer)

Mr Antoni Facey (Traffic and Transportation Engineer)

Mr Jeremy Head (Landscape Architect)

Ms Janet Reeves (Town Planner/Urban Designer)

Ms Anna Mackenzie (Planning Consultant)

Applicant:

Ms Gillian Logan – present

For the Submitters:

Mr Aaron Grey (Consultant Planner) on behalf of  
Hatton Investments Limited

Mr Keith Young (submitter). Mr Young was unable to  
be present so his written submission was tabled.

6. Mr Boyes' report had been pre-circulated and was taken as read. Mr Prebble, therefore, presented his submissions on behalf of the applicant Ms Gillian Logan.

## **THE APPLICANT**

7. **Mr Prebble** began by summarising the applicant's case. The Living 2A zoning (with deferment uplifted) was appropriate subject to the Council being satisfied that the Policy B4.3.28 matters are met. Significantly, the officer report concluded that, subject to some minor amendments, those matters would be dealt with appropriately. The recommended amendments were largely accepted by the applicant. The one unresolved matter, he said, was whether or not the whole of Area 5 should be included. That raised the issue of scope but the matter of connectivity with that land outside the application had been addressed with a proposed amendment to the Outline Development Plan.
8. Mr Prebble traversed the relevant provisions of the Resource Management Act contained in clause 29 of the First Schedule and sections 31 and 32. The evaluation which must be undertaken in terms of section 32 turns upon whether the rule changes proposed are the most appropriate means of achieving the objectives of the plan and, through this, the purpose of the Act. (No change is proposed to the policy elements of the Plan.). Mr Prebble explained that the Environment Court has tended to simplify the process to one of deciding whether approving a plan change will better achieve the purpose of the Act rather than declining it. Where the policy elements of the plan are untouched, Mr Prebble submitted that it can be assumed that they meet the purpose of the Act (having previously been through the required

test previously. This means the test boils down to whether the most appropriate zoning of the land is that requested or leaving it as the status quo.

9. Mr Prebble submitted that the Regional planning documents had very limited relevance to the case. Mr Boyes had identified some issues relevant to the Regional Policy Statement identifying the following:

- Changes required to the Outline Development Plan to address amenity issues;
- Sewerage reticulation to be provided to address Te Taumutu Runanga concerns; and
- Improvements to internal pedestrian/cycleway connections.

Mr Mthamo had covered issues of water supply, stormwater and wastewater disposal and the amendments sought to the Outline Development Plan.

10. In terms of the relevant objectives and policies of the plan (Mr Prebble quoted 14) Mr Boyes had raised some eleven issues to be dealt with. To the extent possible the applicant had addressed these matters and I note that only one was of such an issue that could indicate refusal was appropriate. The only substantive matter was whether or not the whole of Area 5 could be included in the plan change. The issue of connectivity to that land could be dealt with but including the land in the plan change appeared to be beyond scope.

11. **Mr Mthamo** covered the issues relating to water supply, stormwater servicing and wastewater. Water supply could be met within the town's approved take in terms of quantity and matters of detail could be dealt with at subdivision stage. While it may not be necessary, provision had been made for a stormwater management area should this be deemed necessary at the stage of subdivision.

12. Te Taumutu Runanga had submitted that given the size of the township the effects of wastewater would be better managed as a community system. Mr Mthamo had discussed the matter with the Council's engineers. The Council had no plans to introduce a reticulated system in the short to medium term and, for the present, assumed septic tanks arranged with the potential for a centralised system in the future. Mr Mthamo proposed such a system involving disposal within each site to

the Regional Council's standards. He noted that the Runanga's submission included a reference to consistency with the Mahaanui Iwi Management Plan which recommended that the effects of an activity should be managed on site and not beyond a property boundary. Individual on-site disposal would be consistent with that.

13. **Mr Facey** dealt with the traffic and roading aspects of the proposed plan change. He covered issues relating to pedestrian and cycle facilities, connectivity, access to State Highway 77, and issues raised by submitters demonstrating that all of them would be met in the proposed Outline Development Plan.
14. **Mr Head** described the landscape of the site and its context outlining the changes that the proposed development would bring indicating that they would be less than minor. He concluded that the development would have a high degree of compatibility with its context and that the proffered rules and amended Outline Development Plan would ensure this.
15. **Ms Reeves** considered the proposal from the point of view of urban design indicating that the proposed Outline Development Plan had been developed according to the relevant principles. She allowed that it would have been better to have included the whole of Area 5 but the excluded land parcels had been taken into account in the Outline Development Plan.
16. **Ms Mackenzie** indicated that the applicant had responded to the section 42A report and to the submissions received with an amended Outline Development Plan and rules package. While she generally agreed with Mr Boyes' report, she had some differences of opinion. She observed that there were three requirements to be met to enable the deferral of zoning to be lifted. Two of these matters – water supply and the provision of an Outline Development Plan had been met. The third requirement that of addressing reverse sensitivity effects was adequately addressed in that Plan.
17. Ms Mackenzie then proceeded to outline those areas where she did not agree with Mr Boyes' recommendations.

18. Firstly, under Rule 4.93 all dwellings and buildings containing sleeping or living rooms are to be set back 40m from the highway's sealed carriageway. This would leave very little building area on smaller sections. The existing rule applies only to properties fronting a road with a speed limit of 70kph or greater. Ms Mackenzie pointed out that although the current speed limit was 80kph and this would exist only until sufficient development along the highway warranted a lower limit. For this reason she proposed a 20m setback in proposed Rule 4.95.
19. Secondly, for similar reasons she did not agree that the noise insulation (Rule 4.9.4) requirement should be linked to a road speed currently permitted but likely to be reduced with future development. She sought that noise insulation limits be applied out to 80m from the sealed carriageway. Initially, the plan change sought 40m but the 80m was in response to the submission by NZTA.
20. Thirdly, she referred to a number of changes made to the Outline Development Plan in response to the section 42A report. These included provisions for connectivity through and beyond the site, cycle and walking facility, roading hierarchy and other minor amendments.
21. As far as the submissions were concerned, the applicant was willing to provide for the relief sought by Mr and Mrs Young, the NZTA and, for the most part, Te Taumutu Runanga. As far as Hatton Investments were concerned she explained that there had been no request by them to be part of the plan change and the applicant did not wish to apply for a plan change over land held within another ownership. However, some relief was proposed by providing future links to adjoining land. Staging, to give some guidance as to when such linkages would be available would not be appropriate until design work for subdivision had been undertaken. She did not believe there would be any reverse sensitivity issues with the Hatton land.
22. Given the number of amendments now proposed, Ms Mackenzie considered that the proposal was consistent with Policies 5.3.1, 5.3.3 and 5.3.8 of the Canterbury Regional Policy Statement. The simple issue remaining was whether or not Policy 4.3.28 of the Selwyn District Plan would be met by the plan change even though it

did not cover all of Area 5. It was the applicant's understanding that the remaining landowners did not wish to be included but this did not mean that development could not occur in a coordinated manner. Her view is that the proposed plan change could not be considered to be contrary to that Policy.

23. Attached to Ms Mackenzie's evidence was an amended Outline Development Plan and an accompanying Appendix 46 to be included in the District Plan.

## **THE SUBMITTERS**

24. **Mr Grey** produced evidence for Mr Ivan Hatton of Hatton Investments Limited. While the Hatton submission was for the most part neutral, its major concern was that the whole of Area 5 was not included in the plan change. This would enable it to be consistent with Policy 4.3.28 of the Townships Volume of the District Plan. The submission provided an amended Outline Development Plan showing the remainder of Area 5 included with required linkages.
25. Mr Grey recognised that there was an issue of scope as to whether the extended area could be included with the plan change but he considered that if it could not, the plan change should be refused because it would be inconsistent with Policy 4.3.28. Further, he considered that restricting an Outline Development Plan to a single land ownership among others was contrary to the whole purpose of such plans which was (largely) to achieve coordination between separate ownership parcels. Quoting Policy 4.3.28, he emphasised that it sought Outline Development Plans "for the coordinated development of four identified areas of land in the Living 2A Zone" among these being Area 5.
26. Mr Grey identified a number of pitfalls which would or could be the result of not including the whole of Area 5. Although links could be shown to adjoining land, these could not be extended to show a holistic network across the whole of Area 5 among other things allowing for a well-connected neighbourhood in accord with good urban design practice (and, incidentally the wishes of NZTA in terms of State Highway access). Policy B4.3.28 envisaged coordination of residential densities with graduation over Area 5 and this would not be achieved by the Plan Change.

Mr Grey agreed that staged development was desirable and if that was to be the case, the Hatton land would need to be developed early in order not to be boxed in.

27. In addition, Mr Grey considered that there were wider implications for the District Plan which had been drafted in the expectation that the whole of Area 5 would be included in one Outline Development Plan. Rule 12.1.3.9 (which is to be retained) does not allow subdivision in Area 5 until an Outline Development Plan “has been incorporated for the area as identified in Appendix 25”. Since the proposed Outline Development Plan does not cover all of Area 5, Mr Grey opined that any application for subdivision within such a plan would not comply with Rule 12.1.3.9. This would mean it had discretionary activity status (as per Rule 12.1.6.1). A similar situation would apply to Rule 12.1.3.10.
28. If proposed Rule 12.1.3.16 is not introduced (as suggested by Mr Boyes), Mr Grey believed that there would be no requirement for subdivision to comply with the proposed Outline Development Plan because that plan, not being for the complete Area 5 would not be legitimate. His view was that unless that Outline Development Plan covered the whole of Area 5 it was not a rightfully included element of the plan. The rules relating to subsequent subdivision would therefore have no basis.
29. Mr Grey found problems with other parts of the District Plan; in particular he did not believe the plan change was aligned with outcomes sought by Policy B43.3. This policy seeks to:

*“avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business.”*

Mr Grey considered that the deferred Living Zone was, but for its title, a rural zone because until the deferred status was lifted the rural rules would apply.
30. Mr Grey also found potential problems with Policy 5.3.1(1) of the Canterbury Regional Policy Statement because in his view the plan change, being for only part of Area 5, was not one to “promotes a coordinated pattern of development”.



31. Turning to the New Zealand Urban Design Protocol and its “seven Cs”, Mr Grey considered that the proposal fell short in terms of Context, Choice, Connections, Creativity, Custodianship or Collaboration because it did not include all of Area 5.
32. Additionally, Mr Grey found fault with the section 32 analysis in that neither that of the applicant nor that of the Council took account of the lack of consistency with Policy B4.3.28. In his opinion, the proposed plan change is not necessarily the most efficient and effective method of achieving the objective of lifting the deferred status.
33. Mr Grey felt that, should the plan change proceed, that there would be implications for the remaining land in Area 5 and its potential for development. Those landowners could wait for a public plan change and there would be no coordination over densities. The owners could apply for a resource consent but he felt it unlikely that a resource consent tantamount to a plan change could be approved.
34. Firstly, Mr Grey considered that an undesirable precedent would be set for other sites that required Outline Development Plans to be developed and approved prior to removing deferment.
35. Mr Grey’s view as that the plan change, in its current form, should be declined because of these adverse effects. However if it was determined that it was within scope to include all of Area 5 with the extended Outline Development Plan provided by the submitter, he would support the amended plan change.
36. **Mr Young** was unable to attend the hearing but his written submission was tabled. Overall, he was supportive of the plan change but he expressed concern about the height of a hedgerow along State Highway 73 and the height of any boundary planting and fencing. The Youngs sought a reduction of the height of the proposed hedgerow to a maximum height of 2.8m (not requiring trimming) and the same limit for any boundary fencing or planting.

## **COUNCIL OFFICER RESPONSES**

37. **Ms Wolfer** commented on the hedgerow along the edge of State Highway 73 observing that it should not create a tunnel effect and could possibly have some breaks. She was happy with the proposed cycle way which should be dedicated for cycles and not “partially” in the road reserve. The road connections to adjoining land should be labelled as to their purpose – that is in one case through the adjoining land and ultimately the town centre and in the other case through to Cridges Road. The setback provisions should be related to buildings. Ms Wolfer still believed there should be a roading hierarchy for practical certainty.
38. **Mr Boyes** acknowledged that the significant issue was whether or not all of the Area 5 should be included. He considered that while the plan change might not be the best method of achieving Policy B4.3.28, that best method was beyond the scope of the plan change. He preferred to stay with his recommendation rather than to adopt Ms Mackenzie’s amendments. He did not believe that there was sufficient evidence to support new rules for the setbacks from the State Highway and noise insulation. The existing rules were new and they do apply because the speed limit is far greater than 70kph. The Outline Development Plan contained no reference to the need to have no access to State Highway 77 west of the current westernmost access. Mr Boyes considered that the connectivity features in the Outline Development Plan should be shown as roads to vest in the Council and that there should be no point (or “link”) strip.
39. While he acknowledged that Policy B4.3.28 was a key consideration, he did not agree with Mr Grey’s interpretation of it. Mr Boyes considered that it was not so prescriptive as to preclude the possibility of a partial Outline Development Plan. Rules 12.1.3.9 and 12.1.3.12 also were not worded so as to preclude a partial Outline Development Plan. He did not believe the cost of a plan change to Hatton Investments was particularly relevant. The Hatton land was not zoned Rural and in its context an application for non-complying activity to allow subdivision was not beyond possibility.

## **APPLICANT'S REPLY**

40. **Mr Prebble** sought to respond in writing and I agreed giving notice that once that reply was received by the parties involved, the hearing would be deemed to be closed. I received Mr Prebble's reply on 23 December 2015.
41. Mr Prebble addressed six matters of note:
- (i) consultation;
  - (ii) the inclusion of the word "building" in the setback provisions;
  - (iii) the issue of scope;
  - (iv) proposed new Rule 12.1.3.16;
  - (v) noise insulation;
  - (vi) connectivity; and
  - (vii) the link strip proposal.
42. Mr Prebble rejected Mr Hatton's assertion that he had been unable to have his land included in the plan change. Consultation had been undertaken and he had simply not elected to participate. The applicant agreed to include the word "building" in respect of the 20m setback from State Highway 73. As far as scope was concerned, it was a fundamental principle of public law that an application for a plan change (as with a resource consent) cannot provide for more than the application seeks. That being the case, there was no jurisdiction to consider further land. Mr Prebble agreed that proposed Rule 12.1.3.16 did not have to be included it was just that it would be helpful in making it clear that there is a separate Outline Development Plan for the site. Likewise, the applicant's proposal to exclude the site from Rules B4.9.3 and B4.9.4 and to insert new Rules R4.9.5 and B4.9.6 relating to setback and noise insulation could equally be dispensed with. Mr Prebble acknowledged that the Outline Development Plan should include a reference to access on the western side of the second access on Bangor Road, providing the wording for such a reference.
43. Finally, Mr Prebble referred to the proposal to create point (or "link") strips at the boundary of the transport connections with the Hatton land. Mr Boyes had expressed opposition to that. He described their purpose as to enable a first time subdivider who meets the cost of internal transport links and services to rely on a

neighbouring subdivider to contribute to the cost of these if a connection is required. Mr Prebble maintained that the practice has worked well under the Town and Country Planning Acts and the Resource Management Act. He said that it must be remembered that Mr Hatton had elected not to be a part of the plan change process and had therefore not contributed to its costs.

## **DISCUSSION**

44. This plan change has generated a number of issues most of which have been able to be resolved through the public process. Those arising from the fact that the whole of Area 5 has not been included in the plan change, however, remain unresolved. Can this issue be resolved? There is no question that best practise would have the whole of Area 5 included. Is that opportunity lost?
45. There are limits as to how far a submission on a plan change can go beyond the scope of what was contemplated by the plan change. The submission has to be “on” the plan change and whether or not it is, is a question of fact and degree. It is arguable that a submission seeking an amended zone from that which is contemplated by the plan change but if that argument may be strong for a change to the type of zone it is weaker when an extension of a zone into new territory is involved. This is because those properties neighbouring and affected by the extension could not reasonably have expected such an outcome from a reading of the plan change and they would be denied the opportunity to participate. With a plan change there is the opportunity for further submissions but participation in that process would depend upon a person formerly not affected or not interested to be sufficiently alerted. Not only that, if the extended zoning sought was not effectively covered by the section 32 analysis and would require further such analysis, it could not really be said to come within the compass of the plan change. Thus, although the pragmatic extension of the plan change to cover all of Area 5 may seem to be fair and reasonable, I believe it is beyond the scope of the plan change. That conclusion is aligned with Mr Prebble’s legal submissions and I note that none of the expert witnesses disagreed. For that reason, I do feel able to recommend that relief which has been sought by Hatton Investments to include all of Area 5. Unfortunately, this also does not give immediate relief to some of the concerns of NZTA.

46. Can the plan change survive if it does not include the whole of Area 5? Mr Grey says that it should not because all of the issues he outlined. Most of these are physically real issues for his client but are they matters that could prevent the approval of a plan change that does not cover the whole of Area 5? While acknowledging some of the difficulties, Mr Boyes says not. Mr Prebble makes the point that if other landowners have not elected to be included in the plan change his client has no choice but to go it alone. While there seems to be some disagreement about whether Mr Hatton had an opportunity to be included, I have not been given any detailed evidence about that.
47. Mr Grey has expressed concern that the approval of an outline development plan that includes only a part of Area 5 would set an undesirable precedent for other areas requiring such plans. Precedent is a significant concern with the granting of consents for non-complying activities. This is less of a concern with plan changes and especially because the Council has the opportunity to take over private plan changes.
48. While I accept that the inclusion of all of Area 5 represents best planning practice, I note that the District Plan does not specifically preclude partial Outline Development Plans if such plans make provision for coordination with the adjoining excluded land. The relevant rules specify an Outline Development Plan for the area as identified in Appendix 25 (in this case Area 5). They do not specify the whole of the area. I would expect that if one particular landowner did not wish to be included, then there would be little choice (in the case of a private plan change) to exclude that land. Even if the landowner did wish to be included, there would have to be some equitable arrangement as to the sharing of costs. Such difficulties can be overcome by the Council exercising its power to adopt the plan change rather than simply to agree to process it. In that case, although the Council may be able to work with the applicant to modify the plan change, it must bear the costs. In this instance, I have to assume that the Council has preferred to uplift the deferment at the next review of the plan. However, waiting for a review does not appear to be an option favoured by Mr Boyes, Mr Prebble and Mr Grey.
49. Policy 4.3.28 requires:

*“Outline development plans (to be) incorporated in the Plan for the coordinated development of four identified areas of land in the Living 2A Zone.”*

50. One of the identified areas is Area 5 and although the proposed Outline Development Plan does not cover the whole area, it is still “for” Area 5. It may be said that it provides for the coordinated development of Area 5 by indicating connectivity to the excluded portions of Area 5 suitably labelled as to their purpose\* thus enabling later logical extensions to the Outline Development Plan or even as Mr Boyes suggests – a resource consent application. Mr Grey believes the Council would have some difficulty in granting such a consent. Without making any judgement on that, obviously the outflanked landowners could claim exceptional circumstances bearing in mind the appropriate zoning of Living 2A. For these reasons, I have concluded that provided a plan change for part of an area identified in Appendix 25 provides for the coordinated development of the area (as a whole), it would not be inconsistent with Policy 4.3.28. That being the case, I do not find that the plan change should be declined.
51. Constrained as it is by not including the whole of Area 5 places some burdens on the plan change which must be specifically structured to provide for (or to allow for rather than actually provide) a coordinated approach to the development of Area 5. Improvements can be made to the plan change to bring it into line with the policy elements of the Plan and these have emerged through the submission hearing process.

## **DECISION**

52. For the above reasons, I have decided to recommend that the plan change should be **approved** subject to the following amendments:
1. Changes to the Outline Development Plan and its accompanying documentation to address:

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\* Although I do have some serious doubts about the merits of a proposed link or point strip.

- The issue of connectivity with the roading pattern through to adjoining land within Area 5;
  - Road access to State Highway 77;
  - Walking and cycling connections between Bangor Road and State Highway 73;
  - Upgrading of the water race along the eastern boundary and incorporation of it into the walking/cycling network;
  - The removal of shelterbelts where shading occurs and to allow view shafts; and
  - An alternative planting scheme to cover all of the boundary with State Highway 73 allowing two or three short breaks to avoid a tunnel effect.
  - The inclusion of a requirement that there be no direct access to State Highway 77 west of that shown.
2. Changes to Rule 4.2.3 to include the Living 2A Zone.
  3. The addition of new rule:

12.1.13.16 requiring subsequent subdivision to comply with the Outline Development Plan.

I have considered the matter of inclusion of link (or point) strips noting that as far as waste water services are concerned, no connection would be required. There are times when such strips can merely serve to frustrate a neighbouring landowner. In this case, a connection through adjoining land may well be advantageous to the applicant in achieving through access connecting more directly to the town centre. Accordingly I recommend that such link (or point) strip not be shown.

## COMMISSIONER'S RECOMMENDATIONS ON SUBMISSIONS

Submitter Number	Submitter	Submission	Oppose/Support	Relief Sought	Officer Recommendation
1	J & K Young	The proposed hedgerow along State Highway 73 shown on the Outline Development Plan (ODP) will adversely affect the views currently enjoyed by the submitters' property.	Oppose	That the hedgerow along State Highway 73 be maintained at a maximum height of 2.8m (not requiring regular trimming).	Accept in Part
2	Ivan Hatton (on behalf of Hatton Investments Ltd)	<p><b>Scope of Plan Change</b></p> <p>The submitter owns land zoned Living 2A (Deferred) within Area 5 (as shown in Appendix 25 to the Townships Volume of the District Plan).</p> <p>The submitter's land is one of a few parcels of land within Area 5 that is not part of the area affected by Proposed Plan Change 46.</p> <p>The submitter considers that inclusion of all land within Area 5 as part of the plan change would result in a more co-ordinated planning outcome.</p> <p><b>Roading</b></p> <p>The proposed ODP shows "potential links" through to land outside the plan change but within Area 5. Without the certainty of these connections, this is effectively the same as not showing them at all.</p> <p><b>Density</b></p> <p>The graduated pattern of decreasing density towards the outskirts does not account for the adjoining Living 2A (Deferred) zoned land, which if separate ODP were created would only allow for a minimum average allotment size of 1ha. Therefore the gradual decrease in density sought by the Plan Change would be disrupted by the potential density of these other Living 2A (Deferred) zoned sites.</p> <p><b>Reverse Sensitivity</b></p> <p>The proposed Plan Change has recognised reverse sensitivity by including larger allotment sizes along the State Highway corridor and neighbouring rural allotments. However, this has not been provided adjacent to the submitter's property and others within the balance of Area 5, which are effectively still within a rural zone. Some consideration of reverse sensitivity effects to the current (and permitted) uses of</p>	Oppose	<p>Plan Change be declined, or otherwise be amended to:</p> <ul style="list-style-type: none"> <li>i. Include all land within Area 5 similarly zoned Living 2A (Deferred).</li> <li>ii. The proposed ODP be amended to require the potential future roading connections through Lot 1 DP 81020 and Part Lot 2 DP 18559 to be provided.</li> <li>iii. That the densities shown on the proposed ODP be amended to ensure that the decrease in density as the distance from Darfield Town Centre increases is retained when other sites zoned Living 2A (Deferred) are considered, whilst ensuring a minimum 1ha average allotment size is retained.</li> </ul> <p>(as shown on amended ODP attached to the submission).</p>	<p>Reject for the reasons given in paragraphs 47-51</p> <p>Reject: Such a decision though representing good practice is not within scope.</p> <p>Accept</p> <p>Accept in Part; the ODP was amended by the applicant to deal with the graduation within the site.</p>



		<p>this land should be made in order for the Proposed Plan Change to be consistent with Policy B4.3.28.</p> <p><b>Section 32</b></p> <p>The Plan Change application has considered lifting the deferred status of the Living 2A zone over the entire Area 5 as Option 5 in the accompanying Section 32 analysis.</p> <p>The potential difficulties relating to dealing with multiple stakeholders are 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 landowners.</p> <p>The costs of Option 5 are considered to be inflated, whilst the stated benefits are unnecessarily (and potentially intentionally) limited.</p> <p>It is considered that Option 5 is the most effective and efficient way of achieving the objectives of the Selwyn District Plan and the Resource Management Act.</p> <p><b>Consultation</b></p> <p>At the informal 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.</p>			
3	NZ Transport Agency	<p>i. The Agency is concerned at potential reverse sensitivity effects related to their operation and management of the State Highway network. To manage such effects, the Agency requires separation and setback distances between habitable buildings and the road edge; and requiring design and construction of sensitive activities to meet "maximum" internal sounds levels set out in AS/NZ2107:2000. Proposed Rule 4.9.6 included in the Plan Change will not meet Agency guidelines for mitigating the effects of</p>	Supports in Part	<p>i. Reword proposed Rule 4.9.6 to provide for 80m of acoustic internal noise insulation from the road edge of the State Highway (<i>sic.</i>).</p> <p>ii. Remove higher density 3700m<sup>2</sup> lots west of the western most road access onto SH77 road and replace with a minimum 2ha lot density.</p> <p>iii. That there be no direct property vehicle access to the zone from SH77 from the western side of the proposed second SH77 access to the western boundary of the proposed zone. No direct property access onto SH73. That these requirements be embedded in the rules and the ODP.</p>	<p>Accept in Part; relying on the existing Rule (4.9.4) actually goes further than the relief sought.</p> <p>Accept in Part</p> <p>Accept</p>

		<p>a noise sensitive activity, as only buildings within 40m are required to be acoustically insulated.</p> <p>ii. The density of development to some extent defines the urban boundary. The Agency considers that the urban boundary should be better defined along SH77 and also balanced with existing development on the south side of SH77.</p> <p>iii. The Agency does not support allotments west of the western road access having direct access onto SH77. To do so will extend the urban boundary further along SH77 and this will have an impact on considering appropriate future speed limits on SH77.</p> <p>iv. The Agency seeks to ensure that access to support the growth of northwest Darfield is located closer to the urban core. On that basis the road connection to the adjoining land to the south east is considered very important from a connectivity perspective.</p>		<p>iv. The ODP, associated policy and rules are strengthened to ensure that there is an explicit requirement for a road connection to the east to secure connections back into the urban area and ultimately onto SH73 closer to Darfield Township.</p>	Accept
4	Te Taumutu Runanga	<p>While it is noted that parts of the Mahaanui Iwi Management Plan 2013 (M.I.M.P) have been considered as part of the Plan Change, water supply, stormwater and wastewater etc. are also relevant. The Plan Change must consider the entire M.I.M.P.</p> <p><b>Water Supply</b></p> <p>The water supplied from the community wells is from within the Selwyn-Waimakariri Allocation Zone which is considered to be over allocated.</p> <p>The effects of allowing further subdivision will result in an increase in community takes from the area adding additional pressure on an over-allocated groundwater resource.</p> <p>The Selwyn District has advised</p>	Neutral	<p>While Te Taumutu Runanga is generally supportive of community growth, they are unable to support the application in its current form.</p> <p>If the decision makers are of a mind to grant the Proposed Plan Change, Te Taumutu Runanga considers that it should be consistent with the Iwi Management Plan and take into the accounts the matters raised in their submission.</p>	Accept in Part: Mr Mthamo's explanation in paragraph 12 relating to wastewater disposal is accepted.

		<p>the Applicant they could service water to the properties at 2000L/day, but the Applicant seeks more.</p> <p><b>Wastewater</b></p> <p>By allowing this Plan Change with the use of individual systems there is the potential that effects will be greater than anticipated on water quality as a result of the increase in wastewater systems in the area.</p> <p><b>Stormwater</b></p> <p>As with the wastewater system, Te Taumutu Runanga considers that given the size of the township stormwater should be treated at a community level rather than to ground at individual sites.</p>			
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## Appendix B: Amended Rules Package

### Darfield

#### Township Volume 3, Part C – Living Zone Rules – Subdivision

Insertion of new rules, following the rules for Darfield:

Insertion of a new rule, Rule 12.1.3.16:

#### Township Volume, Part C – Living Zone Rule – Building – 4.2 Buildings and Landscaping

Amend existing Rule 4.2.3 as follows:

4.2.3 Any fencing in the Living 3 Zone, **and the Living 2A Zone in Darfield, as identified in Appendix 46**, shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, or deer fencing, or solid post and rail for post and wire only;

Except that nothing in the above controls shall preclude:

- (i) The use of other fencing types when located within 10m of the side or rear of the principle building. Such fence types shall not project forward of the line of the front of the building.
- (ii) Fencing required by an Outline Development Plan and/or rule in this Plan as a noise barrier.

## **Appendix 46 : Outline Development Plan**

The following Outline Development Plan (ODP) allows for approximately 130ha on the northwest edge of Darfield Township, to be developed to Living 2A densities which would provide for a low-density residential style of development.

The following matters form part of this ODP, and are required to be taken into consideration at the time of future development of the site.

### **Connectivity**

The roading hierarchy within the site is intended to remain at the local road level, given the number of potential private allotments and the resulting traffic demand. The roading pattern shown on the ODP includes the primary roading only and it is anticipated that additional secondary and possibly tertiary roading will be required at subdivision design stage. When considering a subdivision layout, rear sections should be avoided where possible.

No direct access from allotments shall be made to State Highway 73, with all vehicle based traffic directed through either roading links to Bangor Road, or through a potential future roading connection on State Highway 73 to the south of the site. No direct access shall be made from the allotments to the west of the second access on State Highway 77 identified on the ODP for 1 hectare development with all vehicle based traffic being directed internally within the ODP roading network.

Off-road footpaths within low-density residential developments are not necessary due to low traffic volumes and the tendency for people to walk along the road verges. However consideration should be given to a dedicated off road pedestrian/cycleway path to connect from Bangor Road through to a non-vehicular link to SH73 approximately opposite Horndon Street, to provide a loop tracks for Darfield, as shown on the ODP plan.

### **Infrastructure**

Due to potential population growth, low-density residential areas often transition into higher density residential living over time. At time of subdivision to low-density residential, consideration needs to be made for future proofing infrastructure for higher densities. This might include consideration of the following features:

- The size and location of water supply pipework ensuring there is capacity for growth.
- The widths of road reserves to accommodate increased traffic volumes, and future formed footpaths and cycleways.
- Building platforms and property orientation to reduce the amount of future subdivision resulting in rear sections.
- Reserve areas set aside to meet current and future needs.

### **Landscape**

Landscape work is a useful tool for retaining rural character within a low-density residential development. It is acknowledged that the development of the site will change the character of the area from open paddocks to a built environment, but the provision of appropriate landscape works within road and recreational reserve areas, as

well as any consideration of planting with new allotments can potentially provide for a sense of rural character. Existing shelterbelts may be removed or modified to enable view shafts. Planting in the building setbacks from the State Highways may contain breaks to avoid a tunnel effect.

Subdivision plans will need to identify landscape provisions being provided as part of the development including road reserve landscape works. Particular regard shall be given to the retention and management of the existing water race into any landscape design.

Subdivision plans should identify appropriate building setbacks from water races to maintain open space and amenity alongside these key site features.

### **Fencing**

When considering an application to subdivide the area, the Council will take into consideration the mechanisms being provided to ensure that any fencing achieves a high level of transparency, with a preference for designs that express a rural vernacular and accord with the typologies in Appendix 44 of the Selwyn District Plan. Consideration will also be made of any legal mechanisms to alert future buyers of these properties, of this fencing requirement.

### **Staging**

As part of any subdivision of the site, a plan showing the overall anticipated development of the site should be provided, highlighting any potential staging of development and the intended provision of services.

### **Recommended Changes to the Outline Development Plan**

1. That a 20m setback be shown adjacent to the entire boundary with State Highway 77 and that the key be amended to include the words (for buildings) after the words "20m setback".
2. That the northern "future roading connection link strip" be shown as part of the primary road network (to vest in the Council) and re-labelled as "future road connection through adjoining land to provide eventual connection to State Highway 73 and the town centre". (No reference to a "link" or "point" strip to be included.)
3. That the southern "future roading connection link strip" be shown as part of the primary road network (to vest in the Council) and that it be re-labelled as "future road connection through adjoining land to provide eventual connection to Cridges Road". (No reference to a "link" or "point" strip to be included.)
4. That the shared pedestrian cycle linkage be entirely separate from the road reserve and be shown as such.
5. Incorporation of the water race along the eastern boundary with an accompanying pedestrian cycle linkage.
6. The hedgerow along SH 73 be limited to a maximum height of 2.8m with small breaks to avoid a corridor effect.

7. There is to be no direct access to State Highway 77 west of the road connection shown.
8. That the existing shelter belts be labelled as able to be modified or removed to avoid shading of properties and to allow view shafts.



M.J.G Garland  
Commissioner  
Date: 10 February 2015