

FORM 5:

**SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE  
SELWYN DISTRICT PLAN**

*Clause 6 of the First Schedule, Resource Management Act 1991*

To: Selwyn District Council  
Attention: Michael Rachlin, Strategy and Policy Planner  
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Submitter: Craig Dye and Sandra Lyttle  
1878 Telegraph Road  
No 1 RD  
Darfield 7571

This is a submission on private Plan Change 48 – land at Creyke Road and Telegraph Road

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

1. The proposed location and positioning along with the amenity effects of a road or accessway along the southeast boundary of 1878 Telegraph Road.
2. Preservation of our existing use rights and the mitigation of potential reverse sensitivity effects.
3. The clarifying and correcting of information relating in particular to 1878 Telegraph Road contained in the plan change application and associated appendices.

**Our Submission is:**

We are the owners and occupiers of 1878 Telegraph Road, Darfield.

While we are generally supportive of Plan Change 48, we have some specific concerns in relation to the plan change application in its current form. Those concerns being summarised in points 1 – 3 above and as further detailed below.

Proposed Future Road

The Outline Development Plan indicates an Indicative Potential Future Road on the south-east boundary of 1878 Telegraph Road. Whilst this road is indicative and may not have been surveyed or subject to a detailed site investigation required to find the most suitable location, the rezoning of this area as supported by this plan change application would serve to ratify the road's positioning in the currently proposed location.

Any road or accessway positioned along, over or close to this boundary raises several concerns for us:

1. The existing, well established, belt of eucalyptus trees would need to be removed. This is undesirable for many reasons:
  - a. These trees currently provide privacy, weather protection and aesthetic value thus their removal would be detrimental to our current enjoyment of our property.
  - b. These trees currently provide important sound protection. Given that a major concern in this plan change is the Gun Club noise, removal of this currently existing sound diffusor would be totally inappropriate.
  - c. Because of the close proximity of the proposed future road to our living area, the removal of these trees would not allow for the same protection to be re-implemented.
  - d. As the vast majority of the surrounding area is currently utilised as paddocks, removal of this well established belt of trees is highly unnecessary in the first place. There is effectively a blank canvas surrounding the property within which to design a roading network without the destruction of a well-established living space.
  - e. Their removal is at odds with the Section 32 Assessment and Section 7 which supports the retaining of shelterbelts.
2. The proposed positioning of the road is in very close proximity to our current driveway, garage and dwelling. The amenity effects (including noise) associated with the traffic movements would have significant impact on our current enjoyment of our property.
3. The intersection of the proposed road would be in very close proximity to our driveway access to Telegraph Road raising unnecessary safety concerns.

#### Existing Use Rights

We wish to ensure our existing use rights are retained so we have the ability to continue with our current activities which are both of a horticultural and an agricultural nature.

They include an operational hazelnut orchard, the keeping of pets and livestock and the grazing of livestock.

Retention of our current water rights (which is unit based as opposed to a metered supply) is also paramount to the viable continuation of our existing use activities.

The application and associated appendices in their current form do not accurately record or reflect the existing use of 1878 Telegraph Road – please refer to Appendix 1 for corrections.

#### Inaccurate Information

The application and associated appendices in their current form contain a number of inaccuracies.

Appended is an e-mail to Judith Pascoe dated 22 September 2016 which seeks to correct those aspects we have identified as being inaccurate and inconsistent in the report (Appendix 1).

The corrections relate mainly to the consultation process, the potential future road, the current/existing use of 1878 Telegraph Road and the incorrect assumption that we support the removal of the eucalyptus trees.

**We seek the following decisions from the local authority:**

1. The position of the Indicative Potential Future Road is not ratified as a result of this plan change application.
2. That consideration is given to move the location of the proposed future road to the north-west boundary of 1878 Telegraph Road (as illustrated in Appendix 2). We recognise the importance of connectivity to Telegraph Road and this would not only seek to address those concerns we have in respect to the potential reverse sensitivity but would also provide various advantages including:
  - a. It would move the road away from the living area of 1878 Telegraph Road and leave the existing privacy, wind and noise protection provided by the eucalyptus trees intact.
  - b. It would provide a suitable barrier between 1878 Telegraph Road and the higher density development which is proposed adjacent to the north-west boundary. This would help to protect all parties with regard to reverse sensitivity effects and provide for an appropriate separation of any new development from the existing agricultural and horticultural existing use activities.
  - c. The land along the north-west boundary of 1878 Telegraph Road allows for a road (or accessway) to be implemented with a significantly lower impact on the living area of the property.
  - d. The intersection of the new road with Telegraph Road would be significantly separated from our existing driveway access to Telegraph Road providing for safer use of both accesses.
3. Should the location of the proposed future road remain along the south-east boundary or a new road or accessway is required as part of the plan change or subsequent subdivision plan, then we wish to have the opportunity to address aspects including, but not limited to, alignment, setback, landscaping, and staged timing around the forming of the road, all with the view to minimise amenity and reverse sensitivity effects.
4. Ensure any new dwellings to be situated adjacent to our property should afford the appropriate separation from our boundary required by our current horticultural and agricultural activities.
5. Retain the existing belt of eucalyptus trees. This will ensure the rural character is appropriately maintained and will assist to mitigate potential reverse sensitivity effects on our existing use rights.

6. Ensure appropriate provision is made to protect our existing/current water rights.
7. Amend those details in the plan change application in line with the information contained in Appendix 1.

**We wish to be heard in support of our submission.**

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

Signature of Submitters



Sandra Lyttle (Sandy)



Craig Dye

Date: 11<sup>th</sup> October 2016

**Address for service of submitter:**

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# APPENDIX 1:

## CORRECTIONS TO THE PLAN CHANGE APPLICATION

**From:** Craig Dye <[craig.dye@printcost.com](mailto:craig.dye@printcost.com)>  
**Date:** 22 September 2016 at 8:42:45 AM NZST  
**To:** [jcpascoe@xtra.co.nz](mailto:jcpascoe@xtra.co.nz)  
**Cc:** [anna@avanzar.co.nz](mailto:anna@avanzar.co.nz), [sandyjlyttle@gmail.com](mailto:sandyjlyttle@gmail.com)  
**Subject:** Plan Change - Sandy and Craig

Hi Judith,

Thanks for meeting with us on Friday 2<sup>nd</sup> September. We found it beneficial to chat about your plans with the detail of the report in mind.

As mentioned, this e-mail seeks to correct the information we have noted to be inaccurate in the report (and related appendices) in so far as pertaining to us and our property at 1878 Telegraph Road. It is not in any way intended to be our submission and should not be read or taken as such.

The items we would like to clarify and see corrected are:

### **Main Report:**

1. Executive Summary. The last paragraph on page 1 refers to the fact that no issues to the proposed plan change were raised following the initial and only consultation. As mentioned, below, we are not opposed to a plan change in principle, but simply lacked the detail at that point in time to review and raise any issues.
2. Introduction – Page 7. Under ownership, “Ms Sandra Lyttle” should be amended to “Mrs Sandra Lyttle”.
3. Clause 2.3 on Page 9. Our preference would be to remove the word “untrimmed” in the first sentence. We are not sure what relevance trimmed trees v’s untrimmed trees has in respect to a planning change.
4. Clause 5.4 on page 16. The sentence “Removal of the eucalypts trees along the boundary will be removed to accommodate this road and incremental removal of these trees for firewood purposes has already been undertaken” is factually incorrect and should be deleted.
5. There are a number of references to the “new road” throughout the document (including, but not limited to, clauses 5.5, 5.6, 7.18, 7.45, 9.31, 9.35 and 9.44). This road is shown as an “Indicative Potential Future Road” on the Darfield Outline Development Plan which is neither surveyed or required at this point in time. From speaking with you, we understand the subdivision you propose to undertake as a result of this proposed plan change, does not in itself trigger the need for a new road. Rather, any access required for the new allotments will be off a slip lane. The report as drafted does not reflect this or the intent from both yourself and us as to it’s position or existence.
6. Clause 8.4 on page 33. Thank you for confirming you will delete the second sentence in reference to on-going conversations being held.

### **Appendix 8: Preliminary Site Investigation Report**

1. The Executive Summary on page ii and clause 4.0 on page 5 refers infers the hazelnut orchard is no longer in use. The hazelnut orchard is still very much operational. We would like to see this current operational nature reflected in this report.
2. Clause 3.4, sub point 3 on page 4 – deletion of the last sentence should be made in entirety as this information is subjective and from our perspective incorrect. Further to our below e-mail, and to be consistent with the information provided on the other two properties, this should mention the current use of our property including but not limited to, the operational hazelnut orchard, the two small fruit orchards and the keeping of pets and grazing of livestock.
3. Photograph 6 – this photo is incorrectly labelled as being the “former orchard”. Instead it looks towards a paddock. The hazelnut orchard and one of the fruit orchards are to the left of where this photo has been taken.

Kind Regards  
Sandy and Craig

## PROPOSED ALTERNATIVE LOCATION OF THE INDICATIVE POTENTIAL FUTURE ROAD

