

# Proposed Change 48 to the Selwyn District Plan

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Report and Recommendations of Hearings  
Commissioner David Mountfort to the  
Selwyn District Council

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26 April 2017

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## Recommendation to the Selwyn District Council

My recommendation to the Selwyn District Council is that pursuant to Clause 10 of the First Schedule to the Resource Management Act:

1. Proposed Change 48 to the Selwyn District Plan be allowed, subject to the amendments set out in Appendix 1 and below.
2. That the submissions opposing Plan Change 48 be accepted in part to the extent set out in the changes to the requested plan change set in Appendix 1 and 2 below.

## Introduction

1. Plan Change 48 to the Selwyn District Plan is the result of a request to change the Selwyn District Plan under Part 2 of the First Schedule to the Resource Management Act. The party requesting the plan change is Judith Pascoe. Although strictly speaking this is a “request” rather than an “application”, for the sake of plain language I will refer to it in this report as an application and Ms Pascoe as the applicant. I have been appointed by the Council to hear and make a recommendation on this plan change request to the Council.
2. PC 48 requests the rezoning of land at the corner of Telegraph and Creyke Roads, Darfield to enable rural residential development.
3. The plan change has been publicly notified and submissions received.
4. The site is currently in rural development and is held in 3 ownerships. Each contains a dwellinghouse, paddocks and shelterbelts. There is a hazelnut orchard on one of the blocks. Land to the north and east is also proposed under the district plan for conversion to residential use and a subdivision has been approved for a large block of land immediately to the east.
5. The site is located approximately 1.5 km from the centre of Darfield Township. The immediate surrounding area is made up of Living 1 zoned land (minimum allotment size 650m<sup>2</sup>) adjoining the northwest boundary of the site, Living 2A zoned land (average allotment size of 1ha) adjoining the site to the northeast, Living 2A deferred land across Telegraph Road, and Outer Plains Rural zoned land (minimum allotment size 20ha) located across Creyke Road from the site to the south.

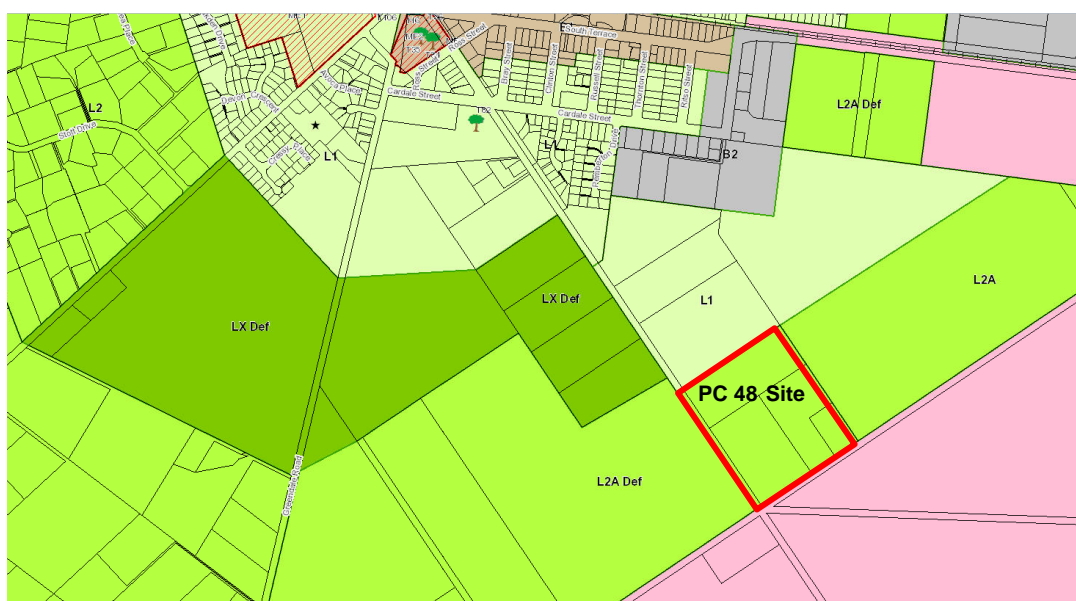


Figure 1: PC48 Site Location

6. The Darfield Clay Target Club (the Gun Club) operates from a rural zoned property to the south west of the site, diagonally across the intersection of Telegraph and Creyke Roads.

7. The site currently has a Living 2A (Deferred) zoning, as illustrated on planning maps 73 and 77 of the District Plan. Part B4 'Growth of Townships' sets out the preferred growth options for Darfield. This states:

*The development of large areas of land on the periphery of the Township will be deferred pending an upgraded water supply, the incorporation of outline development plans, and measures to address reverse sensitivity effects. The ultimate development of land in the deferred zones may ultimately also be subject to review in respect to effluent treatment required.*

8. The Living 2A zone, once in effect, would have permitted the development of the site for rural residential living at an average lot size of 1.0 ha per lot. The Living 2 zoning now sought includes a range of different lot sizes, ranging from 0.5 – 2.0 ha. The plan change also includes provisions designed to protect residents of the proposed lots from the effects of noise from a nearby Gun Club, and in turn protect the Gun Club from reverse sensitivity effects that might have result in its activities being curtailed.
9. A change to Policy B4.3.28 is also proposed. That policy deals specifically with development in the Living 2A zone at Darfield and the change seeks specific recognition of this proposal in this policy. As Mr Joll pointed out however, if the change is approved the site would no longer be in the Living 2A zone and that policy would not apply to it, making that particular change unnecessary.
10. An outline development Plan (ODP) was included with the proposed plan change which outlines;
- three areas to be developed at densities of 0.5ha, 1.0ha. and 2.0 ha,
  - noise contours relating to the Darfield Gun Club,
  - an area in which future dwellings would not be permitted due to exposure to noise from the Gun Club, and
  - A proposed road to service the plan change area running between Telegraph Rd and an adjacent block to the north-east which has been approved to be developed for residential and rural residential use.

## Submissions

11. A total of two submissions were received, of which
- one was in part support (but requested changes) from Mr Craig Dye and Mrs Sandra Lyttle, who are neighbours within the application site and
  - one was in opposition from the Canterbury District Health Board (CDHB).

## The Hearing

12. A hearing was held on 28 February 2017. In attendance were

### **Applicant**

Gerard Cleary, legal counsel

Mary Clay, Consultant Planner

Judith Pascoe, applicant

Jeremy Trevathen, acoustic consultant,

Anthony Stacey, transport consultant

### **Submitters**

Sandra Lyttle and Craig Dye

### **Council**

Tim Joll, consultant planner

## Assessment of Effects

13. The issues raised by the application and submitters in this case include the following,

- The effects of noise from the nearby Gun Club
- Effects on the roading network
- Connectivity to adjacent land
- Effects on Submitters property.
- Servicing
- Rural Character and amenity
- Transport Effects

14. I discuss each of these in turn

### **Gun Club Noise**

15. The proximity to the Darfield Clay Target Club (the Gun Club) raises the prospect of new residents being subjected to excessive noise, and the Gun Club in turn being the subject of complaints and with the prospect of having to restrict its activities. The applicant called Dr Trevathen, an acoustic consultant, who gave evidence on his assessment of the situation and the measures he proposed to mitigate these effects.

16. Dr Trevathen said that the correct measure for Gun Club Noise is the Lmax measurement, or instantaneous noise reading. District plans, including the Selwyn Plan commonly limit this to 80dBA, but Dr Trevathen said this is unsuitable for gunshot noise because gunshots at a shooting range are much more rapid and frequent than typical instantaneous noises such as car door slams. Based on his own experience of gun clubs, and on research of international publications as well as his assessment of the particular conditions at this site, he considered that

*“...in this case it appears that there would be some risk of reverse sensitivity effects if residential development is to proceed where noise levels at dwellings exceed 60 dB LAFmax, whereas at 50 dB LAFmax there will be little risk of reverse sensitivity effects.*

*In areas which experience noise levels of between 50 and 60 dB LAFmax specific mitigation will need to be considered to ensure potential noise effects are appropriately managed. In this area, noise levels both inside dwellings, and in outdoor living areas, should be considered.*

17. Dr Trevathen carried out modelling and established 55db and 60db noise contours across the site, which have been included on the Outline Development Plan. His recommendation, which the applicant has adopted, is that no new dwelling should be established in that part of the site where external noise levels would exceed 60db, and that for the balance of the site dwellings should have an outdoor living area where noise would not exceed 50db, and an internal noise level of 35db. In some cases this will require outdoor living courts to be established on the side of dwellings furthest from the Gun Club to achieve the best shielding, while internal noise levels would be achieved by modern house construction. There is one existing house within the 60DBA contour, owned by the applicant and which is already affected by Gun Club noise. The proposed rules are intended to ensure no further dwellings are affected.

18. The applicant adopted these recommendations and incorporated them in the rules for the proposed zoning. Consultation had been carried out with the Gun Club, which accepted these proposals and did not lodge a submission. The applicant has also reached an agreement with the Gun Club to enter into a legally binding covenant that no complaints would be lodged against activities at the Gun Club.

19. I also accept these proposals and consider that with the proposed rules any adverse noise effects would be less than minor.

20. During the hearing, the submitters confirmed they were not opposed in principle to the plan change but were concerned about the location of a proposed road shown on the submitted Outline Development Plan. At the conclusion of the hearing, an adjournment was granted until 31 March 2017, to allow discussions to occur about this between the applicant, submitter and Council. The parties have since responded to Council with an amended ODP which meets the concerns. I discuss this further below.

***Connectivity to adjoining land and effects on the submitters' property***

21. The application proposed a road along the boundary of its land and that of the submitters Mrs Lyttle and Mr Dye. This straddled the boundary between the applicant's land and the submitters' land and connected to a proposed road shown on the ODP for the adjoining land. Mrs Dye and Mr Lyttle said this would require the destruction of a shelter belt on their side of the boundary which gives screening to their home and would bring the road uncomfortably close to their home.
22. I adjourned the hearing to allow the parties to discuss this point and explore amendments which might satisfy the concerns. A different ODP was proposed, altering the position of the proposed road. An amendment was agreed which would have the road on the applicants side of the boundary from Telegraph Rd to a point past the submitters' house and hazelnut orchard, crossing onto their land via an S-bend towards the rear of the property where there is an unused paddock. This road would then line up with a proposed road on the approved subdivision on the adjoining block to the north-east. I am satisfied I have the scope to consider this amendment. No other parties would be affected or would have wanted to submit on it. During this process the Council roading engineers sought the inclusion of another proposed road along the northern side of the Dye/Lyttle property to provide alternative access into the centre of Darfield through the proposed subdivision adjoining land. Mrs Lyttle and Mr Dye did not accept this proposal. As it was not included in the applicant's original request and no submitter asked for it I do not consider I have scope to include it without the agreement of the submitters. Nor do I consider it necessary. The submitters are not proposing to subdivide their land yet. When or if they do that road link could be reconsidered.

***Servicing***

23. There is an adequate Council-provided reticulated water supply to serve the subdivision of this block. Unlike some of the larger townships in Selwyn District however, Darfield has no reticulated sewage collection, treatment and disposal system. Instead the existing township relies entirely on on-site treatment and disposal of wastewater and this would be the case for the Plan Change area. The principal adverse effect from such systems is the potential for contamination of groundwater, and consequential contamination of any down gradient bores, or surface waters that the groundwater might discharge into. Because the local groundwater is very deep, at least 70 metres below ground level and the town has a reticulated water supply system I was told such adverse effects have not been detected in the past and are not anticipated. In any case groundwater quality is the responsibility of Environment Canterbury, and appropriate authorisations will be required from ECAN later in the development process.
24. The Canterbury District Health Board objects in principle to this practice at Darfield and submitted in opposition to this application. It did not enter an appearance at the hearing. I have no evidence in front of me suggesting this application should be declined for this reason. It seems to me that if these arrangements at Darfield start to cause problems in the future it will not be principally because of this small area and that it will need to be dealt with on a whole of Darfield basis. I therefore conclude that therefore any adverse effects arising from on-site wastewater disposal from this site would be less than minor.

### ***Rural Character and amenity***

25. A major issue for rural residential development in this district in recent years has been preservation of rural character within plan change areas. This was dealt with by the applicant through the evidence of Ms Clay, and the Council through the evidence of Mr Joll.
26. Their starting point is that the area is already zoned for large lot rural residential development and the proposal is consistent with this, albeit at a slightly higher density. The district plan does not intend that this site should contain purely rural character and amenity long term.
27. These witnesses agreed that the proposed rules and Outline Development Plan would preserve a satisfactory level of rural character and amenity, as perceived from within the blocks but also from outside looking in. The density proposed, with a minimum lot size of 0.5ha would be greater than the density under the deferred zoning with a minimum of 1ha, but in practice, because of the larger lots required on the outer edge of the block due to the presence of the Gun Club the increase in density would be minor, and consistent with the anticipated development on the larger neighbouring block to the north-east. I accept and adopt their conclusions and find that any adverse effects on rural character and amenity would be less than minor.

### ***Transport Effects***

28. The Assessment of Environmental Effects submitted with the application concluded that there would be no adverse effects on the safety and efficiency of the surrounding road network. The Council, through Mr Joll's report confirmed this. The two frontage roads, Creyke Rd and Telegraph Rd are straight, with excellent visibility, and all access points into the site would be far enough from their intersection. Over time, alternative connection to the centre of Darfield through adjacent urban development will become available. I am satisfied that there will be no adverse traffic impacts from the proposal.

### ***Statutory Framework***

29. The matters that must be considered in preparing a change to the District Plan are set out in section 74 of the RMA. Amongst other things, section 74 requires the local authority to:
- comply with its functions under section 31<sup>1</sup>;
  - consider alternatives, benefits and costs under section 32;
  - ensure the necessary matters are stated in the contents of the district plan under section 75; and
  - have regard to the overall purpose and principles set out in Part 2, including the Matters of National Importance (section 6), the Other Matters (section 7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (section 8)
30. It is noted that in a general sense, the purpose of the 'Act' is already reflected in the operative District Plan's objectives and policies as they have already been through the above statutory tests and are now unchallenged. Mr Joll made a careful evaluation of the proposal in relation to the objectives and policies of the Selwyn District plan and found that the proposed change is consistent with them. I accept and adopt those conclusions. Furthermore, PC48 does not seek to amend these objectives and only one site specific amendment is sought to a single policy, which in end has proved unnecessary. The existing Living 2 rules framework is largely relied on, with some site specific insertions to deal with the Gun Club issue.
31. When preparing a plan or considering a plan change the Council:

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<sup>1</sup> Which broadly are the management and control of the effects of the development and use of land

- must give effect to the operative Canterbury Regional Policy Statement (section 75(3)(c));
  - any management plans and strategies prepared under other Acts (section 74(2)(b)(i));
  - must not take into account trade competition (section 74(3));
  - must take account of the Mahaanui Iwi Management Plan 2013 (section 74(2A)); and
  - shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (section 74(2)(c)).
32. In his report Mr Joll made a full analysis of the requirements of sections 31 and 74-75 of the RMA, and also the provisions of the Canterbury Regional Policy Statement, The Regional Land and water plan and the Mahaanui Iwi Management Plan. I accept and adopt his conclusions that the proposed plan change would be consistent with these higher level planning documents.
33. The matters that must be considered in preparing a change to the District Plan are set out in section 74 of the RMA. Amongst other things, section 74 requires the local authority to:
- comply with its functions under section 31<sup>2</sup>;
  - consider alternatives, benefits and costs under section 32;
  - ensure the necessary matters are stated in the contents of the district plan under section 75; and
  - have regard to the overall purpose and principles set out in Part 2, including the Matters of National Importance (section 6), the Other Matters (section 7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (section 8)
34. It is noted that in a general sense, the purpose of the 'Act' is already reflected in the operative District Plan's objectives and policies as they have already been through the statutory tests and are now unchallenged. Furthermore, PC48 does not seek to amend these objectives and only one site specific amendment is sought to a single policy. The fundamental question for consideration is therefore whether the re-zoning of the land subject to the Plan Change request more effectively meets the objectives and policies of the District Plan than retaining the deferred status.
35. When preparing a plan or considering a plan change the Council:
- must give effect to the operative Canterbury Regional Policy Statement (section 75(3)(c));
  - any management plans and strategies prepared under other Acts (section 74(2)(b)(i));
  - must not take into account trade competition (section 74(3));
  - must take account of the Mahaanui Iwi Management Plan 2013 (section 74(2A)); and
  - shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (section 74(2)(c)).
36. It should be remembered that this is not a particularly complex matter, considering the plan change simply seeks to bring into effect, in a slightly modified form, an existing deferred zoning. I am satisfied that because the plan change addresses some site specific issues it achieves the

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<sup>2</sup> Which broadly are the management and control of the effects of the development and use of land



objectives and policies of the plan better than the unmodified Living 2A provisions would, and that the reasons for deferral of the zoning no longer apply.

### Statutory Analysis

37. Section 5 of the RMA contains the well-known purpose of sustainable management of natural and physical resources. Sustainable management includes enabling people to meet their social cultural and economic needs, which this application would do. At the same time adverse effects on the environment must be avoided, remedied, or mitigated, the needs of future generations must be protected and the life-supporting capacity of air, water, soil and natural ecosystems must be safeguarded. Of these only dealing with adverse effects seems relevant, and I have found that any adverse effects can be dealt with. There do not seem to be any issues that have been raised concerning the needs of future.

38. Section 6 specifies a number of matters of national importance but none of those seem to be applicable. Section 7 contains a number of other matters I am to have particular regard to. The ones I consider relevant to this case are;

*(b) The efficient use and development of natural and physical resources:*

*[(ba) the efficiency of the end use of energy:]*

*(c) The maintenance and enhancement of amenity values:*

*(f) Maintenance and enhancement of the quality of the environment:*

39. My comments on those matters are;

- **Efficient use and development of resources.** The opportunity to make use of the land for rural residential development is economically more efficient than requiring that they be retained for lower value agricultural uses. Although the site contains soils capable of productive use, there are other sites throughout the district that are more suitable for such activities. The strategic approach the Council is adopting towards rural residential development is to make limited provision for it in peri-urban areas such as this to free up the Rural zones for productive use.
- **Energy.** No rural residential development is going to promote efficiency in end use of energy compared to more intensive residential activity. However the higher order planning documents establish that there is to be a limited amount of rural residential development. The Council policy is to deliberately select peri-urban sites close to townships because of their proximity to community facilities and public transport to minimise the amount of car travel that would result from a more scattered approach.
- **Amenity values.** The developments proposed will almost certainly produce as good or better standard of amenity than activities conforming to the Rural Outer Plains zone.
- **Quality of the Environment.** I do not see this as being adversely affected by the proposals.

40. Under Section 74(2) of the RMA (when preparing or changing a district plan, the Council must give effect to the operative Canterbury Regional Policy Statement. I have discussed this above and concluded that this proposal achieves and complies with its provisions.

41. Other than section 32, which I discuss separately below, the remaining provisions of the RMA relating to plan changes are procedural and have been complied with. I therefore conclude that the plan change complies with the requirements of the RMA.

### Section 32

42. Section 32(2) of the Resource Management Act requires that before these plan changes are approved, I must evaluate them under its provisions. The evaluation must examine

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

43. The evaluation shall;

- a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) economic growth that are anticipated to be provided or reduced; and*
    - (ii) employment that are anticipated to be provided or reduced; and*
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
44. The request for the plan change contained a full assessment of the proposal under section 32. I have examined that and agree with its conclusions, and accept to the extent the change has been modified, which I discuss below, I adopt the section 32 assessment put forward in the request.
45. Two minor changes are now proposed to the request as it was put forward. Section 32AA of the RMA requires that I carry out a further evaluation of those changes.
46. The first change to the request is the deletion of an amendment to Policy B4.3.28 so that it would include specific reference to this site.. That policy deals specifically with development in the Living 2A zone at Darfield. As Mr Joll pointed out however, if the change is approved the site would no longer be in the Living 2A zone and that policy would not apply to it, making that particular change unnecessary. The Living 2 zone is dealt with in Policy B4.3.24 which does not need amending to accommodate this plan change request. The second change is the minor relocation of a proposed road as discussed above. This change will not affect the purpose or function of that road and is made simply to improve the amenity of the adjacent property of the submitters. I am satisfied that both changes are appropriate and necessary.
47. Overall the proposed plan changes satisfy the requirements of section 32 and section 32AA of the Resource Management Act. Again I remind myself that the requested change as a whole simply seeks to remove a zoning deferral because the reasons for the deferral no longer exist, and to adapt the zoning provisions to mitigate site specific issues. The change generally seeks to bring about a pattern of development already recognised and provided for in the operative district plan, in a way which would be better than the existing provisions. The level of detail in the evaluations under section 32 and 32AA is appropriate to the scale and significance of the proposal and its effects.

## Recommendations

48. My formal recommendations to the Selwyn District Council have been set out at the commencement of this report, but briefly I have recommended the plan changes be approved with amendments and the submissions are allowed or disallowed accordingly.
49. The full text of the recommended amendments to the text of the district plan is set out in Appendix 1. The amended Outline Development Plan is set out in Appendix 2.

*D-L Mountfort*

David L Mountfort

Accredited Hearings Commissioner

April 27 2017

## **APPENDIX 1**

### **Schedule of Proposed Amendments - Plan Change 48 – Judith Pascoe - Darfield**

## Appendix A

Sub-heading 'Darfield' to be included prior to Rule 4.9.43.

The following rules are to be added to the District Plan:

4.9.43 In the Living 2 zone identified in Appendix 41A at Darfield, no additional dwellings shall be erected within the 60dB noise contour area shown on the Outline Development Plan.

4.9.44 In the Living 2 zone identified in Appendix 41A at Darfield, the following shall apply:

- i. All habitable spaces excluding bedrooms, within the new dwellings erected outside the 60dB noise contour shown on the Outline Development Plan will be designed, constructed and maintained to achieve a design noise level of 35 dB LAFmax from noise generated by outdoor shooting activities at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).
- ii. Primary outdoor living areas associated with any new residential dwelling must be screened from the Darfield Gun Club noise to achieve a noise level not exceeding 50 dB LAFmax.
- iii. Prior to the construction of any dwelling, certification of compliance with 4.9.44(i) & (ii) shall be confirmed in writing to the Council's Planning Manager by a suitable qualified and experienced acoustic expert.

These rules shall only apply until such time as the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD) ceases to operate outdoor shooting activities at the corner of Creyke and Telegraph Roads.

### Restricted Discretionary Activities

4.9.53 Any activity which does not comply with 4.9.44 shall be a restricted discretionary activity

4.9.54 Under Rule 4.9.53 the Council shall restrict the exercise of its discretion to the following:

- The extent to which the site is predicted to be affected by noise from outdoor shooting activities carried out at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).
- The extent to which any noise from outdoor shooting activities carried out at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD) will have on all habitable spaces (excluding bedrooms), and primary outdoor living areas.
- The extent to which residential activities at the site will give rise to reverse sensitivity to the outdoor shooting activities at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).
- The extent of the environmental effects from any noise mitigation measures.

Applications under Rule 4.9.53 shall not be publicly notified, but may be limited notified on the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).

This proposed rule is to be removed from the plan change application:

Discretionary Activities

4.9.56 Any activity which does not comply with rule 4.9.43 shall be a discretionary activity.

Existing Rule 4.9.51 to be amended to:

Any activity which does not comply with Rule 4.9.3 and Rule 4.9.35 to Rule 4.9.39 and Rule 4.9.42 and Rule 4.9.42(a) and Rule 4.9.43 shall be a discretionary activity

Existing Rule numbering amendments

4.9.43 is amended to **4.9.45**

4.9.44 is amended to **4.9.46**

4.9.45 is amended to **4.9.47**

4.9.46 is amended to **4.9.48**

4.9.47 is amended to **4.9.49**

4.9.48 is amended to **4.9.50**

4.9.49 is amended to **4.9.51**

4.9.50 is amended to **4.9.52**

4.9.51 is amended to **4.9.55**

4.9.52 is amended to **4.9.56**

4.9.53 is amended to **4.9.57**

**Amendment to Rule 12.1.3.16**

Any subdivision of land within the area shown in Appendix 47 - Living 2A Darfield - Bangor Road Outline Development Plan, and within the area shown in Appendix 41A – Living 2 Darfield -Creyke Road Outline Development Plan, shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.

**Amendment to Appendix 25 of the District Plan.**

Area 3 – Refer to Appendix 41 **& 41A** for Outline Development Plans

## **APPENDIX 2**

**Amend Proposed Outline Development Plan as set out below.**

## Appendix 2: Outline Development Plan

The following Outline Development Plan (ODP) has been designed for approximately 13.5ha on the south eastern of Darfield Township adjoining the southwestern corner of the area identified in Appendix 41 of the Selwyn District Plan. The ODP seeks to enable the development of the site to Living 2 densities and to provide for a low density residential style of development.

The following matters form part of this ODP, and are required to be addressed at the time of subdivision.

### Subdivision Scale

No more than 20 allotments shall be provided for across the whole of the Outline Development Plan area. Within this overall limit, and to ensure development of individual landholdings can be achieved, the ODP includes a maximum number of 8 Allotments for Area A and a maximum of 12 Allotments for Area B. Individual subdivision applications within an identified Area should clearly demonstrate that the maximum development potential of another Area is not compromised.

### Connectivity

At the time of subdividing that part of the ODP area adjacent to the proposed new road identified, provision shall be made for land to be set aside for future roading connections to the adjoining site east of the site in a coordinated manner. This shall ensure the roading network identified in Appendix 41 of the Selwyn District Plan and the roading network identified for the ODP area are consistently aligned. **Until such time as the land located within ODP41A is developed to a Living 1 standard, the road located within ODP41A shall only be developed to a 16 metre road reserve with a six metre wide formed road.**

### Noise Mitigation

The Darfield Gun Club operates from land diagonally across the intersection of Creyke and Telegraph Roads from the ODP area. On an infrequent basis the Gun Club undertakes half or full day shoots, which generate loud sporadic noise in the area. The ODP shows a 60dB LAF<sub>max</sub> contour and a 55dB LAF<sub>max</sub> contour. These contours have been generated through testing noise generated during a shoot, and represent thresholds where noise generated from the gun club may impact on amenity values within the site.

At the time of subdivision of the ODP area, covenants, consents notices or other similar legal mechanisms will be placed on the resulting titles of newly created allotments to identify the following:

- 1) No additional dwellings are to be constructed within the extent of the 60 dB LAF<sub>max</sub> contour shown on the ODP as the 'no additional dwellings' area.



- 2) The primary outdoor living area associated with any new residential must be screened from the gun club noise to achieve a level not exceeding 50 dB  $L_{AFmax}$ .
- 3) Any new dwelling on the site must be designed, constructed and maintained to achieve a design noise level of 35 dB  $L_{AFmax}$  from the gun club noise inside all habitable spaces excluding bedrooms.

These legal mechanisms will also include a no complaints covenant to ensure that new owners are aware of, and cannot make complaints against the noise generated by the Gun Club.

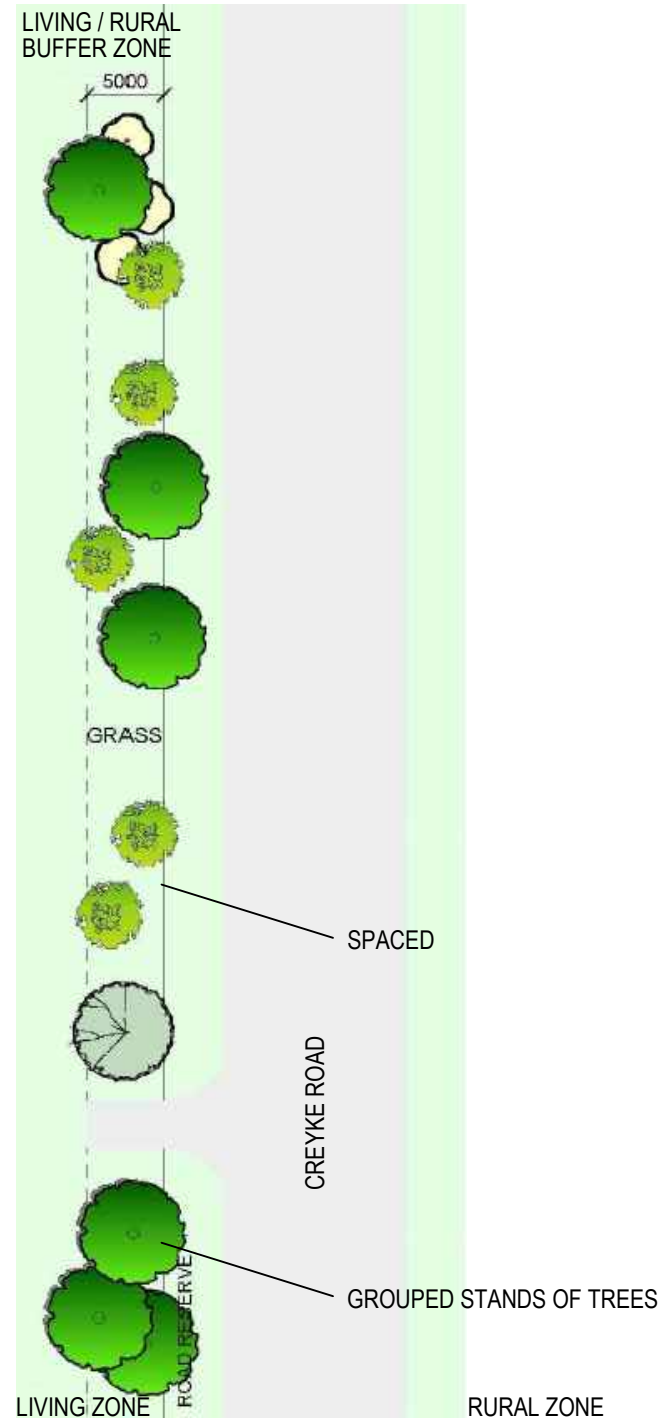
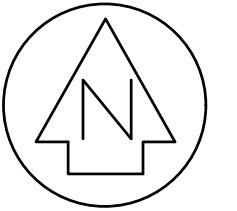
### Landscaping

The existing pine tree hedging along the boundary with Crekye Road is to be largely retained. Where it is removed (excluding for access reasons) it shall be replaced with a 5m wide landscape buffer containing grouped trees consistent with the adjoining Living 2A zone and in accordance with the provisions of the ODP.

The existing hedging along Telegraph Road is to be largely retained, except for where any new access onto Telegraph Road is necessary.

### Water Race

At the time of subdivision, provision for the retention of the water race adjacent to Telegraph Road will be required. Any new access onto Telegraph Road will be required to provide a bridge across the water race.



PLAN SECTION - LIVING / RURAL BUFFER ZONE, SCALE 1:500@A3  
Selwyn District Plan - Township Volume - PART E, Appendix 41

5m wide landscape buffer living and rural zone.  
Existing Pinus radiata to remain 4-6m high maximum. If removed replace with deciduous large sized trees. Grouped, interspersed and predominantly deciduous so as to create semi rural parklands feel.



NOTES:

Until such time as the land located within ODP41A is developed to a Living 1 standard, the road located within ODP41A shall only be developed to a 16m road reserve with a 6m wide formed road.

LEGEND

- 0.5ha Zone (avg area)
- 1.0ha Zone (avg area) (1 Lot)
- 2.0ha Zone (avg area) (1 Lot)
- Secondary Road
- Underlying Boundary
- Existing road boundary vegetation/shelterbelt . 5m wide landscape buffer to be retained along Creyke Road frontage.
- Water Race
- 'No New Dwellings'
- Noise Contour from Gun Club
- Living / Rural Buffer Zone