



aston
CONSULTANTS

resource management & planning

A PO Box 1435 Christchurch 8140 **P** 03 3322618 **M** 0275 332213

E info@astonconsultants.co.nz

W www.astonconsultants.co.nz

27th September

D Mountfort

C/- Selwyn District Council

PO Box 90, Rolleston 7643

Dear Mr D Mountfort,

Re: PC 54 – PLAN CHANGE 54: SELWYN DISTRICT PLAN BALLYMENA HOLDINGS LTD

We are writing on behalf of Pip Saunders and Mitchell Limbe, submitters and further submitters on PC54. Their principal concern relates to potential reverse sensitivity effects of the proposed rezoning on their neighbouring dairy farm operation at 9 Annavale Road. A copy of their submission is attached as **Appendix A**.

Our clients do not now oppose PC54 in its entirety. With respect to the 'less preferred option' set out in their submission, we note that partial agreement has been reached as follows:-

1. A maximum of one dwelling within the hatched area on the amended ODP attached as **Appendix B** (the submission as lodged sought no dwellings in this area);
2. A minimum setback of 20m from the 'unnamed' legal road on the western boundary of the PC54 site (our clients' land fronts the western side of this road). In the submission as lodged this was not necessary as the submission as lodged sought that the hatched area be a 'no build' area;
3. Any subdivision or development not generally in accordance with the ODP be non complying.

Our clients also seek non complying status for the one dwelling allowed in the ODP hatched area if not located within the 20m dwelling setback from the 'unnamed' road as provided for in 2) above. This setback is shown on the ODP and non complying status is consistent with the non complying status of any development not in general accordance with the ODP. Non complying status is important to our clients in signalling the importance of this setback in mitigating any potential reverse sensitivity effects of a dwelling in this part of the subdivision on their farm operations. We understand the applicant prefers discretionary activity status for a dwelling not meeting the 20m required setback.

We request, on behalf of the submitters, that you give due consideration to the above when deliberating and making your decision on submissions on PC54.

Please note that the submitters do not wish to be heard at the hearing. However they do not wish to withdraw their submission given full agreement between the parties has not been reached.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Liz Stewart', written in a cursive style.

LIZ STEWART

Senior Planner

cc. Ben Rhodes Email: benjamin.rhodes@selwyn.govt.nz
Jonathan Cleese Email jonathan@planzconsultants.co.nz
John Cook Email: plansol@xtra.co.nz
Sarah O’Gorman Email: sarah@rhodes.co.nz
Pip Saunders and Mitchell Limbe Email: pipsaunders0@hotmail.com

Appendix A
PC 54 Submission

SUBMISSION ON PLAN CHANGE 54 TO THE SELWYN DISTRICT PLAN

UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: Planning Department
Selwyn District Council
PO Box 90
Rolleston, 7043

Name: Phillipa Saunders & Mitchell Limbe
Postal Address: c/- Aston Consultants
PO Box 1435
Christchurch 8140
Attn Liz Stewart

Telephone: 03 3322618/022 6934527
Email: info@astonconsultants.co.nz

This submission relates to the whole of Plan Change 54 Ballymena Holdings Ltd

1. The specific provisions of the proposed plan change that our submission relates to are:

We oppose Plan Change (PC) 54 in its entirety

2. Our Submission in Opposition is:

- i) We oppose PC 54 in its entirety because it is contrary to the Resource Management Act 1991 (RMA) including Part 2 and s32. The PC54 Assessment of Effects on the Environment and s32 Assessment does not mention or assess reverse sensitivity effects on existing neighbouring properties, including our existing 211 hectare dairy farm operation on land legally described as Rural Section 16732, Lot 1 DP 358536, Lot 1 DP 61558, Sections 1-6 and 12 of Reserve 1798 and Section 1 Survey Office Plan 465909, Lots 5 & 6 DP 634 and Section 2 Survey Office Plan 15239, Rural Sections 19178, 31554, 32534, 32872 and Part Rural Section 3712.

The only potential reverse sensitivity effect mentioned is with the Midland Railway Line. The s32 Assessment is inadequate and incomplete because it does not assess the costs of rezoning land for rural residential purposes on the ongoing effective and efficient operation of the adjoining dairy farm owned by Saunders and Limbe. When these costs are properly assessed, the status

quo option (retain Rural Outer Plains zoning) is the most appropriate way to meet the objectives of the Selwyn District Plan and the purpose of the RMA, as required by s32.

- ii) The proposal will generate adverse effects on the environment, in particular but not limited to reverse sensitivity effects for the neighbouring rural property at 9 Annavale Road/State Highways 73, Springfield (owned by P Saunders and M Limbe), which is an 211ha dairy farm (540 – 560 dairy cows), with an existing dairy shed at 5872 West Coast Road and homestead at 9 Annavale Road. An additional 50ha of land is leased from the Department of Conservation (refer to **Appendix A – location plan**).

Plan Change 54 has not adequately addressed how the PC 54 provisions including the Outline Development Plan (ODP) will seek to safeguard the existing farm operations and potential future development of the farm, which at present includes (but not limited to):

- Diesel irrigation pumping: The property has current water irrigation water take consent, which enables them to irrigate the farm. The diesel irrigation motor is audible and will most likely be audible from within the proposed Plan Change Site, including on still nights. The pump is located below the PC54 Site, close to Kowhai River.
- Spreading of effluent which can generate unpleasant odours: Saunders and Limbe have a current effluent disposal consent to spread dairy cow effluent diluted with dairy shed wash-down water on paddocks within the dairy farm Site.
- Harvesting activity including use of farm machinery at night.
- Future developments – these could include but not be limited to further consents for effluent spreading and renewal of existing consents; a Herd Home (Barn style) for wintering and feeding livestock, likely to be a substantial sized building; small milk processing plant; staff accommodation; large commercial sheds; and a water storage pond.

- iii) Plan Change 54 is contrary to the relevant objectives and policies of the Selwyn District Plan, in particular but not limited to:

Objective B3.4.3 – Reverse sensitivity effects between activities are avoided

Policy B3.4.39 – Avoid rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential ‘reverse sensitivity’ effects will be avoided, remedied or mitigated.

Objective B3.4.2 - A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Objective B4.1.2 - Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on natural and physical resources or reverse sensitivity effects.

Policy B3.4.1- Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

In particular Policy B3.4.1 recognises that the Rural zone is principally a business area, where farms are businesses and need to be able to operate efficiently and with as few restrictions as practical.

Notwithstanding the above District Plan provisions, Saunders and Limbe general experience to date is that lifestylers within the area have high and somewhat unrealistic expectations of the amenity they can expect living in a rural area. They have already received previous complaints from a lifestyle living in Annavale Road about the noise of the irrigation pump which is sited further away (approximately 2km) from the complainants' property than the PC54 site.

- iv) PC 54 Amendment 9 states that for the proposed Springfield L2 zone i.e. PC54 site, the average lot size shall be 2 ha and the minimum lot size 1ha and the maximum number of lots shall be 16. The indicative subdivision layout shown on the PC54 ODP does not include lot sizes so it is not possible to determine whether this indicative layout is compliant, including with respect to existing Lot 1 DP 400509.

3. We seek the following decision from Selwyn District Council

Preferred Option

Decline PC 54 in its entirety.

Less Preferred Option

- i) Imposition of registered covenants requiring that owners of the PC54 land ("land") (and their successors in title):-
 - do not make any complaint, and to ensure their tenants, invitees and other occupants of the land, agents, transferees or assignees also do not and cannot make any complaint to the local authority, namely Selwyn District Council or Canterbury Regional Council or their successor, of the existing or future operations or activities (including farming operations or activities) carried out on the submitters' land (and any successors in title land) – legal description to be included, including complaints about effects on the environment or any other matter.
 - give their written approval to any variation or new resource consent relating to the submitters' land – legal description to be included pursuant to the Resource Management Act 1991, replacement enactment or any other statute or regulation.
 - not make or lodge or be party to or otherwise support in any way, or finance or contribute to the cost of, any submission, application, proceeding or appeal pursuant to the Resource Management Act 1991, replacement enactment or any other statute or regulation which has the effect of limiting, prohibiting or restricting the commencement or continuation of activities or use or operations on the Submitters' land (legal description to be included) by the Submitters and their assignees (and their successors in title), invitees or occupants of the Submitters' land.
 - not make or lodge or be party to or otherwise support in any way, or finance or contribute to the cost of any claim or demand or action or

proceedings for negligence (excluding gross negligence), trespass, nuisance, public nuisance, damage and/or interference of any nature against the Submitters (and their successors in title) and any of their employees invitees or occupants of the Submitters' land – legal description to be included.

- ii) The PC54 Outline Development Plan (ODP) be amended by defining a 'no build' area on the ODP as highlighted in green on the ODP attached as **Appendix B**; requirement for graduated dwelling densities, with higher densities (potentially less than 1 ha) towards the township boundary and furthest away from the Saunders and Limbe farm (Pococks Road) and lower densities (minimum 4 ha adjoining the 'no build' area and excluding any land incorporated into these lots from the 'no build' area); a reduced maximum number of lots (no greater than 14, and potentially less, depending on the effects of the suggested 'graduated densities' approach); and such other consequential amendments to the ODP and PC54 and other District Plan provisions (including rules and objectives and policies) to be consistent with the above.
- iii) That the minimum setback of dwellings from the Annavale Road site frontage be 20m not 10m.
- iv) That the status of all buildings within the ODP 'no build' area, and dwellings within the 20m site frontage setback specified above under iii) be a non complying activity.
- v) That the maximum number of dwellings within the PC54 site be 14, potentially less – see ii) above (not 16 as proposed) and that the District Plan rules specify that there shall be no buildings within the 'no building' area shown on the ODP (attached as **Appendix B**).
- vi) All subdivision and development subject to the PC54 ODP shall be in accordance with the PC54 ODP. Any subdivision and development not in accordance with the PC54 ODP shall be non complying.
- vii) Such other changes and consequential amendments to PC54 as are necessary to give effect to the intent of this submission and the relief sought above.

We wish to be heard in support of our submission.

Signature of person making the response or person authorized to sign on behalf of person making the response

Signed 

Date: 30^h May 2018

LIZ STEWART

Senior Planner, Aston Consultants
for P Saunders and M Limbe

Appendix A: Location plan

Appendix B: Revised ODP

Appendix B
Amendments to ODP

Rural Outer Plains Zone
(OP Zone)

80 metre dwelling setback
from the near boundary of
the railway corridor

2 dwellings max.

Un-named legal road

KEY

- Plan Change Boundary
- Proposed L2 Zone Boundary
- Building Setback Areas
- Retained Shelterbelt
- Existing water race
- Indicative subdivision layout
- Existing implement sheds and large scale deciduous trees to be retained
- Existing neighbouring dwelling on Lot 1 DP 400509



Maximum of
one dwelling



Private property included in proposed
Plan Change area, but not part of
applicant's land.

L1 Zone (Springfield)

SPRINGFIELD TOWNSHIP

Pocock Road

Rural Outer Plains Zone
(OP Zone)

Proposed Rights of Way

Annabelle Road

Lot 2
DP 400509

Lot 1
DP 400509

80m

10m

10m

Outline Development Plan Living 2 Zone - Springfield