

# **RESOURCE MANAGEMENT ACT 1991**

## **SELWYN DISTRICT COUNCIL**

### **SELWYN DISTRICT PLAN**

#### **PROPOSED DISTRICT PLAN CHANGE NUMBER 63**

**BY**

**MERF AG SERVICES LTD AND MATTHEW READ**

**TO**

**REZONE 60.6 HECTARES OF LAND LOCATED NORTH OF DARFIELD ON  
KIMBERLEY ROAD FROM RURAL OUTER PLAINS TO A MIX OF LIVING 1  
AND LIVING 1 (DEFERRED) ZONES**

**Recommendation of  
Commissioner Dean Chrystal**

**Hearing held on 26<sup>th</sup> July 2021**

**Appearances:**

**Council:**

**Ms Rachael Carruthers, Council Planner**

**Mr Murray England, Council Asset Manager – Water Services (by phone)**

**Mr David Smith, Consultant Transport Engineer**

**Applicant:**

**Mr Gerard Cleary (Legal Counsel)**

**Mr Mervyn Todd (Applicant)**

**Mr Matthew Read (Applicant)**

**Ms Lisa Williams (Consultant Traffic Engineer)**

**Mr Gareth Cox (Real Estate Agent)**

**Ms Fiona Aston (Consultant Planner)**

**Submitter**

**Mr Philip Baldwin (Malvern Housing Trust)**

## **1.0 Introduction**

- 1.1 Pursuant to instruction from the Selwyn District Council (the Council) I was appointed to conduct a hearing and make a recommendation on Proposed Change 63 (PC63) to the Selwyn District Plan (District Plan) together with submissions thereon at the Darfield Recreation and Community Centre in Darfield on the 26<sup>th</sup> of July 2021.
- 1.2 PC63 is a privately initiated plan change by Merf Ag Services Ltd and Matthew Read which seeks to rezone a 60.6ha hectare site located on the northern edge of Darfield adjoining Kimberley Road from Rural Outer Plains to a mix of Living 1 and Living 1 (Deferred) zones. The proposal as notified involved a new policy, new and amended rules and an Outline Development Plan (ODP) to guide development which included the identification of a retirement village, medium density housing areas, larger lot areas, roading and access and reserves.
- 1.3 PC63 was publicly notified on the 1<sup>st</sup> of July 2020, to which 14 submissions and two further submissions were received. I note here that the submission of Kirsty Lucey and Ben Hanburger were received late.
- 1.4 Of the 14 submissions, 11 were opposed in some form, two were neutral and one was in support.
- 1.5 The issues raised in submissions generally include:
  - The need for the change in zoning to cater for growth given existing zoning
  - Loss of productive land
  - Transportation issues
  - Three waters servicing, including wastewater reticulation
  - Flooding hazard
  - The use of versatile soils
  - Loss of rural outlook and views
  - Increased density and building height
- 1.6 After the hearing I undertook a site visit where I was able to view the site from various positions and get an understanding of how it fitted with and linked to the surrounding environment.

## **2.0 Section 42A Report**

- 2.1 Pursuant to s42A of the Resource Management Act (the Act or the RMA) Ms Carruthers produced a report addressing the proposed plan change and a range of matters she considered were covered by submitters as generally set out below. Two of the key matters, the spatial extent of Darfield/need for the plan change and natural hazards, were primarily addressed in her assessment of objectives and policies covered further below.

### **Loss of productive land**

- 2.2 In response to concerns around the loss of high versatile soils, Ms Carruthers said that the Canterbury Regional Policy Statement (CRPS) defined 'versatile soils' as land classified as Land Use Capability (LUC) I or II in the New Zealand Land Resource Inventory. She said that the PC63 area contained LUC Class 3 land and therefore

considered that the plan change area was not an area of productive land that required protection from residential development.

### **Infrastructure**

- 2.3 With regards to water supply, Mr England said that to meet the anticipated growth at Darfield, a new well had been drilled to increase supply capacity and a resource consent prepared. He considered that the ODP area could be adequately serviced with a potable water supply and that firefighting requirements can be met.
- 2.4 Turning to wastewater, Mr England advised that the Council had approved Darfield Wastewater Project which involves a pipeline to the Pines Wastewater Treatment Plant at Rolleston. He said the Council would work with the developer to ensure that Council wastewater services were provided in a timely manner to the boundary and therefore that connection to the Councils proposed wastewater system should be a condition of any subdivision consent.
- 2.5 In terms of stormwater, Mr England said that there was a viable means to dispose for the plan change area.

### **Transport**

- 2.6 Mr Smith considered that:
- The plan change was not inconsistent with CRPS objectives and policies including those relating to multi-modal transport.
  - The Level Crossing Safety Impact Assessments report and inclusion of level crossing upgrades within the draft Selwyn LTP addressed submitter concerns relating to the level crossings.
  - Work undertaken subsequent to the Integrated Transportation Assessment (ITA) provided an appropriate assessment which addressed concerns raised through submissions relating to the operation of SH73 and the local network. He noted that the cumulative effects of PC63 and other development areas on these intersections had not been specifically addressed.
  - Analysis of Statistics New Zealand travel data demonstrated that the Darfield urban area is a catchment for education travel but relies on the UDS area for employment with over 50% leaving Darfield for work.
- 2.7 In conclusion, Mr Smith said he supported PC63 from a transport perspective subject to the following matters being addressed as matters of discretion within an ITA for any future subdivision consent application in the Plan Change area:
- Safety for all modes at existing level-crossings in the Darfield urban area
  - Operation of State Highway 73 intersections with Matthias Street and McMillan Street

### **Density/minimum site sizes**

- 2.8 In response to the concerns expressed by submitters with regards the minimum site size, Ms Carruthers said that the proposed minimum average site size of 650m<sup>2</sup> was consistent with the Living 1 zone requirements for

Darfield. She said the site size requirements were consistent with the existing provisions, with the proposed medium density provisions being consistent with those for the Living Z zone.

#### **Rural identity and outlook**

- 2.9 In terms of rural identity and outlook, Ms Carruthers said that changes to residential amenity were to be expected with any plan change to expand growth in a township.

#### **Need for a Retirement Village**

- 2.10 With regards concerns about the proposed retirement village Ms Carruthers noted that its built form was similar to other forms of comprehensive medium density residential development and that the decision on whether or not to proceed was ultimately a commercial decision and did not need to be considered further.

#### **Statutory Analysis**

- 2.11 Ms Carruthers went on to undertake an analysis of the District Plan and other relevant planning documents as summarised below.

##### **Operative Selwyn District Plan**

##### **Development Capacity**

- 2.12 Ms Carruthers had noted that Environment Canterbury (ECan) felt the application site provided a logical extension to the township boundary, however, they considered the need to rezone additional rural land, when significant available capacity existed within the current township boundary, was unclear. She said ECan considered that it may be more appropriate to consider this at a township and/or District-wide scale through the District Plan Review, in the interests of promoting consolidated, co-ordinated and sustainable urban growth and the efficient use of land and infrastructure. Ms Carruthers noted other submissions had raised similar concerns regarding there already being sufficient zoned land.
- 2.13 Ms Carruthers said that the Malvern Area Plan 2016 (MAP) had identified that there was existing capacity to accommodate over 1,430 additional households within the existing Living 1 and Living X zones. She noted that this capacity included around 80ha of land with a current deferred status, and that the Proposed District Plan (PDP) retained the residential zoning but lifted the deferral.
- 2.14 Ms Carruthers referred to the Selwyn District Growth and Demand Report which from a starting point of 1,283 dwellings in 2021, estimates that it would take until 2051 for Darfield to increase by 1,142 dwellings to reach 2,425 dwellings. This she said suggested that Darfield currently contained sufficient undeveloped Living 1 or Living X zoned land capacity for more than the next 30 years. She therefore considered that the request was contrary to Policies B4.3.4 and 4.3.23 of the District Plan and was at least inconsistent with Objective B4.3.2 to achieve a compact township shape.

##### **Natural Hazards**

- 2.15 Ms Carruthers said that consistent with most of the district, the site contained overland flow paths that the modelling suggested would be subject to flooding in the event of a 200-year ARI flood event, with a small area of the site being modelled as subject to flooding in excess of 1m deep in a 500-year ARI flood event and thus a

high hazard area as defined by the CRPS. She considered that the proposal in its current form did not give effect to the objectives and policies relating to natural hazards.

#### Transport

- 2.16 Ms Carruthers in considering the relevant transport provisions said that given the existing pattern of development in Darfield, it would not be possible to rezone land on the northern side of the township without increasing the need for pedestrians, cyclists or motorists to cross the railway line, contrary to Policy B2.1.20, but noted that a number of level crossing upgrades had been incorporated into Council's 2021-2031 LTP. She also noted that the ODP provided for a range of transport choices, consistent with Policy B4.1.14 and that the proposal was also consistent with Policy B1.2.3 and its location consistent with Policy B2.1.23.

#### Utilities and Water

- 2.17 Ms Carruthers consider that the plan change was consistent with the provisions relating to utilities, while she said water supply was available and stormwater disposal could be adequately addressed at subdivision stage. In terms of wastewater she considered that given Council's decision to reticulate wastewater from Darfield to Rolleston it would be a better planning outcome to require connection to the public system from the outset.

#### Quality of the Environment

- 2.18 In terms of the quality of the environment, Ms Carruthers noted Policy B3.4.39 addressed reverse sensitivity effects and said that there were currently no adjoining or near existing activities which were likely to be incompatible with residential activities. She noted that should additional land be zoned for Business 2 activities in the future (as indicated as an option in the MAP), this would be addressed as part of that future development and the plan change was consistent with the policy.

#### Canterbury Regional Policy Statement

- 2.19 Ms Carruthers accepted that the provisions of Chapters 5 and 11 of the CRPS were relevant. In terms of the areas of disagreement with the Applicant she considered that although the plan change enabled housing choice she did not consider that, given the extent of undeveloped Living 1 and Living X land in Darfield, the further expansion of Darfield's Living 1 zone at this time would support urban consolidation as required by Policy 5.3.1 and therefore it would not give effect to the CRPS.
- 2.20 In terms of natural hazards Ms Carruthers said that Policy 11.3.2 requires all new buildings to have a floor level above the 0.5 AEP design flood level (the 200-year ARI flood level). She said amendments to Rule 4.1 Buildings and natural hazards and Rule 12.1.4 Subdivision matters for discretion would be required to give effect to the objectives and policies relating to natural hazards and she recommended the inclusion of relevant provisions. She went on to note that a small portion of the site north of Dundee Close has been modelled as having flooding greater than 1m deep in a 500-year ARI (0.2% AEP) flood event, and therefore was high hazard area. She said that Policy 11.3.1 requires the avoidance of new subdivision use and development in high hazard areas, unless certain criteria were met and that this had not been addressed by the plan change and therefore as it stood it was contrary to this provision.

- 2.21 Ms Carruthers concluded that overall as it stood PC63 did not give effect to the CRPS in relation to the provision of a compact urban form given the extent of zoned but undeveloped Living 1 and Living X land in Darfield and in relation to natural hazards.

Canterbury Land and Water Regional Plan (LWRP)

- 2.22 Ms Carruthers considered that PC63 could be efficiently and effectively serviced in a manner that maintained water quality and quantity and was consistent with the outcomes sought by the LWRP.

Mahaanui Iwi Management Plan 2013

- 2.23 An assessment of PC63 had been undertaken by Mahaanui Kurataiao Ltd in relation to the Mahaanui Iwi Management Plan 2013 (Management Plan). Ms Carruthers noted that in terms of the recommendations in the report, the Applicant did not propose any changes in response. Having considered the recommendations from the report she considered that PC63 would not compromise the values set out in the Management Plan.

National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health

- 2.24 Ms Carruthers noted that the NES-CS did not strictly apply in a zone change situation, however, considered that the appropriateness of residential use for the area has been established and that further evaluations may be required through any subsequent consent processes.

National Policy Statement on Urban Development (NPS-UD)

- 2.25 Ms Carruthers considered PC63 was consistent with the intent of Objective 2 and Policy 1 of the NPS-UD by increasing the availability of land for housing in the Darfield area. However, she went onto say that while the plan change would support a competitive land and development market and provide additional development capacity, she considered that these things were already provided for in Darfield. She said areas of land zoned Living 1 or Living X but undeveloped could be developed to provide a range of housing choices, including medium density development, under current SDP provisions.

- 2.26 Ms Carruthers noted that these areas of land had numerous owners and therefore the land was not consolidated into a few landowners who might choose to landbank in the hope of future profit from a constrained supply. She said that meanwhile, the amount of land available for development exceeded that required to meet expected demand for the short term, medium term and long term and that she considered that the plan change was not necessary in order for the Council to give effect to the NPS-UD.

Malvern Area Plan 2016

- 2.27 Ms Carruthers said that the the MAP identified that no new land was required to be zoned to provide for residential development out to 2031, but that it identified the PC63 area as DAR 7, being, among others, as potentially suitable for future standard to low-density residential development.

**Proposed Amendments**

- 2.28 Ms Carruthers said that should the plan change be accepted, it was appropriate to rezone the whole of the site Living 1 accompanied by appropriate rules preventing subdivision or development in advance of public reticulated wastewater, rather than a combination of Living 1 and Living 1 Deferred and associated provisions.

She considered the proposed deferral related only to the timing of planned infrastructure provision, and so the additional future plan change that would be required to remove the deferral would be inefficient.

- 2.29 Ms Carruthers considered that most of the requested changes to rules were appropriate subject to minor amendments. However, she considered additional rules were required in relation to flooding, landscaping and transport matters.

### **Conclusion**

- 2.30 Ms Carruthers said that having assessed the plan change request and the findings of the various peer reviews and evidence, she was not satisfied that PC63 was the best approach when considered against s32 of the Act and that on the basis of the abundance of undeveloped land zoned Living 1 and Living X in Darfield she had concluded that PC63 would not result in the efficient use and development of natural and physical resources, whilst maintaining the amenity value of the area and would not achieve the purposes of the Act
- 2.31 Ms Carruthers recommended that PC63 be declined on the basis it was not consistent with the provisions regarding urban growth management and did not give effect to the objectives and policies of higher order documents.

## **3.0 Hearing**

### **Applicant**

- 3.1 **Mr Cleary** said a particular feature of the proposed rezoning was the intention to establish a purpose built retirement village, a form of residential living which was neither specifically enabled by the District Plan, nor adequately provided for in Darfield.
- 3.2 Mr Cleary noted that in the first district plan prepared under the RMA, the Site was earmarked for residential zoning. However, this had been withdrawn as a consequence of concerns regarding potential reverse sensitivity effects associated with adjacent Selwyn Plantation Board land which no longer exists. He went onto indicated that the Site had been identified in the MAP as an “obvious growth node” and in the PDP as an Urban Growth Overlay.
- 3.3 Mr Cleary submitted that from this history, it was reasonable to conclude that the Site was an appropriate location for the growth of Darfield, which was not surprising given its ability to integrate with the existing urban form of Darfield, and its close proximity to the town centre. He said it would represent consolidated development as that term is applied by both the CRPS and the District Plan.
- 3.4 Mr Cleary considered the position adopted by Ms Carruthers was that the purpose of the Act is reflected in the objectives and policies of the District Plan, despite referring back to s7 matters, including the efficient use and development of resources and the maintenance of amenity values. He submitted that in the circumstances, no recourse to any Part 2 matters was strictly necessary, simply because matters of efficiency of use were enshrined within the objectives and policies of the District Plan and the CRPS.
- 3.5 Mr Cleary referred to Environment Court cases where the issue of oversupply of land had been advanced as a reason why additional rezoning should not proceed including *Marlborough Ridge Ltd v Marlborough District*

*Council C111/97*. In this case the Council led planning evidence to the effect that there were substantial areas of zoned land in the process of being subdivided (400 lots), with the potential for another 1200 lots to be developed and that the provision of additional residential lots on the appeal site could not be justified on resource management grounds.

- 3.6 The Court confirmed that efficiency in planning terms under the RMA did not equate to a quantitative allocation approach. Rather, what needed to be considered in terms of efficiency was the extent of effects of a proposal on the community at large and not the effects on the expectation of individual investors. The Court preferred the view of the Appellant that providing additional zoned land was enabling of social and economic wellbeing, notwithstanding the substantial existing residential land resource available.
- 3.7 Mr Cleary submitted that in the PC63 case, a reasonable inference from Ms Carruthers recommendation is that the owners of other existing zoned land in Darfield, at least one of which is a substantial long term land banker, should be allowed to develop without further competition from the present proposal. He said that Ms. Carruthers opinion was that while the plan change should support a competitive land and development market, these are already provided for in Darfield i.e. there is enough competition. He submitted that this reasoning had inadvertently strayed into trade competition waters and that to the extent this has occurred, it is not permissible under s 74 (3) of the Act and is therefore irrelevant to any decision making.
- 3.8 Mr Cleary said a rationing approach was rejected by the District Plan in favour of an entirely orthodox strategy which tests plan change requests against the policy framework, including broader objectives and policies relating to the strategic provision of infrastructure. He said the policy framework for the growth of townships, against which the Plan directs that PC63 be tested, can best be described as enabling growth both within and adjoining existing townships. He further said that expansion of townships is specifically contemplated by the objectives and policies, an express policy requirement for expansion being that it adjoins existing urban zoned land so as to achieve a compact township shape.
- 3.9 Mr Cleary submitted that the enabling of township expansion via plan change requests was not undermined by the identically worded Policies (B4.3.4 & B4.3.23) relied upon by Ms Carruthers, policies which seek to encourage new development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity. He said these policies were not directive in nature and could not be read as directing a “containment” approach whereby growth can only occur on existing vacant zoned land before any further land can be rezoned. He accepted that these policies support consolidation and recognized that there may be some benefits of developing existing vacant land in terms of, amongst others, reduced reverse sensitivity effects.
- 3.10 Mr Cleary went onto submit that there was evidence of long-standing land banking of zoned land in Darfield, and there was evidence that some landowners of residential zoned land are simply not developers. He said this land cannot be said to be available, nor indeed should vacant Living 1 land being developed by other parties be considered available either at an appropriate price – however that may be determined – or otherwise.
- 3.11 Mr Cleary noted that in *Appealing Wanaka Incorporated v Queenstown Lakes District Council [2015] NZEnvC 196*, the issue of oversupply was raised as a ground for reversing the Council’s decision to approve a plan



Change. The opponents alleged that the predicted oversupply would result in significant adverse effects on Wanaka's development, including an overall failure to establish anywhere a coherent sense of community.

3.12 Having evaluated the competing evidence on demand and supply, the Court in this case concluded that the range of market differentiators was such that demand and supply relationships should not be looked at simplistically. The Court also said that in order to supply the quantity of residential sections demanded at any given price, the quantity of zoned land might have to be very large in proportion to the quantities demanded and in a variety of locations.

3.13 Mr Cleary noted that the Court had further stated that plan enabled capacity (zoning) is not synonymous with the volume of sections supplied:

*[113] There is also a wider resource management issue here which is that it is important not to confuse zoning with the quantity of sections actually supplied. Land may be zoned residential but that does not mean it is actually assisting to meet the quantity of sections demanded. Only sections for sale can do that. There is no direct relationship between the number of sections theoretically able to be cut out of land zoned residential and the number of sections actually on the market at any one time especially when – as in Wanaka – there are very few landowners with land zoned for residential activities.*

3.14 Mr Cleary submitted that the evidence was that there was very little in the way of available sections on the market in Darfield and that there had been a huge surge in demand for vacant sections, demand which was not being met by supply. Further, he said the evidence was that there were very few active land developers within the Darfield market and also that there are owners of residential zoned land that are either unlikely to develop and/or have been land banking for at least the lifetime of the current Plan. He also said the evidence demonstrates that there is an unmet demand for retirement village facilities, including care beds.

3.15 Mr Cleary submitted that Ms Carruthers had adopted an erroneous and overly simplistic approach towards the issue of land supply, one that confuses the extent of zoning with the quantity of sections available.

3.16 Turning to the CRPS Mr Cleary submitted that it did not support a rationing approach, with the primary focus of Objective 5.2.1 of the CRPS and supporting policies being development which is consolidated. He said Policy 5.3.1 seeks to provide as a primary focus that urban growth occurs: *in a form that concentrates, or is attached to, existing urban areas and promotes a co-ordinated pattern of development.*

3.17 Mr Cleary submitted that the growth enabled by PC63 was unequivocally consolidated development as that term is used in Objective 5.2.1 and Policy 5.3.1 and that to hold otherwise could only be possible if one were to interpret consolidation as being limited to the containment or concentration of urban growth and to simply ignore the words "or is attached to" in Policy 5.3.1 which he said was wrong.

3.18 Mr Cleary concluded by saying that properly interpreted, the relevant objectives and policies of both the CRPS and the District Plan did not support the rationing of additional land for residential development. Nor did they support the containment of development within the existing footprint of townships, rather they supported development which was consolidated.

- 3.19 Mr Cleary submitted that on the evidence available, PC63 gives effect to the CRPS and implements all relevant objectives and policies of the District Plan.
- 3.20 In response to my questions Mr Cleary said there wasn't a single Court decision supporting a rationing approach and that in terms of the NPS-UD Policy 2 was of relevance.
- 3.21 **Mr Todd** indicated that a key driver for PC63 has been to obtain the appropriate zoning to enable the establishment of a retirement village. He said he had engaged Colliers International to provide demographic research and an overview of the existing retirement village and aged care options within Darfield and the surrounding catchments. He said that the Colliers Report conclusions were positive about the level of demand for, and feasibility of establishing, a new retirement village in Darfield and it pointed to the fact that Darfield has a significantly higher percentage (21.7%) of population aged over 65 years than townships such as Rolleston, Leeston and Lincoln and indeed New Zealand and that this age group was predicted to grow by 69.05% between 2013 and 2043.
- 3.22 Mr Todd also indicated he wanted to deliver smaller more affordable sections than have, to date, been available at Darfield due to the size restrictions imposed by the need for onsite effluent treatment and disposal. He said the intention was not to landbank the land but to develop it as soon as rezoning was in place to enable the development of the retirement village and to meet the growing demand for bare land sections in Darfield.
- 3.23 Mr Todd went onto note that while land may have been zoned for residential purposes for many years, many of those current land owners were not developers, and do not seem to have any intention of developing the land into sections. He also said to his knowledge there were very few, if any, titled sections available for sale in Darfield at the present point in time.
- 3.24 **Mr Read** felt that consideration should be given to why current Living zoned land has been so sparsely developed in Darfield, noting that much of it was farmland and felt that those farmers faced challenges in both time and capital to undertake any development. He went on to say that a three staged approach to developing their land was proposed.
- 3.25 Mr Read addressed the flooding risk on their land, noting that two swales had been dug at the request of the Council to address overflow water alongside the Broadgate subdivision as a backup to existing drains. He said the swales had unfortunately been lined with soil rather than stones and that it was now evident that they were creating their own flooding risk. He went onto say that during rainfall events the only pooling observed was in the swales which had resulted in a complaint from a neighbouring owner. He suggested that new methods for mitigating flood risk in this area could be addressed as part of any development of the land.
- 3.26 In her evidence, **Ms Williams** said that having considered the matters raised in the submissions and the Council officers' reports, she concluded that all transport related effects can be adequately managed such that the proposal can be supported from a transport perspective. She agreed with the transport related provisions recommended in the Council officers report relating to assessment of the Rail Level Crossings and SH73 intersections at the time of subdivision. She advised that the upgraded rail crossing would include barriers.

- 3.27 **Mr Cox** provided details of the market demand for residential land in Darfield and Kirwee. He said that over the past 12 months his firm had experienced a large surge in demand for residential sections in the townships of Darfield and Kirwee with over 175 section sales in the year to June 2021. He said this demand had led to all existing titled sections being sold and buyers now committing to contracts in advance of title. He went on to provide details of the various subdivisions around Darfield.
- 3.28 Mr Cox said his firm Property Brokers Darfield continued to field new enquiries each day for future land releases, and he personally had a database in excess of 500 registered parties who are considering purchasing sections in the greater Darfield/Kirwee area. He said in March an auction of 20 sections in Kirwee sold out in under 2 hours, with a large number of unsatisfied buyers, which reinforced the demand for sections in the area. Mr Cox considered the recent approval by the Council for a reticulated wastewater scheme servicing Darfield and Kirwee would further enhance the popularity of the area for purchasers, who will not have to install or maintain their own septic tank system, and further enhances development opportunities.
- 3.29 In response to my question Mr Cox indicated that enquiries about properties had increased since the Council decision on providing a wastewater network. He also advised that a lot of people, including farmers in the broader area, were looking to downsize and looking for sections in the 500-700m<sup>2</sup> range and that there was simply nothing available in this space. He said that even in the 700-2000m<sup>2</sup> space there was only around 20 sections available at present.
- 3.30 In regard to the existing zoning of Living 1 and Deferred Living X land, Mr Cox said a large portion of this land was currently owned by the Gillanders Family and had been under their ownership for several generations as pastoral farming land. He said they were not land developers and, in his opinion, they would be unlikely to develop this land in the near future. He noted that the other Deferred Living X land was owned by the Frew family who, through a related company, were currently developing the Cressy Oaks subdivision, with all available sections sold out. He said that other Living 1 land available in the Township was held in multiple ownerships, with some of it currently being developed e.g. Hidden Acres which had completely sold out and that Ascot Park Limited, the developer of the Torlesse Estate, had yet to market any of the Living 1 zoned land for which subdivision consent was obtained from the Council within the last 5 years.
- 3.31 **Ms Aston** provided an overview of the plan change request and amendments proposed since it had been lodged. She noted that the site adjoins the existing residential area on two sides, contributing to a consolidated urban form, that its proximity to local employment, commercial and community services and open space makes it well located for urban residential development and that the proposed linkages provided for in the ODP will provide access to these opportunities. She also noted that given these attributes it was unsurprising the site was recognised in both the MAP and PDP for urban growth.
- 3.32 Ms Aston noted that a number of submitters referred to the amount of land already zoned and available around Darfield and that this matter appeared to be the only reason why Ms Carruthers had recommended that PC63 not be approved. She accepted that there would be permanent environmental changes, including those affecting adjoining residents, if residential development proceeded, however she considered submissions do not raise any compelling matters which preclude granting approval to the Plan Change.

- 3.33 Ms Aston accepted that a deferred zoning was now unnecessary given the Council's decision on a reticulated wastewater scheme for Darfield and agreed with Ms Carruthers that if PC63 was approved, the entire site should be zoned Living 1 and there was no need for a new policy. Ms Aston also addressed the ODP which she said provided for internal integration of the development, as well as external integration via roads, walking and cycling, with the surrounding environment and included Overlays that provided for a Retirement Village and Medium Density housing. She also noted it included a requirement for rural residential style fencing along the Kimberley Road frontage of the proposed Living 1 zone; and specified a *minimum average* lot size of 1000m<sup>2</sup> around the periphery of the development area, although she accepted Ms Carruthers recommendation that this be amended to *minimum* lot size for reasons of simplicity and outcomes. She said these provisions would retain an open space character along the Kimberley Road frontage help mitigate potential reverse sensitivity effects involving rural activities and future business development to the north and east.
- 3.34 Ms Aston did not consider any amendments to the ODP were required following new information received on flood hazards because the very small High Hazard Area was manmade and could be addressed at subdivision time.
- 3.35 In terms of the increased density of development, Ms Aston said that the main intent was to increase the choice of housing typology, and affordability in close proximity to the Darfield main services and employment areas. She noted that the retirement village which could cater for approximately 135 residents would be a restricted discretionary activity with matters of control around Crime Prevention Through Environmental Design principles, residential amenity for neighbours, and creation of visual quality and interest through the separation of buildings, variety in building form, and other details.
- 3.36 Ms Aston went on to address what she considered to be the key resource management issues associated with PC63. Of particular note was the issue of the current land supply where she said it would seem strange, if not misleading, if the MAP (and PDP) identified future growth areas unless it was thought they would be reasonably necessary for development in the 30 year plan period.
- 3.37 Ms Aston also provided evidence that showed that land take up for the last two years in the Darfield and Kirwee area, particularly for suburban size sections, is occurring faster than projected in the Selwyn District Growth forecasts and considered that care needed to be taken when relying on documents such as the MAP for drawing conclusions on land needs. She indicated that recent sales data showed the sections being sold are of sizes closer to 10 per ha or less which puts the take up rate at 4 ha per annum/120 ha over 30 years. She said that under this more realistic scenario, the medium and long term enabled capacity is significantly reduced.
- 3.38 Ms Aston made the point that zoned land doesn't equate to available land, noting that there were several blocks in Darfield that have been zoned for a long time but have not been developed. This included a considerable amount of land in the Living 1 and Living X Deferred Zone (some 50.44 ha) which has been in the possession of the same landowner for many years with no attempt to develop or in case of the Living X land, remove the deferral. Further, the availability of the Church land in the vicinity of Cardale Street and between Darfield High and primary schools (some 7.3 ha) is likewise questionable. She said if the former was removed the available supply reduces by more than half.

- 3.39 Ms Aston summarised the land supply issue by saying the 2021-2051 growth projections are forecasting a significant increase in dwelling numbers and by implication land take up which is confirmed by current residential sales figures. She said the completion of the Darfield wastewater reticulation project, competitive house prices relative to other settlements, and population ageing are factors that are likely increase the rate of take-up of Living 1 land in Darfield and that consequently, the take up of greenfields land could well be 4ha+ per annum.
- 3.40 Ms Aston went on to note that the tenor of the NPS-UD is for Councils to ensure there are minimum impediments to the market functioning competitively, which means erring on the side of oversupply rather than undersupply, enabling development in a range of appropriate locations, and providing opportunities for different housing typologies.
- 3.41 Turning to the objectives and policies of the District Plan, Ms Aston disagreed with Ms Carruthers conclusions on Objectives B4.3.2 and B4.3.4 and Policies B4.3.4 and B4.3.23. She noted that Policy B4.3.4 does not naturally flow from Objective 4.3.4, depending on what is meant by a coordinated and phased development approach. She said it seemed to be referring to the need to ensure development happens across all the settlements in the District in a manner that ensures it can be serviced in a timely way, and is integrated with transport and infrastructure spending programs. She went onto say that there were no servicing constraints to the proposed development and that PC63 supports the objective now that the reticulated wastewater facility has been programmed.
- 3.42 Ms Aston considered Objective B4.3.2 anticipated urban expansion at township edge locations, where it achieved a compact township shape and was consistent with the preferred township growth direction and other provisions of the District Plan. In response to Ms Carruthers concerns that PC63 would not achieve a compact township shape Ms Aston said the site was a similar distance, or closer, to the town centre than parts of the existing Living 1 zone, and closer than the Deferred Living X zone. She did not accept that requiring existing zoned areas to be developed first, before allowing any further township edge growth, would better achieve a compact township shape.
- 3.43 Ms Aston said that Policies B4.3.4 and B4.3.23 'encourage' township growth to occur on existing living zoned vacant land where this is available and suitable for the proposed activity. She did not interpret these policies as precluding township edge growth or being relevant to the assessment of township edge growth proposals. She said in a Darfield context, if interpreted as requiring existing zoned land to be used first, the outcomes would be perverse and contrary to the Plan's strong emphasis on consolidated growth and achieving a compact urban form as the PC63 land was far closer to the town centre than much of the existing living zoned land.
- 3.44 Ms Aston considered the allocative approach to urban growth which Ms Carruthers favoured was not supported in the District Plan and was contrary to the intent of the NPS-UD to support competitive land and development markets.
- 3.45 Ms Aston disagreed that PC63 would as a result of the retirement village require consequential changes to other District Plan rules, which Ms Carruthers considered were outside scope of the plan change (including for hospitals, hospices and comprehensive residential development). She said where an activity may be captured

by more than one activity category, the category which best fits the nature of the activity applied, which in this case is clearly 'Retirement Village'.

- 3.46 Overall, Ms Aston was of the opinion that the proposed rezoning;
- a) was in accordance with and supported the growth direction for Darfield set down in the MAP and PDP;
  - b) promotes the social economic and cultural well-being of current and future residents of Darfield;
  - c) is in accordance with, and supports the objectives and policies of the relevant planning documents including the CRPS and District Plan;
  - d) is the most appropriate planning outcome for the use of the land in a manner the promotes the purpose and principles of the RMA;
  - e) supports the Council in carrying out its functions under Section 31 of the RMA.
- 3.47 Ms Aston concluded by saying that in her opinion there was no sound resource management reason to postpone (indefinitely) land rezonings where, as in this case, planning studies had already identified land that was highly suited to residential development and environmental effects can be avoided or mitigated. She went on to say that the PC63 was consistent with the growth-related District Plan objectives and policies for Selwyn townships generally, and Darfield specifically and the question mark as to whether the proposal was consistent or not with one policy, was in her opinion, not a reason to conclude it does not promote the Act's purpose reading the Plan as a whole.
- 3.48 In response to my questions, Ms Aston agreed that a lower density on Kimberley Road was not essential from an urban design perspective and said that the District Plan did not recognise the full gambit of a Retirement Village.

#### **Submitters**

- 3.49 **Mr Baldwin**, representing the Malvern Housing Trust, said the Trust had an objective of housing seniors in the community and supported the plan change providing for medium density housing and a retirement village. He said the term affordable could only encompass smaller sections of around 500m<sup>2</sup> or less and that there was almost no affordable medium density sections available for seniors in Darfield. This he said was forcing people to move to Christchurch.

#### **Council Response**

- 3.50 In response to my questions Mr Smith said that the provision for pedestrian upgrades was in the Councils 2021-2031 Long Term Plan and he agreed that the site had good accessibility to the town centre and its proximity was closer to the centre compared to other areas.
- 3.51 Mr England indicated that the completion date for the wastewater pipeline was scheduled for 1 July 2022 and that mains would be run through Darfield in 2022/2023. He said the Council was informing developers and section purchasers the network was coming and was asking people to hold off developing until the system was ready. He indicated that the cost associated with connecting to the new network system was very favourable compared to an onsite system.

3.52 Ms Carruthers indicated that based on the evidence produced she could now support the plan change. She accepted that she was particularly helped in her revised view by the evidence of Mr Cox. She also accepted that the plan change would contribute to a compact urban form.

**Right of Reply**

3.53 At the end of the hearing, I adjourned to enable the Council and the Applicant to consider the draft provisions, including the ODP and to enable the Applicant to provide a right of reply. This was eventually received on the 17<sup>th</sup> of September 2021, and I closed the hearing on the 20<sup>th</sup> of September 2021. The right of reply included:

- A revised set of provisions and ODP which was agreed between Ms Carruthers & Ms Aston;
- A discussion on scope in relation to particular provisions on Kimberley Road.

3.54 With regards the provisions and the ODP, Mr Cleary indicated that the key agreed provisions were;

- (a) Restricted discretionary activity status for the erection of dwellings that do not incorporate a minimum freeboard height of 400mm above the 0.5% AEP flood event;
- (b) Confirmation that dwellings or principal buildings must be connected to a reticulated sewage and treatment disposal system; and
- (c) Restricted discretionary activity status for retirement villages in the location shown on the ODP.

3.55 The agreed provisions also included a Discretionary Activity: Rule 12.1.6.9 in the Subdivision section of the Operative Plan as follows:

*12.1.6.9 Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C as 'Kimberley Rd Restrictions' with a minimum allotment size less than 1000m<sup>2</sup> but not less than 650m<sup>2</sup>.*

3.56 Mr Cleary said that the effect of this amendment was to change the activity status of a subdivision which does not meet the minimum allotment size requirement shown in the area identified on the ODP as "Kimberley Rd Restrictions" from the default non-complying status to discretionary. He went onto explain that at the hearing there was uncertainty as to why the ODP included a minimum allotment size of 1700m<sup>2</sup> on Kimberley Road. He said it has subsequently been confirmed that this was a mistake, and that the average allotment size in this location was shown as 1000m<sup>2</sup> in the response to the Council's request for further information. Furthermore, he said that the ODP in the Application as originally lodged with the Council contained a standard Living 1 Zone minimum lot size of 650m<sup>2</sup> along the Kimberley Road frontage.

3.57 Mr Cleary went on to address the issue of scope, referencing Clause 29 of the RMA and the relevant case law. In line with the case law, he submitted that an outcome which results in a minimum average allotment size of 1000m<sup>2</sup> along the Kimberley Road frontage, together with the requirement to obtain a fully discretionary activity consent for an allotment between 650m<sup>2</sup> – 1000m<sup>2</sup> did not broaden the limits of PC63. He also said the most important limit on jurisdiction is the issue of whether or not the amendment from non-complying to discretionary activity status would result in prejudice to any third parties and in his submission there was no risk of prejudice because the proposed amendment cannot affect the processing of any future subdivision consent application seeking to provide for allotment sizes between 650m -1000m<sup>2</sup> along the Kimberley Road

frontage. Rather, the question of status is immaterial to those aspects of the consent process which safeguard the interests of potentially affected parties

## **4.0 Statutory Tests**

4.1 The general approach for the consideration of changes to district plans was initially summarised in the Environment Court's decision in Long Bay<sup>1</sup>, which has due to various amendments to the RMA been superseded by the Colonial Vineyards decision<sup>2</sup>. The relevant requirements in this case are set out below:

- (a) The plan change should be designed to accord with and assist the Council to carry out its functions under section 31 and to achieve the purpose of the Act (s74(1)(a) and (b)).
- (b) The plan change must give effect to any national policy statement, a national planning standard and the operative regional policy statement (s75(3)(a), (ba) and (c)).
- (c) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects (s76(3)).
- (d) The plan change shall have regard to any relevant management plans and strategies under other Acts (s74(2)(b)(i)) and must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s74(2A)).
- (e) Finally, section 32 requires that rules are to implement the policies and are to be examined, having regard to their efficiency and effectiveness, as to whether they are the most appropriate method for achieving the objectives of the District Plan taking into account:
  - (i) the benefits and costs of the proposed policies and methods (including rules); and
  - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
  - (iii) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.

4.2 Overall, the s32 test is one of appropriateness (i.e., not necessity) and the requirement is to achieve the objectives of the District Plan.

## **5.0 Assessment**

### **Background**

5.1 Before proceeding into the assessment, I consider it is worthwhile noting the background to the proposal site. From the planning map provided by Ms Carruthers of the former Malvern County District Scheme it appears the site was zoned Rural Residential at least as far back as 1990. As I understand it the site was then included

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<sup>1</sup> Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

<sup>2</sup> Colonial Vineyards Ltd v Marlborough District Council [2014] NZEnvC 55



in the 1995 Proposed Selwyn District Plan as Living X, however that Plan was subsequently withdrawn and the provisions were never made operative.

- 5.2 The site was then included in the 2000 Townships Volume of the Proposed Selwyn District Plan as a combination of Living 1 and Living X. The Panel considering the submissions were satisfied that the Living X area was suitable for residential development, in terms of location and proximity to the township. However, it had concerns that firstly, such a zoning would limit the ability of the Selwyn Plantation Board (who owned the land at the time) to continue forestry activities in a residential zone from both a rules compliance and reverse sensitivity perspective, and secondly that a Living X zone could encourage the development of larger residential sections in the area than were desirable from the perspective of achieving a compact township form. As a result, the land was zoned Rural (Outer Plains).
- 5.3 I note that the land concerned is no longer owned by the Selwyn Plantation Board and the forest has been cleared.

#### **Actual or Potential Effect on the Environment**

- 5.4 I consider the key effects associated with the PC63 can be broken down into four key areas, being infrastructure servicing (water, stormwater and wastewater), development capacity and urban form, general amenity and other matters, including natural hazards. These have been dealt with in turn below.

##### **1. Infrastructure servicing**

###### *Wastewater*

- 5.5 The Council has now committed to providing Darfield with a reticulated wastewater system and is requiring that all new developments connected to it. On the basis of the above, I accept that any wastewater issue associated with PC63 will be able to be appropriately addressed.

###### *Water*

- 5.6 Mr England's evidence was that the ODP area could be adequately serviced with potable water initially via a restricted supply if necessary and ultimately by on-demand metered supply once a new bore was drilled and consented. He also said that firefighting requirements could be met. On this basis, I am satisfied that the water supply can be adequately catered for.

###### *Stormwater*

- 5.7 The plan change anticipates that stormwater will discharge to ground via sumps to soakholes which is considered by Mr England to be an appropriate solution. On this basis I consider that stormwater discharges are able to be acceptably managed.

##### **2. Development Capacity and Urban Form**

- 5.8 Submitters raised concerns about the need for the rezoning in Darfield given there was already large areas of existing zoned land for residential development. To the extent that there are significant areas of land available the submitters are correct. Indeed, this was also the key concern along with the associated objectives and policies of Ms Carruthers in her s42A report.

- 5.9 As was noted, the MAP identified that there was existing capacity to accommodate over 1,430 additional households within the existing Living 1 and Living X zones. In addition to this, further capacity exists in a large area of Living 2 zoned land. The report *Selwyn District Growth and Demand*, which predicts population growth out to 2051, indicates an increase of 1,142 dwellings for Darfield over this period which suggests that Darfield currently contains sufficient Living 1 or Living X zoned but undeveloped capacity for more than the next 30 years. Ms Carruthers point in her s42A report was that by enabling development in another area, that would not encourage development of this existing zoned land and that would be contrary to objectives and policies on the District Plan.
- 5.10 However, as it transpired the evidence was clearly that the extent of land zoned for residential purposes is somewhat different from the reality of what is actually available for sale and purchase. Further, the availability of certain section sizes was also a limiting factor.
- 5.11 The evidence from Mr Cox was that there were no available sections in the 500-700m<sup>2</sup> range and even in the 700-2000m<sup>2</sup> range there was only around 20 sections available at present. He pointed to the subdivisions of Cressy Oaks and Hidden Acres which he said had completely sold out. He also suggested that a large portion of the zoned land was currently owned by the Gillanders Family and had been under their ownership for several generations as pastoral farming land and he said they were not land developers and, in his opinion, they would be unlikely to develop this land in the near future.
- 5.12 Ms Aston had referred to the 2021-2051 growth projections for Darfield as forecasting a significant increase in dwelling numbers which appears to be confirmed by current residential sales figures. On the basis of the evidence before me, I agree. I also accept that the completion of the Darfield wastewater reticulation project, competitive house prices relative to other settlements, and population ageing are factors that may well increase the rate of take-up of land in Darfield.
- 5.13 Both Ms Aston and Mr Cleary made reference to long-term landbanking being an issue at Darfield in terms of land availability. Whether this could be entirely considered as a landbanking problem is in my view somewhat doubtful. In the case of the largest landowner, the Gillanders, they are simply continuing to farm the land as they have done for many years. They don't appear to be developers specifically holding the land for increased financial gain given that some of their land has been zoned for residential purposes for over 30 years now<sup>3</sup>. What this does raise however, as alluded to by Mr Cleary, is the question of whether this large area of land, some 51ha, and perhaps other areas, should continue to be counted in any figures on development capacity and be considered available. This then raises a further question as to whether the Council should now be considering other zoning options, including densification, as is proposed in this case, and which is clearly a more efficient use of the land resource than say an extensive rural lifestyle area.
- 5.14 In relation to the PC63 site itself, I accept that it is a logical location for growth, that it provides for a consolidated and concentric urban form which is close to existing services and its soils are not of high versatile quality.

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<sup>3</sup> The Malvern County District Scheme shows part of the Gillanders land as being Residential and part Rural Residential

- 5.15 Further, the MAP identifies the site as DAR 7 – *“a potential future growth area for residential purposes”*, which provides *“a potential opportunity to provide mixed-use living densities to be progressively developed from the current township boundary in the north-east direction”*. As identified by Ms Aston this has been carried over into the PDP in the form of an Urban Growth Overlay. There is therefore clearly a signal for potential urban growth in this area.
- 5.16 Based on the above, I am comfortable that the plan change is appropriate in terms of the urban form it creates and while I accept that there may be on paper extensive zoned residential capacity within the existing Darfield township, this does not in reality equate to residential sections being available to the market. I consider that this along with the other factors identified above, including the sites identification in the MAP and PDP, make the proposed rezoning acceptable in this context.
- 5.17 As alluded to, it seems to me that the issue of development capacity is not as straight forward as counting vacant residential land and there are other factors at play. Further, there is creditable evidence to suggest that market demand for residential properties generally in Darfield is growing and specifically for different types of density. In the end Ms Caruthers accepted that her view on this matter had changed as a result of the evidence received. I accept that this can be a difficult thing to do so she is to be commended for her approach.

### 3. General Amenity

- 5.18 A number of submitters raised amenity issues associated with the plan change including building height, scale of development, section size and a loss of rural identity, rural views and outlook.
- 5.19 As referred to by Ms Aston there would be permanent environmental changes, including those affecting adjoining residents, if residential development proceeds. That is in my view inevitable in most growth scenarios and I acknowledge there will be a loss rural views and outlook for some residents. However, this needs to be put in context as in this case in particular it has long been signalled that urban development may at some point be appropriate for this location.
- 5.20 The proposed minimum average residential site sizes are consistent with existing zones in the District Plan as is the proposal not to have a minimum site size for the retirement village. While this may result in a higher level of density than normally expected in Darfield, the sites location close to services and community facilities lends itself to this type of development. Further, the evidence of Mr Cox was that there is a growing demand for smaller sites which on the face of it could be seen as a more sustainable and efficient use of the land resource. Overall, I am not convinced that the sections sizes enabled by PC63 will have any more major impact on existing amenity values than a lower density so as to warrant changes being made, particularly when balanced against the benefits they provide.
- 5.21 As I understand it, no changes to the existing permitted building heights are proposed in PC63, and so I do not consider this issue needs to be considered further. Nor am I convinced that the scale of any subsequent development including the proposal development of retirement village will necessarily impact on the broader amenity of the area. Further, I note that the retirement village would require consent to ensure that matters such as outlook, scale, privacy, light spill and landscaping are appropriately addressed.

#### 4. Other Matters and Conclusion

- 5.22 Based on the evidence, it seems to me that the identified high flood hazard area does not stem from natural contours but rather from swales put in place as part of the adjacent Broadgate subdivision. I agree with Ms Aston that this matter can be addressed as part of the earthworks at the subdivision stage. In terms of the remainder of the site, parts are affected by the 0.5 AEP design flood level (the 200-year ARI flood level) and as development is required under Policy 11.3.2 to be set at appropriate floor levels a rule has been proposed to address this. On this basis I am comfortable that the flooding issue has been adequately addressed.
- 5.23 Submitters, including Waka Kotahi NZ Transport Agency have raised various transport related issues associated with the plan change. Based on the evidence provided by Mr Smith and Ms Williams, I am satisfied that these concerns are been adequately addressed or are able to be mitigated, including the upgrade of the level crossings.
- 5.24 I accept that area of the plan change is not on an area of versatile soils in terms of the CRPS and therefore does not require protection from development.
- 5.25 I agree with Ms Carruthers that part of the submission by Westmar Senior Care relating to the potential for the application to have an adverse effect on the viability of the proposed extension to their existing rest home facility in Darfield relates to trade competition and I have not considered this aspect any further.
- 5.26 Overall, having regard to the above and the various provisions that have been put in place I am satisfied that the key actual or potential effects on the environment have been adequately addressed and, in that context, accept that PC63 will not lead to any adverse efficiency related effects or development capacity issues.

#### **National Policy Statement for Freshwater Management 2020**

- 5.27 Having reviewed the objective and policies of the National Policy Statement for Freshwater Management (NPS-FM) I do not consider there is anything specifically in them that PC63 does not give effect to. The Council's commitment to building a wastewater pipeline to Rolleston and thus providing Darfield with a reticulated system and requiring new development to connect to that system will further help in achieving the NPS-FM.

#### **National Policy Statement for Urban Development**

- 5.28 I accept that the National Policy Statement for Urban Development is of limited relevance in this instance, aside from Objective 2, requiring that planning decisions will improve housing affordability by supporting competitive land and development markets and Policy 2 requiring that local authorities at all times must provide sufficient development capacity to meet expected demand for housing land over the short, medium and long term. Having considered those provisions I agree with Ms Carruthers that PC63 is consistent with their intent.

#### **Canterbury Regional Policy Statement**

- 5.29 PC63 is required to give effect to the CRPS and in my opinion the relevant provisions are those located in Chapter 5 and to a less extent Chapter 11. The former provides an overview of significant resource management issues and in particular in relation to PC63, provisions seek to achieve consolidated, well designed and sustainable growth in and around or attached to existing urban areas and promote a coordinated pattern

of development and energy efficiency in urban form, transport patterns and site location (Objective 5.2.1 and Policy 5.3.1). Policy 5.3.2 then sets out the development conditions which are to be met.

- 5.30 Having reviewed these provisions, I considered PC63 is generally consistent with, and gives effect to, these provisions given it consolidates the boundary of the Darfield township, is in close proximity to the town centre, does not exacerbate any natural hazards, addresses reverse sensitivity effects, is able to integrate with existing and proposed servicing infrastructure and does not impact adversely on the transport networks.
- 5.31 Policy 5.3.5 seeks to ensure development is appropriately and efficiently serviced with potable water, and sewage and stormwater disposal, while Policy 5.3.6 seeks the avoidance of development which constrains the on-going ability of these services to be developed and used and discourages them where they will promote development in locations which do not meet Policy 5.3.1. I accept that the PC63 land can be efficiently serviced with a water supply which is unconstrained, that stormwater can be appropriately addressed and that with a commitment to a reticulated system in Darfield wastewater will now be appropriate dealt with. In this context PC63 gives effect to the above policies.
- 5.32 Turning to other provisions, Objectives 5.2.2 and 5.2.3 seeks that development does not result in adverse effects on the operation, use and development of regionally significant infrastructure, while requiring the avoidance of development which adversely affects the safe efficient and effective functioning of the strategic land transport network; and that a safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport is provided for. I consider that PC63 achieves the intent of these provisions with various mechanisms now in place to ensure connectivity with the Darfield township and the safety of all transport modes.
- 5.33 I do not consider the flooding issues raised are something that brings the plan change into conflict with Chapter 11.
- 5.34 Overall, I consider PC 63 gives effect to the Canterbury Regional Policy Statement.

#### **Land and Water Regional Plan**

- 5.35 I do not consider the PC63 is inconsistent with the Land and Water Regional Plan, however I note that future subdivision may well generate the need for consents under this Plan.

#### **Other Relevant Documents**

- 5.36 The other relevant planning documents to be considered in evaluating PC63 under section 74 include:
- (i) Mahaanui Iwi Management Plan 2013
  - (ii) Malvern Area Plan

#### ***Mahaanui Iwi Management Plan 2013***

- 5.37 An assessment of the Mahaanui Iwi Management Plan 2013 (MIMP) has been undertaken and as I understand it no matters specific to the plan change itself are mentioned although issues associated with potential consents going forward are raised. On this basis I accept that the plan change would not compromise the values set out in the MIMP.

*Malvern Area Plan (MAP)*

- 5.38 As previously referred to, the plan change is within an area identified in the MAP as a potential future growth area for residential purposes. The MAP also states that:

*This Area Plan does not preclude any additional greenfield land from being considered for zoning through privately initiated plan change requests under the RMA, but signals that there is sufficient capacity within the township to accommodate growth through to 2031 without the need for the Council to proactively zone additional land through the District Plan Review.*

- 5.39 What has been shown through evidence is that while there might be sufficient zoned but undeveloped residential land and thus sufficient theoretical capacity to accommodate growth, that is not equating to suitably available land on the market for potential purchasers. In these circumstances and given that the site is identified in the MAP for potential residential development I consider PC63 is consistent with its intentions.

*Conclusion*

- 5.40 Having regard to the requirements of ss74 I considered PC63 to be reasonably consistent with the provisions of the above documents.

**Section 32**

*Proposed Amendments*

- 5.41 The proposed amendments to the District Plan are now limited to the inclusion of an ODP and associated rules and a change to the Planning Maps to show the Living 1 Zone.

1. The Outline Development Plan

- 5.42 Having reviewed the revised ODP I consider it addresses all the necessary matters and it and the rules associated are consistent with other ODP's contained within the District Plan.

2. Planning Map

- 5.43 I consider the alterations to the Planning Map would be simply a function of the rezoning.

3. Rules

- 5.44 Having considered the revised rule package I am satisfied that they now addressed all the relevant matters.

- 5.45 In terms of proposed Rule 12.1.6.9, I accept that jurisdiction exists to incorporate the rule as the amendment does not expand the limits of what was sought in the Plan Change application as originally lodged. Furthermore, there is no possibility of prejudice to any third parties, be they submitters or otherwise.

*Relevant Objectives and Policies*

- 5.46 PC63 does not now propose any alterations to the objectives and policies in the District Plan. It is therefore incumbent on me to determine whether the proposed rezoning is the most appropriate means of achieving the relevant objectives of the District Plan and whether it implements the policies having regard to their efficiency and effectiveness and taking into account the benefits and costs and the risks of acting or not acting.

- 5.47 Having considered the objectives and policies identified in the plan change application and by Ms Carruthers I consider the following are of particular relevance to my considerations.
- 5.48 The natural resources provisions in particular Objectives B1.1.2 and B1.2.1 and Policies B1.1.8, B1.2.1, B1.2.2 and B1.2.3 relate to avoiding development on versatile soils, protecting the quality of, and avoiding effects on, ground or surface water resources from services; and ensuring rezoned land can be serviced.
- 5.49 The physical resources provisions in particular Objective B2.1.1 and Objective B2.1.2 and Policies B2.1.2, B2.1.12, B2.1.13, B2.1.14 and B2.1.15 promote an integrated approach to land use patterns and transport to manage effects and encourage walking and cycling. In addition, those on natural hazards, being Objectives B3.1.1, B3.1.2 and B3.1.3 and Policies B3.1.2 and B3.1.6 seek to ensure that activities do not lead to or intensify natural hazard effects, in this case flooding, or loss of life or damage to property or exacerbate effects on others.
- 5.50 The quality of environment provisions, principally Objectives B3.4.4 and B3.4.5 look to promote a compact urban form and provide a high level of connectivity.
- 5.51 In terms of growth, Objectives B4.1.1 and B4.1.2 promote a range of living environments and for new residential areas to be pleasant places to live and add character and amenity, while Objective B4.3.1 and B4.3.2 and Policy B4.3.2 and B4.3.4 seek that the expansion of townships does not adversely affect other activities and amenity values; and adjoins an existing township at a compatible urban density to achieve a compact township shape; and encourage new residential development to occur on vacant land in existing Living zones, if that land is available and appropriate. Policies B4.3.23 (which is similar to Policy B4.3.4) and B4.3.27 are specific Darfield policies and encourage new residential development on sites in existing Living zones if such sites are available and that activities do not create or exacerbate 'reverse sensitivity' issues in respect of activities in the existing Business 2 Zones or the Midland Railway.
- 5.52 While the weighting is limited at present, I have also looked at the PDP objectives and policies on Urban Growth specifically. They cover some similar matters to the District Plan, including maintaining a consolidated and compact urban form; ensuring sufficient capacity, providing growth in a strategic manner, ensuring the establishment of high-quality urban environments, and integrating growth with existing urban environments. Policy UG-P14 is of particular note in requiring, amongst other things, that growth only occur where there is a demonstrated need for additional development capacity and the land is subject to an Urban Growth Overlay.

#### *Benefits and Costs*

- 5.53 I accept that PC63 has benefits in providing for different level of subdivision size, along with the potential for a retirement village. It can also be seen as consolidating the urban form of Darfield and development would be within close proximity to the primary services facilities within Darfield including in particular the medical centre and hospital, the recreational facilities associated with the Darfield Domain and the town centre. It is also centred on lower classed soils and is identified as a potential growth area in both the MAP and PDP.
- 5.54 The costs appear to relate to those experienced by the Applicant in pursuing the plan change and any servicing upgrades required. As the Council is already addressing the water supply issue and intends to provide for wastewater reticulation to the wider township, I do not consider these can be seen as costs associated with

PC63 in the broader sense, and while there will be a cost to connect to the wastewater reticulation pipeline wherever that finishes, for individual section purchasers the costs will, as pointed out by Mr England, be cheaper than the onsite treatment systems which have been required up until now.

#### *Risk of Acting or Not Acting*

- 5.55 The risks associated with PC63 primarily relate to land remaining undeveloped, amenity effects and to a lesser extent, reverse sensitivity issues arising in the future.
- 5.56 I have already addressed the undeveloped zoned land issue and capacity issue and I note in particular that the explanations and reasons associated with Policy B4.3.4 *“also recognises that sites in existing zones may not always be available for new activities”*, which seems to be a major part of the issue facing Darfield at present.
- 5.57 In my view amenity effects in this situation, whether they be a loss of rural outlook or a loss of views, will always be at play with an urban growth scenario and short of declining the application and not enabling the associated growth there are few techniques to mitigate against such impacts in these circumstances. In this case ‘up-zoning’ for some form of residential purpose has been in the public arena for some time now and the framework of zoning proposed is in my view an efficient use of the land resource.
- 5.58 In terms of reverse sensitivity issues, these have been addressed through a minimum lot size of 1000m<sup>2</sup> around the outer rural edge of the PC63 site to reduce the number of potential dwellings exposed to rural activities. I also noted that given the rural land beyond the site is in the ownership of the plan change proponents they have it within their power to impose further mechanisms such as no complaints covenants to address this matter should they choose to do so.
- 5.59 To not enable the plan change could well restrict the growth of Darfield given the evidence before me and would prevent the potential for some bespoke developments in the form of medium density housing and the retirement village.

#### *Conclusion*

- 5.60 I consider that overall PC63 is efficient and effective and contains benefits, particularly in terms of the potential retirement village, medium density area, its consolidation of the Darfield urban form and its proximity to community facilities, services and the town centre. Amenity issues have also been adequately addressed as has the issue of reverse sensitivity. On this basis I consider the plan change will implement the policies of the District Plan. Therefore, having reviewed the above objectives and policies and considered the benefits, costs and risks I am of the view that PC63 is the most appropriate means of achieving the objectives of the District Plan. I also consider the plan change is consistent with the current intend of the urban growth provisions in the PDP.

#### **Sections 31**

- 5.61 I consider that in terms of consolidation and broader servicing, PC63 will facilitate the integrated management of effects and that this can be achieved without creating any significant actual or potential effects on the environment.



## **Part 2 of the RMA**

- 5.62 Overall, I consider the objectives of the District Plan will be achieved as a result of the changes proposed as part of PC63. I have evaluated the rezoning as being the most appropriate, in terms of its effectiveness and efficiency, and the benefits that it achieves versus the costs imposed. Nevertheless, out of caution I have gone on to consider the matters contained in Part 2 of the Act.

### *Section 6*

- 5.63 Section 6 of the Act relates to matters of national importance. I accept that there are no section 6 matters at play in this case.

### *Section 7*

- 5.64 Section 7 of the Act sets out other matters I am to have particular regard to. Of particular relevance are section 7(b) concerning the efficient use and development of natural and physical resources; section 7(c) relating to the maintenance and enhancement of amenity values and section 7(f) in terms of the maintenance and enhancement of the quality of the environment.

- 5.65 While I acknowledge the concerns expressed that there is ample existing capacity, I accept that the PC63 location has already been identified for potential urban development in the MAP and the PDP. Further, given the evidence regarding the limited development of existing zoned land and the lack of available sections to purchase, particularly at a higher level of density, in my opinion urban development of this site can be seen to represent an efficient use of the land resource taking into account what is proposed and its proximity in relation to the existing urban area and services.

- 5.66 In terms of the maintenance and enhancement of amenity values and the quality of the environment I consider PC63 would achieve these, albeit that some members of the community will eventually lose their current rural outlook and/or views.

### *Section 8*

- 5.67 Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account. I accept that there are no specific section 8 matters at play in this case.

### *Section 5*

- 5.68 The ultimate purpose of the plan change is to achieve the purpose of the Act as defined in section 5. In the case of a plan change that purpose is usually subsumed in the greater detail and breadth of the operative objectives and policies which are not sought to be changed. That is broadly the situation in these proceedings.

- 5.69 Matters of urban form and capacity, integration, natural hazards, health and safety and servicing were all effectively addressed by the evidence and overall, I consider the plan change meets the sustainable management purpose of the Act.

- 5.70 I therefore considered for the reasons set out above that PC63 is appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by

providing greater flexibility in the typology of residential development in Darfield and in a location which is in close proximity to the services and facilities the town provides. It will also help in consolidating the urban form of the settlement and I consider the effects of future development can be acceptably mitigated.

## **6.0 Decision**

6.1 For the foregoing reasons I **recommend** to the Selwyn District Council as follows:

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Council approve Plan Change 63 to the Selwyn District Plan as set out in Appendix A.
2. That for the reasons set out in the above the Council accordingly either accept, accept in part or rejected the submissions listed in Appendix B.



Commissioner DM Chrystal

30<sup>th</sup> September 2021

## CHANGES TO THE SELWYN DISTRICT PLAN

### Rule 1 Activities

#### Amend Rule 1.1 Status of Activities

Discretionary Activities – Status of Activities

1.1.2 The following activities shall be discretionary activities in Living zones:

...

1.1.2.2 Any of the activities listed in (a) to (h) below, irrespective of whether they comply with the conditions for permitted activities in Rules 2 to 11.

...

(c) Hospitals, hospices and other facilities providing 24 hour medical care, except where provided for in Rule 4.6.4A.

...

### Rule 4 Buildings

#### Add to Rule 4.1 Buildings and Natural Hazards

**4.1.1B. In the case of the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C, the erection of any dwelling shall be a restricted discretionary activity where it does not achieve all of the following:**

**4.1.1B.1 The building has a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability flood event**

**4.1.1B.2 The building is sited on a building platform to be established prior to the issue of the building consent for the dwelling, which is of sufficient size to accommodate a dwelling and associated curtilage, in accordance with any applicable resource consent conditions for subdivision requiring the provision of building platforms**

4.1.2 Under Rule 4.1.1 and 4.1.1B the Council shall restrict the exercise of its discretion to:

4.1.2.1 The nature of any flooding or land instability and whether this makes the site unsuitable to erect the proposed building or undertake the proposed earthworks.

4.1.2.2 Any effects of buildings or earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.

4.1.2.3 Any mitigation measures proposed

#### Amend Rule 4.5 Buildings and Sewage Treatment and Disposal

4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, and in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.

#### Add to and amend Rule 4.6 Buildings and Building Density

Restricted Discretionary Activities – Buildings and Building Density

4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.

...

**4.6.4A Within the L1 Zone at Darfield a retirement village shall be a restricted discretionary activity where it is located as shown on the Outline Development Plan at Appendix E41C.**

**4.6.4B Under Rule 4.6.4A the Council shall restrict the exercise of its discretion to consideration of:**

**4.6.4B.1 Incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;**

**4.6.4B.2 Residential amenity for neighbours, in respect of outlook, scale, privacy, light spill, and access to sunlight, through site design, building, outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening;**

**4.6.4B.3 Creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour.**

Discretionary Activities — Buildings and Building Density

4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1, ~~or Rule 4.6.3~~ **or Rule 4.6.4A** shall be a discretionary activity in Living 1 zones and the Living North WM Zone.

#### **Add to Rule 4.7 Buildings and Site Coverage**

Permitted Activities — Buildings and Site Coverage

4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

Table C4.1 Site coverage allowances

Zone		Coverage
Living 1	Including garage	40%
	Excluding garage	40% minus 36m <sup>2</sup>
	Emergency Services only	50%
	<b><u>Retirement village as identified on the ODP at Appendix E41C. Site coverage will be calculated over the entire retirement village site.</u></b>	<b><u>45%</u></b>

#### **Add to Rule 4.13 Buildings and Streetscene**

**4.13.2A Any fence in the Living 1 Zone at Darfield as identified on the Outline Development Plan at Appendix 41C as 'Kimberley Rd Restrictions' and located within 4m of Kimberley Road shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, post and wire, or traditional sheep or deer fencing only.**

...

**4.13.5 Any activity which does not comply with Rule 4.13.2A shall be a restricted discretionary activity.**

**4.13.6 Under Rule 4.13.5 Council shall restrict the exercise of its discretion to the consideration of:**

**4.13.6.1 The extent to which the proposed fencing achieves high levels of visual transparency;**

**4.13.6.2 The extent to which the proposed fencing is in keeping with rural character elements;**

**4.13.6.3 Whether the proposed fencing is necessary as an integral part of a recreational facility such as a swimming pool or tennis court;**

**4.13.6.4 Whether the proposed fencing is necessary for the care and management of specialist livestock.**

## **Rule 12 Subdivision**

### **Amend Rule 12.1.3.7**

12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1

Table C12.1 – Allotment Sizes

Township	Zone	Average Allotment Size Not Less Than
Darfield	Living 1 <b><u>except as identified on the Outline Development Plan at Appendix 41C</u></b>	650m <sup>2</sup>
	<b><u>Living 1 as identified on the Outline Development Plan at Appendix E41C</u></b>	<b><u>650m<sup>2</sup>, except for Medium Density (Small-lots) and Retirement Village</u></b>
		<b><u>Medium Density (Small-lots):</u></b> <b><u>Maximum average allotment size of 500m<sup>2</sup>, with a minimum individual allotment size of 400m<sup>2</sup></u></b>
		<b><u>Retirement Village: no minimum lot size</u></b>
	Living 2	5,000m <sup>2</sup>
	Living 2 (Deferred)	Refer to Subdivision - General Rules. 5,000m <sup>2</sup> if criteria met.

### **Add Rule 12.1.3.61**

**12.1.3.61 Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C, 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.**

### **Amend Rule 12.1.3.4**

12.1.3.4 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu and West Melton, or within a Living 3 zone **or within the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C** is supplied with reticulated effluent treatment and disposal facilities; and

### **Add Rule 12.1.4.84A**

**12.1.4.84A In relation to the land identified on the Outline Development at Appendix E41C :**

- (a) Any adverse effects on safety for users of all transport modes at all existing level crossings in Darfield township**
- (b) Any adverse effects on the operation of the State Highway 73 intersections with Matthias Street and McMillan Street.**

**Add Rule 12.1.4.84B**

**12.1.4.84B In relation to the land identified on the Outline Development Plan at Appendix E41C:**

- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and**
- (b) Any measures proposed to mitigate the effects of a potential natural hazard, including:**
  - i. Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and**
  - ii. The filling (with inert hardfill) of any low lying area; and iii. proposed methods and locations for flood offset areas; and**
- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.**

**Add Rule 12.1.6.9**

**Discretionary Activities – Subdivision**

**12.1.6.9 Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C as 'Kimberley Rd Restrictions' with a minimum allotment size less than 1000m<sup>2</sup> but not less than 650m<sup>2</sup>**

## **Definitions**

Add new definition of Retirement Village

**Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired, and any spouses or partners of such people. It may also include any of the following facilities for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.**

# OUTLINE DEVELOPMENT PLAN AND PLANNING MAPS

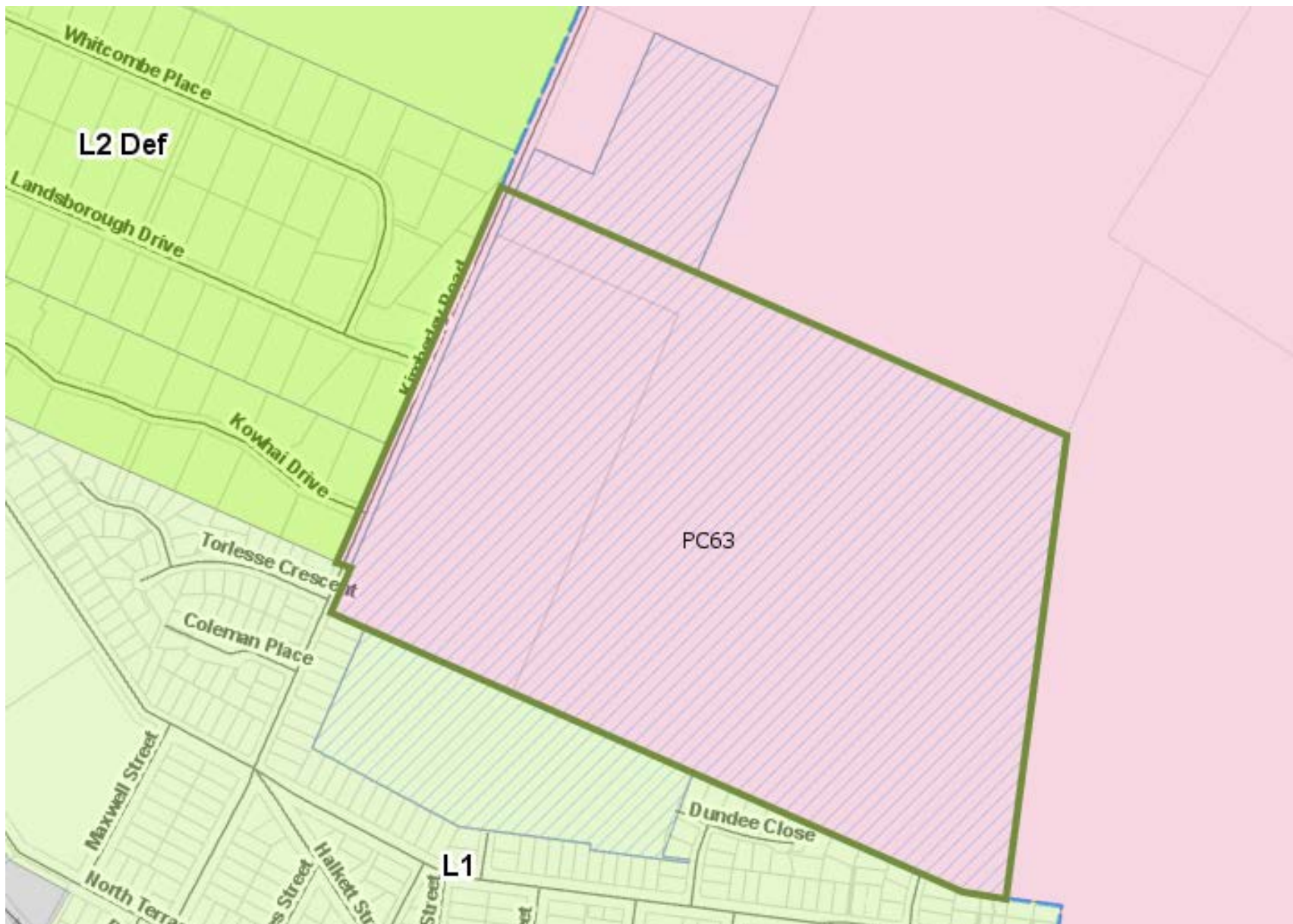
1. Add a new Outline Development Plan as Appendix 41C as shown below.

Part E

## OUTLINE DEVELOPMENT PLAN – DARFIELD NORTH



2. Amend the Planning Map by rezoning the area shown outlined in green below from Rural Outer Plains to Living 1.





## PC63 – Rezone land at Darfield from Rural Outer Plains to Living 1

## APPENDIX B

### Recommended Decisions on Submissions

Sub. Point	Further sub. point	Name	Oppose/Support	Summary of Submissions	Recommended Decision
1.1		Phillipa Joan Anderson	Oppose	The proposed minimum lot sizes are too small. Section sizes should be at least 800m <sup>2</sup>	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
1.2		Phillipa Joan Anderson	Oppose	Proposed building heights for houses and rest home are too tall. Buildings should be limited to a single storey, with covenants imposed by and enforced by SDC.	Reject
1.3		Phillipa Joan Anderson	Oppose	The application would result in a loss of rural identity. Refuse the application.	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
1.4		Phillipa Joan Anderson	Oppose	Concerned about increased traffic on Kimberley Road. Refuse the application.	Reject
2.1		Darren and Vanessa Davies	Oppose	Housing down the eastern boundary of the application site would impact on our amazing mountain and rural views and outlook. Refuse the application.	Reject
2.2		Darren and Vanessa Davies	Oppose	Due to the current urban sprawl and the current vacant sections available around the district, we see no need for an extra 60ha to be rezoned. Refuse the application.	Reject
2.3		Darren and Vanessa Davies	Oppose	The application would impact on the infrastructure services within Darfield, as these are already overstretched. Refuse the application.	Reject
3.1		Janice and Collan Perriton	Neither Support Nor Oppose	The application will result in changes to the rural landscape. Properties along Kimberley Road should have a minimum lot size of 2000m <sup>2</sup> . This should be placed as a covenant and controlled/managed by SDC.	Accept in part

3.2		Janice and Collan Perriton	Neither Support Nor Oppose	The application will have traffic effects in the area of Kimberley Road in the area of Landsborough Drive.  Properties along Kimberley Road should gain their vehicle access from within the development area.	Reject
3.3		Janice and Collan Perriton	Neither Support Nor Oppose	Concerned about noise effects during development.  Ensure that a plan is put in place to limit roading and infrastructure noise during the development.	Accept in part
4.1		Paul and Alison Wightman	Oppose	There is insufficient demand for residential land in Darfield to justify zoning the proposed Living 1 Deferred area.  Refuse this portion of the application.	Reject
4.2		Paul and Alison Wightman	Oppose	The proposal would result in a loss of rural outlook for properties along the northern boundary of Broadgate, which were sold at a premium to reflect their rural boundary.  Refuse the application	Reject
4.3		Paul and Alison Wightman	Oppose	Concerned about noise effects during development.  Refuse the application.	Reject
4.4		Paul and Alison Wightman	Oppose	Concerned about air pollution during development  Refuse the application.	Reject
4.5		Paul and Alison Wightman	Oppose	The site is presumably at risk from flooding, as identified by Council in March 2020.  Refuse the application.	Reject
4.6		Paul and Alison Wightman	Oppose	There is insufficient clarity about when any deferred status would be lifted.  Refuse the application.	Reject
4.7		Paul and Alison Wightman	Oppose	The application would result in the loss of 60ha of prime arable land from NZ's economic and productive future.  Refuse the application.	Reject
5.1		Crystal Vercoe	Oppose	Concerned about loss of rural outlook.  That Council consider the effects on existing properties, including outlook, privacy and the expectations of owners based on the existing zoning.	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
5.2		Crystal Vercoe	Oppose	Concerned about increased traffic, particularly the noise of it and the potential to disturb our dog, who will in turn disturb the neighbours.	Reject

				Refuse the application.	
5.3		Crystal Vercoe	Oppose	There are already too many small (less than 800m <sup>2</sup> ) sections being developed in Darfield. That Council reconsider the size of sections in the application area.	Reject
	FS 1	Janice and Collan Perriton	support		Reject
5.4		Crystal Vercoe	Oppose	There are too many houses being built in Darfield while the township is still on septic tanks. That Council reconsider the size of sections in the application area.	Reject
5.5		Crystal Vercoe	Oppose	Concerned about the potential height of the retirement village. That Council consider the potential impact of the retirement village on the wider community.	Reject
6.1		Canterbury Regional Council	Neither Support Nor Oppose	The application site appears to provide a logical extension to the township boundary – being close to the existing town centre and providing for a compact urban development pattern. The proposed Plan Change also makes provision for a range of housing types, including older persons housing, which is supported. However, the need to rezone additional rural land, when significant available capacity (i.e. zoned but undeveloped land) exists within the current township boundary, is unclear.  To require a thorough assessment of whether it is appropriate to re-zone the land for residential development in light of the direction contained within the CRPS and pNPS-HPL. An appropriate analysis should be undertaken through an RMA process, either through this Private Plan Change application or more appropriately through the Selwyn District Plan review, to determine the outcome of re-zoning this area of land.	Accept in part
6.2		Canterbury Regional Council	Neither Support Nor Oppose	Environment Canterbury supports the provision of reticulated wastewater servicing for the area as part of this proposed Plan Change.  To require the outline development plan to include reticulated wastewater servicing, or that a mechanism is in place to require a co-ordinated approach to reticulation (site-wide, to include surrounding ODP areas, or community-wide), at the time of subdivision.	Accept
6.3		Canterbury Regional Council	Neither Support Nor Oppose	Results of the modelling for the 200 year rainfall runoff event show some overland flow flooding across the property, limited to historic channels. There is a small area of significantly deeper flooding (~1 m) proximal to Dundee Close. It appears that this ponding area has been demarked as a potential stormwater pond. Results of the 500 year modelling show that the property is outside of areas defined at 'High Hazard' in the CRPS, with the exception of the small ponding area along the southern boundary.  To ensure that any buildings forming part of this development have floor levels suitably above the 200 year flood level as required by CRPS Policy 11.3.2.	Accept
	FS 1	Janice and Collan Perriton	Neutral		Accept

7.1		Duncan and Irene Mattushek	Oppose	The application would result in a loss of rural outlook, privacy and quiet for our property. Refuse the application.	Reject
7.2		Duncan and Irene Mattushek	Oppose	The site is at risk from flooding. Refuse the application.	Reject
	FS 1	Janice and Collan Perriton	Neutral		Accept in part
7.3		Duncan and Irene Mattushek	Oppose	There is a limited amount of good arable agricultural land, and many vacant/unsold sections available in and around Darfield.  Ensure that those vacant lots and existing zoned land are developed before the application site is developed.	Reject
7.4		Duncan and Irene Mattushek	Oppose	The existing stormwater network will be unable to cope with the increased runoff from 300+ new homes and associated roads.  Ensure that stormwater management would not affect existing properties.	Accept in part
7.5		Duncan and Irene Mattushek	Oppose	The application is unclear about when the deferred status would be lifted over that part of the application site.  Confirm that no development could take place in the deferred area until reticulated wastewater treatment is available.	Accept in part
7.6		Duncan and Irene Mattushek	Oppose	Considering the number and variety of birds we see in the paddocks and the healthy bee population during the summer months, it will be a shame to lose this habitat.  Refuse the application.	Reject
8.1		Canterbury District Health Board	Support	Based on the AEE presented to the CDHB on the 29th November 2019 and the applicant's willingness to proceed with Option 3 (full reticulation); the CDHB supports the proposed application.  The CDHB seeks that the proposal be granted as sought.	Accept
9.1		KiwiRail Holdings Ltd (KiwiRail)	Neither Support Nor Oppose	KiwiRail considers that a Level Crossing Safety Impact Assessment (LCSIA) should be completed for the level crossings in the area as they may be affected by traffic flows generated by the proposed development and other developments. The LCSIA will determine whether mitigation (if any) is required.  KiwiRail requests that LCSIA assessments on the level crossings in the area be prepared prior to the plan change proceeding to a hearing, or at the very least clarification on what work has been done with regard to the level crossings and what work is still to be completed so that the effects of the proposal in relation to the level crossings can be fully understood. If as a result of the LCSIA mitigation measures are required, KiwiRail seeks for provisions to be	Accept

				included in the plan change that would enable any mitigation measures or safety improvement measures be undertaken at the time of subdivision.	
10.1		Waka Kotahi NZ Transport Agency	Oppose	<p>Intersection safety and efficiency - Waka Kotahi is concerned that the traffic generation has been underestimated by the applicant, and that the potential effects on State Highway 73 have been severely underestimated.</p> <p>That Council ensure that the effects of the increased volume of traffic on the operation of the existing intersections are considered appropriately.</p>	Accept in part
10.2		Waka Kotahi NZ Transport Agency	Oppose	<p>The applicant has assumed that any level crossing upgrades will be undertaken and funded by KiwiRail, SDC and Waka Kotahi. However, an assessment of the safety of each crossing may be required, given the increase in traffic volumes at these crossings as a result of the proposed plan change.</p> <p>Refuse the plan change, unless the level crossing safety issues have been adequately addressed.</p>	Accept
10.3		Waka Kotahi NZ Transport Agency	Oppose	<p>In its current form, the proposed plan change does not support multi-modal transport options, particularly as retail and commercial development in Darfield is limited. This does not support New Zealand's greenhouse gas emission reduction targets. The proposed plan change would necessitate the need for vehicles and pedestrians to cross both the railway and State Highway 73 to access Darfield School and Darfield High School, with the potential to have adverse effects on pedestrian safety.</p> <p>Refuse the application, unless effects on transport connections and pedestrian safety have been adequately addressed.</p>	Accept
10.4		Waka Kotahi NZ Transport Agency	Oppose	<p>Darfield is situated outside the Urban Development Strategy (UDS) area, but the proposal would result in a large area of residential development that may affect residential demand in the UDS area, particularly Rolleston and Lincoln. There are large areas of land in the Darfield area which are zoned for living but which are currently undeveloped.</p> <p>Refuse the application, unless it can be demonstrated that the plan change is not inconsistent with the Regional Policy Statement.</p>	Accept in part
10.5		Waka Kotahi NZ Transport Agency	Oppose	<p>The application has the potential to affect the safe and efficient operation of the land transport network, and further assessment is required to understand the potential effects of development and determine the extent to which the plan change would result in residential development that is consistent with Chapter 5 of the Regional Policy Statement (RPS).</p> <p>Refuse the application, unless it can be demonstrated that it is not inconsistent with Chapter 5 of the RPS, particularly Objective 5.2.1, Objective 5.2.3 and Policy 5.3.7.</p>	Accept in part
10.6		Waka Kotahi NZ Transport Agency	Oppose	<p>Employment is limited in Darfield, and further residential development at this location is likely to result in travel outside of the immediate area - to the greater Selwyn and Christchurch areas, which does not support multi-modal transport and supports the</p>	Accept in part

				<p>continued reliance on private vehicle use. The application therefore appears to be inconsistent with the Selwyn District Plan objectives in relation to integrating land use and transport planning.</p> <p>Refuse the application, unless it can be demonstrated that it is not inconsistent with the Selwyn District Plan.</p>	
11.1		Maddison McCullough	Oppose	<p>Development of this land would destroy the rural outlook for adjoining properties.</p> <p>Refuse the application to rezone the 40ha of land north of Dundee Close.</p>	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
11.2		Maddison McCullough	Oppose	<p>There is undeveloped residential capacity in Darfield that should be developed before the application site.</p> <p>Refuse the application.</p>	Reject
11.3		Maddison McCullough	Oppose	<p>Development of the site would lead to land erosion, due to the need for a large construction area to be open over a long time, exposed to the high NW winds.</p> <p>Refuse the application.</p>	Reject
11.4		Maddison McCullough	Oppose	<p>Darfield should be provided with a Council reticulated wastewater network before any large residential development occurs in the township, rather than relying on a temporary system.</p> <p>Refuse the application.</p>	Accept in part
	FS 1	Janice and Collan Perriton	Support		Accept in part
11.5		Maddison McCullough	Support In Part	<p>A retirement village has been needed in Darfield for some time.</p> <p>That Council consider whether this is the best location for a retirement village.</p>	Accept in part
12.1		Katherine Molloy	Oppose	<p>There is currently no clearly defined plan for a wastewater system for Darfield.</p> <p>That Council finalise reticulated sewage proposals for Darfield before it considers any zoning change.</p>	Accept in part
12.2		Katherine Molloy	Oppose In Part	<p>There is no timeline indicated for the development of the ODP, and therefore the impacts of such a growth in population on the local area. While a retirement complex and high-density housing are positive for the area, current projections for population growth do not allow for an increase of this size (approx 1400 people for this ODP alone), until 2040.</p> <p>Proposed township growth and its impact on the wider community needs to be clearly identified and planned.</p>	Accept in part
12.3		Katherine Molloy	Oppose	<p>The application does not contain sufficient information about the potential impact on the wider community, specifically in relation to traffic, parking, pedestrian access (especially in</p>	Accept in part

				<p>relation to schools and access across a busy state highway) from the application site to the commercial area of Darfield, schools etc.</p> <p>That the traffic effects of the application be carefully considered.</p>	
13.1		Westmar Senior Care, Darfield	Oppose	<p>An Aged Residential Care facility of this size in Darfield would place considerable pressure on the infrastructure and amenities of Darfield. In particular, increased water usage, increase in traffic on the neighbouring roads, parking and the difficulties in safely getting rid of the waste water.</p> <p>Refuse the application in relation to the retirement village.</p>	Reject
13.2		Westmar Senior Care, Darfield	Oppose	<p>A large complex such as that planned, would make the small rural community into a more metropolitan area which is not what the Darfield community want. The planned area is currently rural, however the buildings may be unsightly and affect the overall community.</p> <p>Refuse the application in relation to the retirement village.</p>	Reject
13.3		Westmar Senior Care, Darfield	Oppose	<p>The application would result in an over-supply of aged residential care in Darfield.</p> <p>Refuse the application in relation to the retirement village.</p>	Reject
14.1		Kirsty Lucey and Ben Hanburger	Oppose	<p>The application would result in the submitter's no- exit street becoming a primary road, raising concerns about the safety of children and pets.</p> <p>That the access route be moved away from the submitter's property.</p>	Reject
14.2		Kirsty Lucey and Ben Hanburger	Oppose	<p>Loss of rural outlook.</p> <p>That the area be reduced in size - continue with the retirement village, but make the area of land smaller. Alternatively, have the yellow lots become green space.</p>	Reject