

ADDERLEY HEAD



25 May 2010

Attention: Craig Friedel
Selwyn District Council
PO Box 90
Rolleston 7643

By email: craig.friedel@selwyn.govt.nz

Dear Craig

PC090008 AND PC090009: SPBL PRIVATE PLAN CHANGES: REQUEST FOR FURTHER INFORMATION AND AMENDMENTS

- 1 I refer to your email of 27 April 2010 requesting further information and amendments regarding the 'Countryside Areas' shown on the subdivision concept plan attached to the Holmes Block and Skellerups Block plan change applications.

Certainty regarding Countryside Area outcomes

- 2 Your key concern is that the plan change proposals should deliver greater certainty about the intended outcomes for the Countryside Areas and, critically, the mechanism by which the Council can ensure that such outcomes are achieved on a continuing basis following subdivision.
- 3 In this letter we provide additional information regarding the Countryside Areas, particularly in respect of the following matters:
 - The purpose of the Countryside Areas;
 - Management structure for Countryside Areas;
 - Management Plan for Countryside Areas; and
 - Additional amendments regarding Countryside Areas.
- 4 We anticipate that better and further information regarding each of the above matters will be presented through evidence from SPBL at the hearing of the plan change applications.

Purpose of Countryside Areas

- 5 The Countryside Areas are a mechanism to bring "rural-ness" or rural character to the development. The design intention is that they are areas of productive land use, akin to what might be found in the surrounding landscape.
- 6 In determining appropriate uses within the Countryside Areas consideration must be given to a range of factors to ensure that such use does not create a nuisance or adversely impact upon the quality of life of rural residential allotment owners.
- 7 SPBL has received advice from rural land valuers, Property Advisory Limited, about what land uses would be appropriate and economically practical within the Countryside Areas. Their advice is to the effect that the most suitable and likely

use of Countryside Areas is for dryland cropping/lucerne cut and carry operation (possibly with ornamental tree planting), horticultural land use such as viticulture or olive groves and horse grazing.

Management structure of Countryside Areas

- 8 There are many ways in which the Countryside Areas could be owned and managed. We consider it unnecessary for SPBL to specify or limit which management structure will apply to these areas following subdivision. We do not intend to specify in the plan provisions which mechanism will be used.
- 9 We can signal however that SPBL's current preference is for the Countryside Areas to be held in one title owned by an incorporated society (e.g. "The Holmes Block Owners Association"), which would have responsibility for giving effect to the management plan discussed below.

Countryside Area Management Plan

- 10 SPBL proposes to insert additional provisions into the District Plan
 - 10.1 requiring the provision of a Countryside Area Management Plan at the time of subdivision consent application;
 - 10.2 specifying matters to be addressed by the Management Plan; and
 - 10.3 requiring that the Management Plan be approved by Council as part of discretionary subdivision of the Holmes Block and Skellerups Block.

District Plan amendments

- 11 SPBL has prepared amendments to the District Plan to give effect to the matters discussed above (refer Schedule of Amendments at **Appendix A**).
- 12 We look forward to your response to the matters discussed above and the proposed District Plan amendments.
- 13 If you agree that the amendments are in order we will update the District Plan application documents accordingly and forward these to you for final consideration as to notification of the applications.

Yours faithfully
ADDERLEY HEAD



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Partner

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APPENDIX A

Countryside Areas – Additional District Plan Amendments (24 May 2010)

Amendment 1 Amend Rule 10.3.2 for Activities and the Keeping of Animals (Page C10-003) as follows:

The keeping of animals other than domestic pets except as provided under Rules 10.3.3 to 10.3.5 shall be a discretionary activity (except within the Living 3 Zone Countryside Areas identified on the Outline Development Plans at Appendices 34 and 35 provided that such activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35).

Amendment 2 Insert New Rule 10.15 Countryside Areas – Living 3 Zone, Rolleston (Page C10-011) as follows:

Permitted Activities – Countryside Areas – Living 3 Zone, Rolleston
10.15.1 Rural activities (excluding forestry, intensive livestock production and dwellings) within the Living 3 Zone Countryside Areas identified on the Outline Development Plans at Appendices 34 and 35 shall be a permitted activity provided that such rural activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35.

Restricted Discretionary Activities – Countryside Areas – Living 3 Zone, Rolleston

10.15.2 Rural activities (excluding forestry, intensive livestock production and dwellings) within the Living 3 Zone Countryside Areas identified on the Outline Development Plans at Appendices 34 and 35 shall be a discretionary activity except where such rural activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35.

10.15.3 Under Rule 10.15.2, the Council shall restrict the exercise of its discretion to:

10.15.3.1 the degree to which the proposed rural activities maintain open space and/or rural character and rural amenity of the Countryside Area(s);

10.15.3.2 the extent to which potential adverse nuisance effects on occupiers of adjacent rural residential allotments will be internalised within the Countryside Areas.

Amendment 3 Insert the following within “Reasons for Rules” for “Keeping of Animals” (Page C10-012) as follows:
Resource consent for a discretionary activity is required for: commercial rearing of animals for sale of progeny, meat, skins, wool or other products; the keeping of animals other than domestic pets (except within the Living 3 Zone Countryside Areas identified on the Outline Development Plans at Appendices 34 and 35); and for the keeping of more than 15 domestic pets (excluding progeny up to weaner stage). Those activities may be granted resource consent, depending on whether adverse effects can be adequately mitigated, and if there is consistency with the relevant objectives and policies of the plan. **The exception**

provided for the Living 3 Zones Countryside Areas regarding keeping of animals recognises that rural activities (subject to some specific exceptions) are anticipated and intended to occur within the designated Countryside Areas. The potential adverse effects associated with the keeping of animals other than domestic pets (e.g. horse grazing) within the Living 3 Zone is managed through the requirement for a management plan to be in place prior to such activities occurring, and as such, are deemed appropriate for the Zone.

Amendment 4 Insert the following within "Reasons for Rules" for "Countryside Areas – Living 3 Zones" (Page C10-014) as follows:
Rule 10.15 provides for rural activities (subject to some specific exceptions) to occur within the designated Countryside Areas within the Living 3 Zones identified on the Outline Development Plans at Appendices 34 and 35 as a means of achieving and maintaining rural character within the Living 3 Zone. While such activities have the potential to create adverse environmental effects, the requirement for those activities to be identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35 will ensure that any adverse effects are appropriately managed over time.

Amendment 5 Insert the following Rule 12.1.3.39 for Subdivision General Standard under Rolleston (Page C12-006):

Within the Living 3 zone at Rolleston in respect of land lying east of Dunns Crossing Road:

- i) no more than 125 rural residential allotments shall be created by subdivision within the period ending 31 December 2016; and
- ii) no more than a further 125 rural residential allotments shall be created by subdivision within the period 1 January 2017 – 31 December 2026.

Amendment 6 Insert the following as new Rule 12.1.3.35 under Restricted Discretionary Activities – Subdivision - General Standard (Page C12-006):

Any subdivision application within the Living 3 Zone west of Dunns Crossing Road that includes any part of the Countryside Areas as identified on the Outline Development Plans included at Appendices 34 and 35 shall be accompanied by a Countryside Area Management Plan which addresses the following matters:

- (a) The ownership and management structure for the Countryside Area(s);
- (b) Mechanisms to ensure that the management plan applies to and binds future owners;
- (c) The objectives of the proposed rural use of the Countryside Area(s);
- (d) Identification of the rural activity or activities proposed for the Countryside Area, which meet the above objectives;
- (e) Measures to maintain and manage open space and/or rural character;
- (f) Measures to manage plant pests and risk of fire hazard;
- (g) Measures to internalise adverse effects including measures to avoid nuisance effects on occupiers of adjacent rural residential allotments; and

- (h) Measures to provide for public access within the Countryside Area(s) along Dunns Crossing Road.

Amendment 7

Insert the following matter over which Council has restricted the exercise of its discretion at Clause 12.1.4.49 (Page C12-016) as follows:

In relation to the Countryside Area Management Plan required for the Living 3 Zone west of Dunns Crossing Road, Rolleston as shown in Appendices 34 and 35:

- (a) The adequacy of the management plan to achieve open space and/or rural character across the Countryside Area(s) in a manner that is compatible with the surrounding rural residential environment;
- (b) The adequacy of proposed mechanisms to maintain and manage the Countryside Area(s) long term in a consistent manner;
- (c) Whether rural landscape, visual and amenity value characteristics of the Countryside Areas are maintained;
- (d) The extent to which potential adverse nuisance effects on occupiers of adjacent rural residential allotments will be internalised within the Countryside Areas;
- (e) The extent to which adverse effects of plant pests and fire hazard risks will be avoided or remedied; and
- (f) The suitability of proposed access within the Countryside Area(s) along Dunns Crossing Road.