

Before the Independent Commissioner  
appointed by Selwyn District Council

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Under the Resource Management Act 1991

In the matter of an application to change the Selwyn District Plan (Plan Change 61 to rezone from Rural Outer Plains to Business 2 and Living 1 zones east Darfield) by **Rupert and Catherine Wright**

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**Statement of evidence of Anna Jane Bensemann**

30 March 2021

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### **Qualifications and experience**

- 1 My name is Anna Jane Bensemann. I am a Senior Planner and Director of Baseline Marlborough Ltd, a resource management planning consultancy based in Marlborough, and I work in conjunction with Baseline Group in Christchurch.
- 2 I hold a Masters of Applied Science majoring in Environmental Management from Lincoln University and a Bachelor of Science majoring in Geography from the University of Canterbury. I am an Associate Member of the New Zealand Planning Institute.
- 3 I have been employed as a planner for 13 years within private consultancies, policy advocacy and in local government. My experience consists of resource consent applications including assessments of environmental effects for large and small subdivisions, and residential, rural and commercial land uses. I have also prepared applications and presented evidence for plan changes and submissions to various plan changes and Council strategies. Baseline Marlborough Ltd has been subcontracted in this case to Baseline Group in Christchurch, and I understand Baseline Group has undertaken other contracts for one of the submitters to this plan change.
- 4 I prepared the Plan Change Application and Section 32 Evaluation for the Application Site.
- 5 In preparing this statement of evidence I have considered the following:
  - (a) The application for plan change and its associated reports, and further information provided as part of this plan change
  - (b) Submissions received from the public notification of the Plan Change Application
  - (c) Selwyn District Council's Section 42A Report prepared by Mr. Jon Trewin and the appendices prepared by Mr. David Smith and Mr. Murray England
  - (d) The evidence submitted by Mr. A. Carr, and Mr. J. Hopkins
  - (e) The Malvern Area Plan
  - (f) The Operative Selwyn District Plan (SDP or Operative Plan)
  - (g) Proposed Selwyn District Plan review documents
  - (h) Canterbury Regional Policy Statement (CRPS)

- 6 My evidence addresses planning related elements of the Application.
- 7 My evidence does not seek to repeat the information already submitted as part of this private Plan Change Request, including further information provided.

**Code of Conduct for Expert Witnesses**

- 8 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

**Scope of evidence**

- 9 I have prepared evidence in relation to:
- (a) Overview of Request
  - (b) Amendments to the request
  - (c) Site and Surrounding Environment
  - (d) Section 42A Report
  - (e) Key issues
  - (f) Matters raised by submitters
  - (g) Relevant statutory documents
  - (h) Section 32 assessment
  - (i) Concluding comments

**Overview of Request**

- 10 Plan Change 61 is a privately initiated Plan Change seeking to rezone 30.7561 ha of land from Rural Outer Plains to a mix of Business 2 and Living 1 at the corner of Creyke Road and Old West Coast Road (State Highway 73), Darfield (the Application Site).
- 11 The site is currently zoned Rural Zone Outer Plains under the Operative Selwyn District Plan which provides for minimum allotment sizes of 20 ha and enables farming activities to occur.

- 12 The Plan Change, lodged in August 2019, sought to rezone the site to 17.1 ha of Business 2 Zone, 7.1 ha of Living 1 zone with a maximum of 35 allotments and an average allotment area of 1,950 m<sup>2</sup>, and 6.61 ha of road reserve. The road reserve included an area to realign Creyke Road to meet SH 73 at right angles, and separate road areas for business and residential activities within the site, including with sufficient width for footpaths within the road reserve.
- 13 The residential portion of the road extends to the boundary of the adjoining property to the east to provide for future connection through to Mathias Street, and additional road connection to the southern boundary to connect to the granted subdivision roading layout within Living 1 Zoned land to the south.
- 14 The proposed Plan Change includes landscaping provisions around the external boundaries of the application site, and along the boundaries with the proposed Living 1 Zone. Landscaping for a width of 10 m around these boundaries is proposed, buildings are excluded from this zone and any new building is proposed to trigger the need to plant landscaping, ensuring that landscaping is established in conjunction with built form development.
- 15 Changes to the Operative Selwyn District Plan are sought to include the ODP area into the plan; include a trigger rule to facilitate the upgrade of the Creyke Road/SH73 intersection, and landscaping provisions for the area within the Business 2 Zone along external boundaries. No changes to objectives or policies were sought as part of this plan change.
- 16 The Application Site is identified as Darfield Area 6 in the Malvern Area Plan (Figure 9 and discussion on page 29) and noted as a preferred growth direction for low density residential development, or alternatively as Business 2 Zoned land for industrial purposes.
- 17 Options for the servicing of the Application Site for water supply, wastewater and stormwater disposal, electricity and telecommunications were identified in the Servicing Report prepared by Baseline Group and included as Appendix 3 of the notified application.
- 18 In summary, at the time the servicing report was prepared water supply for any future subdivision of the Application Site would need to be augmented as the current consented Council supply for Darfield was at capacity. Since lodging the application, Mr. Murray England of Council's assets team has identified Council is in the process of drilling an additional bore across Creyke Road from the Application Site to augment the supply to Darfield, and this is likely to support future development on the site. Confirmation of water supply can be provided at the time of subdivision.

- 19 For wastewater treatment and disposal on-site wastewater treatment and disposal was originally proposed as the most cost-effective solution due to the current lack of reticulated infrastructure in Darfield. However, since the application was lodged, the Council has secured Government funding to progress a reticulated system that is gravity fed, or pumped, through to Rolleston for new development in Darfield. According to agenda reports provided at the 10 February 2021 Council meeting, the design of a future system is well advanced, with consultation on the inclusion of the network development available for consultation as of 29 March 2021. Future development of the Application Site can be designed to provide for reticulation to the Council infrastructure as part of the development of any new network, and engineering design to ensure a reticulated system, in conjunction with development of adjoining land can be progressed.
- 20 There is no existing stormwater network in Darfield and therefore it is proposed stormwater from the site is discharged to ground via soak pits or similar treatment devices. Discharge to ground is assessed as a discretionary activity under the Environment Canterbury Land and Water Regional Plan and stormwater discharge consents would be required for any allotments created by future subdivision.
- 21 Both Orion and Chorus NZ have confirmed the application site can be serviced with reticulated power and telecommunications respectively from existing networks. The details of such connections would be confirmed at the time of future subdivision.

#### **Amendments since lodgement**

- 22 Since the Plan Change was lodged in August 2019, submissions have been received; the Proposed Selwyn District Plan was notified on 5 October 2020, with submissions closing on 11 December 2020; Council informed the Applicant that they have preliminary approval and funding for a new wastewater connection through to Rolleston to service Darfield township; and Council informed the applicant they have a location for a new bore to augment Darfield's water supply opposite the site on Creyke Road. These factors have influenced the applicant to make changes to the proposed ODP.
- 23 In addition, one submission in opposition has been withdrawn (Nancy and Peter Boyes) and one submission substantially amended (Canterbury Clay Brick).
- 24 The key feature of this amended ODP includes recognition of the likely 100 m groundwater protection zone around Council's new water bore. In order to avoid discharges of wastewater or stormwater to ground in this area associated with business zoned land, it is proposed to include larger lot residential use along the Creyke Road frontage with a minimum allotment size of 5000 m<sup>2</sup>. This alternative use will better service to protect groundwater conditions within the protection zone which will be imposed as a result of the addition to the Council reticulated system.

- 25 The proposed change also gives effect to the submission by Ascot Park which identifies larger allotments along the balance of the Creyke Road frontage, to provide for a buffer between Rural Outer Plains zoned land across Creyke Road and more intensive activities west of Creyke Road.
- 26 The proposed amendments do not seek to increase the overall yield from the proposed Living 1 zone but rather designate that larger allotments are more appropriately located to the east of the application site with more intensive allotments located at the western end adjacent to the Living 1 zone Land adjoining the application site to the south.
- 27 To assist the Commissioner, I have included an updated table of proposed rule amendments to the Selwyn District Plan that covers amendments since the time of lodging the application in Appendix A to my evidence. This includes recommended changes identified elsewhere in my evidence.

### **Site and Surrounding Environment**

- 28 The Application Site has been fully described in both the notified application and the Council's Section 42A report. In brief, the Application Site is a 30.76 ha vacant rural property which is largely flat, with a Selwyn District Council main water race along the southern boundary, and established pine tree hedging along the northern and western boundaries.
- 29 The site is currently leased by the applicant for small scale sheep grazing which provides little in the way of revenue. The site is not, in the applicant's experience, been particularly good for planting crops, and its overall versatile value is somewhat limited when compared with other parts of the Canterbury Plains.
- 30 The surrounding environment consists of Living 2A (deferred) zoned land to the west of the application site, proposed to be rezoned as Large Lot Residential Zone under the Proposed Selwyn District Plan. This approximately 12 ha area containing two dwellings and is held in three separate titles. West of this is an existing Business 2 Zoned area containing the Frew's Contracting yard and other businesses on Mathias Street.
- 31 The land adjoining to the south is zoned a mix of Living 1 and Living 2A Deferred and is subject to an approved subdivision resource consent by Ascot Park of which Stage 1 allotments along Creyke Road have been developed. In my view the subdivision resource consent has been given effect to, and the development of the future stages can be considered as part of the receiving environment for the purpose of considering the proposed plan change.
- 32 I understand from my most recent site visit, on 16 February 2021, all of the developed 1 ha allotments available along Creyke Road associated with the Ascot

Park Development are now sold. It is uncertain when future stages will be developed, however that the consent decision requires the numbered stages progress in numerical order. Stage 2 of the development adjoins existing 1 ha allotments on Creyke Road.

- 33 East of the application site is Creyke Road and adjoining Rural Outer Plains zoned land. This includes land owned by Selwyn District Council where a new water bore is proposed to be located. Further south along Creyke Road is land where infrastructure for future reticulated wastewater services for Darfield are likely to be located. A working group for the Council had been discussing the creation of treatment ponds at this site with some consultation of this solution with Darfield residents. I understand from notice on the draft Long Term Plan (notified 29 March 2021)<sup>1</sup> that a pumping station to directly pipe waste to Rolleston is a preferred solution for which Council are potentially securing both Government funding<sup>2</sup>, and funding through rates for a long term loan.
- 34 North of the Application Site is an area of Business 2 Zoned land containing a number of established businesses including the Canterbury Clay Brick Factory, Darfield Seed Cleaning and a Poultry Farm. There is also some residential dwellings and vacant paddocks within this zone. The activities use the Horndon Street/SH73 intersection as a key access point.

### **Section 42A Planning Report**

- 35 I have reviewed the Council Planning Officers Section 42A report and agree with aspects of this report and disagree with other aspects. The key matters of disagreement relate to Mr. Trewin's assessment of issues raised by submitters and assessment of Objectives and Policies in both the Canterbury Regional Policy Statement and the Operative Selwyn District Plan. To avoid repetition, I have commented on relevant areas of disagreement with the Section 42A report in the remainder of my evidence on matters raised by submitters and consideration of the statutory framework.

### **Key issues**

- 36 Matters raised by the submitters and addressed within the Section 42A report can be summarised into the following key issues: reverse sensitivity with existing

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<sup>1</sup>[https://yoursay.selwyn.govt.nz/1new-wastewater-system-in-darfield-and-kirwee-2?utm\\_source=ehq\\_newsletter&utm\\_medium=email&utm\\_campaign=ehq-Consultation-starts-on-Selwyns-work-programme-for-the-next-10-years&utm\\_campaign=website&utm\\_source=ehq&utm\\_medium=email](https://yoursay.selwyn.govt.nz/1new-wastewater-system-in-darfield-and-kirwee-2?utm_source=ehq_newsletter&utm_medium=email&utm_campaign=ehq-Consultation-starts-on-Selwyns-work-programme-for-the-next-10-years&utm_campaign=website&utm_source=ehq&utm_medium=email)

<sup>2</sup> Selwyn District Council agenda 10 February 2021, pages 119 – 220 available ([https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0020/373223/PUBLIC-AGENDA-Council-10-February-2021.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0020/373223/PUBLIC-AGENDA-Council-10-February-2021.pdf))

activities, and between future activities within the site; demand for growth; transport safety, connectivity and efficiency; wastewater servicing; flooding; highly versatile soils; and amenity effects.

- 37 These key issues are discussed in the following assessment as they relate to the individual submissions.

#### **Matters raised by submitters**

- 38 A total of eight submissions were received during the public notification period.
- 39 Of the eight submissions, one was neutral (#2 Canterbury Regional Council (Ecan)), six were opposed, and one was opposed in part (#1 P and C Poultry, # 3 Ascot Park Limited, # 4 Canterbury District Health Board (CDHB), # 5 Darfield Seed Cleaning Company Ltd, #7 W.D Boyes and Sons Ltd/Canterbury Clay Bricks #8 Nancy and Peter Boyes and #6 New Zealand Transport Agency/ Waka Kotahi (NZTA) (opposed in part)).
- 40 Since the submissions were lodged submission #8 Nancy and Peter Boyes has been withdrawn, and submission #7 Canterbury Clay Bricks have amended their submission to withdraw almost all submission points and to change their position to support the plan change.
- 41 In addition to this traffic engineers from NZTA/ Waka Kotahi, Council and the Applicant have met to discuss the key traffic and transport issues facing the immediately surrounding network.

#### **Reverse Sensitivity Effects**

- 42 Reverse sensitivity effects have been raised by submitters<sup>3</sup> in relation to new businesses and residential activities in proximity to existing established businesses. One of these is the Poultry farm located on Horndon Street, across SH 73. As set out in section 8.3 of the original application, the ODP has been designed to achieve a 300 m setback of residentially zoned land from the Poultry farm, which is an acceptable setback in the Rural Volume of the Operative Selwyn District Plan to avoid or mitigate adverse effects. During a site visit on 16 February 2021, the wind conditions were relatively calm, and I did not observe odour from the Poultry farm from the northern boundary of the application site.
- 43 Business activities are generally less sensitive to odour than residential activities, as people tend to either be working within buildings, or using machinery etc outside. Given more sensitive residential activities are proposed to be located within an

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<sup>3</sup> #1 P and C Poultry, # 5 Darfield Seed Cleaning Company Ltd, #7 W.D Boyes and Sons Ltd/Canterbury Clay Bricks



appropriate setback consistent with elsewhere in the district, I consider that effects will be acceptable in this case.

- 44 Potential reverse sensitivity effects with other businesses located across SH 73 from the application site also benefit from the setbacks imposed to achieve a buffer from the Poultry farm. Effects from the Clay Brick factory have been addressed by experts<sup>4</sup> and I can conclude from these reports that effects will be minor on the application site. I generally agree with the assessment at paragraphs 50 – 63 of the Section 42 A report on this matter.
- 45 With respect to reverse sensitivity between the proposed Living 1 zone and the Proposed Business 2 zone within the application site, the Section 42 A Report identifies a potential conflict, based on previous plan change outcomes where a 40 m setback for dwellings the business zone boundary was imposed. I also note that a similar setback is proposed for the proposed outline development plan Darfield Area 5 under the Proposed Selwyn District Plan.
- 46 Mr. Trewin has based his assessment on expert evidence associated of an environmental health expert. He goes on to suggest a 10 m setback within the Living zone for buildings from the road boundary to achieve a 40 m setback. The proposed plan change varies from Plan Change 24 as the applicant is in control of both the Business 2 Zone land and the Living Zone land in question. Rather than restrict potential dwelling location within the sections in the Living 1 Zone it is the applicant's preference to include a greater separation achieved within the Business Zone. This will increase the landscape corridor to 16 m wide, which has the advantage of improving biodiversity corridors and increasing amenity values for residents. Amendments to the rules within the business zone as proposed to reflect this change will be required. Additionally, a 40 m setback within the Proposed Business Zone is now provided along the eastern boundary of the proposed Business Zone to create the same sense of separation between activities in different zones.

#### Demand for Growth

- 47 Submitters<sup>5</sup> have raised concerns about the need for additional development in this area given existing levels of development.
- 48 The application site offers up to 35 residential allotments with an average allotment size of approximately 2,000 m<sup>2</sup>, with some larger allotments at the eastern end of

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<sup>4</sup> Both NZAir for the applicant (reports contained in Appendix 10 and further information) and peer reviewed by PDP for Council.

<sup>5</sup> #2 Canterbury Regional Council, # 3 Ascot Park Limited, # 5 Darfield Seed Cleaning Company Ltd, #7 W.D Boyes and Sons Ltd/Canterbury Clay Bricks

the application site. There are a range of sections available to purchase in Darfield at the time of writing this evidence including smaller (600 – 900 m<sup>2</sup>) residential sections on Cressy Street, Newbrook Terrace and Cedric Place, and there are up to nine larger sections available as part of Hawdon Fields at the corner of Crekye Road and Telegraph Road starting from 4,800 m<sup>2</sup> up to 1 ha. Ascot Park's 1 ha Sections along Crekye Road appear to have sold, and there does not appear to be other sections available in Darfield. The ODP provides section sizes that have an average allotment size of approximately 2,000 m<sup>2</sup>, which is midway between the range of sections available in Darfield and provides larger allotments consistent with market demand in other parts of Selwyn, adding to the range of housing stock in the district, without unduly creating an inefficient use of land.

- 49 Census data from 2018<sup>6</sup> for Darfield shows a total population of 2,724 which has consistently increased since the 2013 Census (2,397) and the 2006 Census (1,974). This data also shows there are 1,134 households in Darfield, which equates to a ratio of 2.4 people per household. The Malvern Area plan, as noted in the Ecan submission includes projections of a population of 4,141 contained in 1,479 households (ratio of 2.8 people per household). Therefore, based on a lower occupancy rate per household, more than 440 additional houses may be required to accommodate population growth.
- 50 Taking into consideration the available approximately 50 residential sections currently on the market in Darfield, and the resource consented Ascot Park development of approximately 200 sections, there is ample capacity to accommodate an additional 35 households within the next ten years, within the projected 440 households under the Malvern Area Plan.
- 51 The timeframes identified in the Malvern Area Plan are medium term i.e. out to 2031. Longer term projections for population and household growth can be found in the Selwyn Growth Model, which is used to inform long term planning for the District. For Darfield, the Model predicts an increase in population growth to 2048 of 2187, and a corresponding increase in household growth of 1047<sup>7</sup>. In the longer term therefore, a greater number of new dwellings than contemplated in the Malvern Area Plan will be required to meet projected demand.
- 52 The section 42A report notes at Paragraph 76 concerns over variable allotment sizes arising from the Living 1 zone having a minimum allotment size of 1,950 m<sup>2</sup> with the default Living 1 zone minimum allotment size of 650 m<sup>2</sup> resulting in ad-hoc allotment sizes throughout the site. While technically this could occur as a result of the proposed rezoning, in order to achieve a maximum of 35 allotments on the

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<sup>6</sup> <https://www.stats.govt.nz/tools/2018-census-place-summaries/darfield> accessed 23/03/2021

<sup>7</sup> [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0016/234223/Projections-website.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0016/234223/Projections-website.pdf)

application site, allotments will need to be generally larger allotments, particularly given the areas within the eastern end must have a minimum of 5,000 m<sup>2</sup>. With a total area of approximately 11.66 ha under the amended ODP, and a maximum of 35 allotments retained allotments under 800 m<sup>2</sup> are unlikely to be practical. In order to give confidence that allotments will not be too small, a minimum allotment size of 800 m<sup>2</sup> is proposed.

#### Transport Effects

- 53 Transport effects have been raised principally by NZTA/Waka Kotahi in their submission and relate to the proposed intersection upgrade form and timing and concerns with multi-modal forms of transport. A discussion between Transport experts from NZTA/ Waka Kotahi, Council and the Applicant on these matters was undertaken on 11 March 2021. Mr. Carr has provided a discussion on the outcome of this meeting in his evidence and specifically addresses the need for, and possible layout of, the intersection upgrades, and appropriate timing.
- 54 In terms of connectivity for walking and cycling opportunities, Mr. Carr identifies in his evidence at paragraphs 56 - 61, that there are future connections through the consented Ascot Park development and potential connections through land proposed to be rezoned as Large Lot Residential under the Proposed Selwyn District Plan. This, in Mr. Carr's opinion, provides adequate connectivity for walking and cycling provisions. Given the Ascot Park subdivision consent has been granted and Stage 1 of the development is complete, it is likely that the balance of the development will be developed.
- 55 However, in the short term, if the application site develops prior to completion of development on adjoining land, Mr. Smith identifies a risk of residents using the State Highway as a walking and cycling link with potential adverse safety effects. At present there is no provision for a cycling/walking track in the SH73 Reserve.
- 56 As discussed below, the objectives and policies both the Operative Plan and the Regional Policy Statement do not explicitly dictate a timeframe for the provision of walking and cycling facilities in consideration of plan changes. Given there is a clear future opportunity for connection via the road network proposed within the Ascot Park approved subdivision plan which has been given effect to, I consider that adequate walking and cycling connections are available to the site. I note with respect to the adjoining land to the west, known as Darfield Area 5 under the Proposed Selwyn District Plan, Council's approach has been to indicate a single vehicle access onto SH73, and an indicative walkway/cycle way onto SH73, with supporting descriptions identifying that it is desirable to have pedestrian access to Cardale Street, if possible. The Proposed Selwyn District Plan is intended to give effect to the CRPS under the requirements of the RMA.

- 57 Mr. Trewin has suggested that it may be necessary to insert a "trigger rule" to restrict development of the site until such time that convenient and safe walking any cycling access is secured. I have not had the opportunity to discuss with Mr. Trewin the details of such a rule, so am unclear as to whether or not this suggestion can be taken as meaning that some limited development can proceed in advance of access being secured. Equally, I am unsure if provision of a temporary walking/cycling track until such time as the roading connection between Mathias St and Creyke Rd is established for the Ascot Park subdivision would be acceptable. The options that may be available would require negotiations between the applicants and adjacent landowners and/or NZTA/Waka Kotahi if it was proposed to connect to the walking track identified for Area 5.
- 58 I note that consideration of walking and cycle links are a requirement at the time of subdivision under the current restricted discretionary rule framework for the Living zones in the Operative Selwyn District Plan<sup>8</sup>, although that requirement could be read as being limited to providing identified internal links within sites to be subdivided. If therefore, the Commissioner were to consider that the relevant objectives and policies of the Operative Plan or CRPS do in fact require a walking/cycling link to be established in advance of development proceeding, one possibility of ensuring that this would have to be considered at the time of subdivision would be to include a further assessment matter specific to the application site seeking that residential development did not progress until such time external walking/cycling connections were in place, either through Ascot Park, or via other suitable means.
- 59 One submitter<sup>9</sup> identified potential concerns with the increased traffic from the application site affecting the intersection of Horndon Street and State Highway 73. Mr. Carr has undertaken a traffic count and assessment of the intersection. He has set out his findings in a technical note, and I understand the traffic experts agree that the intersection will not be adversely affected by traffic likely to be generated from developing the application site.
- 60 The Section 42A report outlines, at paragraphs 96 – 103, a concern with when the trigger rule for roading upgrades is intended to be implemented. Originally it was proposed to include this either before Business 2 Zone was developed, or more than half of the residential allotments to allow for the generation of income from section sales prior to funding an intersection upgrade. Mr. Carr's opinion is that the trigger for a full upgrade of the intersection is associated with the Business 2 Zoned land rather than residential activities. It is therefore proposed to amend the trigger rule to require a comprehensive upgrade prior to any development of the Business

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<sup>8</sup> matter discretion is restricted too: 12.1.4.14 *The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and*

<sup>9</sup> # 5 Darfield Seed Cleaning Company Ltd

2 Zone land. This is reflected in recommended amendments to rules in the section 42A report. Given its uncertain what future business activity will occur in this space, it might be appropriate to tie the trigger rule to building consent within the Business 2 Zone.

- 61 Mr. Carr has acknowledged that there is an existing issue with vehicles turning right out of Creyke Road due to the alignment of the road network without the inclusion of residential activity proposed for the application site, and he has recommended that an interim upgrade of the road alignment in conjunction with residential development on the site, to “square up” the intersection with State Highway 73 would improve the current situation. although I note Mr. Carr does not consider this to be a critical issue arising from the proposed plan change. Given the applicant intends to provide land for the upgrade of the intersection, undertaking such a realignment in conjunction with residential development is consistent with objective and policy frameworks to maintain and improve traffic safety, efficiency and functioning.
- 62 Paragraphs 100 – 103 of the Section 42A report outline concern with the safe and efficient functioning of the State Highway network between Creyke Road and Mathias Street. Mr. Carr has set out in his evidence at paragraphs 41 - 44 that he disagrees with this view and considers that the existing crash record for this portion of the road network does not indicate a significant road safety concern.

#### Wastewater

- 63 The application originally proposed onsite wastewater disposal to land within individual allotments as a solution given there is not currently reticulated wastewater in Darfield, raising concerns from a number of submitters<sup>10</sup>. Mr. Hopkins has set out in his evidence onsite wastewater disposal is a method which can physically be accommodated within the allotment sizes proposed and results in acceptable solutions that avoid potential groundwater contamination should a local reticulated system not transpire.
- 64 Based on Mr. Hopkins evidence, modern on-site wastewater solutions are likely to avoid adverse public health effects and do not encounter the same failure effects of historical systems. However, a future reticulated solution for wastewater in Darfield represents a more sustainable solution should it become available. Effects arising from servicing the application site are able to be adequately managed to avoid adverse effects which ever option is progressed.

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<sup>10</sup> #2 Canterbury Regional Council and # 4 Canterbury District Health Board.

### Flooding

- 65 Ecan have made a submission point regarding flooding pointing to recent Selwyn District Council data. I agree that a rule as proposed in section 9 of the Section 42A report will mitigate any potential risk from flooding effects. I note the inclusion of managing flood management risks using this mapping system in relation to subdivisions and buildings is in the Proposed Selwyn District Plan<sup>11</sup>. However, consideration of flood hazards risks using the most up to date flooding risk information also forms part of the building consents process often with minimum floor levels set. Given this, I do not consider that additional site specific rules are necessary.
- 66 Nevertheless, if the Commissioner is minded to include a rule along the lines of that recommended in the Section 42A report, I have no concerns with such an inclusion.

### Highly Versatile Soils

- 67 With respect to highly versatile soils the proposed National Policy Statement on Highly Productive Soils does not yet appear to have been gazetted and I understand is still in consultative stages. I note Environment Canterbury have acknowledged that there is a likely exemption for land identified as possible future growth, and although the Malvern Area Plan is not a statutory document, I note that the site is also identified for future growth in the Proposed Selwyn District Plan. Given the uncertainty around the final nature of the Proposed National Policy statement I do not consider it necessary to place any weight on the provisions of this document.
- 68 I also agree with Mr. Trewin's conclusion at paragraph 132 that the RPS is only concerned with Class 1 & Class II soils, and not the Class III soils on the Site. Accordingly, there is no inconsistency with the RPS.

### Amenity Effects

- 69 Mr. Trewin has addressed amenity effects in paragraphs 133 – 137 of the Section 42A report. A landscaping buffer was not intended to be required along Creyke road adjoining residential properties. There is currently no hedging along Creyke Road, so the inclusion of a landscape strip for residential activities would act like a solid fence in this case and create a closed off development rather than retain a sense of open space and connection with the road frontage.

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<sup>11</sup> See proposed rule NH-R2 of the proposed Selwyn District Plan.

- 70 I consider that residential allotment sizes with a minimum of 5,000 m<sup>2</sup> combined with the width of Creyke Road itself, provide for a sense of larger allotments fronting this road boundary to avoid adverse amenity effects with transitioning to a Rural - Outer Plains zone.

### **Relevant Statutory Documents**

- 71 I agree with the Section 42A officer's assessment of relevant statutory documents of the National Policy Statements, National Environmental Standards, the Canterbury Land and Water Regional Plan (LWRP), and the Mahaanui Iwi Management Plan 2013.
- 72 However, I disagree with the Section 42A officers assessments relating to aspects of the Canterbury Regional Policy Statement and the Operative Selwyn District Plan, specifically in relation to transport related provisions.
- 73 The original plan change request includes in Appendix 7 an assessment of the objectives and policies of the Canterbury Regional Policy Statement, and at Appendix 8 an assessment of the Operative Selwyn District Plan objectives and policies.
- 74 In particular, the proposal seeks to provide a pattern of development which adjoins existing urban development and completes a logical boundary between urban and rural activities defined as Creyke Road (CRPS Objective 5.2.1 and Policy 5.3.1, SDP Objective B1.4.4, Objective B3.4.4 and B3.4.5, Objective B4.3.2).
- 75 Future development of the site will include housing choice and contribute to economic development within Darfield (CRPS objective 5.2.1, SDP Objectives B3.4.1, B3.4.2, B3.4.3).
- 76 Landscaping areas are proposed to avoid conflicts between business zone activities and living zones and will provide for enhanced urban biodiversity and amenity values (CRPS Policy 5.3.1, Policy 5.3.3 SDP Policies B3.4.36, B3.4.38 and B3.4.39, Objective B4.1.2 and Policies B4.1.10, B4.1.11).
- 77 The site is able to be appropriately serviced for potable water supply, and sewerage and stormwater disposal in an appropriate manner, and in conjunction with council planned upgrades (CRPS Policy 5.3.5, Policy 5.3.6, SDP Policy B1.2.1, Policy B1.2.2).
- 78 I note Mr. Smith has mentioned specific inconsistency with SDP Objective B2.1.3 and Policy B2.1.5, and the CRPS objective 5.2.3 and Policy 5.3.8 at paragraph 10 of his evidence. This is based on his concerns relating to a lack of walking and cycling facilities connecting the site to Darfield away from the State Highway in the event that adjacent land next is not fully developed before the future development

on the application site. Mr. Smith is clear that this concern relates to residential activities, rather than commercial activities. Mr. Trewin notes at paragraph 167 there may be a period of time where such connections are not provided should the timing of development not provide connection through Ascot Park or adjoining land to the west but does not comment on whether this creates an inconsistency with specific objectives or policies.

- 79 With respect to objectives and policies noted by Mr. Smith, this framework specifically includes a strategic, forward looking approach, one which seeks to integrate proposed development within existing transport networks. This forward planning approach is clear in the explanation to Objective 5.2.3 of the CRPS which refers to promoting land use changes that will move towards improved accessibility. The same explanation states out that in parts of Canterbury there will be a reliance on private motor vehicle use in the medium term, however opportunities for improved accessibility and modal choices should not be foreclosed.
- 80 Objective B2.1.3 of the SDP specifically sets out that *future* road networks and transport corridors are designed, located and protected to promote transport choice. This, in my view, illustrates that where there is a clear solution to walking or cycling, such as through the development of adjoining land zoned and with an approved subdivision layout showing such link, the intent of this Objective is met. The Commissioner can have confidence that in this case, acceptable future connections can be made and approving this land for rezoning under a plan change is not inconsistent with the wording of the above mentioned policies.
- 81 Mr. Trewin's assessment of the CRPS and provisions in the Operative SDP rely on Mr. Smith's assessment of potential safety and functioning effects of additional development on the site for the road network including SH73 between Creyke Road and Mathias Street generated from the development of the site, with the ultimate solution being a reduction in speed zones within the Highway. Experts from NZTA/Waka Kotahi made it clear at the March 11 2021 meeting that speed changes on this road network were driven in *response* to development pressures. Changing of speed limits is not a matter considered under the RMA and is outside of the ambit of the RMA.
- 82 Mr Carr has set out in his evidence that he does not consider there to be a dispute between experts on the ability of State Highway 73 including the intersection with Creyke Road to operate within its capacity as a result of potential additional development from the site. Furthermore, Mr. Carr has set out that he does not consider there to be a significant safety concern within the existing road network (paragraphs 38 and 44).



- 83 The now amended application includes a realignment of Creyke Road to 'square up' the approach to the Stage Highway, providing improved safety and functioning of this intersection from the current situation.
- 84 The CRPS includes at *Objective 5.2.2 Integration of land-use and regionally significant infrastructure (2) to achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that (a) development does not result in adverse effects on the operation, use and development of regionally significant infrastructure*. Policy 5.3.7 of the CRPS seeks the avoidance of development which adversely effects the safe, efficient and effective functioning of this network and these roads including the ability of this infrastructure to support freight and passenger transport services.
- 85 Mr. Carr has set out that a minor upgrade of Creyke Road alignment will provide improved efficiency for the current situation at this intersection. He has also set out that, subject to an intersection upgrade in conjunction with the business zoned land, any development of the proposed Living 1 zoned land will not generate a traffic safety or efficiency effect within the State highway. Based on Mr. Carrs evidence, I consider the proposed plan change will not result in effects on the road network that are inconsistent with Objective 5.2.2 and Policy 5.3.7. Rather I consider that proposed upgrades of the SH73/Creyke Road intersection will ensure that the Plan Change give effect to these policies.
- 86 Objective B2.1.1 of the Operative Selwyn District Plan seeks an integrated approach to land use and transport planning, and specifically seeks the safe and efficient operation of roads is *not compromised* by adverse effects from activities on surrounding land or by residential growth. This objective seeks an element of co-ordination between land use and transport planning to achieve this outcome, rather than seeking that land use activities are avoided. Taking direction from other objectives and policies in the district plan, there is a clear requirement to achieve a compact township form, to ensure that such integration can occur.
- 87 Objective B2.1.2 specifically seeks an integrated approach to land use and transport planning to avoid 'reverse sensitivity' effects on the operation of transport networks. In looking to the explanations to these objectives, it is clear that reverse sensitivity refers to sensitivity of residents to living near the network objecting to noise dust and vibration effects. Therefore, I do not agree that additional traffic within a road network will constitute generating a reverse sensitivity effect.
- 88 Policy B2.1.2 seeks to manage effects of activities on the safe and efficient operation of the districts roads, and Policy B2.1.2 seeks to recognise and protect the primary function the State Highway network to provide for 'through' traffic. This policy frame work does not seek to avoid development that is consistent with other objectives and policies such as creating a well serviced compact township form.

- 89 Mr. Carr has set out that he considers the proposal will not result in an adverse safety and functioning effect on the State highway network, and therefore I consider that the future development of the site, including the proposed intersection upgrades is consistent with the abovementioned objectives and policies of the Selwyn District Plan.
- 90 On the basis that the proposal clearly fits with the intended patterns of development for the District, maintaining a compact urban form, and on the basis that it is not the intention of the planning framework to foreclose any development that might utilise the State Highway network, I consider that the proposal is not inconsistent with relevant objectives and policies, but rather gives effect to the overall framework in a positive manner.
- 91 I note Mr. Trewin's concerns regarding provisions in the CRPS relating to natural hazards<sup>12</sup>, specifically flooding effects, and accept that the provision of rules as recommended alleviates any potential conflict with these provisions.

### **Section 32 Assessment**

- 92 An evaluation of the proposal as required under Section 32 of the RMA was provided within the notified plan change application and is included in Appendix 2. This assessment identified the proposed rezoning as the preferred option to achieve the purpose of the Act when compared to the alternatives of the status quo, using the full extent of the site for residential development, or seeking a non-complying subdivision consent.
- 93 My evaluation under Section 32 has not changed as a result of the submissions received or Council's Section 42A Report and I consider changing the zoning of the Application Site is the most appropriate way to achieve the purpose of the Act.
- 94 This option enables a comprehensive assessment of the site and its constraints such as proximity to a poultry farm across SH73 and ensure the most appropriate form of development patterns are enabled. The proposed option enables development of the site within existing objective and policy frameworks providing for an efficient planning outcome for the site.

### **Conclusion**

- 95 Overall, it is my opinion the proposal, in its now amended form, provides for a compact extension to Darfield which has been signalled in both the Malvern Area Plan and the proposed Selwyn District Plan as an appropriate location for growth within Darfield.

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<sup>12</sup> Paragraph 154 of the Section 42A report

- 96 Connectivity for walking and cycling can be provided, albeit in conjunction with development of Ascot Park. If required, alternative options can be developed and, in my view, it would be appropriate for the planning framework to allow for a consideration of such options at the subdivision stage. The onus will be on the applicants to secure whatever agreements may be necessary to provide for an appropriate link.
- 97 Increased use of the road network will not compromise the functioning of the road network. The proposed rules ensure that the appropriate sequencing of development and integration of land use and transport planning occurs.

Anna Jane Bensemann

30 March 2021

#### Appendix A: Table of updated amendments

Amendment 1: New Appendix	<p>Add <u>Appendix X ODP - Darfield East</u> to Township Volume - containing Outline Development Plan contained in Appendix 2 of this plan change.</p> <p><i>Note: This is referred to as "Appendix X" for the purpose of this rules table but should be inserted as the next relevant appendix number in the District Plan.</i></p> <p><i>Additional note: the ODP proposed is the amended version attached in Appendix B of this evidence.</i></p>
Amendment 2:	Amend Planning Maps to rezone the application site from Rural (Outer Plains) to Business 2 and Living 1 consistent with the proposed ODP.
Amendment 3:	<p>Amend Rule 12.1.3.16 as follows:</p> <p>Any subdivision of land within the area shown in Appendix 47 - Living 2A Darfield - Bangor Road Outline Development Plan, <b>and</b> within the area shown in Appendix 41A - Living 2 Darfield - Creyke Road Outline Development Plan, <b><u>and within the area shown in Appendix X - ODP- Darfield East</u></b>, 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.</p>
Amendment 4:	<p>Insert new rule after Rule 12.1.3.16 as follows:</p> <p><b><u>No subdivision of land in the Living 1 zone shown in the ODP - Darfield East in Appendix X shall take place until a potable water supply is available that is capable of serving lots within the subdivision.</u></b></p>
Amendment 5:	<p>Insert new rule after rule 12.1.3.16 as follows:</p> <p><b><u>At the time of construction of the new intersection onto Creyke Road from land within ODP- Darfield East in Appendix X, Creyke Road shall</u></b></p>

	<b><u>be realigned to adjoin State Highway 73 at right angles as shown on the ODP.</u></b>
Amendment 6:	<p>Insert new rule after rule 12.1.3.16 as follows:</p> <p><b><u>Prior to any development within the Business 2 Zone, shown in the ODP – Darfield East in Appendix X, the intersection of Creyke Road and State Highway 73 shall be upgraded in consultation with Waka Kotahi, The New Zealand Transport Agency.</u></b></p>
Amendment 7:	<p>Insert New Rule after 16.1.4 as follows:</p> <p><b><u>Any principal building in that part of the Business 2 Zone located south of the State Highway and west of Creyke Road shown as Business 2 Outline Development Plan (Darfield East) at Appendix X if the following standards are met:</u></b></p> <p><b><u>All landscaping along the external perimeter of the Business 2 Zone as depicted on the Outline Development Plan at Appendix X, shall be landscaped to the following standards:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>A landscaping strip shall be established along the Business 2 Zone side of the common boundary to a depth of either 10, 16 or 40 metres in accordance with the requirements of the ODP at Appendix X.</u></b></li> <li>- <b><u>Landscape planting and an irrigation system shall be undertaken in accordance with the Outline Development Plan at Appendix X. Irrigation is to be provided for a minimum of 2 years following the establishment of the landscaping.</u></b></li> <li>- <b><u>All landscaping, once matured, shall meet the minimum heights depicted in the ODP East Darfield in Appendix X.</u></b></li> <li>- <b><u>The landscaping planted shall be maintained and if dead or diseased or damaged, shall be removed and replaced.</u></b></li> <li>- <b><u>No accessory buildings, fences, or structures shall be erected within the required landscape strips unless such buildings, fences or structures are directly required for the purposes of noise attenuation or other such mitigation.</u></b></li> <li>- <b><u>Before any principal building is erected on any parcel of land subject to Rule 16.1.4, all of the landscape planting, irrigation system and fencing shown on the Outline Development Plan at Appendix X on that allotment shall be completed.</u></b></li> </ul>
Amendment 8:	<p>Insert new rule after Rule 16.7.2.10 as follows:</p> <p><b><u>In that part of the Business 2 Zone located at the corner of State Highway 73 and Creyke Roads, Darfield, as depicted on the Outline Development Plan at Appendix X:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>Road boundaries: 10 metres</u></b></li> <li>- <b><u>Internal boundaries adjoining a residential zone: 10 metres</u></b></li> </ul>

Amendment 9:	<p>Insert new rule after 22.13 as follows:</p> <p><b><u>22.14 - Development within the Business 2 Zone East Darfield ODP</u></b></p> <p><b><u>22.14.1 Prior to any development within the Business 2 Zone located at the corner of State Highway 73 and Creyke Roads, Darfield, as depicted on the Outline Development Plan at Appendix X, the intersection of Creyke Road and State Highway 73 shall be upgraded in consultation with Waka Kotahi, The New Zealand Transport Agency.</u></b></p>
Amendment 10:	<p>Insert new assessment matter after assessment matter 12.1.4.84 and after assessment matter 24.1.4.40 under a new Heading of Darfield as follows:</p> <p><b><u>In relation to the Living 1 and Business 2 Zones in the Outline Development Plan – Darfield East at Appendix X:</u></b></p> <p><b><u>(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</u></b></p> <p><b><u>(b) Any measures proposed to mitigate the effects of a potential natural hazard, including:</u></b></p> <p><b><u>i. Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and</u></b></p> <p><b><u>ii. The filling (with inert hardfill) of any low lying area; and</u></b></p> <p><b><u>iii. proposed methods and locations for flood offset areas; and</u></b></p> <p><b><u>(c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.</u></b></p>
Amendment 11:	<p>Insert new assessment matter after assessment matter 12.1.4.82 as follows:</p> <p><b><u>In relation to the Living 1 Zone in the Outline Development Plan – Darfield East at Appendix X:</u></b></p> <p><b><u>The provision of walking and cycling access between the site and Darfield.</u></b></p>



Scale	1:500 gAL 1:3000 gALS
Date	30 Mar 2021
Design	EL
Drawing	EL
Revision	AB

  

Rev.	Date	Description
Sheet	1	