

RECOMMENDATION OF HEARING COMMISSIONERS

REFERENCE:	Plan Change 8
APPLICANT:	Kumara Junction Developments Ltd
APPLICATION:	Request for Private Plan Change
NATURE OF REQUEST:	To change the zoning of 74 hectares of land from ‘Rural’ Zone to ‘Small Settlement’ Zone. The application includes, amongst others, additions and amendments to provisions and rules of the Small Settlement Zone and the Subdivision sections of the Westland District Plan.
HEARING COMMISSIONERS:	Bryce Thomson (Councillor) Murray Montagu (Councillor) Frances Stapleton (Councillor) Martin Kennedy (Independent Commissioner)

1.0 RECOMMENDATIONS OF HEARING COMMISSIONERS

1.1 Statutory Considerations

Recommendation 1 (see paragraph 13.4)

- (a) that Plan Change 8 will achieve Part II, “Purpose and Principles” of the Resource Management Act 1991.*
- (b) that, in terms of Section 32 of the Resource Management Act 1991, Plan Change 8 (subject to the amendments discussed below) is the most efficient and effective option for managing the development of the land subject to the Plan Change and will achieve the purpose of sustainable development of the Districts natural and physical resources. No changes are required to the existing Objectives and Policies of the Westland District Plan.*
- (c) that Plan Change 8 is consistent with the provisions of the Regional Policy Statement and Regional Plans.*
- (d) that Plan Change 8 is consistent with the Objectives and Policies of the Westland District Plan.*

1.2 Submission Group 1

Recommendation 2 (see paragraph 14.11)

- (a) that Submissions 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30 and 31 be Accepted in Part.*
- (b) that Further Submissions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 be Accepted in Part.*
- (c) that Submissions 3 and 7 be Rejected.*
- (d) that Further Submission 7 be Rejected.*
- (e) that Plan Change 8 be Approved subject to the amendments to the Westland District Plan as set out in Appendix C.*

1.3 **Submission Group 2**

Recommendation 3 (see paragraph 14.17)

Rules for Vegetation Clearance

- (a) *that Submissions 2, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 27 and 29 be Accepted in Part.*
- (b) *that Further Submissions 2, 3, 11, 12, 15, 18, 19, 22, 23, 24, 26 be Accepted in Part.*
- (c) *that proposed Rule 5.3.3.1(p) be included in the amendments to the District Plan as set out in Appendix C.*

Minimum Area

- (a) *that Submissions 4 and 5 be Rejected in Part.*
- (b) *that Further Submissions 4, 5 and 8 be Rejected in Part.*
- (c) *That the applicants amendment from 2500m² to 4000m² for minimum area and controlled activity Lot size, and associated amendment from 1000m² to 2500m² for respective discretionary activities, be Accepted.*
- (d) *that proposed Rules 5.3.3.1(e) and Table 7.1 – Minimum Zone Standards for Subdivision be included in the amendments to the District Plan as proposed in the application and amended by the applicant at the hearing. All associated provisions are also changed to reflect the amendments as set out in Appendix C.*

Existing Environment

- (a) *that Submissions 2, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29 and 30 be Accepted in Part.*
- (b) *that Further Submissions 2, 3, 6, 9, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 be Accepted in Part.*

Vision of Development and Adjoining Rural Land Use

- (a) *that Submissions 3 and 7 be Rejected.*
- (b) *that Further Submission 7 be Rejected.*

1.4 **Submission Group 3**

Recommendation 4 (see paragraph 14.25)

- (a) *that Submission 3 be Rejected*
- (b) *that Submissions 4, 5 and 8 be Rejected in Part.*
- (c) *that Further Submissions 4, 5 and 7, 8 be Rejected*

1.5 **Submission Group 4**

Recommendation 5 (see paragraph 14.39)

Sealing of Existing Accessways

- (a) *that Submission 1 be Rejected in Part.*
- (b) *that Further Submission 10 be Rejected in Part.*

Traffic Effects, Road Upgrading and State Highway Intersection

- (a) that Submission 7 be Accepted in Part.
- (b) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.
- (c) that Rule 7.5 Matters Over Which Control Is Reserved on Controlled Activities is adopted as set out in Appendix C.

Give-way Signs and Sight Lines

- (a) that Submissions 10, 11, 13, 14, 15, 16, 17, 20, 23 be Rejected in Part.
- (b) that Further Submissions 19, 24, 25, 26 be Rejected in Part.

Speed Limits

- (a) that Submissions 2, 9, 10, 11, 13, 14, 15, 16, 18, 21, 24, 29, 30 be Rejected in Part.
- (b) that Further Submission 3, 6, 9, 11, 12, 13, 17, 20, 22, 24, 25, 26 be Rejected in Part.

Street Lighting

- (a) that Submissions 1, 2, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 28, 29, 30 be Rejected in Part.
- (b) that Further Submission 2, 3, 6, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, 22, 23, 24 be Rejected in Part.
- (c) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.

Footpaths

- (a) that Submissions 2, 10, 12 be Rejected in Part.
- (b) that Further Submission 2, 11, 23, 26 be Rejected in Part.
- (c) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.

Kerb and Channel

- (a) that Submissions 13, 15, 16, 17, 18, 21, 22, 23, 24, 27, 29 be Rejected in Part.
- (b) that Further Submission 3, 6, 9, 12, 15, 17, 18, 19, 20, 22 be Rejected in Part.
- (c) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.

1.6 **Submission Group 5**

Recommendation 6 (see paragraph 14.44)

- (a) that Submissions 9, 11, 13, 16, 17, 18, 19, 21, 24, 27, 28 and 30 be Accepted in Part.
- (b) that Further Submissions 3, 6, 9, 13, 15, 16, 17, 20, 21, 25 be Accepted in Part.
- (c) that proposed 5.3A Kumara Junction Developments Ltd – Outline Development Plan be included in the amendments to the District Plan as set out in Appendix C.

1.7 **Submission Group 6**

Recommendation 7 (see paragraph 14.46)

- (a) that Submission 7 be Rejected.

1.8 **Submission Group 7**

Recommendation 8 (see paragraph 14.49)

(a) *that Submission 31 be Accepted*

(b) *that a note be included in any decision for Plan Change 8 that,*

“There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage”

1.9 **Other Matters**

Recommendation 9 (see paragraph 15.6)

(a) *that Anticipated Environmental Outcome VII be amended, as set out in Appendix C, to read,*

*VII Development of Kumara Junction Developments which is sensitive to the secluded **small rural-residential settlement** nature of this development, including night sky views; integrating the built and natural environments through the retention of indigenous vegetation and minimal light pollution.*

Recommendation 10 (see paragraph 15.8)

(a) *that matters (b) and (c) for which control is reserved in terms of a controlled activity subdivision within the Kumara Junction Developments Small Settlement Zone is amended, as set out in Appendix C, to read,*

(b) *Any subdivision which results in a **cumulative** total of more than 100 allotments within Kumara Junction Developments may require the provision of a waste transfer station to be established.*

(c) *Where a subdivision results in a **cumulative** total of more than 1000 vehicle movements per day utilising the Sanctuary Place/State Highway 6 intersection, conditions relating to the avoidance, remedying or mitigation of traffic effects. This may include the upgrading of the State Highway 6/Sanctuary Place intersection and/or Sanctuary Place. Any necessary upgrades shall be carried out to the satisfaction of the territorial authority and the New Zealand Transport Agency.*

1.10 **Approval of Plan Change 8**

Recommendation 11 (see paragraph 16.3)

(a) *That Plan Change 8 be approved pursuant to the 1st Schedule of the Resource Management Act 1991 and that the provisions of the Westland District Plan and associated Planning Maps be amended as set out in Appendix C of this recommendation report.*

2.0 INTRODUCTION

- 2.1 The hearing commissioners have been appointed by the Council to hear the submissions to, and to consider and make a recommendation on, Plan Change 8 (PC8). The matter has been heard, and recommendations made, pursuant to a delegations under Sections 34 and 34A of the Resource Management Act 1991.
- 2.2 The Council has not delegated its decision making role in this matter. It is therefore the role of the Commissioners to hear the matter and make a recommendation to the Council. The Council then have the option of accepting the recommendation in part or in full or, if necessary, declining to accept it.
- 2.3 In considering this matter we have referred to; the Resource Management Act 1991, the Westland District Plan (the Plan), the application for plan change, a comprehensive Planning Report, and submissions on the proposal. In considering the matter we have also taken into account matters arising at the hearing, including evidence from the applicant and those submitters present who wished to be heard. We do not intend to repeat the full detail of the Plan Change matters as set out in the applications and Planning Report as these are publicly available and form part of the record of the hearing. We do record that we are generally in agreement with the assessments and conclusions reached by the District Planner, with the exception of the matters discussed below, in regard to the request for private Plan Change 8.
- 2.4 The commissioners are all familiar with the site and have undertaken appropriate site visits to familiarise themselves with the area within which the rezoning and subsequent development will occur.
- 2.5 Much of the following background and commentary, regarding the Plan Change application, is from the Councils Planning Report which was presented at the hearing.

3.0 DESCRIPTION OF PROPOSAL

- 3.1 The application for Plan Change 8 (PC8) is fully set out in the Councils Planning Report that was presented at the hearing.
- 3.2 PC8 seeks to rezone 74 hectares of land from 'Rural' zone to 'Small Settlement'.
- 3.3 Kumara Junction is a popular growth area, as evidenced by the previous stages of subdivision undertaken by the applicant, and recent approved subdivision and land use proposals on adjacent land. Growth within Kumara, the closest area of land to the application site which is currently zoned 'Small Settlement' has increased following the development of the cycleway. Growth within other 'Small Settlement' zoned areas such as Kaniere, Kokatahi and Kowhitirangi, Rimu, Woodstock and Ruatapu and Ross, has occurred over the past five years although land remains available for further development within these areas. The character of these settlements is different to the application site due to the highly vegetated nature and amenity of the subject land. The proposed PC8 will offer a different 'Small Settlement' opportunity for the Westland community.
- 3.4 The reason for the plan change application is that the Planning Staff at the Westland District Council were of the opinion that further subdivision of the land would result in the creation of a new settlement. The creation of new settlements within the 'Rural' Zone is in conflict with Policy 4.3 of the Westland District Plan (the Plan). The Plan requires such new settlements to be considered through the plan change process.

- 3.5 The applicant for PC8, Kumara Junction Developments Ltd, considers that the rezoning will provide for a specific character of development, on a discreet site, which will result in development which retains a high level of rural to rural-residential amenity. The applicant's intention is that PC8 will allow for the completion of their vision for the development of the land, on a site that is suited for the development, and with minimal environmental effects.
- 3.6 Both the Plan Change application and the Planning Report outline the amendments to the District Plan required to change the zoning of the subject site from 'Rural' to 'Small Settlement' (see also Appendix C of this Recommendation Report). These changes include;
- new *Planning Map 1A Kumara Junction* which is required to show the new zoning.
 - new *Method (f) in Section 4.2 Settlement Character* to explain the vision for development.
 - new *Anticipated Environmental Outcome VII in Section 4.2 Anticipated Environmental Outcomes* to describe the development proposed to take place.
 - addition of *Kumara Junction Developments* comments into *Section 5.3.1 Description of Small Settlement Policy Unit* which highlights development rules within the area.
 - new rules for the minimum area for dwellings in *Rule 5.3.3.1(e) Dwellings*.
 - new rules for the number of dwellings per site in *Rule 5.3.3.1(e) Dwellings*.
 - new rules for front, side and rear yards in *Rule 5.3.3.1(f) Yards*.
 - new rules for *Indigenous Forest Retention and Planting* in *Rule 5.3.3.1(p) Indigenous Forest Retention*.
 - new rule for adherence to a *Concept Plan* in *Rule 5.3.3.1(q) Concept Plans*.
 - amendment to *5.3.4 Explanations* to include reference to Lot sizes within Kumara Junction Developments.
 - addition of a new *(p)* to *5.3.4 Explanations* in regard to *Indigenous Forest Retention*.
 - addition of a new *Part 5.3A – Outline Development Plan* which provides the plan for Kumara Junction Developments.
 - new rule *(iii)* to *Rule 6.2(c) – Permitted Activities in All Zones* to provide for the construction of roading as shown on the *Part 5.3A - Outline Development Plan*.
 - new rules in *Table 7.1 – Minimum Zone Standards for Subdivision* to provide for minimum section sizes and adherence to *Parts 5.3A – Outline Development Plan* within Kumara Junction Developments.
 - addition to the bullet point for *Siting of Buildings* in *7.5 Matters Over Which Control is Reserved on Controlled Activities* to provide for a planting plan if required.
 - new assessment matters under *7.5 Matters Over Which Control is Reserved on Controlled Activities* relating to; *(a) Part 5.3A – Outline Development Plan*, *(b)* trigger levels for consideration of a waste transfer station, *(c)* trigger levels for consideration of State Highway Intersection upgrading.
 - amendment to *Appendix E Assessment of Discretionary Activities – Guidelines* in regard to *Number of Dwellings Per Site in Residential Areas* to include assessment in Kumara Junction Developments.

- 3.10 Specific changes requested to the District Plan, and further amendments, are described in the “Recommendation” section of the Planning Report and Section 4.2 (pages 6-16) of the plan change application. It should be noted that at the hearing the applicant amended the minimum permitted and discretionary Area and Lot sizes to 4000m² and 2500m² respectively.

4.0 SITE AND LOCATION

- 4.1 The land is located on a terrace extending from State Highway 6 to close to the Taramakau River in the north. The Eastern boundary of the site is the Midland Industrial Rail Line. The site utilises existing roading access from the State Highway along Sanctuary Place.
- 4.2 Approximately one third of the land is currently subdivided into 34 sections, serviced by Sanctuary Place as a spine road, two private rights of way, and two Council roads.
- 4.3 The land has an indigenous vegetation cover, with the existing development being Lots with dwellings nestled in the bush. Moving across the site, to the north east, the vegetation type changes to become more open. The vegetation changes to a thicker regenerating vegetation cover in the northern part of the site. Carson Creek crosses the site and a number of smaller waterways also cross the site, all of these creeks are less than 3 metres in width.
- 4.4 The adjoining land is a mixture of rural-residential lifestyle blocks on the western edge of the terrace, and rural farmland that is used for a range of agricultural uses. The midland railway line adjoins the eastern boundary of the site. To the east of the site is Kumara Junction, which contains; a cluster of rural-residential dwellings, a complex advertising spiritual retreats, and a café.

5.0 NOTIFICATION

- 5.1 Plan Change 8 (PC8) was received by the Westland District Council on 30 March 2012.
- 5.2 Minor alterations to the format of the plan change proposal were made by the applicant after discussion with the Council. These amendments related to; providing clarity in regard to the plan change description, adding rules to achieve intended components of the plan change, and removing proposed changes perceived to be unnecessary by Council. The Council formally accepted the Plan Change applications under Section 25(2)(b) of the RMA on 24th May 2012.
- 5.3 PC8 was publicly notified on 29 May 2012. The period for submissions closed on 29 July 2012.
- 5.4 A summary of submissions was notified on 2 August 2012, with the period for further submissions closing on 16 August 2012.

6.0 SUBMISSIONS

- 6.1 At the close of submissions on 29 May 2012 at total of 30 submissions were received on the proposed Plan Change (see Appendix A). These submissions can be summarised as;
- 23 submissions supported the Plan Change, although a number of these submissions made specific reference to conditions to manage particular effects or to retain specific aspects of the character of the existing and proposed development.
 - 2 submissions were opposed in part to the Plan Change, in regard to wastewater issues.
 - 2 submissions were opposed to the Plan Change.

- 2 submissions were neutral.
 - 1 submission was withdrawn.
- 6.2 Following the closure of submissions, the applicant entered into discussions with the New Zealand Transport Agency (NZTA) regarding matters relating to the upgrading of the intersection with the State Highway. The Plan Change was amended to include a provision requiring further assessment of traffic safety at the time that the traffic numbers generated by subdivision and development within the plan change area reached a certain level. Following this amendment, the NZTA withdrew their submission and provided a letter of support.
- 6.3 At the close of the notification of the summary of submissions, on 16 August 2012, a further 26 submissions were received in relation to the original submissions (see Appendix A).
- 6.4 Four submitters stated a wish to be heard. One further submitter indicated a wish to be heard in support of their further submission
- 6.5 The summary of submission, further submissions, and officers recommendation report is attached as Appendix B.

7.0 HEARING

- 7.1 The hearing was set down for 5 October 2012 and was conducted by a hearing panel comprised of the following members;
- Mr Bryce Thomson (*Councillor*)
 - Mr Murray Montagu (*Councillor*)
 - Mrs Frances Stapleton (*Councillor*)
 - Mr Martin Kennedy (*Independent Commissioner*)
- 7.2 Appearing at the hearing were:
- For the applicant: Mr Jim Bisset (Applicant – Kumara Junction Developments Ltd)
Mrs Pauline Hadfield (Agent for the Applicant)
- For the Submitters: Mrs Ila Lee (Submitter and Further Submissions)
Mr Evan & Mrs Jenny McGill (Submitter and Further Submissions)
- For the Council: Mrs Rebecca Beaumont (District Planner and Reporting Officer for the Council)
- 7.3 The hearing began at 11:00am on Friday the 5th of October 2012 and adjourned, having heard all of the parties present, at approximately 4:30pm. A lunch break was taken between 1:30pm and 2:10pm.
- 7.4 The hearing was adjourned with agreement of all parties present to allow time for the hearing panel to contact the applicant's engineer, Mr R Hall. All parties agreed that they did not required to be present when Mr Hall was questioned, rather that his responses would be passed on to the parties. Mr Hall was contacted on Monday 8th October and questions arising from the matters heard were asked of him. The responses of Mr Hall were circulated to those parties present at the hearing on 8 October 2012. The parties were also advised on this date that the hearing was now formally closed.
- 7.5 No procedural matters were raised which required attention through the course of the hearing.

8.0 APPLICANTS PRESENTATIONS

- 8.1 Mrs Hadfield presented written evidence on behalf of the applicant. Mr Bisset was available at the hearing to answer any questions and the applicant's engineer, Mr Robert Hall, was available by telephone to answer any questions if required.
- 8.2 In general the applicant was in agreement with the Council Reporting Officers report and recommendations, although there were some relevant matters arising that were to be covered.
- 8.3 Mrs Hadfield provided background to the proposal;
- proposal to rezone 74 hectares of land at Kumara Junction to 'Small Settlement'.
 - 34 existing rural-residential properties within the plan change area.
 - approximately 50 hectares of land awaiting development following the rezoning
 - access to the rezoned land is via Sanctuary Place, which has been constructed and vested in Council through previous subdivisions.
 - certificates of title in existing subdivisions are subject to covenants restricting vegetation clearance.
 - vision for the development is a secluded rural community with bush surroundings.
 - proposed plan change rules aim to maintain the existing pattern/type of development.
 - PC8 application results from discussion with the Council, over the potential for inconsistency with Objectives and Policies of the District Plan regarding new settlements in the 'Rural' zone, as a result of a 38 Lot subdivision application in the 'Rural' zone.
 - PC8 application was submitted to Council on 30 March 2012.
- 8.4 Mrs Hadfield then provided us with a brief description of the site and the locality, and noted that the plan change application only relates to the land owned by the applicant. The proposal is essentially a continuation of the type of development begun with the subdivision consents approving the existing 34 rural-residential sections.
- 8.5 Mrs Hadfield then turned to submissions received and noted that around 2/3 (23 submissions) of the submissions were from owners within the subdivision and were in support of the proposal rezoning. It was her view that there was a high degree of approval for the rezoning from the landowners within the development area. Objections, in her view mainly related to wastewater and roading matters. An objection had originally been made by the NZ Transport Authority, but this had been resolved and a letter of support received from that Authority. A neutral submission from the NZ Historic Places Trust requested an advice note regarding accidental discovery and the applicant had no issues with such a request.
- 8.6 Mrs Hadfield thought it important to note that no submission had been received from the West Coast Regional Council or Community and Public Health as extensive consultation had been undertaken with those parties over wastewater disposal issues.
- 8.7 Turning to the matters raised in the submissions Mrs Hadfield identified 3 main themes; amenity, infrastructure (including roading and lighting) and wastewater disposal.
- 8.8 In regards to amenity Mrs Hadfield noted that there was support for the retention of bush boundaries and the natural rural character of the development. Her view was that the proposed rules in the plan change will protect and enhance the level of amenity existing within the current development. She also noted the support in submissions for the proposed walkway to the Serpentine Beach. It was further noted that the proposed minimum Lot sizes of 2500m² were considerably larger than the usual section sizes in a Small Settlement zone,

although the applicant intended to continue to develop the land at an average Lot size of 5000m².

- 8.9 Turning to the matter of street lighting Mrs Hadfield noted that this was raised in a large number of the submissions, ie no development of street lights, to retain night sky views. Whilst acknowledging that the matter was more appropriately dealt with at subdivision stage in her view street lighting would be detrimental to the developers vision of the site and would detract from the night time amenity. Mrs Hadfield then addressed the standards used by the Council in assessing such matters and noted that there is currently some discretion in these matters at the time of subdivision. She noted that subdivision consents issued to date have not included requirements for street lights, even though a number of roads and intersections have been created. As it was the developer's intention to continue with the same development type it was her view that the Council should exercise its discretion and not require street lights. If street lights were to be installed a subdivision stage the applicant would seek that this limited to low light emitting bollard style lighting at intersections only.
- 8.10 Mrs Hadfield then commented on traffic effects arising from submissions and agreed with the Reporting Officers proposed amendments to Rule 6.2.3(c)(iii) which enabled roading and associated services within the development to be constructed as a permitted activity provided there was compliance with *NZS4404:2010*. Mrs Hadfield noted the range of submissions on roading matters, including; pedestrian safety, speed limits and construction standards. She noted that Sanctuary Place was not yet fully sealed to allow for the installation of services within the road corridor. It was noted that a bond was currently held by the Council which required sealing of both Sanctuary Place and property access roads by mid-2014.
- 8.11 In regard to a footpath Mrs Hadfield noted that *NZS4404:2010* does not require the provision of a footpath for a rural density local road serving up to 150 dwelling units. Pedestrians are expected to use the 1-metre shoulder or the roadside berm alongside the carriageway. Mrs Hadfield advised that the applicant intends to provide a shared cycle and pedestrian lane of 1.5m-2.0m wide along one shoulder of Sanctuary Place. She considered that this was appropriate to the type of development proposed and that the matter would be further discussed at subdivision stage.
- 8.12 In terms of speed restrictions Mrs Hadfield agreed with the Reporting Officer that this was something to be dealt with at the subdivision stage. She noted that Council bylaw, Westland District Speed Limits Bylaw 2006, and noted that discretionary powers would be required under the bylaw for any speed restriction below 70km/hr for the 'Small Settlement' zone. She considered that a lower, 50km/hr, limit would be appropriate given that it can be expected that a driver can expect to encounter pedestrians, cyclist and vehicles that are slowing and turning.
- 8.13 In terms of "Give Way" signs it was her view that these were no longer needed given the recent changes to the road rules.
- 8.14 As regards the intersection with the State Highway Mrs Hadfield noted that this had been independently assessed and it had been confirmed that the current design was suitable for up to 1000 vehicle movements per day (vmpd). It was expected that when the Kumara Junction Developments was fully developed the traffic generation would be half of that figure. However to ensure that this matter was attended to the application had been amended to include a new assessment matter which will provide for the review of safety and design at the intersection should the 1000 vmpd level be exceeded through future developments.

- 8.15 Turning to wastewater Mrs Hadfield advised that the matter of cumulative effects of on-site wastewater disposal had been extensively investigated by the applicant's engineer, Mr R Hall. There had also been considerable consultation with both the West Coast Regional Council and Community and Public Health. A communal wastewater system as considered however it was concluded that the best option for the development was individual on-site disposal systems. On-site soakage systems can be assessed during each stage of subdivision and no further rules are necessary.
- 8.16 Mrs Hadfield then advised of the applicant's ownership of a company specialising in wastewater systems which are to be trialed at the development site. Further the applicant has an agreement in place for annual inspection of wastewater systems within the development for 3 years. After that time it will be the responsibility of individual landowners to carry on inspection and maintenance of systems.
- 8.17 In terms of the potential for effects on bore water supplies Mrs Hadfield noted that the applicant intends to register covenants on new titles to prohibit the sinking of bores for domestic water supply. A proposed 50 metre wide easement along the western boundary of the plan change site will also prohibit water bores. These measures had alleviated the concerns of Community and Public Health in regard to potential health risks. Mrs Hadfield also noted new rules in the Proposed Regional Land and Water Plan requiring soak pits to be at least 100m from any bore or well used for potable water supply. Mrs Hadfield again noted that following consultation no submissions had been received from either the West Coast Regional Council or Community and Public Health in regard to discharge matters.
- 8.18 In terms of submissions regarding contamination of existing drinking water supplies Mrs Hadfield drew our attention to an aerial photograph showing the known location of existing supplies and septic tanks near the southern end of the Plan Change site. She noted that the installed systems complied with the regional rules at the time of installation and that ground water is flowing essentially in a west-north-westerly direction to the coast line and therefore away from these water supplies.
- 8.19 In regard to submissions relating to potential contamination of the freshwater springs on farm land adjacent to Serpentine Beach it was not considered by the applicant that treated effluent from systems located at least 1 kilometre away would have a significant effect on the springs. In this regard she noted the regional rules which required a 100m separation between soak pits and bore water supplies. It was her view that there was more likelihood that the springs could be contaminated by animal waste from pasture around the springs and waterways.
- 8.20 It was Mrs Hadfield's view that there would not be a cumulative effect of on-site effluent disposal systems and these matters had been considered by both the West Coast Regional Council and Community and Public Health, both of which had accepted the proposal to use individual on-site wastewater systems.
- 8.21 Finally in regard to the Lot size and effluent disposal Mrs Hadfield noted that current subdivision rules in the District Plan allowed for 1000m² in non-sewered Small Settlement zones.
- 8.22 Mrs Hadfield then turned to a matter relating to "reverse sensitivity", which was an issue raised in one submission. She noted that the rezoning would not prevent activities occurring on adjoining 'rural' zoned sites. It was only the applicant's intention to rezone land owned by them and not any adjacent land. It was her view that the retention of indigenous vegetation along boundaries would ensure the separation of rural activities from rural-

residential activities. She also noted that the submitters land adjoined the existing development and no further development was proposed in that area. There would therefore be no change to the existing environment as experienced by the submitter.

8.23 Turning to the Planning Report Mrs Hadfield noted reference to the proposed description of Kumara Junction Developments as being unnecessary. It was her view that this was necessary to be consistent with the description of other Small Settlement zones and to signify the character of the proposed Kumara Junction Developments settlement.

8.24 In conclusion Mrs Hadfield advised that she agreed with the Reporting Officers proposed amendments and concurred with the assessment that the proposed plan change was in accord with the Resource Management Act 1991 and the Objectives and Policies of the Westland District Plan. She agreed that the plan change could be approved subject to the suggested amendments of the Reporting Officer.

8.25 This ended the applicants' submissions.

8.26 In reply to questions from the hearing panel the applicant advised, via both Mrs Hadfield and Mr Bisset, that;

- currently there is a development proposal for 38 new sections, which will be lodged at the conclusion of the plan change process. This proposal had been the catalyst for the plan change process.
- whilst they intended to continue with subdivision to 5000m² Lot sizes they did want to keep the 2500m² Lot size as a controlled activity, but may have covenants which prevented further subdivision. Proposed Lot size allowed flexibility in terms of onsite conditions, including trees.
- the proposed Lot size of 2500m² is essentially a compromise between the 5000m² discretionary Rural Zone limit and the 1000m² Small Settlement Zone limit.
- at a 5m retention of boundary vegetation this would equate to 10m in total between potential building sites.
- there could be up to 200 Lots at 2500m² Lot size.
- engineers assessment of wastewater disposal effects was based on total development of the land at 2500m² Lot sizes.
- they were not objecting to the use of *NZS4404:2010*. They had not considered the matter in terms of full development at 2500m² but at the scale of what they were proposing to do, ie larger section sizes.
- the applicants proposal was to use a wider shoulder of the road for pedestrian and cycle use rather than a separate footpath. There may be some lighting at intersections for safety purposes.
- in the past work had been to the Councils Code of Practice.
- in terms of speed limits this is a matter that could be applied for through the Councils bylaw at the time of subdivision application.
- the term "cumulative" could be added to proposed amendments (b) and (c) for assessment of controlled activities under Section 7.5 of the District Plan.
- height of buildings is not an issue given limits in the District Plan, and the retention of bush along boundaries.
- It is not proposed to limit use to residential only, rather to the mix of uses provided for in the 'Small Settlement' zone.
- whilst Rule 77 has now changed to Rule 79 in the Proposed Regional Land and Water Plan, in regard to effluent discharges, none of the relevant conditions had changed to those assessed by the applicant's engineer.

- proposed 3 year effluent disposal system maintenance period is to get new landowners used to monitoring their systems.
- existing sites along the McGill boundary were covered by covenants for building and vegetation clearance. It is not proposed to change anything in that regard.
- it is not proposed to control clearance of riparian vegetation specifically through rules.

9.0 SUBMITTERS PRESENTATIONS

- 9.1 We heard firstly from Mrs Ila Lee. Her main point of submission was that she sought that further development maintained the 5000m² Lot size of the preceding subdivisions. She had been very happy with the style of development but would like to avoid the development turning into a township with small sections, particularly as they would rely on individual septic tank systems for effluent disposal. Mrs Lee had supported the style of development which had been occurring and would like to see that style retained in the future.
- 9.2 Next we heard from Mr Evan McGill. Mr McGill advised that he was concerned with wastewater matters. He had concerns about existing water supply bores and the cumulative effects of wastewater discharges, ie 200+ septic tanks across the site. He was concerned that there was only a small separation distance between the development and bore supplies to the south, off the development site. He had not had water testing done on his supply and wanted to make sure that ground water was not flowing in his direction from the land subject to the plan change. Mr McGill advised that he understood from the evidence provided at the hearing that his land was not subject to a change of zoning which might affect its use for rural purposes.
- 9.3 This ended the presentations from the submitters present.

10.0 REPORTING OFFICER

- 10.1 The Reporting Officer for the hearing, Mrs Rebecca Beaumont (the District Planner for the Westland District Council), submitted the Planning Report as read and proceeded to discuss matters arising at the hearing.
- 10.2 Mrs Beaumont advised that there appeared to be a difference in how the development was categorised following the plan change. The applicant was referring to the proposal as a rural subdivision however the plan change was for a 'small settlement' zone. This meant that the development was not strictly rural and was moving to a more urban type of environment through that zoning.
- 10.3 In terms of matters relating to the requirements for footpaths Mrs Beaumont advised that this was a matter that would be resolved through the subdivision process. She did have concerns about not having a footpath from a road and traffic safety and management point of view. Her view was that the major issue at this stage of the process was to determine the standard to be used for assessing development. It was her opinion that the appropriate standard to use in assessing future development applications was *NZS4404:2010* and that it be noted that the plan change resulted in an area that was no longer strictly rural.
- 10.4 In terms of site layout any future retirement community would require resource consent in its own right. This is not something that can be dealt with at the plan change stage.
- 10.5 Mrs Beaumont noted the applicant's indication following the luncheon adjournment that it may change the controlled activity Lot size to 4000m² but advised that she supported a

controlled activity Lot size of 5000m² with a Lot size of 2500m² being a discretionary activity, with anything lower being a non-complying activity. Any issues with location of trees could be resolved through the planned location of roads within the development.

- 10.6 In terms of existing development controls, particularly regarding building and further subdivision, Mrs Beaumont noted that these were private covenants and could be changed without the approval of the Council.
- 10.7 In regard to controlled activity assessment matters at Section 7.5 of the District Plan she agreed that there could be benefit from adding the terms “cumulative” to proposed provisions (b) and (c).
- 10.8 In terms of questions regarding vegetation clearance Mrs Beaumont noted that creeks within the plan change site were not wider than 3 metres and would not have been covered by riparian vegetation clearance rules in the ‘Rural’ zone prior to the plan change.
- 10.9 In terms of uses allowed under the ‘Small Settlement’ zone she noted that this would allow for some small scale commercial activities. It was her view that this mix of activities was appropriate as it provided for a range of opportunities and was consistent with the ‘Small Settlement’ zone outcomes and provided for a wider range of activities than the ‘Rural’ zone.
- 10.10 In terms of discussion around the proposed addition of point VII to Section 4.2 *Anticipated Environmental Outcomes* Mrs Beaumont advised that she was not saying in the Planning Report that it had to be removed, simply that she did not think it was necessary.
- 10.11 Having considered the applicants comments regarding street lighting it was Mrs Beaumont’s opinion that such lighting could still be required but undertaken in a manner that achieves both safety and amenity purposes.
- 10.12 In summing up Mrs Beaumonts conclusions were that the plan change could be adopted subject to the amendments in her report, although she was now recommending that the controlled activity Lot size was increased to 5000m², with 2500m² becoming discretionary and anything less being non-complying.

11.0 APPLICANTS REPLY

- 11.1 Following the presentation of the Planning Report the applicant provided their brief replies to matters which had arisen through the hearing.
- 11.2 Immediately following the luncheon adjournment the applicant had indicated that a change to the “Minimum Area” and “Lot” sizing was proposed. This was formalised through the right of reply with the applicant advising that they formally amended the Lots sizes to 4000m² for a controlled activity subdivision and permitted Lots size for a dwelling, and 2500m² for discretionary activities for subdivision and dwelling respectively.
- 11.3 The applicant advised that 5000m² was not a deal breaker but they preferred 4000m² as this provided them with some flexibility in terms of development layout.
- 11.4 Mr Bisset advised that it was not his intention to develop at 15 dwellings per hectare (in terms of a more suburban development) but closer to 2 dwellings per hectare.

- 11.5 They were concerned about the use of suburban standards under *NZS4404:2010* but the applicant did accept that *NZS4404:2010* was an acceptable standard to use for determining such matters. The applicants view was that the proposal was more rural than suburban.
- 11.6 The issue of whether the term “cumulative” was added to assessment matters for subdivision was for the hearing panel to decide.
- 11.7 This completed the applicant’s right of reply

12.0 ADJOURNMENT & CLOSE OF HEARING

- 12.1 It had become apparent that there were some matters arising through the course of the hearing that required clarification from the applicant’s engineer, Mr Hall. Mr Hall was not present at the hearing however the applicant advised that Mr Hall would be available by telephone to answer any questions. Whilst this was not ideal the matters arising were mainly in regard to confirming the information which was already available through the reports and application for plan change.
- 12.2 Rather than close the hearing it was proposed that the hearing be adjourned to enable the panel to contact Mr Hall and confirm the matters. All parties at the hearing were in agreement with that approach and did not have a requirement to be present to hear the conversation with Mr Hall. Mr McGill did provide some written questions for clarification from Mr Hall. The panel undertook to circulate the replies of Mr Hall to the parties.
- 12.3 Mr Hall was contacted on 8 October 2012 and provided the following replies to matters arising.
- 12.4 In regard to the scale of the proposal considered by Mr Hall in the assessment of effluent disposal matters. Mr Hall confirmed that his assessments related to the land being fully developed at a density of 2500m². His assessments were not changed by the applicant’s amendment to 4000m² Lot sizes.
- 12.5 In regard to the direction of groundwater flow Mr Hall confirmed that this was essentially perpendicular to the coastline. This was in accord with the applicant’s advice at the hearing that the direction of flow was essentially west-north-westerly toward the coast line. Groundwater flows from the site would not go in a southerly direction toward Serpentine Creek on the opposite side of the State Highway.
- 12.6 In regard to the existing small water course between the State Highway and the southern end of the subject land (ie that part of the site already subdivided and partially built on). Mr Hall advised that surface water courses are perched above the iron pan, whereas it is proposed that soakage holes were through the iron pan and this avoids hydraulic connection between the two.
- 12.7 In terms of depth to ground water, bore holes and potential for effluent to be drawn upstream to the bore holes adjacent to the State Highway, and to the south of the land covered by the plan change. Mr Hall advised that these bores would not be affected as they were in the opposite direction to the flow of groundwater. Given the distance to the development, and direction of flow, any pumps used at the bores would not be of sufficient size or strength to pull groundwater (*the cone of depression*) in the opposite direction to the normal flow from within the development site.

12.8 This then completed the receipt of the information sought by the Commissioners from Mr Hall and accordingly the hearing was formally closed. The responses and notice of closure of the hearing were circulated to the parties on 8 October 2012.

13.0 STATUTORY CONSIDERATIONS

13.1 When considering the application for Plan Change 8 we are required to take into account;

- Part II, “Purpose and Principles”, of the Resource Management Act 1991 (the RMA)
- Section 32 of the RMA, “Consideration of Alternatives, Benefits and Costs”
- Regional Policy Statement/Regional Plans
- District Plan Objectives and Policies.

13.2 The Planning Report presented to us by the Councils’ District Planner contains an overview of these matters at paragraphs 18-36 and additionally, in the case of Section 32 of the RMA, paragraphs 48-51. The application for Plan Change 8 also contains a comprehensive analysis of Section 32 matters, *Section 8.0 Section 32 Analysis*, on pages 39 to 56.

13.3 We do not intend to repeat all of those matters here as we find following consideration of the issues that we are in agreement with, and therefore adopt, the District Planners assessment and conclusions in regard to these matters. We also note in regard to these considerations that there were no issues or objections arising in submissions or at the hearing in regard to any of these matters. Accordingly we make the following recommendation on these matters,

13.4 Recommendation 1

- (a) *that Plan Change 8 will achieve Part II, “Purpose and Principles” of the Resource Management Act 1991.*
- (b) *that, in terms of Section 32 of the Resource Management Act 1991, Plan Change 8 (subject to the amendments discussed below) is the most efficient and effective option for managing the development of the land subject to the Plan Change and will achieve the purpose of sustainable development of the Districts natural and physical resources. No changes are required to the existing Objectives and Policies of the Westland District Plan.*
- (c) *that Plan Change 8 is consistent with the provisions of the Regional Policy Statement and Regional Plans.*
- (d) *that Plan Change 8 is consistent with the Objectives and Policies of the Westland District Plan.*

14.0 CONSIDERATION OF SUBMISSIONS

14.1 In considering the application for Plan Change 8 there are a number of issues arising from the submissions, and the hearing, which require evaluation and recommendations to be made. In evaluating the matters and making these recommendations we record that we are familiar with the application, submissions, further submissions, Planning Report and the site subject to this proposed rezoning.

14.2 In considering the submissions we have grouped the submissions according to the matters to which they relate. A recommendation is then made on each matter as a group of submissions. To this end the submissions have been grouped for consideration purposes into the categories as set out in the following *Table 13.1 Submission Groups*.

Group	Issues
1	outcome sought
2	existing character of the area, existing rural land use, section sizes 5000m ² , bush boundaries/vegetation clearance
3	wastewater, contamination and cumulative effects
4	traffic levels, road upgrading and sealing, no street lights, no kerb and channel, no footpaths, speed limits, give-way signs, sight lines, sealing of accesses
5	walkway to beach
6	previous subdivision completion
7	heritage matters

Table 13.1 Submission Groups

14.3 The submissions and further submissions have been collated according to these submission groups and are summarised in the following *Table 13.2 Summary of Submissions and Further Submissions*.

Sub Ref.	Status	Submission Groups							X-Sub
		1	2	3	4	5	6	7	
1	Support	Approve			X				10
2	Support	Approve	X		X				11
3	Oppose	Decline	X	X					7
4	Neutral	Approve	X	X					4, 8
5	Oppose*	Approve	X	X					5
6	<i>No submission 6</i>								
7	Oppose	Decline	X		X		X		N/A
8	Oppose*	Approve		X					1
9	Support	Approve	X		X	X			N/A
10	Support	Approve	X		X				26
11	Support	Approve	X		X	X			25
12	Support	Approve	X		X				2, 23
13	Support	Approve	X		X	X			N/A
14	Support	Approve	X		X				24
15	Support	Approve	X		X				N/A
16	Support	Approve			X	X			N/A
17	Support	Approve	X		X	X			N/A
18	Support	Approve	X		X	X			3
19	Support	Approve	X		X	X			N/A
20	Support	Approve	X		X				N/A
21	Support	Approve	X		X	X			17
22	Support	Approve	X		X				18
23	Support	Approve	X		X				19
24	Support	Approve	X		X	X			6, 9, 20
25	Support	Approve			X				14
26	<i>Submission withdrawn</i>								
27	Support	Approve	X			X			15
28	Support	Approve	X		X	X			16, 21
29	Support	Approve	X		X				12, 22
30	Support	Approve	X		X	X			13
31	Neutral	Approve						X	N/A

*Submission opposes in part Section 7.5.3 re wastewater

Table 13.2 Summary of Submissions and Further Submissions

Submission Group 1

- 14.4 This grouping of submissions is related to the outcome sought through the submissions. It is clear that there was a considerable level of support for PC8 and the proposed development through the submissions. Of the 29 submissions remaining 27 sought that the plan change be approved; *Submissions 1-2, 4, 9-25, 27-31*. Whilst raising various individual points to be discussed in the submission groups to follow all of these submissions indicated that the proposal was a sound use of the subject site and was aimed at continuing the high standard of development which had already been undertaken by the developer.
- 14.5 Two submissions, *Submissions 5 and 8*, were opposed to a single issue related to wastewater disposal, however both of these submissions sought that the plan change be approved. Wastewater matters are discussed below under the *Submission Group 3* discussion.
- 14.6 This then leaves the remaining 2 submissions, *Submissions 3 and 7*, seeking that the Plan Change be declined.
- 14.7 *Submission 3* sought the Plan Change be declined due to issues relating to wastewater contamination and effects on the use of adjoining rural zone land. Wastewater issues are to be dealt with below under *Submission Group 3*. In terms of effects on the adjoining 'rural' zoned land the submitter, who was present at the hearing, advised that they now understood that the proposal did not seek to rezone their land from 'Rural' to 'Small Settlement'. Both the applicant and the Reporting Officer advised that there would not be effects on the existing rural use of the submitters land. It was also noted that the part of the site to be rezoned adjoining the submitters land was already fully developed and there would be no change in density of development as a result of this Plan Change. Rules proposed would ensure that a buffer of indigenous vegetation remained along the boundary. The applicants amendment from 2500m² to 4000m² for minimum Area and Lot size mean that there would not be further intensification of development adjoining that boundary as a result of the Plan Change.
- 14.8 *Submission 7* sought that the Plan Change be declined due to; earlier subdivisions not being fully completed, the developers vision appearing to have changed, roading and traffic issues. Roading and traffic matters are to be discussed in *Submission Group 4* below. In terms of uncompleted elements of earlier subdivisions this is not a matter that can be attended to through the Plan change process. If there are elements of non-compliance with conditions these can be taken up with the Councils Planning Staff in order that the matters can be monitored and any action taken as appropriate to ensure compliance. In regard to the developers vision this was a matter discussed at the hearing. The developer stated that the intention was to continue with the type of development which had previously been undertaken. The fact that the proposed Plan Change may result in double the density of development which had been occurring was considered by the applicant who made an amendment to the proposed minimum Area and Lot size from 2500m² to 4000m². The developer did advise that their next plans were to develop at 5000m² Lot sizes but they sought 4000m² to allow some flexibility. This would also differentiate the development from a 'Rural' to 'Small Settlement' type of development as was the aim of the Plan Change.
- 14.9 Having evaluated the submissions we consider that there is a high degree of support for the plan change. Matters of wastewater disposal are discussed below. However of the two opposing submissions we are satisfied that the proposal will not result in development that is out of character with that which has been occurring, particularly given the amended Area and Lot size. There will be a change of amenity within the development as the rules of the 'Small Settlement' zone will now apply and the site itself will no longer be strictly 'rural'. The

portion of the site adjoining the land owned by Submitter 3 is already developed and no higher density of development will occur along that boundary.

14.10 Accordingly it is our conclusion that Plan Change 8 can be approved, subject to any matters arising in the following recommendations.

14.11 **Recommendation 2**

(a) that Submissions 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30 and 31 be Accepted in Part.

(b) that Further Submissions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 be Accepted in Part.

(c) that Submissions 3 and 7 be Rejected.

(d) that Further Submission 7 be Rejected.

(e) that Plan Change 8 be Approved subject to the amendments to the Westland District Plan as set out in Appendix C.

Submission Group 2

14.12 This submission group relates to matters raised in regard to retaining the existing environment, rural land use, section sizes of 5000m², retention of bush on boundaries and vegetation clearance. Relevant submissions in regard to this group are *Submissions 2-4, 7, 9-15, 17-24, 27-30* and *Further Submissions 2-9, 11-13, 15-26*.

14.13 We note that it is the applicant's intention to retain vegetative buffers along boundaries to ensure separation and screening of building development, and to maintain the character and amenity of the area. This was supported by the submissions received in this regard. We agree with the Reporting Officer that this component of the plan change request is critical if the current character of the development is to be retained as development progresses. It is clear that the residents within the plan change area clearly value the existing character and amenity of the subdivision. Ensuring that the clearance of vegetation is restricted and that buffer zones are left along the boundary of the development is central to the plan change. It will lessen the dominance of what will become a significant housing development within the Westland District. We note the proposed *Rule 5.3.3.1(p)* which sets a minimum 5 metre vegetation buffer along boundaries and a limit of clearance of 2000m² per site. This will achieve the requirements of the submitters and residents. We also note that the applicant's amendment to a minimum Area and Lot size of 4000m², from 2500m², will ensure the retention of a larger area of vegetation per site.

14.14 Two of the submissions, *Submissions 4 and 5*, specifically sought that the 5000m² rural lot size be retained as this is how the subdivision development had been proceeding to date. This linked in with the other submissions in regard to retaining the existing environment. The applicant did advise that they intended to continue with the pattern and style of development already established but sought the 2500m² minimum to provide for flexibility of development into the future. Having heard the discussion and matters raised the applicant at the hearing amended the application to provide for a minimum Area and Lot size of 4000m² with a discretionary Lot size of 2500m². Whilst this does not achieve the 5000m² sought in the submissions it will mean that the change in amenity will not be as great as if the 2500m² had remained. We agree with the applicant that the matter is a plan change to a 'Small Settlement' zone and it therefore should be anticipated that a higher density of development may occur. The applicant's amendment does considerably lessen the potential density.

14.15 A number of submissions, whilst supportive, requested that the existing environment be retained. Relevant to this matter are *Submissions 2, 9-14, 15, 17, 18-24, 27-30* and *Further Submissions 2, 3, 6, 9, 11-12, 15-26*. The applicant has proposed a number of rules to control development within the rezoned area, these include the vegetation rules and the amended site and Lot areas. Whilst the ‘Small Settlement’ zone and the proposed 4000m² Lot size will allow a change in the amenity from a strictly rural site it is considered that provisions are in place to maintain amenity. There may be some change as a result of the increased development of the land, including from an infrastructure requirements point of view, and these are matters that will be discussed in *Submission Group 4*. Any changes will not be out of character with the ‘Small Settlement’ zone. We note that the majority of these submissions were not specifically opposed to the applicant’s initial proposal at 2500m² Lot sizes and therefore the amendment to 4000m² will provide them with some comfort in this regard.

14.16 Two submissions sought that the plan change be declined in regard to a change in vision of the applicant, *Submission 7*, and effects on adjoining rural land, *Submission 3*. Both of these matters have been discussed above under *Submission Group 1* and it is our view that the outcome is the same in regard to this *Submission Group 2*. Accordingly no further discussion or evaluation is required, over and above that in paragraphs 14.7 and 14.8 above, in making our recommendation on these submissions.

14.17 ***Recommendation 3***

Rules for Vegetation Clearance

- (a) *that Submissions 2, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 27 and 29 be Accepted in Part.*
- (b) *that Further Submissions 2, 3, 11, 12, 15, 18, 19, 22, 23, 24, 26 be Accepted in Part.*
- (c) *that proposed Rule 5.3.3.1(p) be included in the amendments to the District Plan as set out in Appendix C.*

Minimum Area

- (a) *that Submissions 4 and 5 be Rejected in Part.*
- (b) *that Further Submissions 4, 5 and 8 be Rejected in Part.*
- (c) *That the applicants amendment from 2500m² to 4000m² for minimum area and controlled activity Lot size, and associated amendment from 1000m² to 2500m² for respective discretionary activities, be Accepted.*
- (d) *that proposed Rules 5.3.3.1(e) and Table 7.1 – Minimum Zone Standards for Subdivision be included in the amendments to the District Plan as proposed in the application and amended by the applicant at the hearing. All associated provisions are also changed to reflect the amendments as set out in Appendix C.*

Existing Environment

- (a) *that Submissions 2, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29 and 30 be Accepted in Part.*
- (b) *that Further Submissions 2, 3, 6, 9, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 be Accepted in Part.*

Vision of Development and Adjoining Rural Land Use

- (a) *that Submissions 3 and 7 be Rejected.*

(b) that Further Submission 7 be Rejected.

Submission Group 3

- 14.18 This submission group relates to matters concerning wastewater disposal, contamination and cumulative effects. In particular *Submissions 3-5, 8* and *Further Submissions 4-5, 7-8* were related to these matters.
- 14.19 Both the application and the Planning Report, at paragraphs 38-40, provided assessment of these matters. The matters raised related to the cumulative effects of discharge from the proposed Lot sizes of 2500m², and submissions sought requirements for secondary treatment systems in order to mitigate concerns. Submissions also raised the potential for contamination of groundwater bores to the south of the site and fresh water springs on the coastal plane at approximately 1 kilometre from the site.
- 14.20 We were advised by both the applicant and the Reporting Officer that the plan change has been accompanied by an assessment undertaken by Mr R Hall, a Chartered Professional Engineer, which states that the ground can accommodate soak pit treatment. We confirmed with Mr Hall that his assessment was for full development of the subject site at 2500m² Lot density. It was the Reporting Officers opinion that sufficient information has been provided at this stage to ensure that no further provisions are required in the Plan Change relating to effluent disposal. We were also advised that it is likely that any allotments adjoining Carsons Creek may require separate discharge consent from the West Coast Regional Council.
- 14.21 A submission, *Submission 3*, raised concerns that surrounding ground water bores will be contaminated. We were satisfied from the discussion at the hearing and the clarification of Mr Hall that the groundwater flows away from these bores, and pumps would not be strong enough to draw water in the opposite direction. We note that the bores adjoin the already developed portion of the plan change site and no greater density of development is proposed.
- 14.22 It was also pointed out to us by both the applicant and the Reporting Officer that both the West Coast Regional Council and Community and Public Health did not submit after pre-application discussion. The Reporting Officer advised us that individual on-site soakage can be assessed during each stage of subdivision and no additional rules are required to be added through the Plan Change process.
- 14.23 Finally we note that the applicant amended the minimum Area and Lot sizes at the hearing from 2500m² to 4000m² thereby reducing the potential density of development on the subject land.
- 14.24 Accordingly it is our conclusion that there are no additional requirements needed in terms of the plan change and these submissions should be rejected. The plan change does not affect the assessment of wastewater disposal proposals through subdivision applications at the time of lodgement of any application, and the provisions of the West Coast Regional Plans will still apply. The applicants amended Area and Lot sizes also assists with this matter, and goes some way to satisfying matters raised at the hearing.
- 14.25 ***Recommendation 4***
- (a) that Submission 3 be Rejected.*
- (b) that Submissions 4, 5 and 8 be Rejected in Part.*
- (c) that Further Submissions 4, 5 and 7, 8 be Rejected*

Submission Group 4

- 14.26 This submission group relates to matters raised through submissions in regard to infrastructure matters such as; traffic volumes, highway intersection, road upgrading and sealing, sealing of individual accesses, no street lights, no kerb and channel, no footpaths, speed limits, give way signs, sight lines. Of relevance to this group are *Submissions 1, 2, 7, 9-25, 28-30* and *Further Submissions 2-3, 6, 9-14, 16-26*.
- 14.27 The matters raised in these submissions were assessed by the Reporting Officer. No matters were specifically raised by submitters at the hearing in regard to these matters, and there were no objections from submitters to the recommendations of the Reporting Officer. We agree that most of the issues raised in this group of submissions relate to engineering matters to be dealt with at the time of any subdivision applications. Whilst it is understandable that existing residents would want to retain a certain level of infrastructure development it is a consequence of the plan change that a number of dwellings, and other uses permitted by the 'Small Settlement' zone, can establish within the new zone. The land will no longer be a 'rural' zone, and accordingly the development will no longer be strictly 'rural' in nature. Infrastructure standards will be required to be to a level to accommodate the potential use and effects of development, and this is for both amenity and safety reasons.
- 14.28 While there were no specific matters or suggested provisions raised by submitters at the hearing there were a number of questions from the hearing panel to the applicant as to proposed standards for infrastructure and roading. Part of this related to the appropriate standard though which engineering requirements could be dealt with at the time of subdivision application. It was agreed by both the Reporting Officer and applicant that engineering standard *NZS4404:2010 Land Development and Subdivision Infrastructure* is the appropriate standard. The Reporting Officer has recommended to us an amendment to proposed *Rule 6.2(c)(iii)* which will require roading and associated services to be designed, constructed and formed in accordance with *NZS4404:2010* and we accept that recommendation. The applicant indicated at the hearing that they did not object to that requirement.
- 14.29 One submission, *Submission 1*, queried whether sealing of existing accesses could be allowed. No party, including the submitter, has proposed any provision through the plan change process in this regard. Engineering standards for roading are more appropriately dealt with through the subdivision process and accordingly this submission point is not accepted.
- 14.30 One submission, *Submission 7*, raised issues in regard to the effects of increased traffic, road upgrading and the standard of intersection with the State Highway. These matters have been considered through the process in terms of the formation of roads. The Reporting Officer has suggested an amendment to proposed *Rule 6.2(c)(iii)* which requires roading and associated services to be designed, constructed and formed in accordance with *NZS4404:2010*. This will ensure that roading is capable of carrying the potential level of development from the rezoned land. The New Zealand Transport Agency (NZTA) also raised questions in terms of the intersection with the State Highway. We have been advised that the NZTA is satisfied that the intersection is capable of carrying up to 1000 vehicle movements per day (vmpd). An assessment matter has been added to the matters for controlled activity subdivision, at *Rule 7.5*, which requires review and possible upgrade where development within the rezoned land exceeds 1000 vmpd. Accordingly we accept in part the submission point and are satisfied that the matters have been dealt with through the proposed amendments to *Rule 6.2(c)(iii)* and *Rule 7.5* respectively. These are matters which can be reviewed under the appropriate standards and regulations at the time of future subdivision and development.

- 14.31 Certain submissions related to the installation of give-way signs and sight visibility, *Submissions 10-11, 13-17, 20, 23* and *Submissions 10-11* respectively. The Reporting Officer has advised use that these are not matters to be addressed through the plan change process. These are matters which can be reviewed under existing standards and regulations at the time of subdivision and development. Accordingly the submissions are not accepted in regard to these two points.
- 14.32 The need to control speed limits were raised in submissions, *Submissions 2, 9-11, 13-16, 18, 21, 24, 29, 30*. We are advised by, and agree with, the Reporting Officer that it would not be appropriate to discuss provisions within the District Plan that control the operating speeds of roading within the District. This can be discussed at the time of future subdivision and it was noted at the hearing that reference was made to the Council bylaw for such matters. Given that application can be made under the bylaw to consider speed restrictions it is not appropriate to consider provisions in the District Plan in that regard. Accordingly these submissions are not accepted.
- 14.33 A number of submitters, *Submissions 1-2, 12-15, 17-22, 24, 28-30*, raised street lighting and sought that there be no street lights required within the rezoned area. The Reporting Officer advised us that a number of submissions in support of the Plan Change sought to retain the character of the development through the prevention of street lighting. There are however no proposed rules within the plan change that would direct or restrict the provision of street lighting within the development. The matter of lighting at night is discussed in a proposed new *Anticipated Environmental Outcome* within the settlement character policy of the District Plan. This is a specific matter that we refer to in “*Other Matters*” below.
- 14.34 The Reporting Officer did advise us that given the level of dwellings that may be developed within the rezoned land the Council’s view is that street lighting would be necessary at least along Sanctuary Place. The focus of this street lighting would be at the intersections, and it is noted that no dwellings are proposed to access directly off Sanctuary Place, therefore any street lighting will be screened by vegetation. The Reporting Officer further advised that the Council may not require street lighting along the roads off Sanctuary Place. We are advised, and accept, that further discussions around the provision of street lighting, including the possible used of bollard lighting, is more appropriately undertaken at the time of subdivision consent application and not an absolute prohibition or requirement through the plan change.
- 14:35 The hearing panel were further advised by the Reporting Officer that the control matters for subdivision in the District Plan include existing provision to enable discussion and review of the need for street lighting to occur through the subdivision process. No further alteration to the District Plan is considered necessary by the Reporting Officer to allow for that. We note that the applicant did amend the minimum Lot size to 4000m² for a controlled activity subdivision which may alter the requirement for street lighting. However we agree that this is a matter that can be assessed through the existing provisions of the District Plan, which have not been proposed by any party to be changed, at the time of subdivision application. Street lighting is an important part of road, traffic and pedestrian safety and we do not think it is appropriate to consider a blanket prohibition of street lighting on roads with the rezoned land. Accordingly the submissions are not accepted in this regard.
- 14.36 The final matters were submissions, *Submissions 2, 10, 12* (in regard to footpaths) and *Submissions 13, 15-18, 21-24, 27, 29* (in regard to kerb and channel). As discussed above these matters are similar to the street lighting issue in that there are no provisions within the plan change that specifically relate to the requirement or otherwise for footpaths or kerb and

channel. These matters are again related to engineering standards given the level and type of subdivision being carried out. This level of detail would normally be contained in a subdivision consent process and assessed through consideration of any application.

14.37 The Reporting Officer advised us that the Council has given consideration to the specific standard of roading required within the future stages of the development as a result of the plan change. We are advised that it is the view of Council staff that future stages of subdivision within the proposal will be required to form a footpath along, at least, Sanctuary Place. At the time of subdivision consent, a discussion can occur with the developer as to whether this takes the form of a kerb and channel system, or the use of swales and a physically separated footpath. There will also be the opportunity to discuss whether or not the footpath is required to be sealed. Along the local roads within the development, pedestrians and cyclists will share the carriageway with vehicles and it is important that these matters are addressed through the course of the development process to ensure the ongoing safe and efficient movement of pedestrians, cyclist and traffic. We do note that one submission, *Submission 10*, sought a footpath from the State Highway to at least the letterboxes for safety reasons which illustrate potential safety issues, and again the need for upgrades can be considered through the subdivision application process.

14.38 We also note that the plan change is to change the zone from 'Rural' to 'Small Settlement'. It must be anticipated in that regard that there will be a different level of infrastructure required as the area develops to a more rural-residential environment and traffic volumes increase as more houses are built. Strict 'rural' standards are no longer likely to be appropriate given the changing nature of the area and the higher volumes of traffic over time. Engineering standards and provisions are designed to provide outcomes appropriate to an area and it was agreed at the hearing that *NZS4404:2010* was the appropriate standard to use. The Reporting Officer has recommended an amendment to proposed *Rule 6.2(c)(iii)* to require roading and associated services to be designed, constructed and formed in accordance with *NZS4404:2010*. There were no objections or alternative standards submitted at the hearing in this regard. Accordingly we do not accept the submissions in regard to these matters

14.39 ***Recommendation 5***

Sealing of Existing Accessways

- (a) that Submission 1 be Rejected in Part.*
- (b) that Further Submission 10 be Rejected in Part.*

Traffic Effects, Road Upgrading and State Highway Intersection

- (a) that Submission 7 be Accepted in Part.*
- (b) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.*
- (c) that Rule 7.5 Matters Over Which Control Is Reserved on Controlled Activities is adopted as set out in Appendix C.*

Give-way Signs and Sight Lines

- (a) that Submissions 10, 11, 13, 14, 15, 16, 17, 20, 23 be Rejected in Part.*
- (b) that Further Submissions 19, 24, 25, 26 be Rejected in Part.*

Speed Limits

- (a) that Submissions 2, 9, 10, 11, 13, 14, 15, 16, 18, 21, 24, 29, 30 be Rejected in Part.
- (b) that Further Submission 3, 6, 9, 11, 12, 13, 17, 20, 22, 24, 25, 26 be Rejected in Part.

Street Lighting

- (a) that Submissions 1, 2, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 28, 29, 30 be Rejected in Part.
- (b) that Further Submission 2, 3, 6, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, 22, 23, 24 be Rejected in Part.
- (c) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.

Footpaths

- (a) that Submissions 2, 10, 12 be Rejected in Part.
- (b) that Further Submission 2, 11, 23, 26 be Rejected in Part.
- (c) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.

Kerb and Channel

- (a) that Submissions 13, 15, 16, 17, 18, 21, 22, 23, 24, 27, 29 be Rejected in Part.
- (b) that Further Submission 3, 6, 9, 12, 15, 17, 18, 19, 20, 22 be Rejected in Part.
- (c) that Rule 6.2(c)(iii) be amended to refer to NZS4404:2010, as set out in Appendix C.

Submission Group 5

- 14.40 This submission group relates to the proposed provision of a walkway from the rezoned land to the Serpentine Beach area. This matter was generally supported in submissions and relevant further submissions. Relevant in this regard are *Submissions 9, 11, 13, 16-19, 21, 24, 27-28, 30* and *Further Submissions 3, 6, 9, 13, 15, 16, 17, 20, 21, 25*.
- 14.41 This matter was assessed by the Reporting Officer in the report provided to us. It was not an issue arising at the hearing.
- 14.42 We were advised that the sole provision within the plan change request that relates to the provision of the walkway is the Outline Development Plan (ODP). There is no timeframe given in the application as to when the walkway will be provided. The Reporting Officer advised us that each stage of development will need to address compliance with the ODP and the developer now also has a clear direction of support from residents within the development. The Reporting Officers recommendation is that no further changes are required to be made to the plan change request, and that the Outline Development Plan should be approved depicting the walkway. We note that proposed 5.3A *Kumara Junction Developments Ltd – Outline Development Plan*, which forms part of the plan change application, does depict the proposed walkway.
- 14.43 Accordingly we acknowledge the support for the proposed walkway in the submissions and further submissions but do not propose any additional provisions requiring its construction. Indeed no mechanism was requested in any submission in that regard. We accept the Reporting Officers recommendations including that the Outline Development Plan for the rezoned site should depict the proposed walkway in order that it is considered at the time of future subdivision proposals.

14.44 **Recommendation 6**

- (a) *that Submissions 9, 11, 13, 16, 17, 18, 19, 21, 24, 27, 28 and 30 be Accepted in Part.*
- (b) *that Further Submissions 3, 6, 9, 13, 15, 16, 17, 20, 21, 25 be Accepted in Part.*
- (c) *that proposed 5.3A Kumara Junction Developments Ltd – Outline Development Plan be included in the amendments to the District Plan as set out in Appendix C.*

Submission Group 6

14.45 This submission group relates to previous subdivision and more particularly *Submission 7* and a submission that previous subdivision are not yet complete and should be finished before any rezoning occurs. This matter is discussed under consideration of *Submission 7* above in terms of *Submission Group 1*. As above uncompleted elements of earlier subdivisions are not a matter that can be attended to through the Plan change process. If there are elements of non-compliance with conditions these can be taken up with the Councils Planning Staff in order that the matters can be monitored and any action taken as appropriate to ensure compliance. Accordingly it is recommended that this submission be rejected.

14.46 **Recommendation 7**

- (a) *that Submission 7 be Rejected.*

Submission Group 7

14.47 This submission group relates to heritage matters and more particularly *Submission 31*. This matter was addressed at paragraph 47 of the Planning Report and suggests that a note could be included in any decision on the Plan change. The Planning Report further recommends a note be added to the decision. There are no other submissions in this regard and there were no concerns raised by any party at the hearing.

14.48 Accordingly we recommend that a note be added to any decision, as outlined at recommendation 1 of the Planning Report.

14.49 **Recommendation 8**

- (a) *that Submission 31 be Accepted.*
- (b) *that a note be included in any decision for Plan Change 8 that,*

“There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage”

15.0 OTHER MATTERS

15.1 There were two other matters which arose at the hearing and which we consider require brief discussion and amendment to the proposed provisions of the plan change. These matters relate to;

- i) proposed *Anticipated Environmental Outcome VII*

- ii) proposed additional to *Section 7.5 Matters Over Which Control is Reserved on controlled Activities*

i) Proposed Anticipated Environmental Outcome VII

- 15.2 This matter was discussed at the hearing in terms of standards that the Council may use to assess any applications, including the need for footpaths, streetlights and other infrastructure. The applicant advised at the hearing that they would approach any subdivision as being rural in nature, and that lighting and footpath requirements were not needed. They would in part refer to this proposed new outcome as being a reason why the standards should be different, including; that it was of a rural nature, the value of the night sky, minimal light pollution. The Councils Reporting Officer advised that footpaths and streetlights were matters that would be considered and the Council will be using the appropriate standards to determine what is required. These would be matters worked through at the subdivision stage.
- 15.3 The Reporting Officer recommended an amendment to Rule 6.2(c)(iii) that required the use of *NZS4404:2010* for formation of roads and associated servicing. We did ask the Reporting Officer whether this *Anticipated Environmental Outcome* should be amended and she did not have any amendment proposed. The Reporting Officer did however refer to the *Anticipated Environmental Outcome* at paragraphs 34 and 35 of her report as not being needed. This is understandable as such provisions do not carry to force of Objectives, Policies and Rules in the District Plan. Nevertheless it will be in the Plan and can be referred to by any party. It did seem to us that it hadn't been apparent that the applicant was going to use the proposed new *Anticipated Environmental Outcome* to debate whether certain standards should or should not be applied to subdivision and development.
- 15.4 We spent a reasonable amount of time questioning the applicant as to whether they intended to continue Lot sizes in accord with the discretionary rural subdivision standard of 5000m². The applicant advised that while that was the intention they wanted the flexibility through the plan change to develop smaller size Lots of 4000m² as a controlled activity. The applicant has amended the plan change application, and we recommend accepting that change, to a limit for controlled activity subdivision of 4000m² and not 5000m² as is the standard for a discretionary rural subdivision application.
- 15.5 We recommend that the proposed new *Anticipated Environmental Outcome VII* should be slightly amended to confirm that the development is no longer a 'rural' development but would now be essentially a 'small rural-residential settlement'. Accordingly we recommend the following amendment which signals that the area will no longer be fully 'rural', as it is to be rezoned 'Small Settlement'. This amendment will also recognise that the land is not proposed to be developed down to the usual small settlement sized sections. This then enables the Council and developer to consider the 'small rural-residential settlement' nature of the plan change area rather than considering the area as remaining strictly 'rural' area, including what different standards for development are required.
- 15.6 ***Recommendation 9***
- (a) *that Anticipated Environmental Outcome VII be amended, as set out in Appendix C, to read,*
- VII Development of Kumara Junction Developments which is sensitive to the secluded **small rural-residential settlement** nature of this development, including night sky views; integrating the built and natural environments through the retention of indigenous vegetation and minimal light pollution.*

ii) Proposed Additional to Section 7.5 Matters Over Which Control is Reserved on Controlled Activities

15.7 This relates to a discussion at the hearing in regard to new assessment matters (b) and (c) which specifically relate to review of solid waste management and the state highway intersection respectively when certain thresholds are met. Provision (b) is triggered when a total of more than 100 allotments is created within Kumara Junction Developments whereas provision (c) is triggered when a total of more than 1000 vehicle movements per day through the intersection is reached. In both cases the applications intention is that these figures are cumulative, ie. combining both the existing and future development, however the provisions submitted by the applicant do not include the word “cumulative”. It is therefore recommended that provisions (b) and (c) are amended to refer to the “cumulative” total.

15.8 Recommendation 10

- (a) *that matters (b) and (c) for which control is reserved in terms of a controlled activity subdivision within the Kumara Junction Developments Small Settlement Zone is amended, as set out in Appendix C, to read,*
- (b) *Any subdivision which results in a **cumulative** total of more than 100 allotments within Kumara Junction Developments may require the provision of a waste transfer station to be established.*
- (c) *Where a subdivision results in a **cumulative** total of more than 1000 vehicle movements per day utilising the Sanctuary Place/State Highway 6 intersection, conditions relating to the avoidance, remedying or mitigation of traffic effects. This may include the upgrading of the State Highway 6/Sanctuary Place intersection and/or Sanctuary Place. Any necessary upgrades shall be carried out to the satisfaction of the territorial authority and the New Zealand Transport Agency.*

16.0 CONCLUSION

16.1 Having considered the relevant matters it is our view that Plan Change is in accordance with the Resource Management Act, the Objectives and Policies of the Westland District Plan and will achieve the sustainable management of natural and physical resource by allowing a new ‘Small Settlement’ lifestyle opportunity for the Community.

16.2 Accordingly we recommend that Plan Change 8 can be approved, with the recommended amendments, as set out in Appendix C of this report.

16.3 Recommendation 11

- (a) *That Plan Change 8 be approved pursuant to the 1st Schedule of the Resource Management Act 1991 and that the provisions of the Westland District Plan and associated Planning Maps be amended as set out in Appendix C of this recommendation report.*

Hearing Commissioners:

Bryce Thomson
Murray Montagu
Frances Stapleton
Martin Kennedy

Date: 17 October 2012

Appendix A

Schedule of Submitters and Further Submitters

Schedule of Submitters and Further Submitters

<u>Submission Reference (Sub Ref.)</u>	<u>Submitter</u>	<u>Further Submission Reference (X-Sub)</u>	<u>Submitter</u>
1	Mark Batty	10	<i>Graeme & Karen Odams</i>
2	Graham Pullman	11	<i>Graeme & Karen Odams</i>
3	Evan McGill	7	<i>Harold Lee</i>
4	Ken Hill	4	<i>Harold Lee</i>
		8	<i>Ila Lee</i>
5	Ila Lee	5	<i>Harold Lee</i>
6	<i>No Submission</i>	<i>N/A</i>	
7	Janene Fagan	<i>N/A</i>	
8	Harold Lee	1	<i>Evan McGill</i>
9	Sam Hartwig	<i>N/A</i>	
10	Jeni Blacktopp	26	<i>Sam Hartwig</i>
11	Tim Blacktopp	25	<i>Jeni Blacktopp</i>
12	Ann Baker	23	<i>Ian Stewart</i>
		2	<i>Amanda Matthews</i>
13	Lorraine & Kirk Haworth	<i>N/A</i>	
14	Graeme & Karen Odams	24	<i>Vicki Willmot</i>
15	Dawn Nolan	<i>N/A</i>	
16	Ian Stewart	<i>N/A</i>	
17	Helen Ruston	<i>N/A</i>	
18	Amanda Matthews	3	<i>Ann Baker</i>
19	Jonathan Liu	<i>N/A</i>	
20	Gail Hutchby	<i>N/A</i>	
21	Craig Hartwig	17	<i>Graeme & Karen Odams</i>
22	Glenn Cockburn	18	<i>Graeme & Karen Odams</i>
23	Vicki Willmot	19	<i>Graeme & Karen Odams</i>
24	Elana Watson	6	<i>Harold Lee</i>
		9	<i>Graham Pullman</i>
		20	<i>Graeme & Karen Odams</i>
25	Graeme Walcott	14	<i>Graeme & Karen Odams</i>
26	NZ Transport Agency withdrawn)	<i>N/A</i>	
27	Lauren Ching & Alister Wells	15	<i>Graeme & Karen Odams</i>
28	Louise & Steve Ross	21	<i>Lauren Ching & Alister Wells</i>
		16	<i>Graeme & Karen Odams</i>
29	Murray & Sharon Jordan	12	<i>Graeme & Karen Odams</i>
		22	<i>Lorraine & Kirk Haworth</i>
30	Lloyd Valentine	13	<i>Graeme & Karen Odams</i>
31	New Zealand Historic Places Trust	<i>N/A</i>	

Appendix B

Summary of Submissions, Further Submissions, Officer Recommendations and Decisions

Summary of Submitters & Further Submissions, Officer Recommendations and Decisions

Submitter Ref: 1	Mark Batty
<i>Submission</i>	Supports Proposed Plan Change 8. Support no street lighting to maintain rural night sky view and prevent light intrusion. Lighting at intersections only and low light emitting. Allow sealing of existing access ways.
<i>Relief Sought</i>	Approve the proposal. If conditions for lighting required should be at intersections only and low light emitting.
<i>Further Submission 10</i>	<i>Graeme & Karen Odams (Support)</i> Have chosen the subdivision for lifestyle purposes and to ensure family has a peaceful retreat to nature and benefits this provides. Street lighting will detract from this and prevent the return of native wildlife
<i>Officer Recommendation</i>	Accept in part. The plan change proposal should be approved. No provisions are made to restrict street lighting
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 2	Graham Pullman
<i>Submission</i>	Support the proposed Plan Change. Appreciates existing character of development. Retain character of development through bush retention and no street lighting.
<i>Relief sought</i>	Approve the proposed Plan Change. No street lighting. Imposing speed limits of 20/25 km/hr. No footpath, although a white line to separate walkers from the carriageway would suffice.
<i>Further Submission 11</i>	<i>Graeme & Karen Odams (Support)</i> Have chosen the subdivision for lifestyle purposes and to ensure family has a peaceful retreat to nature and benefits this provides. Street lighting will detract from this and prevent the return of native wildlife
<i>Officer Recommendation</i>	Accept in part. The plan change proposal should be approved. No provisions are made to restrict street lighting
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 3	Evan McGill
<i>Submission</i>	Opposes the Proposal. Additional sections created by the development will increase ground water contamination of neighbouring potable water well supplies. Rezoning the land will prevent rural land uses such as running livestock which will adversely impact submitter.
<i>Relief sought</i>	Not to proceed with proposed change 8.
<i>Further Submission 7</i>	<i>Harold Lee (Support)</i> Supports concern that additional sections will increase groundwater contamination of neighbouring potable water supplies. Agrees that soak hole type discharges from septic tanks into soak holes are eventually going to leach contaminants into surrounding properties
<i>Officer Recommendation</i>	Reject. The Plan Change is recommended to proceed. Information has been provided indicating in sufficient detail for this Plan Change that effluent disposal can be undertaken on site without contamination. Rural agricultural activities on adjoining titles are not impinged by the proposal.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 4	Ken Hill
<i>Submission</i>	Neutral to the Plan Change. Size of Sections (5000m ²) should not be altered. Clearwater sewerage systems to be used.
<i>Relief sought</i>	Section size should not be changed. Clearwater sewerage systems should be used.
<i>Further Submission 4</i>	<i>Harold Lee (Support)</i> Support retention of 5000m ² sections. The original affected party signings were on the understanding of 5000m ² section. If because of the Plan Change sections are reduced then this will mean more waste discharges. Minimum section sizes should remain for the whole of the development
<i>Further Submission 8</i>	<i>Ila Lee (Support)</i> I believe an area of 5000m ² is able to cope with 1 septic tank discharge without damaging the environment. I was responsible for some o the local affected party signatures on the understanding that section sizes would always be 5000m ² minimum.
<i>Officer Recommendation</i>	Reject. The submission sought that the size of sections be retained at 5000m ² . With provisions imposed to retain vegetation, the amenity of the development will be able to be retained. It is not necessary to require secondary treatment at this stage, although these may be required by the West Coast Regional Council at the time of subdivision.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 5	Ila Lee
<i>Submission</i>	Oppose Part 7.5.3 Waste water provisions. Section size should only reduce if superior waste treatment systems are used. Has obtained advice from soil scientist on seepage from septic tanks. It may be possible that over time nitrates may seep to lower water tables and contaminate springs on land on beach flat. This will adversely affect inanga and other species within the spring fed drains. This adverse effect would be avoided by installation of systems with irrigation hoses. Septic tank water degrades quickly when on the surface.
<i>Relief sought</i>	Approve the plan change with amendments. Section size should not be smaller than 5000m ² unless an irrigation type septic system is installed.
<i>Further Submission 5</i>	<i>Harold Lee (Support)</i> Opposed to discharge into soak holes as will increase the possible problem if lot sizes are allowed to be divided or surveyed smaller than 5000m ² . Section size should only reduce if superior waste treatment systems are used.
<i>Officer Recommendation</i>	Reject. The submission sought that the size of sections be retained at 5000m ² . With provisions imposed to retain vegetation, the amenity of the development will be able to be retained. It is not necessary to require secondary treatment at this stage, although these may be required by the West Coast Regional Council at the time of subdivision
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 6	<i>No Submission 6</i>
-------------------------	------------------------

Submitter Ref: 7	Janene Fagan
<i>Submission</i>	Oppose entire proposal. Change of zoning from Rural to Small Settlement should not progress until all aspects of earlier subdivisions are completed. Roads require upgrading. Development vision has changed from original discussions with developer. Traffic increases will be an adverse effect. The intersection of Sanctuary Place and Highway is currently dangerous.
<i>Relief sought</i>	Not to proceed with proposed change 8.
<i>Further submission</i>	N/A
<i>Officer Recommendation</i>	Accept in part. The planned change should be approved. There could be adverse effects if the roading within the subdivision is not designed to an adequate standard and amendments have been recommended in this regard.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 8	Harold Lee
<i>Submission</i>	Opposes section 7.5.3 Wastewater provisions. Wastewater should not be discharged to soak holes. Concerned that the clearwater springs on or near the surface of the coastal strip of farmland are part of the groundwater system at Plan Change site. 10m levels referred to in RJ Hall report is 5m above the spring level. Addition of 80-100 soak holes may cause contamination of springs and Taramakau River.
<i>Relief sought</i>	Approve the Plan Change with amendments. Septic tanks should be designed and clearwater type that are surrounded by bunds, natives and plantings. That Building Consents be conditional on septic tanks discharge be drip type irrigation to surrounds not into soak holes.
<i>Further Submission 1</i>	<i>Evan McGill (Support)</i> Myself and others rely on potable water from wells and these will eventually become contaminated due to ever increasing soak pit discharge.
<i>Officer Recommendation</i>	It is not considered necessary to require amendments to the wastewater provision within the plan change.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 9	Sam Hartwig
<i>Submission</i>	Support the Plan Change. Values the character of the existing development. Wishes to retain privacy and bush boundaries. Supports the creation of a walkway.
<i>Relief sought</i>	Approve the Plan Change. Would like 30km speed signs.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept in part. The Plan Change should be approved and the existing character of the development retained. It is not appropriate for speed limits to be imposed through the District Plan.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 10	Jeni Blacktopp
<i>Submission</i>	Supports the Intersection and safety provisions. Would like to see intersection improved with give-way signs, increased vision and speed limits. Supports walkway. Values existing character, privacy and bush boundaries. Kerb and channel isn't required, but a footpath from highway to at least letterboxes would increase safety for children walking to bus stop.
<i>Relief sought</i>	Approve the Plan change. Conditions on plan change relating to give-way signs, sightlines and speed limits. Walkway from State Highway to at least letterboxes/intersection. Retention of vegetation clearance rules.
<i>Further Submission 26</i>	<i>Sam Hartwig (Support)</i> Similar views, bush boundary is incredibly important, I don't want to be able to see neighbouring houses.
<i>Officer Recommendation</i>	Accept in part. The Plan Change should be approved and the existing character of the development retained. Provisions relating to adequate design of roading are suggested, but these do not relate to speed limits, nor specific requirements for footpaths.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 11	Tim Blacktopp
<i>Submission</i>	Support. Likes existing development. Traffic speed should be controlled via a speed limit, and traffic flow improved by give way signs and vision improvement. Walkway to the beach is supported and will improve safety of residents by removing from highway.
<i>Relief sought</i>	Approve. Controlled speed of 30-50km and traffic flow improved with give-way signs and improved vision. Create walkway to the beach.
<i>Further Submission 25</i>	<i>Jeni Blacktopp (Support)</i> Support intersection safety, increased vision, and signage, footpath from the main highway to the letterboxes for children and mothers with prams. Similar views.
<i>Officer Recommendation</i>	Accept in part. The Plan Change should be approved and the existing character of the development retained. Provisions relating to adequate design of roading are suggested, but these do not relate to speed limits, nor specific requirements for footpaths.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 12	Ann Baker
<i>Submission</i>	Support the Plan Change. Value the existing character of the development. Do not wish to see that spoilt. Would like to retain bush boundaries and natural environment. Do not support street lighting and pathways.
<i>Relief sought</i>	Approve the Plan Change and grant the next stages of development. No street lighting and pathways.
<i>Further Submission 23</i>	<i>Ian Stewart (Support)</i> Retaining bush boundaries and natural environment, don't support street lighting or kerb and channeling.
<i>Further Submission 2</i>	<i>Amanda Matthews (Support)</i> Ann Baker shares the same thoughts as I do regarding the lifestyle we have chosen to live and appreciates the native flora and fauna, particularly the return of the native birds.
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 13	Loraine & Kirk Haworth
<i>Submission</i>	Supports the Proposed Plan Change. Street lighting would interfere with night sky views. 30km/hr speed limit would prevent damage to unsealed roads. Retain bush boundary. No kerb and channel
<i>Relief sought</i>	Approve Plan Change Keep development as natural as possible. Support the covenant relating to bush retention. Support the walkway to the beach. Perhaps give way signs.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 14	Graeme & Karen Odams
<i>Submission</i>	Support the Plan Change Proposal. Values existing peaceful character of development. Would like to see development continue
<i>Relief sought</i>	Approve Retain bush boundary, no street lighting, impose speed signs of 30km and give-way signs.
<i>Further Submission 24</i>	<i>Vicki Willmot (Support)</i> They appreciate the same natural character as I do which was my main reason for buying a block in this subdivision.
<i>Officer Recommendation</i>	Accept Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 15	Dawn Nolan
<i>Submission</i>	Support proposed Plan Change. Values the existing character of the development. Does not support introduction of kerb and channel or street lights. Supports retention of bush boundaries. Supports signage and speed limit controls
<i>Relief sought</i>	Approve the Plan Change. No kerbs, channels or street lighting, to include signage for 30km and to retain bush boundary.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 16	Ian Stewart
<i>Submission</i>	Support the Proposed Plan Change. Supports walkway to the beach. Does not support kerb and channelling. Signs may assist to improve safety.
<i>Relief sought</i>	Approve the Plan Change. No kerb and channeling. Include speed signs and walkway.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 17	Helen Ruston
<i>Submission</i>	Support the Proposed Plan Change. No kerb and channel should be required. The current peaceful environment should be retained.
<i>Relief sought</i>	Approve the Plan Change. No kerb and channel no street lights. Impose conditions relating to improving the intersection corners with give-way signs, speed limit required, provide a walkway/cycleway to beach and retain bush boundaries.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 18	Amanda Matthews
<i>Submission</i>	Support the Proposed Plan Change. Values the existing environment including the bird life. Supports the creation of a common area, retention of bush boundaries and walkway. Does not support introduction of kerb and channel. Speed limits would improve safety. Kerbing and street lighting.
<i>Relief sought</i>	Approve the Plan Change. Retain bush boundaries, include speed limits, and walkway. No street lighting or kerb and channel.
<i>Further Submission 3</i>	<i>Ann Baker (Support)</i> Shares views of Amanda. Amanda originally explained the benefits of living in Sanctuary Place and we thought it sounded like an amazing place. This turned out to be true and should not be spoilt by red tape.
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 19	Jonathan Liu
<i>Submission</i>	Support the Plan Change. Likes the retention of vegetation. Does not support street lights.
<i>Relief sought</i>	Approve the Plan Change. No street lighting and retain vegetation.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 20	Gail Hutchby
<i>Submission</i>	Supports Proposed Plan Change. Wants to retain character of development with bush boundaries. Would like to see give-way signs and walkway. Does not support street lighting.
<i>Relief sought</i>	Approve the Plan Change. Retain bush boundaries. No street lighting. Include give-way signs and walkway to beach.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 21	Craig Hartwig
<i>Submission</i>	Supports the Plan Change. Enjoys the current character of development. Supports retaining that through no street lighting, no kerb and channel. Speed signs, such as 30km/hr would improve safety.
<i>Relief sought</i>	Approve the development and subdivisions. No street lighting or kerb and channel and include speed signs.
<i>Further Submission 17</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 22	Glenn Cockburn
<i>Submission</i>	Supports the Plan Change. Supports keeping the character of the development with bush boundaries. No kerb and channel or streetlights.
<i>Relief sought</i>	Approve the Plan Change. No kerb and channel or street lighting, retain bush boundary.
<i>Further submission 18</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 23	Vicki Willmot
<i>Submission</i>	Supports the Proposed Plan Change. Wants to retain character of existing development including bush boundaries. Does not support kerb and channel.
<i>Relief sought</i>	Approve the proposal. Retain bush boundaries and no kerb and channel. Maybe add give way signs.
<i>Further Submission 19</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 24	Elana Watson
<i>Submission</i>	Support the proposal. Purchased their land for privacy and tranquility and want to retain that. Kerb and channels and street lighting will increase non-resident use of the road. Supports the walkway to the beach.
<i>Relief sought</i>	Approve the development. No kerb and channel or street lighting but a light at the entrance of subdivision on State Highway and introduce a speed limit, 30km.
<i>Further Submission 6</i>	<i>Harold Lee (Support)</i> Supports a light at the entranceway and the reduction in speed to 30km/hr. A streetlight would stop the parking up and vandalism that currently occurs in this area.
<i>Further Submission 9</i>	<i>Graham Pullman (Support)</i> The submission was in support of the proposal and submitter purchased land for privacy and tranquility and wants to retain that. Kerb and channeling will increase non-resident use of roads. Supports the walkway to beach and 30km/hr limit. The submitter has similar views and reasons for supporting the proposal as myself.
<i>Further Submission 20</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept. Plan Change approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 25	Graeme Walcott
<i>Submission</i>	Supports the Proposed Plan Change.
<i>Relief sought</i>	Approve the proposal.
<i>Further Submission 14</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept. Plan Change will be approved.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 26	NZ Transport Agency
<i>Submission</i>	Submission withdrawn and letter of support provided.

Submitter Ref: 27	Lauren Ching & Alister Wells
<i>Submission</i>	Support the Plan Change. Wish to retain the privacy of the bush surrounding the development, the walkway to the beach, and the vision of the community.
<i>Relief sought</i>	Approve. Retain bush surrounding and walkway to beach.
<i>Further Submission 15</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept. Plan Change recommended to be approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 28	Louise & Steve Ross
<i>Submission</i>	Support the Proposed Plan Change. Bought into the development for its character and does not wish for it to be altered by sealed roads, kerb and channel, or streetlights. Treasures the birdlife in the vegetation. Supports the walkway to the beach.
<i>Relief sought</i>	Approve the proposal as it is.
<i>Further Submission 21</i>	<i>Lauren Ching & Alister Wells (Support)</i> I support the fact that they want the proposal approved as it is complete, and no half hearted addition of perhaps settling for streetlights or give-way signs etc.
<i>Further Submission 16</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept. Plan Change recommended to be approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 29	Murray & Sharon Jordan
<i>Submission</i>	Supports the proposed Plan Change. Likes the current development. Supports 30km/hr speed limit, bush boundaries and lack of streetlights.
<i>Relief sought</i>	Approve. Include a speed limit of 30km/hr, retain the bush boundaries and no street lighting.
<i>Further Submission 12</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Further Submission 22</i>	<i>Lorraine & Kirk Haworth (Support)</i> The bush boundary provides everyone with their privacy & allows the native birds to flourish. We like the natural beauty that has been preserved and a slower speed limit makes it safe for children who are in the area.
<i>Officer Recommendation</i>	Accept. Plan Change recommended to be approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 30	Lloyd Valentine
<i>Submission</i>	Support the development as per the plans. Purchased an allotment on the basis of the character of the development.
<i>Relief sought</i>	Approve the proposal as designed by Kumara Junctions Developments Ltd. Include a speed limit of 30km/hr and walkway to beach. Do not require street lighting.
<i>Further Submission 13</i>	<i>Graeme & Karen Odams (Support)</i> I have chosen to buy and build in the subdivision for lifestyle purposes and to ensure my family has a place they can use as a peaceful retreat to nature and with the benefits this provides. Street lighting will detract from this and prevent the return of native wildlife.
<i>Officer Recommendation</i>	Accept. Plan Change recommended to be approved and existing character retained. Provisions within the plan change will not relate to footpaths or street lighting specifically.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Submitter Ref: 31	New Zealand Historic Places Trust
<i>Submission</i>	Neutral to the Plan Change. Would like an advice note imposed on the Plan change to provide for the protection of unrecorded archaeological sites and to remind of the provisions of the Historic Places Act.
<i>Relief sought</i>	Approve the proposal. Request that an advice note is included in the decision. Text provided in the submission.
<i>Further Submission</i>	N/A
<i>Officer Recommendation</i>	Accept. A note is proposed to be included in the decision of the Plan Change.
<i>Decision</i>	See Section 1.0 Recommendations of Hearing Commissioners

Appendix C

Amendments to Westland District Plan As A Result of Plan Change 8 and Decisions

4.2 SETTLEMENT CHARACTER

Policies

- A** *A range of activities should be able to locate in the urban areas provided that any adverse effects on the environment or neighbouring land uses are avoided, remedied or mitigated.*
- B** *The status and importance of historic and cultural settlements and parts of settlements should not be adversely affected by development.*

Refer to Objectives: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12

Methods

- a.** Settlements shall be grouped on the basis of character for the purpose of developing rules.
- b.** The central business and commercial areas shall be defined within Hokitika.
- c.** Rules and standards have been developed to provide for a range of activities in the urban character area while ensuring that adverse effects are avoided, remedied or mitigated.
- d.** To recognise the status and importance of Arahura and Makawhio (BruceBay) to Maori.
- e.** Development of Franz Alpine Resort shall proceed in accordance with a comprehensive outline development plan and design guidelines, so as to achieve a high level of integration of built form, natural values, water resources, heritage and public open space. Where possible, rules have been included in the District Plan to manage the environmental effects of built form and subdivision of this site, by way of Part 5.4 Tourist Settlement Policy Unit. The guidelines, where not reflected in the District Plan rules, will be administered outside the District Plan, by private covenant or other legal method, and subject to the scrutiny of a design committee administered by the developer independent of the Council's processes.
- f.** **Development within Kumara Junction Developments shall proceed in accordance with an outline development plan and site-specific rules in the District Plan, in order to achieve a high level of natural amenity where the built environment is concealed by buffer zones of indigenous vegetation.**

Anticipated Environmental Outcomes

Implementation of the above policies and parent objectives is expected to achieve the following outcomes:

- I Protection and enhancement of the distinctive character of Westland settlements.
- II Clear definitions of the outer edges of settlements emphasising the contrast between urban and rural environments.
- III A vibrant and compact commercial centre within Hokitika.
- IV Intermingling of compatible activities within residential areas and increased opportunities and flexibility for activities locating in urban areas.
- V A comprehensive multi-use village at Stony Creek, sensitive to its landscape and natural setting, while contributing to the tourism experiences of visitors to the northern glacier region.
- VI Development of Franz Alpine Resort which is sensitive to the visual and landscape values of the site, by integrating built and natural environments through retention of indigenous vegetation within the settlement and attention to building design and appearance; use of the natural contour and drainage patterns to service development and provide an aesthetically pleasing environment for residents and visitors; incorporating a network of forested links, wetlands and waterways as significant natural and recreational resources within Stony Creek.

VII *Development of Kumara Junctions Developments which is sensitive to the secluded small rural-residential settlement nature of this development, including night sky views; integrating the built and natural environments through the retention of indigenous vegetation and minimal light pollution.*

5.3 **SMALL SETTLEMENT POLICY UNIT**

5.3.1 **Description of Policy Unit**

The small settlement policy unit includes the existing small to medium sized settlements within Westland District. The general purpose of the policy unit is to provide the community and commercial facilities necessary to service the town, surrounding rural areas and the travelling public. One zone is included in this policy unit, that is the Small Settlement Zone. It covers the towns of Kumara, Kaniere Road, Kaniere, LakeKaniere, Ross, Harihari, Whataroa, Woodstock, Ruatapu, Arahura, Kokatahi, Hannahs Clearing and Rimu. **Kumara Junction Developments is a new settlement at Kumara Junction, in which the integration of built and natural environments is to be promoted through reference to specially developed Rules in the Plan managing subdivision design and landscape values.**

Some of the small settlements have historic connections with gold mining. In Ross in particular, care should be taken to preserve the character of the historical hill area, although it is possible that some of the flat land could be taken for mining in the future.

The boundaries of the settlements reflect the existing development and where appropriate give an indication of the direction for further development. Where possible, in depth expansion is favoured over linear development.

The rules for the zone aim to allow activities which are residential in nature, which are compatible with residential use or desirable for the servicing needs of the town. The character of the small settlements is predominantly residential. The standards recognise that the location of non-residential activities will be largely influenced by site specific considerations so that activities are located where they have minimum effects on the environment, including neighbouring activities.

It is acknowledged that in Arahura the land is mostly in Maori ownership. The same rules as other small settlements, apply to Arahura but in addition papakainga and marae are controlled activities throughout the District and may be appropriate in Arahura.

5.3.2 **Zones**

5.3.2.1 Small Settlement Zone

A. Permitted Activities

- Any residential, recreational, commercial, industrial or agriculture activity which

complies with the standards for permitted activities for the zone (see Table 5.3) and complies with the general rules in Part 8.

B. Discretionary Activities

- Any residential, recreational, commercial, industrial or agricultural activity which complies with the standards for discretionary activities in the zone (see Table 5.3).

C. Non-complying Activities

- Any activity which does not fall within the permitted, or discretionary categories.

D. See Part 6 for other activities.

5.3.3 Standards for Permitted and Discretionary Activities

5.3.3.1 Permitted and Discretionary Activities
(See Appendix E for assessment of discretionary activities)

Table 5.3 Standards for Permitted and Discretionary Activities

		Small Settlement Zone	
		Permitted Activity	Discretionary Activity
(a)	Hours of Operation (non-residential activities) - weekdays - all other times & public holidays	0700 to 1900 0800 to 1700	No limit
(b)	Gross Ground Floor Area - maximum for non-residential activities	250 m ²	350 m ²
(c)	Height (maximum) - accessory buildings - all other buildings	5 m 10 m	6 m 12 m
(d)	Height in Relation to Boundaries	Recession plane in Appendix D and to commence 2.5 m above site boundaries	Recession plane in Appendix D and to commence 2.5 m above site boundaries
(e)	Dwellings - minimum area of allotment per dwelling <u>(except in Kumara Junction Developments)</u>	300 m ²	250 m ²

		Small Settlement Zone	
		Permitted Activity	Discretionary Activity
	<ul style="list-style-type: none"> - <u>Minimum area of an allotment per dwelling in Kumara Junction Developments</u> - <u>Maximum number of dwellings per site in Kumara Junction Developments</u> 	<p><u>4000m²</u></p> <p><u>1</u></p>	<p><u>2500m²</u></p> <p><u>2</u></p>
(f)	<p>Yards (minimum)</p> <ul style="list-style-type: none"> - front (except in Kumara Junction Developments) <p><u>In Kumara Junction Developments</u></p> <ul style="list-style-type: none"> -front <u>10m</u> -side/rear <u>10m</u> <p>Note: a residential dwelling may be established within these setbacks on titles created by RC050020, RC070074, RC100106 or RC100139</p>	<p>5 m</p> <p><u>10m</u> <u>10m</u></p>	<p>3 m</p> <p><u>7m</u> <u>5m</u></p>

		Small Settlement Zone	
		Permitted Activity	Discretionary Activity
(g)	<p>Site Coverage</p> <ul style="list-style-type: none"> - maximum including accessory buildings 	40%	55%
(h)	<p>Building Length</p> <ul style="list-style-type: none"> - maximum length of wall closer than 1.5m to boundary 	15 m	20 m
(i)	<p>Glare</p> <ul style="list-style-type: none"> - max lux spill 	10 lux	10 lux
(j)	<p>Heritage Sites and Buildings</p>	No modification to Appendix A items/sites	Modification to Appendix A items/sites
(k)	<p>Signs</p> <ul style="list-style-type: none"> - maximum area per site 	2m ²	4m ²
(l)	<p>Noise</p> <ul style="list-style-type: none"> - 0700 - 2000 hrs 	55dBA L ₁₀ at any	55dBA L ₁₀ at any

		Small Settlement Zone	
		Permitted Activity	Discretionary Activity
	Mon - Fri - 0700 - 1800 hrs Saturday - all other times (including public holidays)	point within the boundary of a residential activity 45 dBA L ₁₀ at any point within the boundary of a residential activity	point within the boundary of a residential activity 45 dBA L ₁₀ at any point within the boundary of a residential activity
(m)	Outdoor Space - minimum per dwelling	30m ²	No minimum
(n)	External Storage (non-residential items)	Not visible from adjacent residential site or public place	Not visible from adjacent residential site or public place
(o)	Non-residential activities - maximum number of workers not living on the site.	1	4
(p)	<u>Indigenous Forest Retention and Planting (Kumara Junction Developments)</u>	<u>In Kumara Junction Developments, a minimum 5 metre wide buffer strip of indigenous vegetation shall be retained on all boundaries. Native species shall be retained and/or planted which, at maturity, will screen dwellings and other building from the road, or from neighbouring allotments</u> <u>Maximum vegetation clearance per site 2000m²</u>	<u>In Kumara Junction Developments, a minimum 3 metre wide buffer strip of indigenous vegetation shall be retained on all boundaries. Native species shall be retained and/or planted which, at maturity, will screen dwellings and other building from the road, or from neighbouring allotments</u> <u>Maximum vegetation clearance per site 2000m²</u>
(q)	<u>Concept plans</u>	<u>Development of land within Kumara Junction Developments shall be in general accordance with the Outline Development Plan set out in Part 5.3A</u>	<u>As for permitted activity.</u>

5.3.4 Explanation

- (a) **Hours of Operation** for non-residential activities of the small settlements are restricted to ensure the quiet relaxed nature is maintained especially during night time hours. It is important

that neighbours are not disturbed by activities which operate for extended hours.

- (b) **Gross Ground Floor Area** is limited to ensure that in the Small Settlement Zone the small scale nature of buildings is preserved. Large buildings, particularly bulky buildings have the potential to disrupt residential amenities and other aspects of environmental quality, such as outlook. The size of relocated buildings is limited to ensure that the buildings will not disrupt the amenities of the settlement.
- (c) **Height** controls ensure that any building or structure does not adversely impact on the amenities of neighbours, in particular aspects such as sunlight, outlook and privacy. Height is limited to ensure that the low rise nature of settlements is maintained and that settlement character remains in keeping with the surrounding rural landscape.
- (d) **Height in Relation to Boundaries** is determined by use of recession planes (refer Appendix D for calculation of recession plane angle). The requirements shall apply to all internal site boundaries for all activities in the zone.

Use of the recession plane enables minimum and maximum distances and maximum height of buildings in relation to site boundaries to be determined. Recession planes help avoid overshadowing and loss of outlook. Non compliance with recession plane controls shall require an application as a non complying activity.

- (e) **Dwellings** are permitted on site sizes of 300 m² and 250 m² for discretionary activities **in most settlements, with larger sites of 4000m² and 2500m² specified within Kumara Junction Developments.** The rule allows low-medium density residential development on a site which is consistent with the scale and open character of housing development currently prevalent within these settlements, while recognising that smaller sites may be necessary given the existing pattern of development.
- (f) **Front yards** are specified to ensure an openness in the streetscape. Yards also allow space for landscaping, access and for infrastructure and services to be supplied to a site.
- (g) **Site Coverage** is controlled to ensure that sufficient open space is provided and that the scale and intensity of development remains in keeping with the dominant character of the zone. Maximum site coverage standards in the Small Settlement Zone ensure that the low to medium density of most development in this zone is retained.

- (m) **Outdoor space** is provided for all dwellings in the Small Settlement Zone and is particularly important where building density and site coverage is high. Outdoor space is important for maintaining residential amenity but also for the health and enjoyment of residents.
- (n) **External storage** of commercial or industrial products can be visually offensive and can break up the dominant residential character of an area or impact on the amenity of properties adjoining industrial and/or commercial areas.
- (o) **Non-residential activities- maximum number of workers** - the restriction on the number of workers is to control the size and scale and thus potential for adverse effects of non-residential activities.
- (p) **Indigenous Forest Retention and Planting is controlled within Kumara Junction Development so that a high degree of natural amenity is maintained in keeping with the objective for this development, which is to have secluded building sites tucked into attractive native bush surroundings.**

5.3A Kumara Junction Developments Ltd – Outline Development Plan



6.2 **PERMITTED ACTIVITIES**

The following activities are permitted throughout the District and are not subject to any performance standard or conditions other than those outlined in this part for specific activity categories:

- (a) Temporary Activities.
- (b) Temporary Military Training Activities. Subject to 6.6(A).
- (c) (i) Reconstruction, maintenance (including stockpiling of roading materials), modifications to the geometry of the existing road and state highway network, and improving road design standards, within any existing road reserve or designation.

(ii) The construction and formation of the indicative roading shown on the Racecourse Terraces Concept Plan in Section 5.2A, provided any roading and associated services is designed, constructed and formed in accordance with the Westland District Council Code of Practice for Engineering Works.

(iii) The construction and formation of the indicative roading shown on the Kumara Junction Developments Outline Development Plan in Section 5.3A, and related local access roading within the development, provided any roading and associated services are designed, constructed and formed in accordance with NZS4404:2010.
- (d) The construction and maintenance of footways and pedestrian accessways (including pedestrian access facilities).
- (e) Street furniture and bus shelters.
- (f) Household, commercial and industrial connections to gas, water, drainage and sewer reticulation systems.
- (g) Installation and maintenance of pipes for the conveyance of water or sewage and necessary incidental equipment including household connections.
- (h) Construction and maintenance of irrigation systems, open drains and channels for the conveyance of water.
- (i) Construction and maintenance of any stopbank or culvert.
- (j) Installation and maintenance of transformers, lines and associated equipment for conveyancing electricity at a voltage up to and including 110 kV with a capacity up to and including 100 MVA. Subject to 6.6(B).

7.3.3 Discretionary Activities

Any subdivision which complies with the rules for discretionary activities in Table 7.1. All subdivision in the Waiho River General Flood Hazard Area as defined on Planning Map 14A.

The exercise of discretion is restricted to the matters set out in 7.6. These activities may be considered as non-notified applications without the need to obtain the written approval of affected persons.

7.3.4 Non-complying Activities

Any subdivision which is not a permitted, controlled or discretionary activity. All subdivision in the Waiho River Severe Flood Hazard Zone as defined on Planning Map 14A.

Table 7.1 - Minimum Zone Standards For Subdivision

Table 7.1 - Minimum Zone Standards For Subdivision

	Permitted Activity	Controlled Activity	Discretionary Activity
Residential Mixed, Small Settlement, General Residential and Coastal Settlement Zones - Minimum area for sewerred sites - Minimum area for non-sewerred sites (<u>excluding Kumara Junction Developments</u>) - <u>Minimum area for non-sewerred sites Kumara Junction Developments</u> - Shape factor for site (excluding Public Works Network Utilities and those excluded by resource consent) - Racecourse Terraces Mixed Residential Zone - <u>Kumara Junction Developments Small Settlement Zone</u>	as per 7.3.1 as per 7.3.1 <u>as per 7.3.1</u> 12 m x 12 m Subdivision shall be in accordance with the Racecourse Terraces Concept Plan set out in part 5.2A <u>Subdivision shall be in accordance with the Kumara Junction Developments</u>	300 m ² 1000 m ² <u>4000 m²</u> 12 m x 12 m Subdivision shall be in accordance with the Racecourse Terraces Concept Plan set out in part 5.2A <u>Subdivision shall be in accordance with the Kumara Junction Developments</u>	285 m ² 700 m ² <u>2500 m²</u> 10 m x 10 m Subdivision shall be in accordance with the Racecourse Terraces Concept Plan set out in part 5.2A <u>Subdivision shall be in accordance with the Kumara Junction Developments</u>

	<u><i>Outline Development Plan set out in part 5.3A</i></u>	<u><i>Outline Development Plan set out in part 5.3A</i></u>	<u><i>Outline Development Plan set out in part 5.3A</i></u>
Commercial Core Zone - Minimum area per site	as per 7.3.1	200 m ²	no minimum
Industrial/Commercial and Tourist Zones - Minimum area front site	as per 7.3.1	200 m ²	no minimum
- Minimum area rear site	as per 7.3.1	600 m ²	200 m ²
Rural Zone - Minimum area per site	as per 7.3.1	not applicable	5000 m ²

Note: The minimum areas exclude access strips for rear sites.

7.5 **MATTERS OVER WHICH CONTROL IS RESERVED ON CONTROLLED ACTIVITIES**

- The imposition of financial contributions as provided for in Section 7.7.
- The design and layout of subdivisions.
- The design of the subdivision, in respect of encouraging the protection of any archaeological or other heritage site.
- The size and shape of the proposed lot(s). Lots of inadequate size and/or poor soil permeability conditions, such that sewage and effluent cannot be adequately disposed of, are unlikely to be approved.
- Siting of buildings. This may require, for example, specified building platforms where parts of the site are subject to flooding, low ground bearing capacity, erosion or fault lines. **In Kumara Junction Developments, a planting plan may be imposed to ensure buildings are effectively screened from roads and adjoining properties.**
- The imposition of conditions, including covering the following matters:
 - Requiring the vesting of ownership of land in the coastal marine area or the bed of a lake or river in accordance with section 237A of the Act.
 - Waiving the requirement for, or reducing the width of, an esplanade reserve or esplanade strip in accordance with section 230 or section 405A of the Act.
 - Subject to Section 220(2) of the Act a condition that any specified part or parts of the land being subdivided or any other adjoining land of the subdividing owner be -
 - (i) Transferred to the owner of any other adjoining land and amalgamated with that land or any part thereof; or
 - (ii) Amalgamated, where the specified parts are adjoining; or
 - (iii) Amalgamated, whether the specified parts are adjoining or not, for any purpose specified in the district plan or necessary to comply with any requirement of the district plan; or
 - (iv) Held in the same ownership, or by tenancy-in-common in the same ownership, for the purpose of providing legal access or part of the legal access to any proposed allotment or allotments in the subdivision.

In respect of land in Kumara Junction Developments

- (a) **How the proposal is in accordance with the Outline Development Plan in Part 5.3A**
- (b) **Any subdivision which results in a cumulative total of more than 100 allotments within Kumara Junction Developments may require the provision of a waste transfer station to be established.**
- (c) **Where a subdivision results in a cumulative total of more than 1000 vehicle movements per day utilising the Sanctuary Place/State Highway 6 intersection, conditions relating to the avoidance, remedying or mitigation of traffic effects. This may include the upgrading of the State Highway 6/Sanctuary Place intersection and/or Sanctuary Place. Any necessary upgrades shall be carried out to the satisfaction of the territorial authority and the New Zealand Transport Agency.**

Height and Height in Relation to Boundary

Applications relating to height of buildings will be considered with regard to the effect on neighbours and the character of the area. Increased height above that permitted as of right, will only be allowed where there are exceptional circumstances and the building will not cause any more shadow or more restriction of view of neighbours than if the building was built to the permitted height. The effect on character will be considered in relation to the statements on each policy unit and the existing situation. For example, it will generally be inappropriate for a tall building to establish where the area contains only buildings of a much smaller scale, however if the location is particularly appropriate and the activity is to be encouraged, then an application may be granted.

Number of Dwellings Per Site in Residential Areas

In the residential areas, increased numbers of dwellings will generally be acceptable provided that measures to mitigate any adverse affects are included in the proposal. Such measures should include sufficient outdoor space for each unit, sufficient parking space, appropriate design for the area, landscaping and separation from boundaries.

In Kumara Junction Developments, the need for an extra dwelling will be considered. Along with any potential effects on the environment and neighbouring properties.

Number of Dwellings Per Site in Rural Areas

In the rural area, up to 2 dwellings are allowed as a discretionary activity. The need for an extra dwelling will be considered, along with any potential effects on neighbouring properties. A second dwelling will generally only be allowed where it is needed for staff to carry out a farming activity on the site or where it is needed for a dependent relative. The proposal must demonstrate an ability to meet its own servicing needs and financial contributions may be required. It is anticipated that sites where a second dwelling is applied for, will be larger than average.

Dwellings in Industrial, Commercial and Tourist Zones

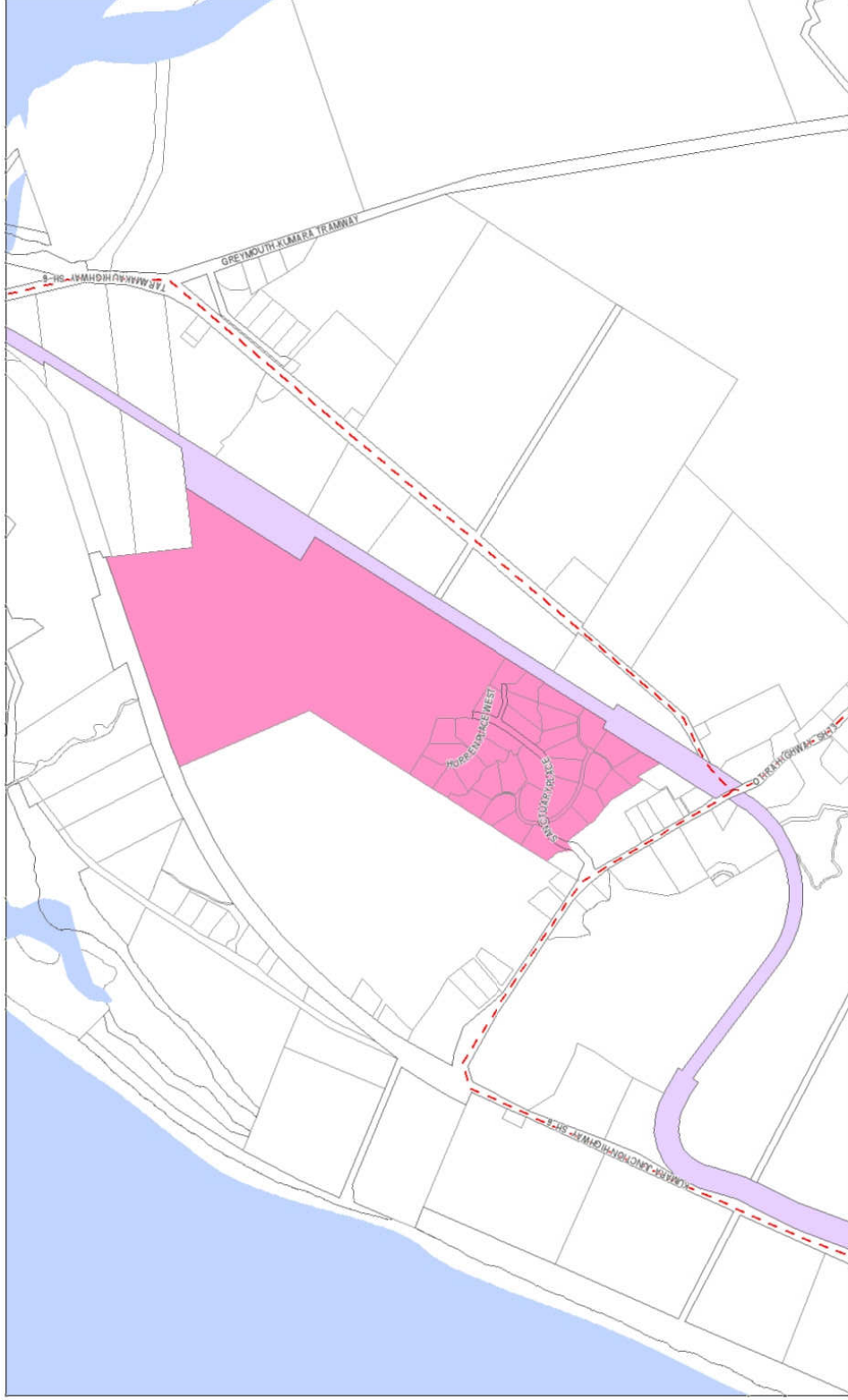
Dwellings in the industrial, commercial and tourist zones should be linked to a permitted activity on the site (for example custodial purposes). Where neighbouring activities are likely to cause adverse effects on residents, measures to mitigate effects such as screening and insulation will be considered. Conditions requiring a dwelling not to be sold separately from the other activity to which it relates may also be considered. In cases where neighbouring activities are likely to lead to an unacceptable health and safety risk for residents, applications will be declined.

Setback from Road

Applications to reduce the setback from the road will be considered in relation to specific site factors, the character of the area and provision for parking. Where most

THE DISTRICT PLANNING MAPS

MAP 1	➔	KUMARA
<u>MAP 1A</u>	➔	<u>KUMARA JUNCTION</u>
MAP 2	➔	ARAHURA
MAP 3	➔	HOKITIKA
MAP 3A	➔	HOKITIKA COMMERCIAL CORE ZONE
MAP 3B	➔	HOKITIKAAIRPORT OBSTRUCTION CHART
MAP 4	➔	KANIERE
MAP 5	➔	LAKEKANIERE
MAP 6	➔	KOKATAHI
MAP 7	➔	WOODSTOCK
MAP 8	➔	RIMU
MAP 9	➔	RUATAPU
MAP 10	➔	ROSS
MAP 11	➔	HARIHARI
MAP 12	➔	WHATAROA
MAP 13	➔	OKARITO
MAP 14	➔	FRANZ JOSEF GLACIER/WAIAU
MAP 14a	➔	WAIHORIVER FLOOD HAZARD POLICY UNIT
MAP 15	➔	FOX GLACIER
MAP 16	➔	BRUCEBAY
MAP 17	➔	HAAST
MAP 18	➔	OKURU
MAP 19	➔	HANNAHS CLEARING
MAP 20	➔	NEILS BEACH
MAP 21	➔	JACKSON BAY/OKAHU
MAPS 22 & 23	➔	WESTLAND DISTRICT: OTHER HISTORIC AND DESIGNATED LANDS



WESTLAND DISTRICT PLAN MAP Kumara Junction Developments

District Plan Policy Unit

- Coastal Erosion Zone
- Coastal Settlement Zone
- Commercial Core Zone
- Land Parcels

Industrial/Commercial Zone

- Industrial/Commercial Zone
- Residential Mixed Zone
- Residential Zone

Rural Zone

- Rural Zone
- Small Settlement Zone
- Tourist Zone

Designated Land

- Heritage Protection Site
- Historic Site
- Protected Trees

General Flood Hazard Area

- General Flood Hazard Area
- Severe Flood Hazard Area

Hobilka Airport Obstruction Zone

- Hobilka Airport Obstruction Zone

Proposed Fault Rupture Avoidance Zone

- Proposed Franc Josef Valley Fault Rupture Avoidance Zone
- Proposed Fault Rupture Avoidance Zone
- Proposed Alpine Fault Trace

WESTLAND DISTRICT COUNCIL

Kumara Junction - Map 1A