

**BEFORE**

Two independent commissioners appointed  
by Hurunui District Council

**AND**

**IN THE MATTER OF**

Publicly notified resource consent  
applications RC220060 and RC220072 for  
subdivision and land use consent for Stages  
3-6 of a multi-staged residential  
development known as “The Clearing”,  
located at 64 Amberley Beach Road and  
187 Carters Road, Amberley

**BETWEEN**

**UWC LIMITED**

The Applicant

**AND**

**HURUNUI DISTRICT COUNCIL**

Consent Authority

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**SUPPLEMENTARY SECTION 42A OFFICERS REPORT PREPARED BY H BENNETT**

**24 JULY 2023**

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## Introduction

1. This supplementary report considers the issues raised in the Commissioners Minute 5. My supplementary evidence addresses:
  - a) Amberley Spatial Plan
  - b) Effects on the environment of revised proposal
  - c) Deferment of Stage 6
  - d) Assessment of objectives and policies
  - e) Conclusion

## Amberley Spatial Plan

2. At their meeting held on 27 June 2023, Council ratified the South Ward Spatial Plan Economic Assessment report and addendum and adopted a revised engagement and communications plan for the first round of public engagement. The resources and information currently available to the public in relation to the Amberley Spatial Plan can be viewed on Council's website at the following link: <https://www.hurunui.govt.nz/council/projects/swsp2023>

## Effects on the environment of revised proposal

### Landscape character / visual effects / amenity values

#### *Density*

3. The revised proposal reduces the number of lots directly adjacent to the boundary with State Highway 1 (SH1) from 21 lots to 13 lots. The amendment also results in the size of these lots being increased with lots ranging in area from 700 – 891 m<sup>2</sup>. Overall, the current proposal would result in the creation of 191 lots (down from 201 lots) with an overall average lot area of 566 m<sup>2</sup> per lot i.e., the subdivision would facilitate up to 191 dwellings established on the site.
4. In terms of the overall density, I note that the assessment criteria for the Amberley Township (4.24.16) and in particular those for the Residential 1 Zone (4.24.1(c)(i)) require Council to assess whether the overall building density (total number of dwellings over total land area of the site, including amenity areas, reserves, and open spaces) is in keeping with average density set under Rule 5.5.9 of the District Plan.

5. This assessment matter is set out in Chapter 4 – Settlements which is probably why it refers to building density rather than lot density, however it refers to Rule 5.5.9 in terms of the minimum lot area requirements in Chapter 5 – Subdivision. Interestingly, it refers to the overall building density over ‘the total land area of the site including amenity areas, reserves and open spaces’ (emphasis added).
6. I note that if reserve and open space areas were to be taken into consideration in calculating density, this would result in an overall dwelling density of approximately one dwelling per 1,435 m<sup>2</sup>. Therefore, while the proposed subdivision would result in 80% of the lots being less than 700 m<sup>2</sup> in area, overall dwelling density would be offset by the large open space and reserve areas to be established around the natural gully features of the site.
7. This supports my opinion that the proposal does have capacity to provide for a greater percentage of smaller lots without adverse effects on amenity values.
8. However, while I consider the subdivision could support a greater proportion of smaller lots, I initially considered the exception was along the rural / urban interface and the boundary adjoining SH1 where an increased density would inevitably reflect an urban outcome with adverse effects on rural town character, reverse sensitivity issues and amenity values.

#### *Boundary with SH1*

9. As noted in my supplementary evidence dated 4 July 2023, I consider that the decrease in the number of lots and the increase in the size of the lots adjacent to SH1 is a positive amendment. The amended size and shape of the proposed lots would provide greater flexibility to site a dwelling and potentially provide for north facing outdoor living areas. Having said that, I note that the location of outdoor living areas will be reliant on Ms Hilliker’s response to the questions posed by the Commissioners in their Minute 5.
10. In paragraph 77 of my section 42A report I concluded that the proposal would not maintain the rural character and amenity to the entrance to the Amberley Township particularly in terms of the proposed acoustic barrier and the number and size of lots proposed in proximity to the state highway.

11. My opinion was based in part on the character study of Mr Densem in which he recommended that to maintain a rural feel, housing development should be kept back 20 - 40 metres from the east side of the state highway to potentially create a landmark tree area in the future. He referred to the attractive rural views east from the state highway for traffic entering the town from the south. His recommendation was introduced into the District Plan in part through assessment matter 4.24.16(a)(iii) which requires Council to consider the retention of open vistas at the entrance to the township as viewed from Carters Road / SH1 however notes that this needs to be balanced with assessment matters for noise and vibration. Mr Densem's recommendation to keep housing development back 20 – 40 metres from the state highway was not adopted by Council.
12. I note that the application site is zoned for residential development and as such it is anticipated that the site be developed. Furthermore, the District Plan does not specify a greater setback from the boundary with the state highway at this location over and above the standard 4.5 metre front yard setback . Therefore, in order to avoid reverse sensitivity effects, I consider it is inevitable that an acoustic barrier of some description would be required to mitigate reverse sensitivity effects for any residential development of the site.
13. While I consider an acoustic barrier is not ideal in terms of potential visual effects, I consider that the proposed planting of the bund would help to soften these effects and over time it is likely that the acoustic fence and buildings located beyond the fence would not be readily visible, as is the case with the acoustic barrier and associated landscaping constructed at the northern entrance to Amberley.
14. While I consider the proposal would not maintain the open rural views on the southern approach to the Amberley township, the proposal would result in a vegetated approach to the township, one which would soften the visual effects of the acoustic barrier and the buildings beyond. Furthermore, the increase in size of lots adjacent to the state highway would potentially provide for larger trees to be planted within the lots adding to the proposed landscaping along the acoustic bund.
15. Therefore, in terms of the boundary adjoining SH1 including the reduction in the number of lots and increased size of lots along the state highway boundary, the proposed landscape planting along the acoustic barrier, and the direction in the District Plan in terms of zoning, I am satisfied that this aspect of the amended proposal would align with the country town character that the District Plan seeks to protect.

*Rural / urban interface*

16. The revised proposal also includes the realignment of proposed Lots 175 and 176 which are now aligned predominantly north to south rather than east to west. This addresses my concerns regarding the ability to construct a complying dwelling on proposed Lot 175.
17. In terms of the introduction of a 1.8 m high timber paling fence along the boundary of proposed Lots 167-176, the Applicant notes that the proposed fence seeks to avoid reverse sensitivity effects and align with Stages 1-2 of the development.
18. As noted in paragraph 13 of my Supplementary s42A report dated 4 July, Ms Smetham considers that the 1.8 m timber paling fence is not warranted despite being consistent with the previous stages of The Clearing. She notes that while the fence may mitigate potential reverse sensitivity effects for properties within the subdivision, it would reduce rural and natural character at the rural / urban boundary.
19. I concur with Ms Smetham's view and note that the rule in the District Plan requiring a landscape buffer along this boundary seeks to ensure that the visual effects of residential development as viewed and experienced from the adjacent Rural Zone would be mitigated. I consider that the required landscape planting would help to soften the visual effects of residential development however the presence of a 1.8 metre high timber paling fence would create a hard visual barrier doing little to maintain rural character. Furthermore, given that the reserve areas located to the east and west of the proposed cluster of residential lots are required to be fenced with post and rail fencing, I consider that the timber paling fence along the south boundary of the residential lots would be incongruous with the intervening reserve areas.
20. While the proposed fence may be consistent with the previous stages of the development, I note that the processing of the resource consent application and the landscape approval for stages 1-2 of the development was provided without input from a landscape expert.
21. While I consider that the landscape buffer and required building setback would go some way towards mitigating the effects of the increased lot density along the rural boundary, I consider that the introduction of a 1.8 m high solid timber paling fence along the rural / urban interface would undermine these other mitigation measures.

22. Overall, I consider that the introduction of a 1.8 m high timber paling fence would not maintain the landscape character and visual amenity from the adjoining Rural Zone.

**Carters Road / SH1 link / Deferral of Stage 6**

23. The Commissioners have asked whether it is Council's view that deferment is also required for Stage 6 of the subdivision given my recommendation that Stage 5 be deferred.
24. In paragraph 159 of my Section 42A report, I noted my concern regarding the constraint and timing of providing a link through to the proposed new road and the SH1 intersection which is to be constructed as part of the adjoining retirement village proposal. In his evidence dated 12 May 2023, Mr Gallot considered that based on the results of the SIDRA modelling undertaken, it was his opinion that it would not be necessary to impose controls on the scale of development allowed to proceed prior to establishment of the planned new road link to Carters Road (SH1).
25. In his supplementary evidence dated 14 June 2023, Mr Gallot confirmed that after additional traffic modelling undertaken, that he is satisfied that the surrounding road network would continue to operate at acceptable levels of service during both the AM peak and the PM peak periods with full development of Stages 1-6 of The Clearing regardless of whether or not the planned new Carters Road (SH1) link road and intersection are in place and operational.
26. Furthermore, Waka Kotahi New Zealand Transport Agency also confirmed that they consider that the form of the controlled intersection, with the give-way from Amberley Beach Road to Carters Road and the right turning bays, is considered to be satisfactory for the anticipated vehicle movements from the development.
27. Assessment criteria 4.24.16(f) addresses roading and access within Amberley. Specifically, it requires that Council consider:
- (i) Whether the activity is generally in accordance with the Council's Roding and Cycleway and Walkway strategies for Amberley;
  - (ii) Whether, in accordance with the Council's Amberley Roding Strategy, it is appropriate for footpaths to be provided on one or both sides of any road;
  - (iii) Whether road and walkway links will be provided to allow the roading pattern to continue into adjoining land;
  - (iv) Whether the proposed roading pattern provides for a connecting road network; and

- (v) The number of lots which may be created in any subdivision before any alternative or additional roading links need to be completed, in accordance with the Roding Strategy.
28. While the modelling indicates that the surrounding road network would continue to operate at acceptable levels of service during both AM peak and PM peak periods with full development of Stages 1-6 of The Clearing regardless of whether or not the planned new Carters Road (SH1) link road and intersection are in place and operational, I consider that this would not be in accordance with Council's Roding Strategy for Amberley: [https://www.hurunui.govt.nz/repository/libraries/id:23wyoavbi17q9ssstcid/hierarchy/Support\\_Services/Strategies/Amberley%20Infrastructure%20Strategy%202017](https://www.hurunui.govt.nz/repository/libraries/id:23wyoavbi17q9ssstcid/hierarchy/Support_Services/Strategies/Amberley%20Infrastructure%20Strategy%202017)
29. Principle RF4 of the Strategy requires that the indicative roading plan is generally followed by developers. The indicative roading plan included as Appendix 4 to the Strategy indicates that there will be a roading connection from the application site to SH1. I consider that the lack of a connection with the state highway, would discourage future owners of the lots located in the western part of the site walking and cycling to facilities and amenities located in the town centre as it would require them to take a circuitous route to reach these facilities.
30. Therefore, it is my opinion that both stages 5 and 6 should be deferred until such time that a roading link is available to the new intersection with SH1.

## **Hurunui District Plan objectives and policies**

31. The following provides an assessment of the objectives and policies of the Hurunui District Plan which I consider relevant to the revised application. These are outlined and discussed below.

### ***Chapter 4 – Settlements***

#### ***General Policies***

##### ***Objective 4***

*Adaptive, vibrant, and healthy settlements that meet the economic, social, and cultural needs of the district and North Canterbury; while retaining their own character, environmental quality, and sense of community.*

**Policy 4.7**

*To manage growth of settlements by recognising the need for adaptability, efficient use of infrastructure (especially when publicly funded) and consolidation within the existing form of settlements.*

**Policy 4.8**

*To maintain each settlement's traditional, residential character in Residential 1 zones with a predominance of detached dwellings on individual lots while allowing flexibility in lot sizes within each subdivision, provided multiple lot subdivision is undertaken in accordance with an approved concept plan.*

**Policy 4.9**

*To maintain and enhance the character of residential areas includes to maintain the predominance of residential activities and areas.*

**Policy 4.11**

*To provide for high density residential developments in close proximity to the town centres of Hanmer Springs and Amberley, provided such developments are designed to maintain a sense of spaciousness and greenery, and are undertaken in accordance with an approved concept plan.*

**Policy 4.12**

*To provide for a low density residential environment at the outer edges of larger settlements, with single, detached dwellings on large allotments.*

32. In terms of Policies 4.7 and 4.8, the subdivision would provide for residential development at a higher lot density than anticipated by the Residential 1A zoning of the site. Up to 80% of the lots would be less than 700 m<sup>2</sup> in area whereas the District Plan provides for no more than 20 % of lots to be less than 700 m<sup>2</sup>. However, I note that the overall dwelling density would be approximately one dwelling per 1,435 m<sup>2</sup> when the large open space and reserve areas are taken into account.
33. I consider that allowing subdivision at a higher density within the existing settlement boundary, provided that this density is adequately mitigated, would satisfy general concerns



relating to residential development sprawl over productive land and the need to rezone land for residential development. With the revision to the proposal, I consider that the density as proposed would be appropriate, particularly taking into account the reserve areas which help to offset the percentage of lots less than 700 m<sup>2</sup> in area.

34. I still have some concerns with respect to those lots which do not meet the shape factor requirement and whether these would be able to site complying dwellings. However, overall I consider the proposal would maintain the traditional residential character of Amberley.
35. With respect to Policy 4.9, I consider that that the subdivision will generally achieve this policy given that the majority of lots being created are for residential purposes. Furthermore, the proposal provides for reserve areas and a streetscape that allows enough space for grass berms and street tree planting which will enhance the residential character and amenity of these areas.
36. In terms of Policy 4.11, the proposal provides for higher density residential development in close proximity to the town centre of Amberley. With the amendments to the proposal and taking into account the large reserve areas along the rural / urban interface, I am now satisfied that the proposal would maintain a sense of spaciousness and greenery and as such the proposal is in accordance with this policy.
37. With respect to Policy 4.12 which seeks to provide for a low density residential environment at the outer edges of larger settlements, I note that with the revisions made to date that the proposal has decreased the number of lots in the southwestern corner of the site by two lots with the remaining lots in this area being increased in size to between 700 m<sup>2</sup> to 860 m<sup>2</sup>. This area also includes a narrow reserve area which will contain a stormwater swale / drain.
38. I consider that the large areas of reserve land adjoining the rural boundary, would help to offset the smaller lots located along the rural / urban interface. However, as mentioned earlier, I do have some concerns with respect to the proposed boundary fencing of the lots along the rural boundary.

### ***Amberley Policies***

#### ***Objective 4.2***

*Amberley is a vibrant, rural township providing residential and business facilities and associated infrastructure and support services, to meet the economic, social, and cultural needs of the Hurunui District and North Canterbury; while retaining its country town character, sense of community and connectivity with its rural surroundings.*

**Policy 4.34**

*To recognise and manage the potential for reverse-sensitivity effects caused by residential and other sensitive activities located in close proximity to State Highway 1, the Main North Line, or industrial or business activities.*

*Note: The NZ Transport Agency is the road controlling authority for the State Highway. Refer to the NZTA Planning Policy Manual, or its successor, for guidance on reverse sensitivity around State Highways.*

**Policy 4.37**

*To recognise State Highway 1 as an integral part of Amberley Township, and work in partnership with the NZ Transport Agency and the community to manage its dual functions as a local road and part of the State Highway network.*

**Policy 4.38**

*To ensure an integrated transport network for Amberley Township, with all new residential and business developments occurring in a way that both recognises and reflects the principles of connectivity underlying the Hurunui District Council's Amberley Roding, Cycleway and Walkway strategies.*

39. I have previously concluded that the proposal is in accordance with Policies 4.34 and 4.37.
40. With respect to Policy 4.38, I consider that the road link through to the new intersection with SH1 is required to ensure the proposed subdivision provides for an integrated transport network. If this link cannot be secured, the proposal would effectively result in a large cul-de-sac servicing up to 191 lots with all traffic being directed to Amberley Beach Road.
41. While Mr Gallot is satisfied that the surrounding road network would continue to operate at acceptable levels of service regardless of whether or not the planned new Carters Road (SH1) link road and intersection are in place and operational, I consider that the proposal would not

reflect the principles of the connectivity underlying the Council's Rooding, Cycleway and Walkway Strategies.

42. In summary, given the revisions to the proposal I am satisfied that the proposal would generally be in accordance with the objectives and policies relating to settlements with the exception of Policy 4.38 in relation to connectivity and my concerns regarding the timber paling fencing along the southern boundary of the site.

## **Chapter 5 – Subdivision**

### **Objective 5**

*Subdivision and its subsequent development is designed to ensure that the adverse effects on the environment are minimised, and the character of an area is maintained.*

#### **Policy 5.1**

*To require that allotments are served or are capable of being adequately served with appropriate levels of infrastructure in order to avoid, remedy or mitigate adverse effects on the environment.*

#### **Policy 5.2**

*To ensure the costs of the effects of new subdivision and development on the district's infrastructure are fully addressed and fairly apportioned.*

#### **Policy 5.3**

*To require a pattern of subdivision that protects environmental values and systems and the potential of resources to meet the reasonably foreseeable needs of future generations.*

#### **Policy 5.4**

*To ensure that subdivision and subsequent development results in a pattern and density of land use which protects, and where appropriate enhances, the character, values and natural and physical resources of the environment which may include:*

- *Physical characteristics.*
- *Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins.*
- *Indigenous biodiversity and ecological values.*
- *A sense of openness and a predominance of productive activities in rural areas.*

- *Landscape values.*
- *Archaeological, cultural and heritage resources, including resources with Ngāi Tahu cultural values.*
- *Specific values and sites of significance to Ngāi Tahu.*
- *Amenity values and sense of place.*
- *Infrastructure such as roads, water supply and stormwater management facilities.*
- *Water and soil quality.*
- *Mineral resources.*
- *Human health and safety including from known natural hazards.*

***Policy 5.5***

*To manage the density of development, particularly in residential zones, through specifying minimum lot sizes and ensuring compliance with those densities through the subdivision process.*

***Policy 5.6***

*To ensure that subdivision is designed to avoid, remedy, or mitigate potential reverse sensitivity effects on other land uses.*

43. I have previously concluded that the proposal is in accordance with Policies 5.1 and 5.3.
44. In terms of Policy 5.2, the opinions expressed in my section 42A report dated 5 May 2023 are still relevant. In terms of Mr Kents concern regarding the depth of the attenuation pond, his response to the Commissioners Minute 5 notes that his fundamental concern is the frequency of ponded water and its associated risk given the increased regularity of intense storms which is well documented.
45. With respect to Policy 5.4, as noted previously, the proposed subdivision provides for a higher density of residential development than anticipated in the District Plan for the Residential 1A Zone. With the revisions to the application, I am now satisfied that the proposal would overall maintain Amberley's country town character, although I consider the proposal would result in a loss of natural values and character as viewed from the adjoining Rural Zone.

46. Policy 5.5 seeks to ensure that the density of development, particularly in residential zones, through specifying minimum lot sizes and ensuring compliance with those densities through the subdivision process is managed. All lots within the subdivision complies with the 400 m<sup>2</sup> minimum lot size however overall, the proposal does not meet the requirement for no more than 20% of the lots to be less than 700 m<sup>2</sup> in area. However, I consider that given the large areas of reserve and open space, that overall, the development is appropriate for the residential zoning of the site.
47. With respect to Policy 5.6, the proposal has demonstrated that reverse sensitivity effects associated with noise and vibration from SH1 can be adequately mitigated. In terms of reverse sensitivity effects associated with other land use activities within the rural environment, the revised proposal would result in a 1.8 m solid timber fence being established along the residential lot boundaries with the Rural Zone to mitigate reverse sensitivity effects. I am unsure of the effectiveness of the proposed fence in terms of mitigating reverse sensitivity effects from the adjoining rural land. Furthermore, I do not consider the proposed fence would maintain an appropriate rural / urban façade.

## **Chapter 8 – Transportation**

### **Objective 8.1**

*A safe and efficient transport network that services the current and future needs of all users.*

### **Policy 8.1**

*To provide for the safe and efficient use and development of the land transportation network.*

### **Policy 8.2**

*To ensure that the roading network within urban areas is sufficiently wide to provide adequate space for on-street parking, walkways, cycleways, open space character, services, and amenity planting.*

### **Policy 8.4**

*To require footpaths and cycleways in urban areas, and to encourage walkways and cycleways in rural areas, while maintaining the safety and functionality of the road network.*

### **Policy 8.5**

*To require on-site parking, loading, manoeuvring and access to provide for the needs of each activity while maintaining the safety and efficiency of the road network.*

**Policy 8.6**

*To manage the cumulative effects of multiple lots accessing the roading network at a single access point.*

48. I am satisfied that the proposal will provide for the safe and efficient development of the transportation network, provided that the proposed link through to SH1 is established. I consider that the absence of this link would have a negative effect in terms of connectivity of the development with the surrounding road link. This would be particularly the case in terms of connectivity for pedestrians and cyclists who may be discouraged to have to travel the circuitous route to get to the town centre and associated facilities and amenities.

## **Conclusion**

49. Overall, I consider the amendments to the proposal are positive and as such the proposal would align with the country town character the District Plan seeks to maintain, with the exception of the proposed fence along the southern boundary of the site.
50. In terms of the roading link to the new intersection with SH1, I consider that stages 5 and 6 of the subdivision should be deferred until this link is established to ensure the proposed subdivision provides for an integrated transport network which reflects the principles of connectivity underlying the Council's Roothing, Cycleway and Walkway Strategies.
51. Given the revisions to the proposal, I am satisfied that the proposal would generally be in accordance with the objectives and policies relating to settlements with the exception of Policy 4.38 in terms of connectivity. The objectives and policies in relation to subdivision, would generally be met with the exception of Policy 5.4 in relation to loss of natural and rural character due to the proposed southern boundary treatment.



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24 July 2023