

RESOURCE MANAGEMENT ACT 1991

HURUNUI DISTRICT COUNCIL

HURUNUI DISTRICT PLAN

PROPOSED DISTRICT CHANGE NUMBER 2:

MT LYFORD VILLAGE

**Report and recommendations to the Council by
Commissioner Dean Chrystal**

Hearings held on 13th March 2020

Appearances:

Speaking on the Proposed Plan Change and s42A report:

Monique Eade, Senior Planner, Hurunui District Council

Submitters:

Claudine Barnes

Ross Barnes

Trevor Cook

Gerard Dumbroski

Chris June

Jane Meder

Mike Powell

1.0 Introduction and Background

1.1 Pursuant to instruction from the Hurunui District Council (the Council) I was appointed to hear and provide a recommendation to the Council on Proposed Plan Change 2 (PC2) to the Operative Hurunui District Plan (District Plan) together with submissions thereon. The hearing was held at the Mt Lyford Lodge of the 13th March 2020.

1.2 A s42A (of the Resource Management Act (the Act)) report and accompanying documentation, including the proposed plan change and s32 (of the Act) assessment had been prepared prior to the hearing by Ms Eade and circulated.

1.3 PC2 is a Council initiated plan change which was originally designed to amend the Natural Hazards chapter to apply geotechnical recommendations to buildings and land development within Mt Lyford Village which had come about post the Kaikoura Earthquake. Through consultation with the local community the scope of the plan change was widened to consider development within Mt Lyford Village more generally.

1.4 PC2 is therefore essentially in two parts. The first introduces a number of changes to Chapter 15 (Natural Hazards) of the District Plan including:

- The introduction of a new Policy 15.12 regarding slope instability;
- The introduction of a new restricted discretionary activity rule [Rule 15.4.4] to control how future subdivision, use and development of land is to be managed with the Slope Assessment Area; and
- The amendment of the mapping layer to include the updated fault line data and the new Slope Assessment Area layer.

1.5 The second part of the plan change makes changes to the existing design standards for buildings within the Mt Lyford Village area. The changes included:

- Amending existing Objective 4.3 and Policies 4.40 – 4.42 to better protect the amenity of the Village and natural environment;
- Introducing a new set of design standards [Rule 4.6.20] to enable a wider range of buildings; and
- Correcting minor drafting errors or unintended consequences of amendments made as part of the District Plan review.

1.6 PC2 was publicly notified on the 17th October 2019, to which 14 submissions were received. Four further submissions were then received. Key issues raised in submissions were:

- Support for the fault avoidance zones, except in relation to Lots 1, 2, 68, 69, 92, and 93 where D and J Simpson opposed their inclusion across these lots.
- Support for the deletion of the minimum site size provision and its replacement with one dwelling and one detached accessory building per allotment requirement, except for one submitter that sought its retention and one other who sought two dwellings per 4,000m².

- General support for the cladding provisions but with additions such as ply and batten, natural timber weatherboards, the cladding of accessory buildings in steel, provided acceptable roof colours were used. Two submitters sought that the design standards be further relaxed to provide greater architectural freedom.
- In terms of roofing submitters requested that red be excluded, that “all principal buildings” be changed to “all principal roofs”, that the roof pitch remain at 45 degrees, that hipped roofs be enabled and that the roofing provisions be deleted altogether.
- In terms of building size submitters sought an increase to 10m or a reduction 5.5m in relation to height limits. There was also a request to set a maximum size for accessory buildings.
- One submission sought an increase in the road setback to 10m while another sought a reduction in the separation distance between buildings.
- There was a request to delete the lighting provisions, while another sought provisions to protect the “dark sky” by requiring exterior lighting to be shielded to below 180 degree from the horizontal.
- Submitters sought that either no fencing be allowed or that it not be permitted to the road and that any fencing should only be wired.
- Environment Canterbury (Ecan) sought amendments to ensure consistency between the wording “slope avoidance zone” instead of a “slope assessment zone”.
- Two submitters sought the inclusion of a growth plan is required for Mt Lyford Village

1.7 Ms Eade addressed each of these areas in her report.

2.0 Procedural Matters

2.1 Ms Eade raised one procedural matter related to a submission which had been inadvertently misplaced in the Council system and therefore had not formed part of the notification for further submissions. She noted that the submission had similarities to other submissions received and therefore an amendment to the Summary of Decisions Requested was not publicly notified.

2.2 I have reviewed the submission and agree that it is similar to other submissions and therefore would have been unlikely to elicit any different further submissions.

3.0 Section 42A Report and Hearing

Section 42A Report

3.1 In her s42A report Ms Eade helpfully outlined the statutory process involved. This is detailed later in my decision. She then went on to address each of the submission areas in turn as set out below.

Fault avoidance zone

- 3.2 In terms of the fault avoidance zone, Ms Eade referred to the work undertaken by both GNS and Golder. She noted that the GNS report had mapped fault lines using Airborne Light Detection and Ranging (LiDAR) data. After requests from residents the Council had then commissioned a further report by Golder to clarify how development within slope assessment areas should be managed which included test pits on properties where owners had raised concerns.
- 3.3 Golder found evidence of faulting at Lots 1 and 92 but no evidence of faulting at Lot 68. The Council subsequently removed the proposed fault line shown on Lot 68 and the top of Lot 91 but retained the faults that traverse Lots 1, 2, 69 and 92. Ms Eade concluded that removing the faults on Lots 1, 2, 69 and 92 would be inconsistent with the direction given in the Canterbury Regional Policy Statement (CRPS) and the District Plan (Objective 15.1 and Policy 15.1) given there was no geotechnical advice that supported their removal.
- 3.4 In relation to an Ecan submission Ms Eade recommended that the note associated with Appendix 15.1 be deleted.

Minimum site size

- 3.5 Ms Eade noted that PC2 did not seek to amend the intent of the subdivision rule and that subdivision below 4000m² within the Village would be a non-complying activity. She went onto say that the minimum site size rule no longer worked as anticipated as all sites within Mt Lyford were over 4,000m² and therefore the rule does not restrict any owner building on their section. The rule does however enable a property owner to build one dwelling per 4,000m². This means if a site is over 8,000m² two dwellings could be constructed on the site as a permitted activity. She said that within the Mt Lyford Village this becomes a potential issue where there are larger sites due to access or building platform limitations and the rule as currently drafted could enable the establishment of a multi-unit development on a single building platform if it was for example an 8000m² site.
- 3.6 Ms Eade did not consider existing Rule 4.6.1 protected the density of development as intended for a situation like Mt Lyford Village where it was important to ensure that dwellings could be integrated with the natural environment. She considered that an increase in development scale would be a significant change to the existing character of the Village and supported the new Rule 4.6.20 which would permit only one dwelling and one detached accessory building per site regardless of the size of the site.

Cladding

- 3.7 Ms Eade noted that advice had been sought from Landscape Planner Yvonne Pfluger which generally supported the design standards as drafted with a few amendments. She said Objective 4 emphasised the importance of retaining a settlements "*own character, environmental quality and sense of community*" and that the alpine cabin design forms an important part of the Mt Lyford character. In her opinion removing the design standards entirely was not an effective way of meeting this objective and that the

resource consent process allowed for more contemporary designs and building materials to be considered against the objectives and policies of the District Plan.

- 3.8 Ms Eade went on to consider the types of materials that should be included as a permitted activity. She considered weatherboards, provided they were of natural unpainted timber, and local stone or schist were appropriate, however concluded that ply and batten should not be included as a permitted activity, but instead subjected to the consent process. Ms Eade did not consider a rule controlling small accessory buildings was required.

Roofing

- 3.9 Ms Eade supported the allowance of roof pitches down to 35 degrees to allow greater flexibility. She also supported the request to change the reference in the rules from “all principal buildings” to “all principal roofs” so as to capture accessory buildings and in doing so help retain the character of Mt Lyford in accordance with Objective 4.3. However, she did not support the request that small accessory buildings should not have to comply with the roof pitch rule due to the complexity it would introduce to the District Plan in establishing specific size and scales of accessory buildings. Ms Eade also supported amending the rule on light reflectance value so as to limit (LRV) to between 5% and 13% in brown, grey and green hues.

Building Size

- 3.10 Ms Eade considered the current building height and length requirements reflected the rural nature of the district and that if a dwelling was to exceed these provisions it should be considered through a resource consent process. She did however consider there was merit in introducing a rule limiting the size of accessory building to 50m² so as to ensure they are able to nestle into the natural environment and native bush and also maintain the prominence of alpine cabins.

Building Setback

- 3.11 Ms Eade did not support increasing the road boundary setback, due to the site-specific geological features in the area making setbacks more than 5m impractical on some sites. Nor did she support reducing the separation between buildings due to it maintaining the distinct character of the village.

Lighting

- 3.12 Ms Eade considered deleting the lighting rules would introduce unnecessary complexity into the plan. She did however consider there were benefits in protecting the “dark sky” and proposed a new rule to that effect.

Fencing

- 3.13 It was noted by Ms Eade that there no rules in the District Plan regarding fencing in Mt Lyford as historically fencing had been controlled through the Land Covenant which prohibits “*the erection of any boundary fence or wall on any of the lots comprising the Mt Lyford Village whether such fence is on the boundary or set back therefrom*”. She noted that it had been discussed during the drafting of the plan

change but had been removed in favour of the existing Land Covenant and non-statutory methods. However, they had been unintentionally notified as part of PC2.

3.14 Ms Eade considered that the absence of fences was important for maintaining the open space and alpine character of the area and that introducing fencing would bring unnatural lines which disrupted the natural environment which Objective 4.3 seeks to protect. She said that fencing along the street frontage would not maintain the existing open amenity and visual connection between public and private space.

3.15 Ms Eade noted that there were some instances where fencing is required or desirable, i.e. swimming pool or dog runs and considered that this was adequately provided for in the Land Covenant while still restricting boundary fencing. She did note that a similar restriction could be included in the District Plan to provide a greater level of protection and would be an effective way of achieving Objective 4.3 and protecting the natural environment and amenity of Mt Lyford. She therefore recommended the inclusion of such a rule.

Minor Amendments

3.16 Ms Eade supported the minor amendment in terminology proposed by Environment Canterbury to ensure consistency.

Growth Plan

3.17 Some submitters had sought that a growth plan be prepared for Mt Lyford. Ms Eade commented that plans of this type are usually broader than an RMA plan and considered that the preparation of such a plan sat outside PC2. On this basis there is no need for me to consider this further.

Conclusion

3.18 Ms Eade went on to conclude that PC2 could be approved, subject to a number of amendments which she set out in an attached Appendix.

Hearing

Submitters

3.19 At the hearing submitters raised the following matters relevant to the plan change:

- Mrs Barnes was generally comfortable with PC2 but considered ply and batten timber could be used if stained; the gable roof requirement should be deleted; and that any fencing should not be within 20m of a boundary. She also went on to raise the extent of the slope assessment area, however I note that this had not formed a part of her, or for that matter, anyone else's submission.
- Mr Barnes considered hip roofs should be permitted as they would provide value and flexibility. He considered the gable end roof should be deleted altogether and the 35-degree roof angle be relied upon as the primary rule. He provided me with examples for where hip roofs had occurred within Mt Lyford Village.

- Mr Cook said Mt Lyford was unique in terms of New Zealand. He supported the plan change with a limited colour range and 35-degree roof angle and felt that hip roofs could be acceptable. He considered the log only cladding to be restrictive and was comfortable in seeing stained timber and colour steel accessory buildings provided the right colours were used. He considered some fencing could be acceptable within a site but not on a boundary.
- Mr Powell generally supported the plan change but had concerns about the requirement for further geotechnical reporting associated with Rule 15.4.4.
- Mr Dombroski considered there was no vision for the area. He said there was a strong sense of character but no guide as to design and he felt a design guide could help.
- Mr June said that he was opposed to any form of fencing which he considered was at odds with the character of the village and resulted in unnatural lines. He noted that insurance was a major issue at Mt Lyford and was therefore not so concerned about the requirement for geotechnical reports. Like other submitters he referred to the significance of the night sky and its importance.
- Ms Meder generally supported the plan change but considered the separation between buildings provision could be reduced and that a wider range of cladding material could be incorporated into the rules.

Council Response

- 3.20 Ms Eade addressed the matters in contention and questions I had in her reply and provided an updated set of draft provisions on the 17th March 2020. These are summarised below.
- 3.21 With respect to roof lines Ms Eade said that gables were an important part of the Mt Lyford Village design and was concerned that relaxing the standards could lead to an unforeseen change in character. She also noted that the new 35-degree pitch was acceptable for snow loading.
- 3.22 On the question of what constituted “local stone” in Rule 4.6.20(c)(iii) Ms Eade, proposed a definition to the effect that it means “*Canterbury river stones or stone from quarries in the Hurunui District*”.
- 3.23 Having heard the submissions and my questioning around fencing, in particular the fact that there are covenants associated with fencing on the property titles, Ms Eade proposed to delete the two clauses in Rule 4.6.20, being (h) and (i) from the plan change.
- 3.24 In response to my questions regarding Objective 4.3 as to whether it was a statement rather than an objective, and Policy 4.40 as to its wording Ms Eade recommended minor changes to these provisions. She also recommended the clause (h) of Rule 15.4.4 relating to recommendations of a suitably qualified person be deleted.
- 3.25 Finally, Ms Eade noted that while some submitters had raised the issue of slope stability at the hearing there was not scope due to the lack of submission to provide any relief in this area. She did however

explain the reporting process which had led to the slope assessment area including its presentation to the community. She also considered having one slope assessment area was the most efficient mechanism.

Site Visit

3.26 After the hearing I undertook a site visit around the village and was able to view a number of dwellings and look at aspects which had been raised through submissions and during the hearing.

4.0 Statutory Tests

4.1 The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay¹, the relevant components of which are set out in the following paragraphs.

4.2 A plan change should be designed in accordance with (section 74(1)) of the Act:

- (a) the district council's functions under section 31;
- (b) the provisions of Part 2;
- (c) its duty under section 32; and
- (d) any regulations (section 74(1)).

4.3 When preparing a plan (change) a district council:

- (a) must give effect to any operative regional policy statement (section 75(3)(c)); and
- (b) shall have regard to management plans and strategies prepared under other Acts; and
- (c) shall have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities.

4.4 A district plan must state the objectives sought to be achieved, policies to implement the objectives and rules (if any) to implement the policies (s75(1). It may also state the significant resource management issues, methods, other than rules for implementing the policies, reasons for adopting the policies and methods, and the environmental results expected (s75(2)).

4.5 The rules are to implement the policies (sections 75(1)(c) and 76(1)) and the proposed policy or method is to be examined, having regard to its efficiency and effectiveness as to whether it is the most appropriate method of achieving the objectives of the plan (section 32(3)(b)) taking into account (section 32(4)):

- the benefits and costs of the proposed policies and methods; and
- the risks of acting or not acting if there is uncertain or insufficient information.

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

- 4.6 Overall, the s32 test is one of appropriateness (i.e. not necessity) and the requirement is to achieve the objectives of the plan.
- 4.7 In making a rule the territorial authority shall have regard to the actual or potential effect of activities on the environment (s76(3)). Further, any subsequent amendments are to be considered in terms of s32AA.
- 4.8 The Council's duties in deciding on a plan or plan change are set out in sections 32, 74 and 75 of the RMA. In this instance the Council has delegated the power to hear submissions to a Hearing Commissioner under s34A of the Act. I have delegated authority to hear submissions and provide recommendations on PC2 to the Council.
- 4.9 Pursuant to Clause 10 of the First Schedule, the Council may, after considering the plan change, approve, reject or approve the plan change with alterations as a result of submissions. The decision must include reasons for accepting or rejecting submissions.

5.0 Decision

- 5.1 There was from the majority of submitters general agreement with the thrust of PC2 and the recommendations made by Ms Eade. Indeed, there are elements of PC2 such as the slope assessment area and the new settlement objective and associated policies which were not subject to submissions. However, some submitters did seek the deletion of provisions particularly in relation to the design elements under Rule 4.6.20. These submissions thus enable, within reason, a wide range of scope i.e. from what is proposed to deletion of the rule and anything in between. As will be apparent I have in some areas utilised the scope available to address some of the matters raised and, in my opinion, provide for efficient and effective provisions which better suit the circumstances and achieve the objectives.
- 5.2 I have focussed in this decision on the primary areas where there is some level of contention and discussion and which were detailed by Ms Eade. In situations where I agree with her assessment I have simply said so.
- 5.3 Before getting into the detail it is important to identify the relevant objectives including those provisions to be amended and added because they are important in the overall assessment in guiding the decision and any s32AA assessment.

Relevant Objectives

- 5.4 I have split the relevant objectives and policies between those related to natural hazards and those associated with settlements.
1. Natural Hazards
- 5.5 The relevant objective is Objective 15.1 which provides that subdivision, use and development of land is enabled while avoiding or mitigating the adverse effects of natural hazards.
2. Settlement

5.6 General Objective 4 promotes 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.

5.7 The District Plan also contains a specific objective for Mt Lyford, Objective 4.3 which provides that Mt Lyford is an alpine village that is integrated with, and sensitive to, the natural environment.

Objectives and Policies

5.8 I noted firstly that PC2 does not propose any specific alterations to the Objective 15.1 associated with Natural Hazards. However, PC2 does include the introduction of a new policy. Proposed Policy 15.12 seeks:

To manage the subdivision, use and development of land within the Mt Lyford Slope Assessment Area by:

- 1. requiring a geotechnical assessment to be undertaken to determine the risk of slope instability on the site and to identify if mitigation, including foundation design and land stability engineering, is required to mitigate the risk; and*
- 2. requiring recommendations from the geotechnical assessment to be implemented in full; and*
- 3. avoiding subdivision, use and development of land where any residual natural hazard risk is unable to be sufficiently mitigated.*

5.9 There were no submissions opposing this policy and I am satisfied that it achieves the purpose of Objective 15.1 and recommend it be adopted.

5.10 PC2 did not seek to amend the overarching objective in Chapter 4 Settlements, however it did propose to delete and replace Objective 4.3 due to conflicts with Objective 15.1 which relates to natural hazards. The initial new wording proposed was as follows:

Mt Lyford is an alpine village that is integrated with, and sensitive to, the natural environment.

5.11 At the hearing I raised some concern that this appeared to be more of a statement than an objective and as a result Ms Eade recommended the following revised wording:

The protection of Mt Lyford as an alpine village that is integrated with, and sensitive to, the natural environment.

5.12 I am comfortable that the revised wording proposed meets the s32AA test, is consistent with the overarching Objective 4 and consider it sets out clearly what is sought to be achieved in terms of the development of the Mt Lyford Village. I therefore recommend it be adopted.

5.13 PC2 then replaces three policies, being 4.40, 4.41 and 4.42 with new policies so as to update them and better integrate them with other sections of the District Plan. There were no submissions on these new provisions and subject to a minor amendment to Policy 4.40 now suggested by Ms Eade I recommend they be adopted.

5.14 Having confirmed the objectives and policies it is now incumbent on me to determine whether the proposed provisions implement the policies and are the most appropriate means of achieving the objectives having regard to their efficiency and effectiveness and taking into account their benefits and costs and the risks of acting or not acting. These are dealt with in turn.

Fault avoidance zone and Slope avoidance zone

5.15 The submission by the Simpsons sought for Lots 1, 2, 68, 69, 92, and 93 to be excluded from the fault avoidance zone. The fault lines around Mt Lyford Village had been mapped by GNS which had established the fault avoidance zone and their report was subsequently peer-reviewed by Golders. As I understand it the fault line mapping shown on Lot 68 had been removed prior to the notification of PC2 as a result of the initial Golder investigations and therefore there is no need for me to consider this lot further. Further investigations by Golder into Lots 1 and 92 were undertaken post the submission period closing and confirmed that faulting was found at Lots 1 and 92.

5.16 As I understand it the fault avoidance zones identify areas where there is a high potential of surface rupture in a major earthquake. The provisions therefore require that investigations are undertaken prior to the development of a site occurring in order to identify and mitigate any issues with the fault hazard for a dwelling. Subject to having undertaken these investigations development is enabled as a permitted activity. However, given the requirements of the slope avoidance zone which covers the whole of the Mt Lyford Village this permitted status does become somewhat academic and as I noted earlier there were no submissions opposing the extent of the slope avoidance zone nor its associated provisions.

5.17 Ms Eade's position was that removing the faults on Lots 1, 2, 69 and 92 would be inconsistent with the direction given in the Canterbury Regional Policy Statement (CRPS) and the District Plan in terms of Objective 15.1 and Policy 15.1. To this extent I agree. Further, the Simpsons have not provided any evidence to the contrary despite having had consultants Davis Ogilvie present at times during the peer review by Golders.

5.18 I am therefore unable to recommend that the fault avoidance zone be deleted from the above lots noting that it was not placed over Lot 68 in the notified version of PC2 and therefore there is no need for me to make a recommendation with regards that particular lot. I therefore recommend that the Fault avoidance zone and Slope avoidance zone and associated provisions be adopted.

5.19 Finally, I accept Ms Eade's discussion around the Advice Note related to the fault avoidance zones including a 20m wide buffer now being no longer required and recommend that it be deleted.

Minimum site size

5.20 Most submitters supported the new one dwelling per site rule while some sought the retention of the 4000m² subdivision provision, and one sought that two dwellings should be permitted per 4,000m².

5.21 I acknowledge there was a degree of confusion around this issue and as noted by Ms Eade reiterate that PC2 does not actually propose to amend the 4000m² subdivision rule. The confusion arises with Rule 4.6.1 which specifies the minimum site size to construct a dwelling, which for Mt Lyford is 4000m². I

agree with Ms Eade that the circumstances at Mt Lyford with all sites being over 4000m² means that this rule does not work as anticipated and indeed would enable the building of two dwelling units on a single building platform where the site was 8000m² or over. Thus Rule 4.6.1 may not protect the density and natural environment of Mt Lyford as anticipated. I accept therefore that proposed Rule 4.6.20(a) to restrict a site to only one dwelling and one detached accessory building is a more appropriate means of ensure the character and density of Mt Lyford is maintained and recommend it be adopted.

Design Elements

1. Cladding material

- 5.22 There were a number of submission points made on the external material to be used on dwellings within the Mt Lyford Village and a number of varying views expressed. Some submitters emphasised the need to maintain strong guidelines in order to ensure the distinct character of the village was maintained, others sought to exclude some material such as weatherboard or include material such as ply and batten, steel and stone cladding. There were also submissions seeking to relax the design standards around materials.
- 5.23 It was clear to me that the alpine feel and character of the village which includes natural timbers was important to submitters and indeed this is generally supported by provisions in the District Plan which stem from Objective 4.3. As noted by Ms Eade the amendments to the design standards proposed through PC2 were developed via discussions with Mt Lyford property owners and represents a conservative middle ground which is generally supported by the expert advice from Yvonne Pfluger of Boffa Miskell. She also noted that there was a resource consent pathway for designs that do not meet any of the design standards but still contributed to the alpine character being sought. I note that this pathway is via a fully discretionary activity status which I have discussed below.
- 5.24 In this context I accept that most property owners would choose to develop dwellings which were sensitive to the village character. However, if there weren't controls then there would be nothing to stop someone building a dwelling that conflicts with that character. This would be at odds with the objectives and policies of the District Plan none of which are under challenge. To put it another way limiting or even extinguishing the design controls for Mt Lyford would not achieve the now established objectives and policies of the District Plan.
- 5.25 Turning to the details, I agree with Ms Eade that when viewed from a distance logs and weatherboards have a similar appearance and it is the finish of the product is as important. I also accept that ply and batten and steel should not be included as a permitted activity due to their unnatural appearance but could be considered via a consent process where mitigation primarily in the form of colour is proposed. In terms of the use of stone I agree that its use needs to be limited and note that Ms Eade has now provided a definition of local stone which I consider clarifies the situation.
- 5.26 I therefore recommend that the cladding provisions in Rule 4.6.20 (c), (d) and (e) be adopted.

2. Roofing

- 5.27 Three matters were raised by submitters in relation to roofs. One was opposition to the gable end only requirement and a second was related to the change in roof pitch and which buildings it should apply too. Because these two matters are interrelated, I have dealt with them together. The third matter related to roof colour.
- 5.28 I have some sympathy for the use of hip roof pitches raised by Mr Barnes. He provided examples within the village where these have occurred in conjunction with gable end roofs. In these cases, the gable roof pitches remained prominent and in my view this combination did not seem to be overly out of character.
- 5.29 PC2 would mean that all permitted roofs are to be of a gable form with a pitch of not less than 35 degrees for the main body of the roof. A hip roof would therefore require consent as a fully discretionary activity whereas under the current provisions there is no specification of roof form, rather the rules required that the main body of the roof is to have a pitch of not less than 45 degrees. This 45-degree pitch appears to have driven the predominantly gable style which has eventuated at Mt Lyford Village.
- 5.30 I note that the Boffa Miskell report supported changing the roof pitch to 35 degrees as it provided for more flexibility in the use of the upper storey and the change was unlikely to be noticeable. They also note that the gable roof form has a strong alpine connotation and that hipped roofs are more common in urban or suburban environments. I agree that the 35-degree pitch will provide a greater level of flexibility without impacting upon the alpine character of the village and recommend that this provision be retained. I also agree that the provision should apply to all roofs so as to capture accessory buildings.
- 5.31 I accept that a dwelling which was solely made up of hip roof lines would appear to be somewhat out of character with the alpine theme of the village and as such should not form part of a permitted regime. I have therefore given some thought as to how some level of hip roofing might be enabled provided the gable end remained the dominant roof line. The difficulty lies in providing an efficient and workable rule. For example, providing some form of formula within a rule which could permit say 25% hip and 75% gable would in my opinion lead to difficulties in measurement and is in any event somewhat subjective. For these reasons I am unable to recommend a hip roof provision as a permitted activity.
- 5.32 Notwithstanding my concerns about crafting a rule, I do consider any breach of this design element, along with the cladding provision above and colour provisions below, to be a matter between the Council and the applicant. It is not something in my opinion that should involve third parties and the associated uncertainty and potential cost. I have therefore recommended that a breach of these provisions should not be publicly or limited notified. I consider this goes some way to addressing Mr Barnes concerns, is within the scope of his submission while still enabling the objectives and policies to be achieved and is efficient and effective in terms of s32AA.
- 5.33 In terms of roof colours, I consider Ms Eade's proposed limits of on reflectivity values and being of brown, grey or green hue colour are appropriate and recommend they be adopted.

Building Height, Size and Setbacks

1. Accessory Buildings

- 5.34 Submissions sought for there to be a maximum size for accessory buildings. In this context I note that the District Plan definition of buildings excludes structures that are less than 10m² and no more than 2.5m in height. Therefore, any size limit would need to be larger than this.
- 5.35 Ms Eade considered there was merit in having an upper limit for accessory building to ensure the objectives associated with Mt Lyford were met. She suggested a maximum gross floor area of 50m² be introduced which would allow for a reasonable sized two-bay garage without overpowering a modest dwelling. I consider this is appropriate and recommend it be adopted.

2. Building Height and length

- 5.36 One submission sought to increase the height limit to 10m so as to be reminiscent of built up areas while another sought for it to be reduced to 5.5m. Another submission requested that a height limit be set for accessory buildings.
- 5.37 Ms Eade noted that the current height limit of 8m and length of building requirement was consistent across the district and in relation to height enabled two storey dwellings to be constructed. She was of the view that there was no particular reason why Mt Lyford should be an exception either in terms of an increased height or a lower height or a change in building length. I agree with these sentiments and consider that any dwelling going above the 8m height limit should be subject to the consent process and be tested against the environmental outcomes sought by the area. I also note that the change in roof pitch will enable more space to be created at the second storey level. For these reasons I recommend these provisions remain unchanged.

3. Building Setback

- 5.38 One submitter sought to increase the building setback from the road to 10m, while another considered the separation distance between buildings to be very large.
- 5.39 Ms Eade noted that the geological features of the village made a larger road setback impossible on some sites and that where it was possible dwellings were generally well set back from the road, presumably for increased privacy reasons. Increasing the setback would therefore be impractical and I am not convinced having driven around the village that it would actually result in any significant environmental or amenity benefits given the differing site levels and sizes and the existing intensity of vegetation. I therefore recommend the 5m requirement be retained.
- 5.40 The separation rule is an existing rule in the District Plan applying specifically to Mt Lyford. It requires the separation distance between buildings on one site to be at least 6m, and that a building be 5m from any boundary (as referred to above in relation to the road boundary setback). I have no concerns with the boundary setback of 5m, which in the contents of the environment is in my view entirely appropriate. I

do however have some concerns about the 6m separation between building on the same site. I agree with Ms Meder that some sections are of an awkward shape, while others have limited space for building platforms due to the terrain. This is something also acknowledged by Ms Eade.

5.41 I am not clear what is sought to be achieved by requiring an accessory building such as a garage to have a 6m separation distance from the main dwelling. While I accept that accessory buildings should provide some degree of separation from the main building 6m seems to be excessive in the circumstances. In my opinion a 3m separation is sufficient to provide a distinction between buildings and I recommend the rule be amended to reflect this.

5.42 In addition to my recommendations above, I consider these two provisions should be separated into two rules. The two matters are very different, one is related to privacy and amenity (the setback) and the other is more associated with design. I also consider that the latter, like the cladding, roofing and colour provisions, is a matter between the Council and the applicant and is not something that should involve third parties and have therefore recommended that it should form part of the non-notified provision.

Fencing

5.43 As noted by Ms Eade there is currently no rule in the District Plan regarding fencing at Mt Lyford. Fencing is in fact controlled through a Land Covenant which prohibits *“the erection of any boundary fence or wall on any of the lots comprising the Mt Lyford Village whether such fence is on the boundary or set back therefrom”*. This is something that cannot be overridden by the District Plan. While a rule has formed part of the notified PC2 I was advised this had been unintentional and had stemmed from a discussion draft of the plan change. Nevertheless, the fencing provision had attracted comments from submitters, and it was one of the focusses of the hearing.

5.44 I accept that the visual absence of fences is one of the characteristics of Mt Lyford Village and as such this helps maintain a relatively open and distinctly alpine character. I agree with Mr June and Ms Eade that the introduction of fencing, particularly on boundaries and of substance, would introduce unnatural lines and disrupted the natural environment which Objective 4.3 seeks to protect.

5.45 Stemming from the evidence and discussion at the hearing Ms Eade has recommended that the fencing provisions in PC2 be deleted and it continue to be controlled via the Land Covenant.

5.46 I agree that fencing provisions are difficult for a Council to enforce as fencing is not always constructed at the time of the dwelling and no building consent is required. I also acknowledge there might well be instances where fencing is a requirement such as with a swimming, however in general terms I consider fencing would be out of character with what is sought to be achieved at Mt Lyford Village.

5.47 It seems to me that the Land Covenant already provides a high level of restriction in terms of fencing and that little would be achieved by further codifying rules in the District Plan. For these reasons I do not recommend fencing provisions be included in Rule 4.6.20.

Lighting

- 5.48 One submission sought that the lighting provisions be deleted, while another considered that the Mt Lyford area provided a very good “dark sky” and that the plan change should seek to include provisions to protect this.
- 5.49 Ms Eade noted that the existing light provisions in the plan were targeted towards higher density settlements where the effects on an adjoining neighbour could detract from their amenity. She therefore had some sympathy for the submitter that the provisions were not required in Mt Lyford, due to the larger sites. However, she said deleting Mt Lyford from this rule would introduce unnecessary complexity into the plan. While I am not sure that there is a great deal of complexity in simply deleting Mt Lyford Village from the lighting provisions, I’m not convinced that lighting provisions aren’t necessary either. With a permitted separate distance of 10m for dwellings I consider there still remains the potential for lighting to have an adverse impact and on that basis, I recommend the lighting provisions remain.
- 5.50 Ms Eade noted that there were currently no provisions in the District Plan that specifically protected the dark night sky in any settlement, however she considered there was merit in including a rule for Mt Lyford given the nature of the settlement and that it would enhance the natural character of the village. She recommended a rule which required the shielding of external light spill above the horizontal plane and that it be limited to a 3000K correlated colour temperature.
- 5.51 I agree that the night sky at Mt Lyford is an important feature of its character and recommend that the proposed provision be adopted.

Conclusion

- 5.52 As part of my deliberations I did give consideration as to whether many of the provisions under Rule 4.6.20 should fall to be restricted discretionary activities if not met. The move to more detailed and specific rules in my view warrants such consideration. While I consider a strong case could be made for such an approach, I am conscious that it would not sit all that comfortably with the present structure of the District Plan. In particular I was aware that the extensive design provisions associated with Hanmer Springs were in exactly the same situation and I might therefore create an element of inconsistency within the District Plan by making such a change. In the end I have concluded that this is a broader issue than just Mt Lyford and I am comfortable with the above recommendations including a non-notification requirement for some provisions. While this technique is perhaps unusual at a fully discretionary status it is not without precedent in the District Plan where it has been used in a similar situation in relation to setbacks from MainPower New Zealand Limited sites.
- 5.53 Overall, I consider the relevant objectives of the District Plan will be achieved as a result of the changes now proposed as part of PC2. I have evaluated the policies and methods as being the most appropriate, in terms of their effectiveness and efficiency, and benefits they achieve verses the costs imposed.

Section 74 & 75

- 5.54 The other relevant planning document to be considered in evaluating PC2 under sections 74 and 75 is the CRPS. Of particular relevance in relation to PC2 is Chapter 11 – Natural Hazards. Objective 11.2.1 and Policy 11.3.1 seek to avoid new subdivision or development that increases risks associated with natural hazards in high hazard areas. The thrust of the CRPS is that the risks from natural hazards are avoided in the first instance or otherwise mitigated. Policy 11.3.3 deals specifically with earthquake hazards and requires that new subdivision and development on or close to an active earthquake fault trace, be managed in order to avoid or mitigate the adverse effects of fault rupture.
- 5.55 In the case of Mt Lyford, subdivision has already occurred and there is therefore an expectation of development. It would be difficult to change this now and PC2 does not attempt to do so. Rather the approach is to manage the fault hazard and associated slope instability through requiring geotechnical assessment on proposed building locations and assessing the potential mitigation measures. On this basis I considered PC2 is not inconsistent with CRPS provisions and gives effect to them.

Part 2

- 5.56 I considered for the reasons set out above and subject to the amendments recommended that PC2 meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, it will enable people of Mt Lyford to provide for their social and economic well-being and their health and safety while mitigating any adverse effects on the environment.

6.0 Recommendations

- 6.1 For all the foregoing reasons I **recommend** to the Hurunui District Council as follows:
- 1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Council approve the changes in PC2 to the Hurunui District Plan as set out in Appendix A to this report.**
 - 2. That for the reasons set out in the above report the Council accordingly either accept, accept in part or reject the submissions and further submissions as recommended and listed in Appendix B to this report.**

Note: Submissions seeking no overall change have been accepted in part due to the fact that some changes to Plan Change 2 have been recommended as a result of other submissions.



Commissioner Dean Chrystal

8th June 2020

The Recommended Changes

Note: Any text proposed to be added by the proposed plan change is shown as underlined and any text to be deleted is shown as ~~strikethrough~~.

Chapter 15 – Natural Hazards

Add a new policy to Chapter 15 as follows:

Policy 15.12

To manage the subdivision, use and development of land within the Mt Lyford Slope Assessment Area by:

1. requiring a geotechnical assessment to be undertaken to determine the risk of slope instability on the site and to identify if mitigation, including foundation design and land stability engineering, is required to mitigate the risk; and
2. requiring recommendations from the geotechnical assessment to be implemented in full; and
3. avoiding subdivision, use and development of land where any residual natural hazard risk is unable to be sufficiently mitigated.

15.4 Rules

15.4.3 Standards for permitted activities

Add to 15.4.3.2 as follows:

1. [...]
2. The following standards apply to activities within a Natural Hazard Assessment and Awareness Areas identified in the planning maps and in Appendix 15.2:
 - (a) For dwellings, extensions to dwellings that increase the floor area by more than 10% from that existing at 15 October 2016, habitable accessory buildings or principal buildings located within the Flood Assessment Zone, a floor level is provided which is at least 400 mm above the 0.5% annual exceedance probability (1 in 200 year event) flood event. Compliance with this standard shall be demonstrated by a flood assessment from an organisation or individual that has been certified by the Chief Executive of Hurunui District Council as being appropriately qualified and experienced.
 - (b) For buildings or structures located within a Fault Awareness Zone, the building or structure is not a Building of Importance.
 - (c) The building is not located within the Mt Lyford Slope Assessment Area.

Add a new Restricted Discretionary activity as follows:

15.4.4 Restricted discretionary activities

The following activities are restricted discretionary activities, provided they meet the relevant standard:

1. The construction of, or extension to, any building within the Mt Lyford Slope Assessment Area;

Standard for restricted discretionary activities

(a) A geotechnical assessment prepared by a suitably qualified person is submitted with the application:

The Council will restrict its discretion to the following matters:

- (a) The risk of slope instability, including any residual risk, to people or property;
- (b) Whether the location and design of proposed building platforms, access, earthworks, retaining walls and services to the site are the most appropriate considering the risk of natural hazards on the site;
- (c) The scale of any proposed works;
- (d) Proposed stormwater management and the effects of drainage on the building platform, foundations and stability of the site or neighbouring sites;
- (e) The design of the proposed building or extension and its suitability given any natural hazard risk to the site;
- (f) The potential for the proposal to increase the natural hazard risk to the site or to transfer the risk to a neighbouring site; and
- (g) Any proposed works to mitigate slope instability.

Amend and renumber Rules 15.4.4 and 15.4.5 as follows:

15.4.5 4 Discretionary activities

1. Any activity that does not meet any one or more of the standards for permitted activities in Rule 15.4.3 and is not classified as a restricted discretionary activity under Rule 15.4.4 or a non-complying activity under Rule 15.4.65.

15.4.6 5 Non-complying activities

1. The following activities are non-complying activities:
 1. A Building of Importance located within a Fault Avoidance Zone.
 2. Any activity that does not comply with the standard for restricted discretionary activities under Rule 15.4.4.

Amend Appendix 15.1 and 15.2 as follows:

Appendix 15.1 – Schedule of Natural Hazards Areas

Earthquake hazards – Fault Avoidance Zones

Fault lines:
Hanmer fault, Hanmer Springs
Hope Fault , Mt Lyford Faults

Appendix 15.2 – Schedule of Natural Hazards Assessment and Awareness Areas

Slope Assessment Areas

Mt Lyford Slope Assessment Area

Amend Planning Map to include Slope Assessment Area



Chapter 4 – Settlements

Amend the follow objective and policies relation to Mt Lyford:

Mt Lyford policies

Objective 4.3

~~An environmentally sensitive development that avoids natural hazards and protects the natural values of Mount Lyford.~~

The protection of Mt Lyford as an alpine village that is integrated with, and sensitive to, the natural environment.

Policy 4.40

~~To make provision for a range of compatible activities that are contained within defined areas in accordance with the structure plan developed for Mount Lyford.~~

To maintain and enhance the natural and alpine character of the Mt Lyford Village through design standards.

Policy 4.41

~~To discourage development in conservation areas in order to recognise the presence of indigenous vegetation, topographical restraints, or the erosion sensitivity of the land.~~

To protect indigenous vegetation and wildlife habitats by limiting vegetation clearance and development.

Policy 4.42

~~To establish standards to manage activities that will create natural hazards or other risks.~~

To manage activities in a way that is proportionate to the likelihood and consequence of the natural hazard risk.

Residential Zone Rules

4.6 Standards for permitted activities

Delete from Rule 4.6.1 the following:

1. Area

The minimum site area required for a dwelling in Residential Zones is:

Zone	Minimum site size
Residential Mt Lyford	4,000 m ²

Amend Rule 4.6.20 as follows:

20 Mt Lyford design standards

Within the Residential Zones of Mt Lyford Zone Rules 4.5 and 4.6.1 to 4.6.18 apply, unless superseded by a rule listed in 4.6.20.

~~(a) All buildings (including accessory buildings) located within the Residential Zones of Mt Lyford shall comply with the following additional design standards:~~

~~(i) All buildings, including accessory buildings, shall be of log construction;~~

(a) The maximum number of buildings on any allotment shall be one dwelling and one detached accessory building.

(b) The maximum gross floor area of any accessory building shall be 50m².

- ~~(b)~~(c) At least 80% of each building (excluding windows) shall be clad with natural unpainted timber in one or more of the following profiles:
- (i) Whole interlocking logs
 - (ii) Half round logs with the curvature visible from the outside
 - (iii) Horizontal bevel back or shiplap weatherboards
 - (iv) Vertical board and batten.
- ~~(c)~~(d) The remainder of the building shall be clad with:
- (i) One of the options listed in Rule 4.6.20(c)
 - (ii) Shakes or shingles
 - (iii) **Local stone** or stone veneer replicating local stone.
- ~~(d)~~(e) Stains and protectants may be used provided they are of a natural or brown hue.
- ~~(e)~~(f) The roofs of all principal buildings shall: other than gable windows and minor roof lines, s to be of a
- (i) have a principal roof pitch of ~~not less than~~ at least ~~45~~35 degrees, while the roof pitch of verandas, porches and other attached structures is to be ~~no less than~~ at least 20 degrees; and
 - (ii) have a light reflectance value (LRV) of more than 5% but less than 13%.; and
 - (iii) be of a brown, grey or green hue.; and
 - (iv) be of gable form.
- (g) The minimum width of an access to a site shall be 3m; and
- (h) The separation distance between buildings on one site shall be at least ~~6~~3m.;
- (i) All building shall be located at least 5m from any boundary.; and
- (j) All exterior lighting shall:
- (i) be fully shielded with no light spill being permitted above the horizontal plane; and
 - (ii) be equal to or less than 3000K correlated colour temperature.

Notes:

1. Any application made in relation to Rules 4.6.20 (c), (d), (e), (f) (iii) and (iv) and (h) shall not be publicly or limited notified.
2. **Local stone** means Canterbury river stones or stone from quarries in the Hurunui District.

PC2 – Mt Lyford Village

APPENDIX B

Recommended decisions on Submissions

Sub. Point	Further sub. point	Name	Provision	Oppose/Support	Comments	Recommended Decision
1.1		T Cook	4.6.20(a)	Support	No Change	Accept
1.2		T Cook	4.6.20(b)	Support	No Change	Accept in part
1.3		T Cook	4.6.20(c)	Support	No Change	Accept in part
1.4		T Cook	4.6.20(d)	Support with amendments	Other colours to be considered that equate with the native flora and fauna. Support roof colourings being in the dark green / charcoal / brown range.	Accept in part
	1.4.f.1	Christopher June		Support		Accept in part
1.5		T Cook	4.6.20(e)	Support with amendments	Assume this is ok with structural engineers regarding snow loading.	Accept in part
1.6		T Cook	4.6.20(g)	Support	No Change	Accept in part
1.7		T Cook	4.6.20(h)	Support	No Change	Accept
1.8		T Cook	4.6.20(i)	Support	No Change	Accept in part
2		R Barnes	4.6.20(g)	Oppose	Rule (g) should be deleted. To preclude hip roofs would impose an unnecessary restriction.	Accept in part
3		W Dean	General	Support	No Change	Accept in part
4		L Kerr	General	Support	No Change	Accept in part
5.1		D & J Simpson	Mapping	Oppose	Prove the faults exist. Oppose the emphasis of fault avoidance zones on unproven faults in particular on lots 92, 93, 68, 69, 1 and 2.	Accept in part
5.2		D & J Simpson	4.6.20(e)	Oppose	Retain roof pitches at 45 degrees.	Reject
	4.5.f.1	J Meder		Oppose		Accept
6		M R Powell	All	Support	No Change	Accept in part
7.1		J Meder	4.6.20(a)	Support with amendments	Accessory building should be clad in ply or wood of natural brown hue or steel, but steel only if coloured as per acceptable roof hues.	Accept in part
7.2		J Meder	4.6.20(b)	Support with amendments	No change to (i), (ii) and (iii) but (iv) vertical board and batten should include ply and batten (easier and more weatherproof) with battens at max centres of 300mm.	Accept in part
	7.2.f.1	Claudine Barnes		Support		Accept in part
	7.2.f.2	Ross Barnes		Support		Accept in part

7.3		J Meder	4.6.20(c)	Support	No change	Accept in part
7.4		J Meder	4.6.20(d)	Support	No change	Accept in part
7.5		J Meder	4.6.20(e)	Support	No change	Accept in part
7.6		J Meder	4.6.20(f)	Support	No change	Accept in part
7.7		J Meder	4.6.20(g)	Support with amendments	Maybe needs to be changed to "all principal roofs" i.e. not secondary roofs attached to building or roofs of small accessory buildings. May need to specify size of accessory buildings, e.g. should large garages have gable roofs?	Accept in part
	7.7.f.1	Claudine Barnes		Support		Accept in part
7.8		J Meder	4.6.20(h)	Support	No change	Accept
7.9		J Meder	4.6.20(i)	Oppose	The separation distance between buildings seems very large as many of the Mt Lyford sections are awkward shapes or have limited space for building platforms due to the terrain	Accept in part
7.10		J Meder	4.6.20(f)	N/A	At the moment, fencing of whole sections is not allowed, which should continue, although some fencing of areas within boundaries would be fine.	Accept
7.11		J Meder	4.6.20(f)	N/A	If the roads are ever developed further and there becomes a need for street lighting, it MUST be of a type designed to avoid light pollution as the clear night sky is a special asset here	Accept
8.1		Lance Whitcombe	Chapter 4	Support	No change	Accept in part
8.2		Lance Whitcombe	4.6.20(b)	Support	No change	Accept in part
9.1		Ian Bisman	4.6.1	Oppose	Keep at 4000m ² .	Accept in part
9.2		Ian Bisman	4.6.3	Oppose	Increase road setback to 10 metres	Reject
	9.2.f.1	Jane Meder		Oppose		Accept
	9.2.f.2	Claudine Barnes		Oppose		Accept
9.3		Ian Bisman	4.6.4	Oppose	Change maximum building height to 5.5 metres	Reject
	9.3.f.1	Jane Meder		Oppose		Accept
	9.3.f.2	Claudine Barnes		Oppose		Accept
9.4		Ian Bisman	4.6.6	Oppose	Delete rule.	Reject
	9.4.f.1	Jane Meder		Oppose		Accept
	9.4.f.2	Claudine Barnes		Oppose		Accept
9.5		Ian Bisman	4.6.10	Oppose	Delete rule.	Reject

	9.5.f.1	Jane Meder		Oppose		Accept
	9.5.f.1	Claudine Barnes		Oppose		Accept
9.6		Ian Bisman	4.6.20(b)	Oppose	Delete, should be left to the owner/architect.	Reject
	9.6.f.1	Jane Meder		Oppose		Accept
	9.6.f.2	Claudine Barnes		Oppose		Accept
9.7		Ian Bisman	4.6.20(c)	Oppose	Delete, should be left to the owner/architect.	Reject
	9.7.f.1	Jane Meder		Oppose		Accept
	9.7.f.2	Claudine Barnes		Oppose		Accept
	9.7.f.3	Ross Barnes		Oppose		Accept
9.8		Ian Bisman	4.6.20(d)	Oppose	Delete, should be left to the owner/architect.	Reject
	9.8.f.1	Jane Meder		Oppose		Accept
	9.8.f.2	Claudine Barnes		Oppose		Accept
	9.8.f.3	Ross Barnes		Oppose		Accept
9.9		Ian Bisman	4.6.20(e)	Oppose	Delete, should be left to the owner/architect.	Reject
	9.9.f.1	Jane Meder		Oppose		Accept
	9.9.f.2	Claudine Barnes		Oppose		Accept
	9.9.f.3	Ross Barnes		Oppose		Accept
9.10		Ian Bisman	4.6.20(f)	Oppose	Delete, should be left to the owner/architect.	Reject
	9.10.f.1	Claudine Barnes		Oppose		Accept
	9.10.f.2	Ross Barnes		Oppose		Accept
9.11		Ian Bisman	4.6.20(g)	Oppose	Delete, should be left to the owner/architect.	Accept
9.12		Ian Bisman	Fencing	N/A	No fencing should be allowed	Accept in part
10.1		Claudine Barnes	Policy 15.12	Oppose	Minimum land size to remain at 4,000m ² with no subdivision options	Accept in part
10.2		Claudine Barnes	4.6.1	Oppose	Minimum land size to remain at 4,000m ²	Accept in part
10.3		Claudine Barnes	4.6.20(a)	Oppose	Set a maximum size for detached accessory buildings.	Accept
	10.3f.1	Ross Barnes		Support		Accept
10.4		Claudine Barnes	Other	N/A	No fencing to be allowed.	Accept in part
	10.4.f.1	Christopher June	Fencing	Support		Accept in part
	10.4.f.2	Ross Barnes		Support		Accept in part
10.5		Claudine Barnes	4.6.20(b)	Oppose	Weatherboards should not be allowed.	Reject

	10.5.f.1	Christopher June		Support		Reject
10.6		Claudine Barnes	4.6.20(g)	Oppose	Delete rule.	Accept in part
11.1		Chris June	Fencing	N/A	That the proposed fencing rules are withdrawn in favour of the existing no fencing covenant.	Accept
	11.1.f.2	Claudine Barnes	Fencing	support		Accept
	11.1.f.3	Ross Barnes	Fencing	Support		Accept
11.2		Chris June	Lighting	Oppose	That the proposed changes include the requirement that exterior lighting be shielded to restrict direct luminescence below 180 degrees from the horizon and that LED lighting colour minimise the blue rich spectrum (<3000 Kelvin)	Accept
	11.2.f.2	Claudine Barnes	Lighting	support		Accept
11.3		Chris June	Chapter 15	Support	No Change	Accept
12.1		Canterbury Regional Council	Mapping	Support with amendments	Retain proposed Fault Avoidance Zones - Mt Lyford Faults, and Slope Assessment Areas - Mt Lyford Slope Assessment Area, as notified in the planning maps (ePlan). Amend the planning map ePlan legends to refer to Mt Lyford Slope Assessment Area. Amend the legend in the planning map ePlan to use different symbology to identify the Mt Lyford Slope Assessment to that already in use to identify the Flood Assessment Zone.	Accept
12.2		Canterbury Regional Council	Appendix 15.1	Support with amendments	Amend Appendix 15.1 - Schedule of Natural Hazards Areas as follows: “Note: Including an area 20 m wide on either side of the fault lines identified on the planning maps”. <u>Note: Fault Avoidance Zones include a 20m wide buffer on either side of identified areas of fault deformation. Mapping of the Mt Lyford Faults incorporates this buffer.</u>	Accept in part
13.1		Gerard Dombroski	4.6.20(a)	Oppose	Amend to allow two dwellings per 4,000m ² .	Reject
	13.1.f.1	Jane Meder		Oppose		Accept
	13.1.f.2	Claudine Barnes		Oppose		Accept
	13.1.f.3	Ross Barnes				
13.2		Gerard Dombroski	4.6.20(b)	Support with amendments	Include steel and schist cladding	Reject
	13.2.f.1	Christopher June		Oppose		Accept
	13.2.f.2	Claudine Barnes		Oppose		Accept
	13.2.f.3	Ross Barnes		Oppose		Accept

13.3		Gerard Dombroski	4.6.20(f)	Oppose	White claddings can look aesthetically appeal while surrounded by snow. Include LRV values between 0 - 70% (or 100%) or delete rule.	Reject
	13.3.f.1	Christopher June		Oppose		Accept
	13.2.f.2	Jane Meder		Oppose		Accept
	13.2.f.3	Claudine Barnes		Oppose		Accept
	13.2.f.4	Ross Barnes		Oppose		Accept
13.4		Gerard Dombroski	General	N/A	Need to develop a plan to foster future growth.	Reject
	13.4.f.1	Claudine Barnes		Oppose		Accept
13.5		Gerard Dombroski	4.6.4	Oppose	Amend height plane rule to be 10m rolling height.	Reject
13.6		Gerard Dombroski	Earthworks	N/A	Should limit excavation / earthworks in accordance with the Golder report.	Accept in part