

RESOURCE MANAGEMENT ACT 1991

HURUNUI DISTRICT COUNCIL

HURUNUI DISTRICT PLAN

PROPOSED DISTRICT PLAN CHANGE NUMBER 3

BY

MORFORD PROPERTIES LIMITED

TO

**REZONE 12.97 HECTARES OF LAND LOCATED ON THE EAST SIDE OF ARGELINS
ROAD, HANMER SPRINGS FROM RURAL TO RESIDENTIAL, INCLUSIVE OF A
RETIREMENT VILLAGE AND PRESCHOOL**

**Report and recommendations to the Council by
Commissioners Dean Chrystal (Chair), Marie Black and Geoff Shier**

Hearings held on 20th March 2020

Appearances:

Speaking on the Proposed Plan Change and s42A report:

Ms Kelsey Bewley, Council Planner

Mr Brett Beer, Three Waters Asset Team Leader

Mr David Perry, Three Waters Asset Engineer

Applicant:

Mr E Chapman (Legal Counsel)

Mr H O'Donnell (Legal Counsel)

Mr D Morrow (Applicant)

Mr H Manion (Real Estate Agent) by phone

Mr A Carr (Traffic Engineer)

Mr B McDowell (Geologist)

Mr L Blakie (Engineer)

Mr C Fox (Surveyor)

Ms F Aston (Planning Consultant)

1.0 Introduction

1.1 Pursuant to instruction from the Hurunui District Council (the Council) dated 28th January 2020 a hearing of Proposed Change 3 (PC3) to the Hurunui District Plan (District Plan) together with submissions thereon was held at the Council Offices in Amberley on the 20th 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 Kelsey Bewley and circulated. That report was taken as read by the Panel.

1.3 PC3 is a privately initiated plan change which seeks to rezone a 12.97 hectares site located on the east side of Argelins Road in Hanmer Springs from Rural to Residential. The plan change includes an Outline Development Plan (ODP) to guide development which incorporates a retirement village and preschool, three residential sub-areas providing for 85-90 residential allotments with two different densities, open space zoning, a stormwater management area, local roads and off street pedestrian and/or cycle routes.

1.4 The plan change proposed to introduce a new policy (Policy 4.32), and to amend Policy 4.25 and includes new rules specific to the site. These include:

- The provision for three sub-areas, being Areas A, B and C. In terms of both subdivision and land use requirements for dwellings, the following minimum areas are proposed for each area:
 - Area A – 1000 m² minimum average.
 - Area B – 400 m² minimum and 500 m² average.
 - Area C – As per Area B, except with no minimum site area for a retirement village.
- With respect to subdivision, any allotment within a retirement village would be exempt from being able to contain a square measuring 15m by 15m.
- With respect to the retirement village and preschool, the following is proposed:
 - Any retirement village or preschool in general accordance with the ODP is a restricted discretionary activity, provided the standards for permitted activities are met.
 - Rule 4.6.15 Vehicle movements shall not apply.
 - The preschool will be subject to additional standards of a maximum number of children at any one time, a maximum gross floor area and opening hours.
 - The retirement village will be subject to additional standards of maximum site coverage, and maximum number of residents.
 - For the retirement village, where buildings on adjoining sites have a common wall along an internal boundary, recession planes shall not apply along that part of the boundary covered by such wall.

- Any retirement village or preschool that does not comply with the restricted discretionary standards, will be a discretionary activity.
- A definition of 'retirement village' is provided.

1.5 PC3 was publicly notified on 13 September 2019, to which 8 submissions were received. Of these, seven submissions were in opposition and one submission was in part support. Two submissions (Jane Pearson and Bruce and Diana Willis) are the same submission and one submission (Hanmer Pitch N Putt) includes two different petitions. No further submissions were received.

1.6 The issues raised in submissions include:

- loss of rural / open outlook
- density
- loss of Pitch N Putt facility
- stormwater management
- wastewater capacity
- geotechnical risk
- loss of ecological characteristics and native species
- geohydrological hazards
- potential flood risk
- unusable open space
- future topography of the site
- property devaluation
- alpine village character
- feasibility of retirement facility
- retirement village provisions
- historic agreements to retain 'greenbelt'
- landscaping.

1.7 Prior to the hearing the Panel undertook a site visit where we were able to view the site from various positions and get an understanding of the position of various features and how these fitted with the proposed ODP.

2.0 Section 42A Report

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

Visual and amenity effects

- 2.2 Ms Bewley acknowledged that PC3 would result in a residential density greater than what is currently provided for on the site by the District Plan, and that the plan change will affect the characteristics generally associated with rural amenity, such as open space values, low density of buildings and structures, high levels of privacy, and a clear dominance of open space over the built environment.
- 2.3 However, Ms Bewley identified that the southern portion of the site is identified in the Hanmer Springs Growth Management Strategy and, in section 8 of her s42 report, she confirmed that the ODP, combined with the proposed provisions, achieves the type of comprehensive planning envisioned by the Strategy. In her opinion, the application is supported by Policies 4.25 and 4.7 of the District Plan as they anticipate development on the application site that maintains or enhances the area's landscape, conservation and amenity values, and consolidates the existing form of the Hanmer settlement.
- 2.4 Finally, Ms Bewley agreed with the assessment of Andrew Craig Landscape Architect (submitted with the application) and confirms that, while the site has a rural zoning, it sits within an urban environment. She noted that while the redevelopment of the site will result in a significant landscape change, the amenity will remain high. With regards to the issue of density, Ms Bewley noted that the proposed density is suitably varied (with a range of lot sizes provided for across the site) and the proposed zoning of area 'B' is consistent with the Residential 1H Zone; accordingly, the development will retain the special alpine village character of Hanmer Springs. Ms Bewley concluded that larger lot sizes would be an inefficient use of the land.

Open space

- 2.5 Ms Bewley considered that the proposed open space will meet recreational requirements, provide for connectivity with other recreation pathways in Hanmer Springs, enable the retention of mature trees and is a suitable use of land identified as subject to a fault line.
- 2.6 For these reasons, she was of the opinion that the proposed open space satisfies Policies 4.19 and 4.20 of the District Plan (in respect to the provision of open space), as well as Policy 4.5, Objective 15.1 and Policy 15.3 (in respect of managing natural hazards).

Effects on utilities and infrastructure

- 2.7 With regards to roading and traffic, Aecom have reviewed the report prepared by Carriageway Consultants and, on the whole, agree with their conclusions. There was some uncertainty relating to traffic distribution (with possible internal effects on the plan change area), but Ms Bewley considered that this could be dealt with at subdivision stage. The posted traffic speed on Argelins Road was also raised as a matter that would need addressing, but this falls outside the jurisdiction of this planning process and can be dealt with by the Council as roading authority.
- 2.8 The applicant proposed to discharge stormwater in accordance with the Hurunui District Council's Hanmer Springs Global Stormwater Consent. However, Ms Bewley explains that, because of the high-water table through the site, the applicant was proposing an extended detention wet pond or wetland for treatment and attenuation and this solution was supported by the Council's Utilities Department. Ms Bewley advised that both she and Aecom consider that sensitivity testing for heavier rain events can be carried out during design to

confirm habitable floor levels and that suitable provisions exist in the District Plan to ensure this (5.5.10 Matters for Control and 5.7 Assessment Criteria). As a side note, Aecom advised that hydraulic modelling of Flax Stream is currently being completed and this information will need to be used at the subdivision design phase.

- 2.9 Ms Bewley advised that the Waimakariri District Council completed the wastewater modelling for the plan change. The modelling identified an existing capacity problem at the Hanmer Springs wastewater plant, which would be made significantly worse by the plan change. The applicant has offered to enter into a private developers agreement with the Council, whereby they will pay their portion of the costs up front (to enable the upgrade to occur), but this amount would be offset in any development or financial contributions owing. Ms Bewley confirmed that if the private developers' agreement is entered into, then she was satisfied that wastewater will be appropriately managed. She also noted that suitable provisions exist in the District Plan to ensure that, at the subdivision stage, the wastewater design is appropriate (Policy 5.1, 5.5.9 Standards for controlled activities and 5.7 Assessment criteria).

Geotechnical risk

- 2.10 Geotech Consulting Limited reviewed the information (including further information) prepared by Tonkin and Taylor on behalf of the applicant and confirmed that the Fault Avoidance Zone should be 20 metres wide and that it is acceptable to include a small portion of residential land within this, provided the lots are dimensioned such that habitable buildings are sited outside the fault avoidance zone.
- 2.11 Ms Bewley confirmed that both proposed and existing District Plan measures are suitable to manage the risk, including: an Outline Development Plan notation confirming that habitable buildings will be setback 20m from the faultline, existing Rule 15.4.3.1 allowing non-habitable residential accessory buildings within the fault avoidance zone as a permitted activity, existing Rule 5.5.12.1(a) specifying that any subdivision within the fault avoidance zone is a discretionary activity and associated Assessment Criteria 5.7.1(l), and existing Rule 15.4.3.1 that provides for habitable buildings to be constructed in the fault avoidance zone subject to assessment. Accordingly, Ms Bewley considers that the application will achieve Objective 15.1 of the District Plan, be consistent with policies 15.1, 15.3 and 15.9 of the District Plan, as well as giving effect to Policy 11.3.3 of the Canterbury Regional Policy Statement (CRPS).
- 2.12 Geotech also noted the potential for liquefaction and consolidation settlement within the site but confirmed these can be addressed at the subdivision stage.

Other matters

- 2.13 Ms Bewley noted that the lease between the landowner and the owner of the Pitch N Putt was a private issue not a resource management one. Therefore, the loss of the Pitch N Putt cannot be considered as part of the plan change assessment.
- 2.14 Ms Bewley considered that there was adequate provision proposed to ensure that the land set aside for the retirement village will be developed accordingly, and if not, the land could instead be development in accordance with the standard Residential H1 zoning. Development of the land in either would be consistent

with Objectives 4 and 4.1 of the District Plan. Ms Bewley did not consider that the applicant needed to prepare a feasibility study for the retirement village.

- 2.15 One submitter sought further information about the topography of the site; however, there are no provisions in the District Plan controlling the topography, therefore Ms Bewley did not consider that this needed to be addressed as part of the application.
- 2.16 Philip Grove (ECan) visited the site and concluded that the streams and the ponds in the Pitch N Putt area of the site were not ecologically significant ecosystems under the CRPS criteria. Ms Bewley considered that a suitable ecological values assessment could be carried out at the subdivision stage and could address Policy 5.4 of the District Plan. Ms Bewley has however proposed an additional controlled activity rule requiring a landscape plan for the stormwater management area.
- 2.17 Lastly, Ms Bewley noted that two submissions suggesting devaluation of property and the existence of historic agreements to retain the site as rural land are not resource management matters and cannot be considered as part of any decision.

Conclusion

- 2.1 Ms Bewley went onto refer to various objectives and policies of the District Plan, other relevant planning documents and the purpose and principles of the Act in concluding that PC3 could be approved, subject to a number of amendments including:
- (a) Amending the ODP the fault avoidance zone line from 10 metres to 20 metres
 - (b) Amend Rule 5.5.9 standards for controlled activities as follows:
 - i. Shape factor and frontage

Each allotment must be able to contain a square measuring 15m by 15m clear of any easement or water body, excluding any proposed allotment for multiple unit dwellings in the Business Zone at Hanmer Springs or any allotment within a retirement village in Morford Estate, in the location shown on the Outline Development Plan in Appendix 5.1.17.
 - (c) Moving the proposed minimum lot size and minimum average lot size provisions to Rule 5.6.1.1 and adding Area C (as shown below), to ensure that if a subdivision application for a retirement village does not meet the minimum lot standards of Area B, that a land use consent be lodged at the same time. This will ensure that a land use consent cannot be later obtained for higher density houses, rather than a retirement village.

Outline Development area	Minimum lot area	Minimum average lot area
- Woodbank (South) Residential area 1	500 m ²	700m ²
- Woodbank (South) Residential area 2	1500 m ²	–
- Woodbank (South) Business	No minimum area	–
- <u>Morford Estate area A</u>	<u>1,000m²</u>	<u>–</u>
- <u>Morford Estate area B</u>	<u>400 m²</u>	<u>500 m²</u>
- <u>Morford Estate area C</u>	<u>400 m² or if retirement village activities are proposed on lots less than the Area B standards, there shall be no minimum lot area, where the land use consent is lodged at the same time as subdivision.</u>	<u>500 m²</u>

(d) Amend Rule 4.8 Discretionary activities by just referring to Rule 4.7.5:

10. Any Preschool or Retirement Village within the Morford Residential 1H Zone (Appendix 5.1.17) where it does not comply with Rule 4.7.5.

(e) Amend new Rule 4.7.5 Discretionary activities (restricted) by explicitly stating the applicable rules as follows:

5. Within the Morford Residential 1H Zone (Appendix 5.1.17), any retirement village or preschool in general accordance with Appendix 5.1.17 ODP provided that it complies with Rules 4.6.1, 4.6.2 (preschool only), 4.6.3, 4.6.4, 4.6.5, 4.6.6, 4.6.7, 4.6.8, 4.6.10, 4.6.12, 4.6.16, and 4.6.19.

(f) Include the proposed site area rules for Morford Estate in Rule 4.6, and also amend the Area A rule to a minimum (rather than a minimum average) and remove Area B as this reiterates the existing standard for the Residential 1H Zone:

Except where otherwise specified below.

Area A Appendix 5.1.17 minimum average 1000m²

~~Area B Appendix 5.1.17 minimum 400m², minimum average 500m²~~

Area C Appendix 5.1.17 ~~As for Area B except for~~ a retirement village which shall have no minimum site area

(g) Rather than a new policy (as proposed by the Applicant), the following new rules be proposed:

5.6.8 Outline Development Plan – Morford Estate

5.6.8.1. Controlled activities

1. In addition to the standards for controlled activities in Rule 5.5.9 above, any subdivision within Morford Estate in Hanmer Springs shall comply with the following standards:

(a) Any subdivision shall be in general accordance with the Outline Development Plan in Appendix 5.1.17.

(b) A landscaping plan, for the landscaping of the stormwater management areas and street planting, shall be submitted to the Council for approval as part of any subdivision application. The planting shall demonstrate the use of enhanced indigenous planting, particularly with stormwater management areas. Specimen street trees may be indigenous or exotic.

5.6.8.2 Non-complying activity

Notwithstanding any other rule in the District Plan, the following activity is non-complying:

1. Any subdivision in Morford Estate in Hanmer Springs not in general accordance with the Outline Development Plan in Appendix 5.1.17.

(h) Revise Policy 4.25 as follows:

To ~~enable~~ manage subdivision, land development and other activities ~~on~~ in the ~~rural~~ Morford Estate residential area ~~land bounded by Argelins Road, Queen Mary Centre grounds and the St James Estate residential area so that maintains or enhances~~ that the area's landscape, conservation, and amenity values are maintained or enhanced, while recognizing the fault hazard present on the site

Hearing

Applicant

- 2.2 Mr Chapman and Mr O'Donnell set out the applicant's case. They advised that the site has been identified in the past as an area for urban development and it was also bordered to the north and south by other existing urban zones, therefore it was a logical location for future urban development. They identified that the location of the site was within walking distance of the town centre and the specified activities are either not currently available (the aged care facility) or constrained (the daycare centre). Mr Chapman said that there was a need to consider the wider Hanmer Basin and what might occur if this land was not rezoned.
- 2.3 Mr Chapman noted that the Hanmer Springs Wastewater Treatment Plant was at capacity and creates a surcharging issue in the network. He said that the applicant has offered to advance pay their wastewater contributions to enable the upgrading of the pipe and manholes and this would be formalised by way of a Private Development Agreement. He advised that the Council seemed to be agreeable to this solution.
- 2.4 Mr Chapman went on to set out the legal tests for a plan change and the effect of an ODP (with reference to the relevant CRPS provisions and case law). He also noted those submissions that sat outside the scope of the District Council plan change process. Mr Chapman confirmed that the applicant was no longer seeking a reduction to the fault avoidance zone and accepts the current requirement of 40m (20 either side). As to whether the 'open space' area along the fault avoidance zone could be used as part of a section, Mr Chapman said this depended on whether the Council took the land as reserve.

- 2.5 Mr Morrow provided a summary on behalf of the applicant company (of which he is director and shareholder) setting out the background to the property and shareholders and their development considerations and aspirations. In response to questions he said that the open space area could be used for horse grazing, gardens, a pitch n putt and dog walking.
- 2.6 Mr Manion, a local real estate agent, advised in evidence that he considered there were four factors driving sustained growth in settlements such as Hanmer; these being location, a playground environment, infrastructure and offering and lastly, reputation. He advised that the central location of this site makes it particularly desirable for residential development, and there was significant demand for both a daycare centre and an aged care facility. He noted that there were currently less than 20 titles available for sale which would likely take less than a year to sell.
- 2.7 In his evidence, Mr Carr advised that, given the passage of time since preparing his Transportation Assessment as part of the Plan Change documentation, he had reviewed updated road safety records and traffic flows and confirmed there were no material changes to the analysis nor to the report conclusions. Mr Carr confirmed that his modelling showed that queues and delays at the intersection were very low, and the level of service provided was very good. In order to be thorough, Mr Carr modelled the Argelins Road / Plan Change Area / Rippingale Road intersection prior to preparing evidence and his conclusions remained unchanged. Mr Carr reiterated his support, from a transportation perspective, for the plan change.
- 2.8 In response to questions Mr Carr said the 'rat running' through the subdivision was unlikely to be an issue due to the small volumes of traffic, but that driver behaviour could be changed through lowering speed limits or traffic calming. He also considered connectivity with the Town Centre was important and that the site was ideally situated for that.
- 2.9 Mr McDowell confirmed that the significant geotechnical issues on parts of 88 Argelins Road are the presence of the active Barn Trace and Car Park Trace of the Hanmer Fault; groundwater springs and shallow groundwater flow beneath the ground surface; and the presence of discontinuous layers of soft silt and fibrous peat about 3m below the ground surface. He stated that the ODP for the site and the restrictions imposed on development in certain parts of the site, serve to manage the issues on site by avoiding development over the fault trace areas, and laying out the development to reduce the hazard from shallow groundwater and seepage. He noted that the amount of land movement in past earthquakes had been small.
- 2.10 Mr Blakie confirmed that each lot will require individual local pressure pump stations and that these can be managed to reduce loads on the public system (for example, off-peak discharging). With respect to the existing public system, Mr Blakie confirmed that there were suitable technical solutions to the issue that would double capacity of the overall system and that the plan change site would only take up 3% of that increased capacity. In terms of stormwater, Mr Blakie confirmed that the subdivision was able to be designed for a 200 yr-ARI (including provision for adjoining subdivisions), and the detail of this could be resolved at the subdivision stage. He did note that rainwater tanks were likely to be part of the solution particularly in Area A.
- 2.11 In his evidence, Mr Fox provided a summary of the factors that contributed the final design of the subdivision, including the Urban Design Protocol, roading and servicing connections, reserve location, landscaping and

topography. Mr Fox confirmed that the design is structured, planned and efficient and he said that it would go beyond the minimum standards. In response to a question around the indicative connection to Amuri Avenue he said that it was not critical but desirable.

- 2.12 Ms Aston provided an overview of the proposal and the suitability of the design, scope, content and style of the Morford ODP relative to adjoining development and Hanmer as a whole. She then discussed the appropriateness of the proposed provisions, including lending support to Ms Bewley's recommended change to Policy 4.31, but requesting further detail in respect of the landscape rule.
- 2.13 Ms Aston provided a summary of the Hanmer Springs Growth Management Strategy and its relevance to the proposed development. She considered that the proposed development addresses the growth strategy by master planning through a comprehensive ODP; adopting the existing Residential 1H zoning; adopting the existing Hanmer building design standards; and providing walking links.
- 2.14 In her evidence, Ms Aston reviewed the National Policy Statement on Urban Development Capacity. She noted that additional land (the Woodbank (South) Zone) had been rezoned by Hurunui District Council to address growth requirements in the area. However, Ms Aston pointed to the evidence of Mr Manion and the desirability of locating close to the central village and to possible section price and house price increases if market demand cannot be met. She said that it was not just the volume of sections available but where they are located in terms of demand.
- 2.15 With respect to the CRPS, Ms Aston considers that the proposed development was entirely consistent with the relevant settlement, growth and hazard management policies. She considered that the plan change has properly addressed all key policy matters set out in the District Plan and was entirely consistent with them because the development is forward looking in providing for the needs of Hanmer; can be serviced; is a pragmatic and a sensible planning response to the identified natural hazard; is comprehensively planned; respects the alpine character of Hanmer and provides for higher density (in the form of a retirement village) in close proximity to the town centre.
- 2.16 In addressing a question around diversity, Ms Aston said that it can be created by area changes within the ODP and that essentially the existing District Plan rules enable diversity rather than prescribing it. She also noted that tougher provisions were now contained in PC3 around restricting development within the Fault Avoidance Zone as opposed to current District Plan provisions.
- 2.17 Following a revised s32 analysis contemplating the scenarios put forward in submissions, Ms Aston concluded that the proposed plan change, with some amendment, was consistent with the strategic and policy framework and achieved the purpose of the Act.
- 2.18 Finally, Ms Aston agreed with all the changes recommended by Ms Bewley (except one small amendment, which Ms Aston acknowledges may have been included in error).

Council Response

2.19 Mr Beer and Mr Perry both indicated that they were satisfied with the various infrastructure solutions which had been traversed, noting that they would be addressed in detail at subdivision time. Having explained the wastewater situation, they were also comfortable with the private developer agreement solution.

2.20 Having heard Mr Chapman's submissions Ms Bewley raised some concerns about the definition of an Outline Development Plan and whether or not the proposal met that definition. The definition of an ODP in the District Plan is coupled together with the definition of Concept Plan and states that it is a map showing:

- *the number, size, design and layout of the lots including the identification and position of building platforms for future buildings within undersized lots; and*
- *the demarcation of any undersized allotment including any proposed fencing; and*
- *the proposed layout of accessways, driveways, any roads or cycleways or walkways, including links to adjoining land; and*
- *the proposed stormwater management for the site, including the dimensions, storage capacity and an indicative location of any detention ponds or swales, and the use of natural depressions for stormwater management; and*
- *the underlying topography and natural landforms; and*
- *the location of any existing or proposed planting of mature trees and other landscape treatment including screening or any proposed biodiversity restoration works; and*
- *any proposed restrictions on building design, planting or landscaping; and*
- *any areas or features proposed to vest in the Council.*

2.21 The issue here was that the ODP proposed did not contain all these matters.

2.22 Ms Bewley also considered that arrows should be provided on the ODP to indicate that a connection to the Crawford Walkway was to be provided.

Right of Reply

2.23 In the verbal right of reply Mr Chapman raised some concerns about the 1 in 50 versus 1 in 200 storm event and considered that there was a need to align with the global consent.

2.24 In term of the issue raised by Ms Bewley, Mr Chapman said that he considered that the ODP proposed met the definition of a map.

2.25 Finally, Mr Chapman indicated that arrows could be provided on the ODP showing linkage toward the Crawford Walkway and the Town Centre. He also agreed that the link shown towards Amuri Avenue should be indicated as a 'Potential future connection'.

2.26 At the end of the hearing we adjourned to enable the applicant to provide an updated ODP and provisions. These were received on the 7th April 2020 and included:

- the deletion of proposed Rule 4.7.5(b) which addressed residential amenity associated with the retirement village and preschool;

- an amendment to Rules 15.4.3(c) and 15.4.5 to bring the rule 'in line' with the Morford ODP i.e. that the status of habitable buildings becomes non complying not discretionary; and
- a consequential amendment to Rule 5.4.5 as a result of the above to ensure that a discretionary resource consent is not triggered for all subdivision within the Morford ODP area. The amendment clarifies that subdivision is only discretionary within the Morford ODP Open Space Zone.

3.0 Statutory Tests

3.1 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.

3.2 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)).

3.3 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.

3.4 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)).

3.5 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.

3.6 Overall, the s32 test is one of appropriateness (i.e. not necessity) and the requirement is to achieve the objectives of the plan.

3.7 In making a rule the territorial authority shall have regard to the actual or potential effect of activities on the environment (s76(3)).

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

4.0 Discussion

Relevant Objectives and Policies

4.1 The Panel firstly noted that PC3 does not propose any specific alterations to the objectives in the District Plan. It is therefore incumbent on us to determine whether the proposed provisions associated with the plan change are the most appropriate means of achieving the relevant objectives of the District Plan having regard to their efficiency and effectiveness and taking into account their benefits and costs and the risks of acting or not acting.

4.2 It is therefore important for us to identify the relevant objectives and having considered Ms Bewley's s42A report we consider the following are of particular relevance to our considerations:

Objective 4 which seeks 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.

Objective 4.1 which seeks the protection and enhancement of the special qualities of the Hanmer Basin.

Objective 5 which seeks that 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.

Objective 8.1 which seeks a safe and efficient transport network that services the current and future needs of all users.

Objective 15.1 which promotes that subdivision, use and development of land is enabled while avoiding or mitigating the adverse effects of natural hazards

4.3 Ms Bewley identified a number of policies in her s42A report which we have also considered. Below are those we considered to be of greatest relevance in the context of this plan change and in terms of implementing the above objectives:

Policy 4.1 which seeks to identify areas for residential ..., development which provides for the present and future urban development needs of the district, provided that certain measures are met including being able to be served with appropriate levels of infrastructure, access does not adversely affect the safety and efficiency of the road network, the potential adverse effects on the amenity values of residents in adjoining areas can be addressed, any potential effects of natural hazards are avoided or mitigated and an Outline Development Plan is provided.

Policy 4.2 seek to ensure zoning is derived from existing patterns of development and investment of resources and provides opportunities for adaptation and consolidated development.

Policy 4.7 seeks to manage growth of settlements by recognising the need for adaptability, efficient use of infrastructure (especially when publicly funded) and consolidation with the existing form of settlements.

Policy 4.11 promotes high density residential developments in close proximity to the town centres or Hanmer Springs, provided such developments are designed to maintain a sense of spaciousness and greenery, and are undertaken in accordance with an approved concept plan.

Policy 4.19 promotes the establishment of an integrated pattern of greenways and open spaces through the settlements.

Policy 4.20 seeks that open space zones meet recreational requirements within settlements, which maintain and enhance amenity values and provide connectivity and public access.

Policy 5.3 requires 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 5.5 looks 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 8.1 seeks to provide for the safe and efficient use and development of the land transportation network.

Policy 15.1 requires the avoidance of new subdivision, use and development of land in areas identified as subject to natural hazards:

1. If the risk from the natural hazard is unacceptable, having taken into account the likelihood of the natural hazard event and the potential consequences for people, property, infrastructure and the environment, including the level of uncertainty about the likelihood or consequences; and
2. For high hazard areas, if the matters in Policy 11.3.1 of the Canterbury Regional Policy Statement 2013 are not met.

Policy 15.3 requires the avoidance of subdivision, use or development of land within the Fault Avoidance Zone unless the adverse effects of fault rupture can be mitigated so as to ensure that there is no greater risk to health and safety during and after an earthquake.

Policy 15.9 seeks to assess the risks of natural hazards prior to land being rezoned and to avoid or mitigate those risks.

Key Issues

4.4 We considered the key issues associated with the PC3 could be broken down into four areas, being the location of the site, the visual impact of subsequent development, the hazard risk presented by the Hanmer fault and the servicing of the site. These have been dealt with in turn below.

1. Site Location

4.5 The sites location is in the context of Hanmer relatively central. It is essentially surrounded by existing or potential urban development on all sides and is only around 500m from the Hanmer Pools and Town Centre. To the east are urban developments including motels, backpackers and dwellings, while to the west across Argelins Road are low density residential properties. To the immediate north is the remnants of the Queen Marys Hospital site which has a Business zone, and beyond which are the Hanmer Springs Thermal Pools and Town Centre. To the immediate south and bound by the state highway is the St James Estate land which is identified for urban growth and already contains an ODP within the District Plan.

4.6 In our view the site, on the face of it, is an entirely logical extension of the Hanmer urban area which would result in consolidation rather than sprawl into the wider Hanmer Basin. We consider rezoning this land would achieve Objectives 4 and 4.1 and would be entirely in accordance with what is sought by Policies 4.1, 4.2 and 4.7. We also note as Ms Aston advised that the site was identified as long ago as 2006 in the Hanmer Growth Management Strategy for residential purposes and that this included the northern part of the site shown as open space reserve.

2. Density and Visual Impact

4.7 Submitters raised concerns about the impact of the proposed change of land use from Rural to Residential on amenity values and rural outlook. In many ways such a change is inevitable where land use is changing from rural to urban and in this case there's no doubt that some people will consider the change as a loss of their amenity and visual outlook.

4.8 Having said that it is clear, as referred to previously, that the site has been identified (in the Growth Strategy) as being suitable to accommodate future growth for some time. Further, Policy 4.25 in the District Plan anticipates subdivision and land development of the plan change site provided it maintains or enhances the area's landscape, conservation and amenity values. The plan change process should not therefore come as any great surprise and indeed the St James Estate land to the south has already been included in the District Plan for three or four years now. There is therefore in our view a reasonable level of expectation that the land use of the PC3 site would be considered for change from rural to urban at some point.

4.9 We also accept Mr Craig's opinion that "fundamentally the site sits within an urban environment despite its current rural zoning" and agree with Ms Bewley that while the site itself is rural in nature, the context within which it sits is not rural.

4.10 Other submitters opposed the density of the development considering it was "*significantly higher than appropriate*" and that "*Hanmer's special character should be reflected in high quality, lower density development*"

4.11 We were not convinced that the ultimate development of this for residential purposes would lead to a form of development that was out of context with the special alpine village character of Hanmer Springs. PC3 does not seek to change the specific design standard rules associated with Hanmer Springs which are designed to maintain or enhance its amenity values and alpine character. We accept that any future residential development will result in a significant landscape change, however there is nothing to suggest that amenity will not remain high, albeit in the form of a residential environment designed in accordance with the design standards and providing domestic scale landscaping and street planting.

4.12 Further, we consider encouraging the level of density proposed, including the retirement village element, is an entirely sustainable approach to development of this site particularly given its proximity to the Town Centre and the services it offers and which we consider this can be achieved without compromising the overall character of Hanmer and the wider amenity values. It will also offer a range of opportunities, mix of section sizes and therefore differing price points. In this context we noted Mr Manion's comments that there were

currently less than 20 titles available for sale in Hanmer. Providing more development opportunity will therefore ensure that there is a reasonable supply of sections available across the township.

3. Natural Hazard Risk and Open Space

- 4.13 A key component of the plan change was to address the hazard risk associated with the two fault traces and associated buffer zones, located in the northern part of the site. The fault traces and buffer area are already identified in the District Plan as a 'Fault Avoidance Zone' (FAZ) of 40m (20m on either side of the active fault traces). PC3 initially sought to reduce the size of this zone to 10m on either side of the fault, however this was opposed by Environment Canterbury (ECan) who considered that *"National guidance states that Fault Avoidance Zones can be reduced if a detailed fault study shows that the zone of intense deformation and secondary rupture is less than 20 metres from the likely fault rupture zone"*. ECan considered that there was insufficient evidence to support a reduction of the FAZ and also sought to ensure that new residential buildings were not located within the FAZ, through extending the Open Space Zone to cover the FAZ.
- 4.14 The peer review of PC2 by Geotech had recommended that the 20m setback be retained unless documented evidence can be provided to justify a lesser setback. Subsequently, Tonkin and Taylor had provided further information that the FAZ should be amended from 10m to 20m (this was also confirmed by Mr Chapman at the hearing). The proposed 20m FAZ was therefore amended to lie 10m inside the proposed residential zone with the understanding that lots will be dimensioned so they have a building platform available outside of the FAZ.
- 4.15 The applicant subsequently agreed to amend the legend of the ODP from *'dwelling setback from fault zone (10m)'* to *'habitable building setback 20m from faultline,'* to ensure that no habitable buildings would be able to be located within the fault avoidance zone, despite it encroaching within the proposed Residential 1H zoning. We note that Rule 15.4.3.1 allows for the siting of non-habitable residential accessory buildings within the fault avoidance zone as a permitted activity.
- 4.16 We agree that by having the FAZ at 20m, requiring that habitable buildings be setback 20m from the faultline and making the activity status non-complying if this is sought to be breached will achieve Objective 15.1 of the District Plan, and will be consistent with Policies 15.1, 15.3 and 15.9, as well as giving effect to Policy 11.3.3 of the CRPS. We also agree that with these mechanisms in place there is no particular need to extend the Open Space Zone out to the 20m setback.
- 4.17 Other submitters had criticised the use of the land covers by the fault lines as an Open Space Zone contenting that it was *"an attempt to maximise yield on the site at the expense of the open space character of Hanmer Springs"* and that the land was not particularly useable as open space because it was located in a cold, shady, frosty and dark part of the site and that other land should be considered for open space.
- 4.18 We are of the view that it was inevitable that the use of the fault line area would be for some form of open space or recreational use due to the restrictions on its use for habitable buildings. Indeed, it was identified as such within the Hanmer Growth Management Strategy. We were also not convinced that this area is not particularly useable due to its location on the wider site. We agree that an open space zoning will enable retention of existing mature trees, the location is capable of being used for open space and/or recreation

purposes and it will enable facilitation of a link to the Crawford Walkway and the Town Centre beyond. In this context we conclude that it meets the intent of Policies 4.19 and 4.20.

4. Servicing

(i) Traffic

4.19 We note that traffic flows associated with the development of the PC3 area were expected to be comfortably within the capacity for SH7A, Argelins Road and the intersection between, and that the site area and the roads in the immediate vicinity did not appear to have any specific road safety issues.

4.20 We acknowledge that there was some concern around speed limits expressed in submissions and in the peer review by Aecom and that the issue of 'rat running' was discussed at the hearing. These matters sit outside the plan change process but are able to be addressed at a later date by the Council should it be deemed necessary.

4.21 Overall, we are satisfied that the traffic impact of the plan change will be acceptable within the immediate and wider traffic network and is consistent with Policy 8.1.

(ii) Stormwater

4.22 Submissions suggested that the stormwater system does not cope with current demand and would be under pressure with further development. ECan suggested that stormwater capacity needed to be resolved prior to subdivision and noted the potential for flooding at the site and the need to mitigate flood risk by for example designing flood channels that can convey flood flows with an annual recurrence interval of at least 200 years.

4.23 We note that the site contains an existing floodway on the western boundary adjacent to Argelins Road and two ephemeral farm drains. Mr Blakie advised us that recent Council modelling had quantified that in a 200 yr-ARI critical storm event up to 12 cumec of flood water may surcharge at the twin culverts above the site on Flax Stream and flow overland into the floodway on the western boundary. He said that this floodway could convey 7-9 cumec in its existing state and that immediately south of the development, in the St James Block, this drain could convey approximately 10 cumec. He went onto say that works were likely to be needed to build up and constrain any diverted flows and would include armouring the banks with rock, and specifying crest heights in order to prevent 200 yr ARI flows scouring the stream bed or surrounding land if overtopping were to occur. He also calculated that a twin 1,800mm diameter culvert or a bridge would be required into the site in order to provide sufficient flow conveyance in a 200 yr ARI design event with minimal or no over topping of the road.

4.24 We take from Mr Blakie's evidence that it is technically feasible to address the 200 yr ARI flood event through the site and accept that it is not an impediment to rezoning. We also acknowledge that the details of this will need to be addressed at the subdivision stage. We further note that the Applicant proposes to discharge stormwater from the subdivision itself in accordance with the Hurunui District Council's Hanmer Springs Global Stormwater Consent. Subdivision runoff would be directed to a stormwater management area in the southwest of the site for treatment and attenuation which is considered to be the best solution for the site. We consider this is acceptable in the context of what is being sought.

(iii) Wastewater

- 4.25 Modelling confirmed that the pipe that discharges into the Hanmer Springs wastewater treatment plant on Hanmer Springs Road was already at capacity and that there was an existing surcharging issue in the network, which would be made significantly worse by the plan change at the downstream end of the wastewater network. We were advised that in order for the proposed plan change area to be connected to the network an unbudgeted upgrade was required which would involve approximately 120m of pipe being renewed with a larger pipe alongside three new manholes.
- 4.26 The Applicant has suggested entering into a private developer agreement with the Council whereby it would enable the Applicant to pay forward their proportion of costs for the upgrade and that future development contributions and financial contributions would be offset by that amount. Such an agreement would ensure that the upgrade occurred prior to subdivision.
- 4.27 While we acknowledge that costings will be required and a figure will need to be agreed to, before a private developers agreement is entered into, the proposal for such an agreement is we consider an appropriate way forward and provided that it was in place we are satisfied that overall wastewater from the future development of the PC2 area will be appropriately managed.

Other Matters

- 4.28 There were a number of issues raised by submitters, which do not fit within the above key issues or were not matters which we are able to consider. Some of these have been adequately addressed by Ms Bewley and we do not propose to comment on them further. There are however two matters we consider require addressing in our decision.
- 4.29 A key submission was in relation to the retention of the Pitch N Putt. In this regard we acknowledge the role the Pitch N Putt plays in the Hanmer tourism market. However as referred to by Ms Bewley we have no ability to ensure its retention. The reality is that it is private matter between the landowner and the lessee.
- 4.30 The other submission we have addressed contended that PC3 did not guarantee the retirement facility would be constructed and if it was not, then the minimum site size of 400m² would apply, which was considered to be too small. In our view PC3 is about enabling a retirement facility to be provided, something which doesn't presently exist in Hanmer. As to whether it actually occurs will be a commercial decision. The plan change cannot require a retirement village to be constructed. Finally, as discussed elsewhere in this decision we are comfortable with the density standards provided.

Proposed Amendments

- 4.31 The amendments proposed to the District Plan which were received on the 7th April 2020 were generally agreed between Ms Bewley and the Applicant. Key components of the amendments included the rezoning of the site itself, the ODP, a new controlled activity rule associated with the ODP and a non-complying status where subdivision is not in general accordance with the ODP, specific density standards for the site, restricted discretionary status for the proposed retirement village and preschool and amendments to rules associated with the Fault Avoidance Zone.

4.32 Some of these amendments have already been addressed in the context of the discussion above and we do not intend to repeat our conclusions here. We have however considered the remaining amendments here.

1. The Outline Development Plan

4.33 We consider the ODP addresses all the necessary matters and is consistent with other ODP's contained within the District Plan. While we acknowledge that the ODP definition in the District Plan refers to other detailed matters to be included in an ODP we consider these go beyond what is necessary at the time of rezoning and are more suited to being addressed at the subdivision stage of development.

4.34 While Ms Aston suggested that her preferred status for not being in general accordance with the ODP would be discretionary we consider that the controlled activity status for being in accordance with the ODP and non-complying status for not being in accordance is consistent with other ODP's in the District Plan which Ms Aston acknowledged. We agree with her that there is a degree of flexibility in the words 'in general accordance'.

2. Retirement Facility and Preschool provisions

4.35 We consider a restricted discretionary status for both the retirement facility and the preschool is appropriate so as to enable the consideration of matters associated with their design. During the hearing we questioned the need for discretion to consider the amenity and outlook of neighbours given that the areas for these facilities were clearly identified on the ODP and that both facilities would be subject to most of the bulk and provision in Rule 4.6 of the District Plan. Both the Applicant and Ms Bewley agreed that this matter of discretion could be removed, and we agree with that deletion.

3. Amendment to Appendix 5.1.1 Outline Development Plan 1 - St James Estate

4.36 The plan change involves an amendment to the Outline Development Plan for the adjoining St James Estate (Appendix 5.1.1 of the District Plan) to identify the stormwater connection between the two sites along the Argelins Road side of the properties. As noted by Ms Aston the existing waterway is not shown as linking and continuing through the St James site on the St James ODP (as it physically currently does). There is some suggestion in the application that the St James ODP is in error at leaving off the waterway although this was not quantified further at the hearing. Ms Aston did however indicate that the existing western waterway was shown as part of the Council's stormwater network in its stormwater modelling work undertaken in 2013. Further, she provided evidence that representatives for St James Estate had been provided with correspondence seeking their agreement for the alteration to the ODP, but that no response had been received. She also noted that St James representative had not submitted on PC3.

4.37 We consider in the circumstances that an alteration to the St James ODP along the lines sought is appropriate. The reality is a stormwater connection in the vicinity proposed will be required and should be signalled on the relevant ODP. Further, the owners of the St James site have throughout this process been given an opportunity to provide commentary to the contrary of what is proposed. The fact that they haven't would suggest that they are comfortable with the change proposed.

Sections 31 and 32

- 4.38 We consider that in terms of servicing, development and the protection against natural hazards the methods in PC3 will achieve integrated management of effects.
- 4.39 We also consider that overall PC3 and the provisions it contains are efficient and effective and contain benefits, particularly in terms of providing for further residential development with Hanmer and providing the opportunity for retirement and preschool facilities. On this basis we consider the plan change will implement the policies of the District Plan and is appropriate in achieving its objectives.

Section 74 & 75

- 4.40 The other relevant planning documents to be considered in evaluating PC3 under sections 74 and 75 include:
- (i) The Canterbury Regional Policy Statement (CRPS)
 - (ii) The Te Rūnanga o Kāiōura Environment Plan (Environment Plan)
 - (iii) National Policy Statement on Urban Development Capacity (NPS-UDC)
 - (iv) Hanmer Springs Growth Management Strategy (2006)

Canterbury Regional Policy Statement

- 4.41 We noted that the CRPS provided an overview of significant resource management issues and in particular in relation to PC3, provisions seek to achieve consolidated, well designed and sustainable growth in and around or attached to existing urban areas and promote a coordinated pattern of development and energy efficiency in urban form, transport patterns and site location (Objective 5.2.1 and Policy 5.3.1). We considered PC3 is entirely consistent with, and gives effect to, these provisions given its location, proposed densities, layout and connections.
- 4.42 Policy 5.3.2 enables development which:
1. ensures that adverse effects are addressed, including where these would compromise or foreclose options for accommodating the consolidated growth and development of existing urban areas;
 2. avoid or mitigate natural hazards; and
 3. integrates with infrastructure and transport networks.
- 4.43 Again, we considered PC3 is consistent with this policy taking into account the current limited availability of land for residential development in Hanmer, the measures taken to address the fault hazard and the acceptance that integration with, and upgrading infrastructure, can be successfully achieved.
- 4.44 In terms of natural hazards Objective 11.2.1 and Policy 11.3.1 promote the avoidance of development of land that increases risks associated with natural hazards, while Policy 11.3.3 specifically requires that new subdivision, use and development of land on or close to an active earthquake fault trace be managed in order to avoid or mitigate the adverse effects of fault rupture, liquefaction and lateral spreading.

4.45 We consider the risks associated with the Hanmer fault traces through the site have been appropriately addressed and that the mechanisms proposed are consistent with these provisions. We noted that Environment Canterbury appear to be in support of those mechanisms.

Te Rūnanga o Kaikōura Environment Plan

4.46 The Panel agreed that Section 3.4.1 Residential development – Subdivision and Section 3.5.6 – Hanmer, of the Environment Plan were relevant to the plan change. Te Rūnanga o Kaikōura had assessed the plan change against the Environment Plan and did not oppose it. They did however seek that the plan change include a requirement to develop a landscape plan for the proposed wetland area which consisted of locally sourced indigenous species, with consideration given to the habitat requirements of native birds, that encouragement be given to large native trees within the application site, rather than the exotic species and that an Accidental Discovery Protocol be applied to all earthworks.

4.47 In response that Applicant said that indigenous planting would be undertaken around the proposed extended detention wet pond area at the subdivision stage. However, any planting must be practical and feasible.

4.48 Ms Bewley agreed, and we accept, that the planting design should be determined at subdivision stage. We also accept Ms Bewley's conclusion that in order to achieve this, a rule should be added as a controlled activity to Chapter 5 – Subdivision requiring the submission of a landscape plan as part of a subdivision application. We noted that this was consistent with some of the other ODP areas in Hanmer Springs.

4.49 We agree with the applicant and Ms Bewley that an Accidental Discovery Protocol would be best addressed as a condition of subdivision consent and note that it is normal Council practise to impose such condition on subdivision consents.

National Policy Statement on Urban Development Capacity

4.50 We have considered the provisions of the NPS-UDC and concluded that PC3 is consistent with, and gives effect to, its relevant objectives and policies in particular by ensuring that there is sufficient housing development capacity in Hanmer, that the infrastructure required will be available, that there will be choices available in section sizes and that the rezoning is an efficient use of the land resource.

Hanmer Springs Growth Management Strategy

4.51 The Hanmer Springs Growth Management Strategy (Growth Strategy) which identified patterns and directions considered appropriate for the future development of Hanmer Springs has been previously referred to above. It was based on promoting "*an internally consolidated, and extended urban form of development.*"

4.52 The PC3 site is identified as Area 6 in the Growth Strategy. It recommends that the northern portion be retained as open space to form an outer periphery to the adjoining Business zone, with southern areas for residential development. The Growth Strategy recommends an axial grid, in a formal layout incorporating generous road reserve allowance, to promote a character and density of development similar to the colonial residential area (at approximately 6-8 dwellings per ha), acknowledging also the historic associations of the area to an earlier Hanmer Springs.

4.53 We consider that PC3 with its ODP generally accords with what the Growth Strategy was seeking to achieve, including the linkages and open space provision. While the proposed density might be slightly higher than originally anticipated we consider what is proposed represents the more sustainable approach to urban growth which is now expected.

Conclusion

4.54 Having regard to the requirements of ss74 and 75 we considered PC3 to be reasonably consistent with the provisions of the above documents.

Part 2

4.55 Overall, we consider the objectives of the District Plan will be achieved as a result of the changes proposed as part of PC3. We have evaluated the policies and methods as being the most appropriate, in terms of their effectiveness and efficiency, and the benefits they achieve verses the costs imposed.

4.56 We therefore considered for the reasons set out above and subject to the amendments to the District Plan recommended in Appendix A, that PC3 meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by providing greater flexibility in residential development in Hanmer in a location which will help in consolidating the urban form of the settlement and where the effects of development can be acceptably mitigated.

5.0 Recommendations

5.1 For all of the foregoing reasons we **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 PC3 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.**

Commissioner D Chrystal

Commissioner M Black

Councillor G Shier

30th June 2020

The Recommended Changes

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

Chapter 4 - Settlements

Hanmer Springs policies

Amend Policy 4.25 as follows:

To enable **manage** subdivision, land development and other activities ~~on~~**in** the rural **Morford Estate residential area** ~~land bounded by Argelins Road, Queen Mary Centre grounds and the St James Estate residential area~~ **so that maintains or enhances** ~~that~~ the area's landscape, conservation, and amenity values **are maintained or enhanced**, while recognizing the fault hazard present on the site.

Residential Zone Rules

4.6 Standards for permitted activities

Amend Rule 4.6.1. Area as follows:

Zone	Minimum Site Size
Residential 1H	400 m ² or 500 m ² average for two or more dwellings on one site. Except where otherwise specified below. Area A Appendix 5.1.17 minimum 1000m². Area C Appendix 5.1.17 a retirement village shall have no minimum site area.

4.7 Restricted Discretionary activities

Add the following new provision to Rule 4.7:

5. Within the Morford Estate Residential 1H Zone (Appendix 5.1.17), any retirement village or preschool in general accordance with Appendix 5.1.17 ODP provided that it complies with Rules 4.6.1, 4.6.2 (preschool only), 4.6.3, 4.6.4, 4.6.5, 4.6.6, 4.6.7, 4.6.8(a), 4.6.10, 4.6.12, and 4.6.19. The additional standards set out below shall also apply:

(a) For the Preschool, the activity shall be limited to the following:

(i) a maximum number of 100 children at any one time;

(ii) a gross floor area of no more than 500m; (excluding accessory buildings);

(iii) the activity shall only be open to visitors, students and client deliveries between the hours of: 07:00 - 21:00 Monday to Friday, and 07:00 - 13:00 Saturday, Sunday and public holidays.

(b) For the retirement village the activity following shall apply:

(i) the maximum site coverage for the entire retirement village site shall be 45%;

(ii) where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such wall;

(iii) any retirement village shall be limited to a maximum of 120 residents.

The Council will restrict its discretion to the following matters:

(a) incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;

(b) creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour.

4.8 Discretionary activities

Add the following new provision to Rule 4.8:

10. Any Preschool or Retirement Village within the Morford Estate Residential 1H Zone (Appendix 5.1.17) where it does not comply with Rule 4.7.5.

Chapter 5 Subdivision

5.5 Part B – Rules for Subdivision in all Other Zones

5.5.9 Standards for controlled activities

Amend Rule 5.5.9.2 as follows:

2. Shape factor and frontage

(a) Each allotment must be able to contain a square measuring 15m by 15m clear of any easement or water body, excluding any proposed allotment for multiple unit dwellings in the Business Zone at Hanmer Springs or any allotment within a retirement village in Morford Estate, in the location shown on the Outline Development Plan in Appendix 5.1.17.

5.5.12 Discretionary activities

As a consequential amendment resulting from the changes to Rule 15.4 below amend Rule 5.5.12.1 (a) as follows:

1. The following activities are discretionary activities, provided they meet the relevant standards:
 - (a) Subdivision of land within a Natural Hazard Area (refer to Appendix 15.1) or Natural Hazard **Assessment** and Awareness Area (refer to Appendix 15.2) that complies with the standards for controlled activities of Rule 5.5.9, **with the exception of subdivision within the R1H zone identified in Appendix 5.1.17 (Morford Estate Outline Development Plan, Hanmer Springs).**

5.6 Outline Development Plans

5.6.1 Standards for controlled activities

Add to Rule 5.6.1.1 as follows:

Outline Development area	Minimum lot area	Minimum average lot area
- Woodbank (South) Residential area 1	- 500 m ²	- 700m ²
- Woodbank (South) Residential area 2	- 1500 m ²	- --
- Woodbank (South) Business	- No minimum area	- --
- <u>Morford Estate area A</u>	- <u>1,000m²</u>	- <u>--</u>
- <u>Morford Estate area B</u>	- <u>400 m²</u>	- <u>500 m²</u>
- <u>Morford Estate area C</u>	- <u>400 m² or</u> - <u>No minimum lot area for retirement activities where the land use consent is lodged at the same time as subdivision</u>	- <u>500 m²</u>

5.6.9 Outline Development Plan – Morford Estate

Add new Rule 5.6.9 as follows:

5.6.9 Outline Development Plan 8 – Morford Estate

5.6.9.1. Controlled activities

1. In addition to the standards for controlled activities in Rule 5.5.9 above, any subdivision within Morford Estate in Hanmer Springs shall comply with the following standards:

(a) Any subdivision shall be in general accordance with the Outline Development Plan in Appendix 5.1.17.

(b) A landscaping plan, which includes the landscaping of the stormwater treatment area and street planting, shall be submitted to the Council for approval as part of any subdivision application. The planting shall demonstrate the use of enhanced indigenous planting.

5.6.9.2 Non-complying activity

1. Notwithstanding any other rule in the District Plan, the following activity is non-complying:

(a) Any subdivision in Morford Estate in Hanmer Springs not in general accordance with the Outline Development Plan in Appendix 5.1.17

Appendix 5.1.1 Outline Development Plan 1 for St James Estate

Replace Appendix 5.1.1 Outline Development Plan 1 for St James Estate with the following:



Appendix 5.1.7 Outline Development Plan 8 for Morford Estate

Add new Appendix 5.1.7 Outline Development Plan 8 for Morford Estate as follows:



Chapter 15 – Natural Hazards

Rules 15.4

15.4.3 Standards for permitted activities

Amend Rule 15.4.3.1 (c) as follows:

1. The following standards apply to activities within a Natural Hazard Area identified in the planning maps and in Appendix 15.1:
 - (c) For dwellings, extensions to dwellings, habitable accessory buildings or principal buildings located within the Fault Avoidance Zone, **with the exception of the Fault Avoidance Zone identified in Appendix 5.1.17 (Morford Estate Outline Development Plan, Hanmer Springs)**, the location, design and construction complies with the recommendations of an organisation or individual that has been authorised by the Chief Executive of Hurunui District Council as being appropriately qualified and experienced; and

15.4.5 Non-complying activities

Add new Rule 15.4.5 (b) as follows:

1. The following activities are non-complying activities:
 - (b) **Dwellings, extensions to dwellings, habitable accessory buildings or principal buildings located within the Fault Avoidance Zone identified in Appendix 5.1.17 (Morford Properties Estate Outline Development Plan, Hanmer Springs)**.

Chapter 20 – Definitions

Add the following definition:

Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

Planning Maps

Amend the Planning Maps by including the Morford Estate site in the Settlement boundary, removing the Hanmer Basin Subdivision Management Area zoning and rezoning the site from Rural to Morford Estate Outline Development Zone with the underlying zoning of Residential 1H and Open Space Zone as per Appendix 5.1.17 above. These changes include amendments to the District Plan Fault Avoidance Zone on the site to be consistent

with the fault line mapping shown on Fig.2 of the Tonkin and Taylor report 'Geotechnical investigation and assessment, 88 Argelins Road Hanmer Springs' August 2018.

PC3 – Rezone land at Hanmer Springs from Rural to Residential

APPENDIX B

Recommended decisions on Submissions

Sub. Point	Name	Provision	Oppose/Support	Comments	Recommended Decision
1.	M Clay and D Blogg	The entire plan change, particularly the proposed density and open space.	Oppose	Decline the application or seek significant changes relating to open space, density, ecology and topography to ensure that the development better reflects the special character of Hanmer Springs.	Reject
2	S Samson	The entire plan change	Oppose	Strongly oppose this rezoning as it was a reason to purchase our current property close to this existing rural outlook.	Reject
3	V Rowley	The entire plan change	Oppose	Do not want the Council to change the plan. Want it to stay rural.	Reject
4	Hanmer Pitch N Putt	Appendix 5.1.17 – Morford Estate Outline Development Plan – Proposed Area A	Oppose in part	<p>Option 1: The retention of Hanmer Pitch N Putt whilst accepting the rezoning of the land behind as per the submission. Hanmer Pitch N Putt would be willing to work alongside the development so everyone can achieve the best possible outcome and a positive development to the Hanmer Springs Village.</p> <p>Option 2: The retention of Hanmer Pitch N Putt and the development of a man-made wetland area including native plantings, boardwalks and the encouragement of native species of bird and wetland animals.</p>	<p>Reject</p> <p>Accept in part</p>
5	J Pearson	The entire plan change	Oppose	Any future development needs to be considered carefully and the environmental and social impacts carefully researched. This land should not be changed from rural to residential because there are too many negative impacts that have not been considered. This is a classic case where the Hurunui District Council should stand by its own research and policy and resist the temptation to be swayed by individual financial interests. The Council will have to be held accountable for this decision.	Reject
6	Environment Canterbury	Planning Maps - Appendix 5.1.17 Morford Estate Outline Development Plan	Support in part	<p>1) Amend the proposed Planning Map to show the Fault Avoidance Zone consistently identified at 20 metres on either side of the active fault traces.</p> <p>2) Amend the proposed Planning Map to show the Open Space including all of the 20 metre Fault Avoidance Zone.</p> <p>3) Amend proposed Appendix 5.1.17 Morford Estate Outline Development Plan, to reflect changes made under 1) and 2) above.</p> <p>4) Ground deformation associated with fault rupture which is outside of the Fault Avoidance Zone will need to be managed throughout subdivision and development of the site.</p>	<p>Accept</p> <p>Accept in part</p> <p>Accept in part</p> <p>Accept</p>

				<p>5) The requirement for careful management of geohydrological hazards throughout subdivision and development of the site.</p> <p>6) The need to mitigate flood risk, for example by designing flood channels that can convey flood flows with an ARI of at least 200 years.</p> <p>7) Stormwater and wastewater capacity issues should be resolved prior to subdivision of the site.</p> <p>8) The proposed location of new sensitive activities on the site would increase the number of people exposed to natural hazard risk and recommends that Civil Defence and Emergency Management's officers are consulted from subdivision stage to assist in achieving greater resilience for new residents and users of the site.</p>	<p>Accept</p> <p>Accept in part</p> <p>Accept</p> <p>N/A</p>
7	B & D Willis	The entire plan change	Oppose	Any future development needs to be considered carefully and the environmental and social impacts carefully researched. This land should not be changed from rural to residential because there are too many negative impacts that have not been considered. This is a classic case where the Hurunui District Council should stand by its own research and policy and resist the temptation to be swayed by individual financial interests. The Council will have to be held accountable for this decision.	Reject
8	R Lester	Appendix 5.1.17 – Morford Estate Outline Development Plan – Proposed Area A	Oppose in part	That the Pitch N Putt golf course be excluded from the proposed rezoning and protected for future generations as a tourist/recreational site.	Reject