

IN THE MATTER OF submissions on the Selwyn District Council's
Draft Rural Residential Strategy 'the RRS'
by B Harrington

SUMMARY OF EVIDENCE OF FIONA ASTON

1. Submitters Land and Relief Sought

- Bruce Harrington owns land at Moirs Lane, South Lincoln, (Lots 1 & 2 DP 445316 – 9734m²) ('the Site'), which is located south of Lincoln township and adjoins sections in Allendale lane to the north west and a living zone to the north east. Rural Outer Plains zoned land exists to the south, and the Site is currently also zoned Rural Outer Plains. The Site is unusual in that it is surrounded on all sides with streams or rivers, with access currently made via a bridge across the L2 River from Moirs Lane.
- The submitter is seeking that his property be identified as a confirmed area for inclusion into the RRS as a rural residential location either in conjunction with those properties in Allendale Lane, or on its own merits, and that rezoning of this Site is undertaken in a quick and efficient manner.

2. Background

- The Site in Moirs Lane is in two parcels and comprises a total of 9734m². The Site was created by boundary adjustment in 2013. The boundary adjustment subdivision consent was approved in July 2011 (copy attached as Appendix B to the original submission). The intention was, and always has been, to erect a dwelling on the Site.
- Landuse consent to provide for a dwelling on the undersized Site (minimum size is 20ha in the Rural Outer Plains zone) was in the process of being sought by Mr Harrington at the time that the LURP was gazetted. The LURP now precludes the erection of a house on this site, leaving Mr Harrington no option but to seek the inclusion of his Site as a rural residential development.
- Environment Canterbury has issued an on-site wastewater consent for this Site to provide for the proposed dwelling. Additionally a flood risk assessment from Ecan has also been obtained and were both attached to the original submission.

3. Planning Context

- SDC have advised that they will not be able to grant a land use consent because to do so would be inconsistent with the Regional Policy Statement (Chapter 6) and the Land Use Recovery Plan (LURP). In Chapter 6 (RPS) urban activities are only to occur within priority greenfield residential areas or existing urban areas (Policy 6.3.1 (4)). The Site is outside these areas because it is zoned Rural Outer Plains. Urban activities are defined within Chapter 6 of the RPS as:

Means activities of a size, function, intensity or character typical of those in urban areas and includes residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area;

- Rural residential activities are defined as:

means residential units outside the identified Greenfield Priority Areas at an average density of between 1 and 2 households per hectare.

- The Harrington Site would qualify as a rural residential activity. However Policy 6.3.9 requires that:

“rural residential development can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:...

(3) All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;...

(5) The location and design of any proposed rural residential development shall:

.. (k) where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and

(6) An outline development plan is prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character”.

- Thus the Site must meet the above criteria. This can only be achieved by rezoning in accordance with the District Plan Policy B4.1.3 :

Policy B4.1.3 [PC32]

To prevent low density living environments and rural residential activities from establishing outside the Urban Limits of Townships within the Greater Christchurch Urban Development Strategy area unless through the Living 3 zone

- As the policy is only proposed (by PC32) it does not yet carry full weight. However, Policy B4.3.1 also applies and is operative:

Policy B4.3.1

Ensure new residential or business development either:

- Complies with the Plan policies for the Rural Zone; or

-The land is rezoned to an appropriate Living Zone that provides for rural-residential development (as defined within the Regional Policy Statement) in accordance with an Outline Development Plan incorporated into the District Plan;

- Mr Harrington has effectively been 'caught' by the above planning framework, and the land has to be rezoned Living 3 to enable any development to occur. It must be located so that it can economically serviced with reticulated water and wastewater and appropriate stormwater management and disposal. I note that Policy 6.3.9 does not specifically require reticulated services. I consider in the particular circumstances insistence on reticulated services would be contrary to the enabling provisions of the RMA, and not required to address any environmental effects issues (for the reasons set out below).

4. Reasons for inclusion

- Submission demonstrates that it meets the pre-requisites for consideration as a suitable site for rural residential development.

Servicing

- Servicing can be achieved as the Site adjoins an existing living zone to the north west and existing sections on Allendale Lane to the north east. The attached PDP letter (Appendix A to this evidence) sets out that servicing of the Site to reticulated water and wastewater could be made to systems located in Allendale Lane via 32mm diameter pipes and the use of a private pump for wastewater. This letter also notes that a more efficient servicing method would be to utilise the existing on-site provisions although this would appear to contravene the LURP and Chapter 6 requirements and the RRS Location Criteria.
- The PDP letter advises that a stormwater consent may be required for the Site, depending on whether or not all the relevant permitted activity standards in the Proposed Land and Water Plan are met. If consent is required, PDP do not anticipate any significant impediments to procuring consent.

Discernible boundaries and township consolidation

- The Site is caught out due to its unique planning context in that it is a rural residential size section located in the Outer Plains zone but is located adjoining a living zone. The Site is able to be integrated with the township via pedestrian and cycle tracks towards the north for which we understand provisions have been made on adjoining land, although primary vehicle access for the Site is made from Moirs Lane. As noted in the Officers Report, the Christchurch to Little River Rail Trail is proposed to follow the Liffey River down to Moirs Lane and then east to Tai Tapu, with rural residential development facilitating connectivity and providing opportunities for strong walking and cycling links from the periphery of Lincoln to the town centre.
- The proposal is for only one rural residential Site which is insignificant in terms of any potential effect on the intensification principles of the LURP, in particular as set out in Objective 6.2.2 Urban form and settlement pattern of Chapter 6 of the Canterbury Regional Policy Statement (CRPS) as amended by the LURP. It will in any case consolidate with and achieve an appropriate southern edge to Lincoln and resolve ongoing issues as to the appropriate use of this land.
- The L1 and L2 Rivers provide discernible, legible boundaries to the south of the Site, ensuring peri-urban sprawl to the south of the Site is avoided.
- The Site has boundaries with the L1 and L2 Creeks. Appropriate setbacks are proposed. The Site is not located in the vicinity of any intensive farming activities. It was created by boundary adjustment of the adjoining farm to the south (Greenslade) with the intention of creating a rural residential site.

Natural Hazards

- The Site is lower lying and within RRS identified high groundwater areas. A flood report has been obtained and provided with the Submission. A suitable setback from the L2 Creek (likely to be minimum of 20m). On-site stormwater management will be also required as it is considered that the L2 River is at capacity. The attached letter from PDP confirms that the Site is not subject to flood hazards risk and is not located in a high flood hazard area as defined in the Canterbury Regional Policy Statement.
- Geotechnical investigations attached to the Submission indicate that there is a risk of lateral spread due to proximity of the Site to the free edges of streams. Enhanced foundations are recommended and derivations of systems detailed in the MBIE Guidelines have been used for the proposed design for the existing single storey weatherboard home to be relocated to the Site.

Constraints

- The Site is not subject to any known constraints including natural hazards. The Site does not contain any significant vegetation or trees, cultural sites, designations, historical sites, strategic infrastructure or utilities, springs (as far as is known)

Reverse Sensitivity effects

- The Site is physically separated from the farming activities to the south by the L1 and L2 Rivers. The proposed dwelling on the Site will be located on the northern end of the Site and separated from activities occurring to the south by the existing shed on the Site and proposed southern boundary plantings to provide separation from the waterways.

5. Officers Report

- The officers report sets out in Appendix 4, support in part for the inclusion of the nominated land, with support being conditional on the inclusion of either the Allendale lane or Moirs Block (areas also seeking to be included into the RRS) and for the following reasons:
 - The site can facilitate connectivity through the proposed Little River Rail Trail extension.
 - The future Lincoln By-pass may align and exit at Moir's Lane onto Ellesmere Road with rural residential development potentially impeding this strategic road, however funding, timing and location of this road has yet to be determined.
 - Wastewater and water supply services would need to be upgraded to either Allendale Lane or the Moirs Block (and is dependent on the inclusion of one of these Sites).
 - Onsite stormwater provisions will be required as the L2 creek is at capacity.
 - The area is identified as a high groundwater area.
 - Geotechnical assessment would be required for foundations.
 - The Site includes class 2 soils
- I note that the constraints noted above have generally been considered in the submission to the RRS, or in subsequent information provided in the attached PDP letter.
- Servicing can be appropriately made to reticulated services in Allendale Lane, or in conjunction with any future development on the Moirs Block. It is noted however that PDP experts consider that the existing on-site servicing provisions are a more economic and efficient method of servicing the Site with Ecan already giving consent for onsite wastewater treatment and disposal on the basis that effects are less than minor.
- On-site stormwater solutions are available (although a consent from Ecan may be required) to ensure that discharges to the L1 river are not required.
- Geotechnical considerations have been made and have informed the foundations for the proposed dwelling on the Site.
- Although the site contains class 2 soils it is a very small block contained between two rivers. This Site will not provide for an economic farming unit, and as such its use as

a rural residential section is considered to be the most efficient use of this otherwise limited Site.

- With respect to the Lincoln By-pass, as has been noted by the Reporting Officer the specific timing, location and funding of the Lincoln by-pass has not yet been determined, therefore there is an opportunity for the by-pass to provide for proposed rural residential development to be contained within the Lincoln side of the road.

Date: Monday 7th April 2014



01 April 2014

Fiona Aston
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Dear Fiona

Submission on SDC Rural Residential Strategy for Harrington Land at Moirs Lane.

1.0 Introduction

Pattle Delamore Partners have been asked to provide comment on the options available to service land owned by Mr Bruce Harrington at Moirs Lane, Lincoln. Mr Harrington seeks to build a single house on his land at Moirs Lane (the Site) and has submitted that the Site be included in the Selwyn District Council (SDC) Rural Residential Strategy.

2.0 Site Description

The land is situated at the western end of Moirs Lane and is bounded by the L11 River and the L1 Creek, just upstream of their confluence. To the north of the Site is the Liffey Springs subdivision which is currently under development. To the east of the Site is the Allendale Rural Residential block.

3.0 SDC Rural Residential Strategy and Servicing Requirements

Policy 6.3.9 of the CERA Land Use and Recovery Plan (LURP) requires that Territorial Authorities should prepare a strategy to inform the extent of rural residential activity and the outcomes sought for this form of development within the district. This strategy should recognise suitable locations for rural residential activity subject to various criteria, one of which is that *"all subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system and appropriate stormwater treatment and disposal"*.

4.0 Water Supply and Wastewater Servicing

The Site is located on the urban edge of Lincoln, it is bounded to the north by the Liffey Springs subdivision which is in the process of extending SDC water and wastewater infrastructure south towards the Site. It is also bounded to the west by land adjoining Allendale Lane, which is proposed to be included in the Rural Residential Strategy. There is an existing SDC watermain and common wastewater pressure pipeline servicing Allendale Lane. These pipelines are located approximately 310 m from the Site, and could feasibly provide connection points for reticulated servicing of the site for both water supply and wastewater. The wastewater from the Site could drain to a small private pump, located

on the property, which would in turn pump to the existing SDC wastewater sewer via private 32mm diameter pipeline. An additional 32mm diameter private water supply pipeline could be laid in the same trench to provide a reticulated water supply connection. The proposed potential connection points to the SDC water supply and wastewater services are shown in Figure 1.

While it is feasible to provide reticulated water supply and wastewater services to the site from nearby SDC infrastructure, prior to the preparation of the LURP, Mr Harrington has procured discharge consent for an on-site wastewater treatment and disposal system from Environment Canterbury (ECan). This consent allows Mr Harrington to treat and dispose of the wastewater produced within the site, the effects of which have already been determined by ECan as being “less than minor”. In addition to this, Mr Harrington had already drilled a bore on the site to a depth sufficient to ensure a suitable quality and quantity of water to supply the needs of a residential property. Therefore, while connection to SDC services is feasible, it would be far more economical for Mr Harrington to treat and dispose of wastewater using the consented on-site system. It would also be far more economical for Mr Harrington to utilise his existing on-site well to provide water supply, as is his right, than extend a connection to the SDC water supply network. Discussions with Murray England, SDC utilities engineer, indicate that his preference would be for the site to be serviced using the existing on-site provisions.

5.0 Stormwater Treatment

Previous investigations, on behalf of Mr Harrington, have indicated that flooding of the site has not historically been an issue. Furthermore, the SDC Integrated Catchment Management Plan (ICMP) report prepared by Maunsell Ltd incorporates a plan detailing areas of known flooding in storm events from 1992, 1986 and 1977. The Site is clearly a distance north of areas that were inundated during those events. Aerial photography, provided by ECan, for the June 2013 storm event also indicates that the Site was not affected by inundation. ECan have also carried out a “High Hazard” area analysis for the Lincoln area and have confirmed that the Site is not located within a “High Hazard” area. Stormwater runoff from further urban development in the Lincoln area is mitigated through area wide detention and treatment facilitates and is not expected to exacerbate previous levels of flooding in the Lincoln area.

Stormwater runoff from Mr Harrington’s site must be treated and disposed of in accordance with the requirements of the proposed Land and Water Regional Plan (pLWRP) and Variation 1 of the pLWRP which deals with specific the sub-regional requirements of the Selwyn-Waihora Zone. The discharge of stormwater from the Site will be governed by Rules 5.95 and 5.96 of the pLWRP. Under these rules, discharge of stormwater from the site is a permitted activity provided that the conditions of the rules are met. In the event that one or more condition is not met, the activity is determined to be discretionary, and stormwater discharge consent is required from ECan. If required, it is not anticipated that there is any significant impediment to procuring consent for disposal of stormwater from the site.

6.0 Conclusions

From a water supply and wastewater servicing perspective, it is feasible for the Site to connect to the SDC water supply and wastewater system, therefore the Site meets the requirements of Policy 6.3.9 of the LURP, in respect of the ability economically provide reticulated services. The issue of servicing should therefore not be an impediment to the Sites inclusion in the Rural Residential Strategy.

However, Mr Harrington already has an existing well on site and, prior to the LURP process, had procured consent for on-site wastewater treatment and discharge. From a practical perspective therefore, given these servicing provisions

are already in place, it is recommended that leave is given for the Site to be serviced without a requirement for reticulated connections.

7.0 Limitations

This report has been prepared by PDP on the specific instructions of Fiona Aston Consulting Limited for the limited purposes described in the report. PDP accepts no liability to any other person for their use of or reliance on this report, and any such use or reliance will be solely at their own risk.

Yours sincerely



Eoghan O'Neill
Technical Director – Water Infrastructure



Figure 1: Potential SDC Connection Points