

**SELWYN DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Private Plan Change 48

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## **Report on submissions relating to Plan Change 48**

**Judith Pascoe's request to rezone 13.5 hectares of land at the  
corner of Creyke and Telegraph Roads, Darfield from a Living  
2A Deferred Zone to a Living 2 Zone**

**To:**

**From:**

**Hearing Date:**

Hearing Commissioner – D Mountfort

Consultant Planner – T Joll

28<sup>th</sup> February 2017

This report analyses the submissions received on Plan Change 48 (PC48) to the Selwyn District Plan ('the Plan') and has been prepared under section 42A of the RMA. The purpose of the report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC48 and to assist submitters in understanding how their submission affects the planning process. The report includes recommendations to accept or reject points made in submissions and to make amendments to the Plan. These recommendations are the opinions of the Reporting Officer(s) only. The Hearing Commissioner will decide on each submission after hearing and considering all relevant submissions, the Officer's Report(s) and the Council's functions and duties under the RMA.

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## ATTACHMENTS

<b>Attachment A:</b>	Changes Requested to the Selwyn District Plan
<b>Attachment B:</b>	Submission summary and Officer's recommendations
<b>Attachment C:</b>	Relevant Objectives, Policies and Rules
<b>Attachment D:</b>	Darfield and Kirwee Wastewater Working Party recommendations to Council Meeting – 8 February 2017.

## 1 INTRODUCTION

### Qualifications and experience

- 1.1 My full name is Timothy (Tim) James Joll. I am a Senior Planner at Planz Consultants Ltd; a planning and resource management consulting company with offices in Christchurch and Auckland. I hold the qualifications of a Bachelor of Resource Studies and a Masters of Applied Science from Lincoln University. I have 13 years' experience as a planner working in New Zealand and the United Kingdom with much of my work experience relating to the preparation and processing of resource consent applications in both Christchurch City and the Selwyn District Council. I am therefore familiar with the district and the planning provisions that apply.
- 1.2 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (dated 1 December 2014) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

### Report Scope

- 1.3 I have been asked by Selwyn District Council to assess Plan Change 48 (PC48), the relief sought by submitters, and to prepare a report making recommendations to the Hearing Commissioner. In this regard, it is important to emphasise that the Commissioner is in no way bound by my recommendations and will be forming their own view on the merit of the plan change and the changes sought by submitters having considered all the evidence before them.
- 1.4 In preparing this report I have:
- (a) Reviewed the plan change request as notified;
  - (b) Read and assessed all the submissions received on the plan change request;
  - (c) Visited the site and surrounding neighbourhood;
  - (d) Considered the statutory framework and other relevant planning documents; and
  - (e) Relied where necessary on the peer reviews provided by Council staff in relation to this plan change.
- 1.5 This report effectively acts as an audit of the detailed application and supporting information lodged with the plan change request prepared by Avanzar Consulting Ltd on behalf of the Applicant. A full copy of the plan change request, submission, summary of submissions and other relevant documentation can be found at <https://www.selwyn.govt.nz/services/planning/district-plan/plan-changes/plan-change-48-living-2-corner-of-creyke-road-and-telegraph-road>
- 1.6 On that basis this report and assessment seeks to provide as little repetition as possible, and will adopt those parts of the application where referred to. If a matter is not specifically

dealt with in this report, it can be assumed that there is no particular dispute with the position set out in the plan change document.

## 2 BACKGROUND

### Application and site context

- 2.1 The site subject to the plan change request (the application site) is held by three landowners. The first ownership is a 7.9436ha block owned by Judith Pascoe and located on the corner of Telegraph and Creyke Roads (physical address: 193 Creyke Road). The second ownership is a 4.4786ha block owned by Craig Dye and Sandra Lyttle and located to the north of the Pascoe block along Telegraph Road (physical address: 1878 Telegraph Road). The third ownership is a 1.072ha block owned by Benjamin and Emily Bloomfield and adjoins the Pascoe block along Creyke Road (physical address is 223 Creyke Road).
- 2.2 The total land area subject to the plan change request is some 13.5ha contained in three separate certificates of title (attached as Appendix 1 to the Application); being legally described as Lot 2 DP 56120 and Lot 2 DP 391581 (Pascoe land), Lot 1 DP 56120 (Dye and Lyttle land) and Lot 1 DP 391581 (Benjamin and Bloomfield land). The Titles contain no encumbrances that would otherwise preclude further development in accordance with the plan change request. A locality plan is illustrated in **Figure 1** below.
- 2.3 The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings in Section 2 on pages 8 and 11. I consider that this description is accurate and it should be read in conjunction with this report. In summary, each of the properties contains a dwelling and associated garden areas. The remainder of the site is made up of grazing paddocks and a hazelnut orchard is located on the Dye/Lyttle Block.
- 2.4 The site is located approximately 1.5 km from the centre of Darfield Township. The immediate surrounding area is made up of Living 1 zoned land (minimum allotment size 650m<sup>2</sup>) adjoining the northwest boundary of the site, Living 2A zoned land (average allotment size of 1ha) adjoining the site to the northeast, Living 2A deferred land across Telegraph Road, and Outer Plains Rural zoned land (minimum allotment size 20ha) located across Creyke Road from the site to the south.

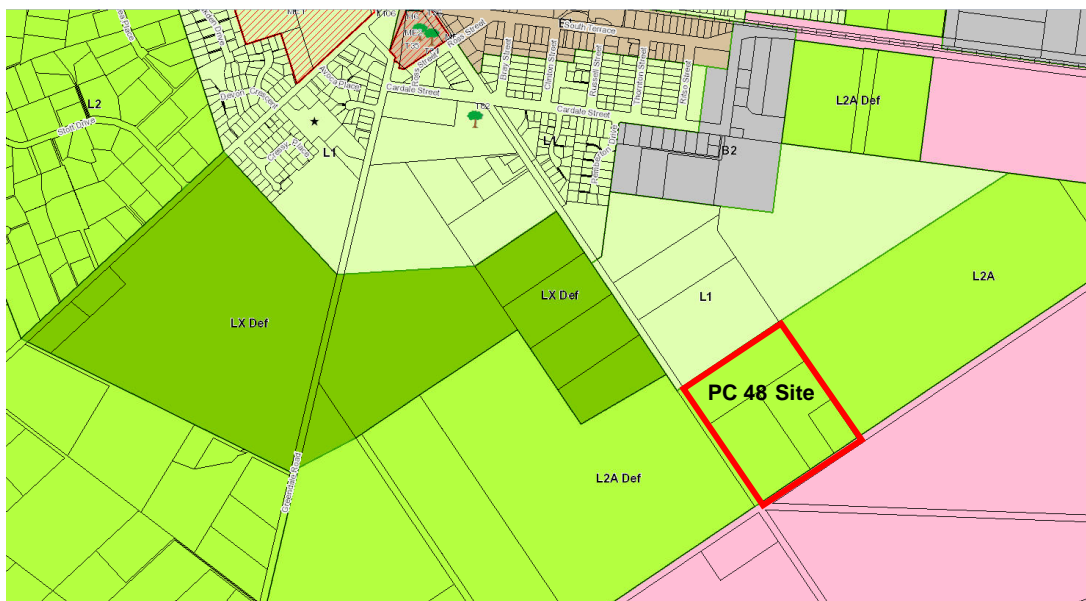


Figure 1: PC48 Site Location

- 2.5 The Darfield Gun Club (the Gun Club) operates from a rural zoned property to the south west of the site, diagonally across the intersection of Telegraph and Creyke Roads.

### **Planning History**

- 2.6 Section 4 of the Application outlines the recent planning history of the site. In summary, the site was originally part of Plan Change 24 (PC24, approved 2013) which sought to rezone the block of land subject to this plan change request to Living 2A, Living 1 and Business zones. The subject site was excluded from PC24 due to uncertainties about adverse noise effects generated from the neighbouring Gun Club and the potential for reverse sensitivity effects to arise. The final PC24 ODP is now contained in Appendix 41 of the townships volume of the District Plan
- 2.7 The site currently has a Living 2A (Deferred) zoning, as illustrated on planning maps 73 and 77 of the District Plan. Part B4 'Growth of Townships' sets out the preferred growth options for Darfield. This states:

*The development of large areas of land on the periphery of the Township will be deferred pending an upgraded water supply, the incorporation of outline development plans, and measures to address reverse sensitivity effects. The ultimate development of land in the deferred zones may ultimately also be subject to review in respect to effluent treatment required.*

- 2.8 These matters form the basis for the assessment set out in the proceeding sections of this report.

### **The Proposal**

- 2.9 PC 48 seeks to rezone the site to Living 2 which provides for average lot sizes of 5000sqm and to rely on the existing Living 2 zone rules framework, with amendments being limited to site specific matters. The latter are proposed to manage adverse noise effects from the Darfield Gun Club; located on the southern quadrant formed by the Creyke Road and Telegraph Road intersection. To facilitate this outcome the plan change seeks to insert a new Outline Development Plan (ODP) into the District Plan to cover the application site. This ODP will guide the subsequent subdivision of the land by way of resource consent. The ODP proposed for the site, attached as Appendix 2 to the application, provides for a 2ha lot at the point of the site closest (in the apex formed by Creyke Road and Telegraph Road) to the gun club and a 1ha lot adjacent this 2ha lot, to front Telegraph Road. These larger allotments would contain two of the three existing dwellings on the site.
- 2.10 The request proposes a change to operative policy B4.3.28 in the District Plan as follows (new wording shown in **bold and underlined**):-

#### **Policy B4.3.28**

*To provide for mixed densities in the Living X Zone, and rural residential development around the township in the Living 2A (Deferred) Zone to a minimum average area of 1ha, **in the Living 2 Zone identified on Appendix 41A – Creyke Road Outline Development Plan to a minimum average of 0.5ha**, and in the Living 2A1 Zone to a minimum average area of 2ha, subject to the following:*

- *That all new allotments are able to be serviced with a reticulated potable water supply;*
- *That outline development plans have been incorporated into the Plan for the coordinated development of four identified areas of land in the Living 2A Zone, the Living X Zone and part of the Living 2 Zone to address roading, reserve, and pedestrian/cycle linkages;*

- *Where applicable, provision has been made to address any reverse sensitivity Issues*

- 2.11 The proposed Plan Change also includes amendments to planning maps 73 and 77 (both sheets 1 & 2) to reflect a change in zone from Living 2A Def to Living 2. The proposed Plan Change relies on the existing objectives and with the exception of the proposed amendment to Policy B4.3.28 set out above, the existing policies for the Living 2 zone but proposes five new rules which will specifically relate to development within the land subject to the Plan Change (Township Volume, Part C – Living Zone Rules – Subdivision). The proposed changes to the District Plan are included in **Attachment A**.
- 2.12 The Plan Change request was formally received by Council on 13 June 2016. Since lodgement the application has been reviewed in terms of the adequacy of the information provided and a Request for Further Information was issued. Further to this, the plan change was modified under Schedule 1, Clause 24 of the RMA and relevant technical reports (Transport Assessment, Acoustic Assessment etc.) updated accordingly. The final revised proposal was received on 25 July 2016. A report to the Meeting of the Selwyn District Council dated 24 August 2016 resolved to accept the request for notification pursuant to Clause 25(2)(b) of the Resource Management Act 1991. The application was then publicly notified for submissions, with the closing date being 11 October 2016. The submissions were then summarised and open to further submissions, closing on 16 November 2016.
- 2.13 A total of two submissions were received, of which one was in part support (but requested changes) from Mr Craig Dye and Mrs Sandra Lyttle and one was opposed from the Canterbury District Health Board (CDHB). All submissions were received within the prescribed statutory timeframes. A summary of the submissions and my Officer's recommendation is attached as **Attachment B**.
- 2.14 Mr Dye and Mrs Lyttle did not raise concerns about the appropriateness of rezoning the site in principle, with their concerns instead focussing on design aspects of the proposal relating to roading connections and the preservation of their existing use rights.
- 2.15 The CDHB submission raises concerns about the continued installation of septic tank systems in and around Darfield and contends that the proposal will increase the risk of groundwater contamination and exposure of the public to pathogens if the septic tank systems fail.
- 2.16 As such, the higher level assessment of the proposal against the strategic planning framework is undertaken in Section 4 below, with site-specific issues raised by submitters considered in Section 5.

### **3 STATUTORY PLANNING FRAMEWORK**

#### **Statutory Principles**

- 3.1 The matters that must be considered in preparing a change to the District Plan are set out in section 74 of the RMA. Amongst other things, section 74 requires the local authority to:
- comply with its functions under section 31;
  - consider alternatives, benefits and costs under section 32;
  - ensure the necessary matters are stated in the contents of the district plan under section 75; and
  - have regard to the overall purpose and principles set out in Part 2, including the Matters of National Importance (section 6), the Other Matters (section 7) that

require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (section 8)

- 3.2 It is noted that in a general sense, the purpose of the 'Act' is already reflected in the operative District Plan's objectives and policies as they have already been through the above statutory tests and are now unchallenged. Furthermore, PC48 does not seek to amend these objectives and only one site specific amendment is sought to a single policy. The fundamental question for consideration is therefore whether the re-zoning of the land subject to the Plan Change request more effectively meets the objectives and policies of the District Plan than retaining the deferred status.
- 3.3 When preparing a plan or considering a plan change the Council:
- must give effect to the operative Canterbury Regional Policy Statement (section 75(3)(c));
  - any management plans and strategies prepared under other Acts (section 74(2)(b)(i));
  - must not take into account trade competition (section 74(3));
  - must take account of the Mahaanui: Iwi Management Plan 2013 (section 74(2A)); and
  - shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (section 74(2)(c)).
- 3.4 Consideration of the appropriateness of rezoning the subject land and the associated Plan amendments must therefore give effect to the operative Canterbury Regional Policy Statement ('CRPS').
- 3.5 There are not considered to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC48. Matters of cross-boundary interest are limited to managing the co-ordinated urban growth of Greater Christchurch through the CRPS and the statutory directions contained in the Land Use Recovery Plan ('LURP'). These statutory planning documents cover the UDS area, which does not extend to Darfield.
- 3.6 As stated above, with the exception of one proposed amendment to Policy B4.3.28, PC48 does not seek to make any changes to the settled objectives and policies of the District Plan. The Council is therefore required to simply consider whether the proposed changes to the Plan's rules and zoning pattern better achieve the District Plan's Objectives, and thereby Part 2, than the operative provisions.
- 3.7 The process for making a plan change request and how this is to be processed is set out in the 1<sup>st</sup> Schedule of the RMA. PC48 has reached the point where the request has been accepted for notification, and submissions and further submissions have closed. A hearing is now required (Clause 8B) and a decision be made on the Plan Change and the associated submissions (Clause 10).

#### **4 STATUTORY ANALYSIS**

- 4.1 In considering the contents of District Plans, Councils must give effect to any operative Regional Policy Statement (section 75 (3) (c)), and have regard to any management plan or strategy prepared under other Acts, including the Local Government Act (section 74 (2)(b)(i)).

**Land Use Recovery Plan/Te Mahere Whakahouman Tāone ('LURP') and the Canterbury Regional Policy Statement ('CRPS')**

- 4.2 The CRPS, became operative on 15 January 2013. The CRPS provides an overview of the main resource management issues facing the region, and lists objectives, policies and methods that seek to achieve the integrated management of natural and physical resources of Canterbury.
- 4.3 The PC48 site is outside the geographic area that is subject to the LURP and any development of land is therefore not subject to the statutory directions contained within it (and also Chapter 6 of the CRPS). This includes the development of the Rural Residential Strategy prepared by the Selwyn District Council and adopted on 25 June 2014 (RRS14). The adopted Rural Residential Strategy sets out the preliminary locations and requirements for managing rural residential activities within the portion of the District that is subject to Chapter 6 of the Canterbury Regional Policy Statement. On that basis it has no application with regards to PC48, it being outside the area subject to LURP provisions.
- 4.4 In terms of the remaining CRPS Chapters, those of most relevant to the assessment of PC48 include:
- Chapter 4 – Provision for Ngai Tahu and their Relationship with Resources; and
  - Chapter 5 – Land Use Infrastructure.
- 4.5 The full text of the Objectives and Policies referred to below is included as **Attachment C**.
- Chapter 4 - Provision for Ngai Tahu and their Relationship with Resources***
- 4.6 Chapter 4 does not contain any specific objectives and policies. The matters set out therein are effectively implemented by the Mahaanui Iwi Management Plan 2013, which will be considered later in this section.
- Chapter 5 – Land Use Infrastructure; and***
- 4.7 The plan change request states that the proposal has been designed to ensure that appropriate infrastructure can be in place to support the development.
- 4.8 **Objective 5.2.1** seeks to ensure that development is located and designed so that it achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety.
- 4.9 **Policy 5.3.1** relates to 'regional growth' and specifically the wider region, being that area outside the LURP boundary. The focus is on ensuring that both urban growth and rural residential growth are attached to existing urban areas and promotes a co-ordinated pattern of development.
- 4.10 The site is located approximately 1.5 km from the centre of Darfield Township. The immediate surrounding area is made up of Living 1 zoned land (minimum allotment size 650m<sup>2</sup>) adjoining the northwest boundary of the site, which extends to the Darfield Township.
- 4.11 The Urban Design Assessment submitted as part of the Application (Appendix 3) concludes that:
- (t)he pattern for development of the subject site has been largely set by the Appendix 41 ODP and Planting Concept Plan for the larger area. This Plan Change will complete the framework for residential development in Area 3.*
- Site specific features, i.e. the existing residential properties, tree planting and the water race can be readily incorporated in the subdivision design.*
- A slightly higher density of development than envisaged when the District Plan was prepared can be readily accommodated. Zoning the land Living 2 would have the advantages of providing more choice of allotment size in this area; a*

*more gradual transition from rural to urban and make more efficient use of land and infrastructure.*

- 4.12 The Council's Urban Designer, Ms Gabi Wolfer has reviewed the application and has advised via email on 1 February 2017 that she concurs with the Urban Design Assessment provided and has no concerns from an urban design perspective with proposed PC48. I agree with the applicant that proposal is consistent with this Objective and Policy.
- 4.13 **Policy 5.3.3** relates to substantial developments. Given the size of this site and the number of allotments that could be realised I do consider that it falls into the category of substantial.
- 4.14 **Policies 5.3.5** and **5.3.6** relate to servicing development for potable water, sewage and stormwater disposal. In the case of Darfield it is well known that there is no reticulated sewerage system. The submission of the CDHB raises concerns regarding the continued development of Darfield without sewerage reticulation being in place (discussed further below).
- 4.15 **Policy 5.3.7** requires that development that would adversely affect the strategic land transport network be avoided. **Policy 5.3.8** seeks to promote the integration of land use and transport by encouraging the use of transport modes with low adverse effects, and the safe, efficient and effective use of transport infrastructure. It also requires the avoidance or mitigation of conflicts between incompatible activities. The approved Outline Development Plan for Plan Change 24 shows a new primary access on Telegraph Road between this site and the existing edge the current urban area. The secondary road shown on proposed PC48 is consistent with the location and alignment of secondary roads shown in Appendix 41 of the Selwyn District Plan. Connectivity is also a assessment matter required to be addressed at the time of subsequent subdivision of the land subject to PC48.
- 4.16 **Policies 5.3.11** and **5.3.12** relate to protecting both existing rural based infrastructure and natural and physical resources that are valued for primary production. In this regard the retention of the existing Council water race through the property, as already set out in the ODP, is imperative. It is noted that the proximity of this land to the Darfield town centre will mean that it comes under increasing urban pressure and this could make traditional farming of the property more challenging.
- 4.17 The submission received from Mr Dye and Mrs Lyttle raises concerns about the potential impact of proposed PC48 on their existing horticultural and agricultural activities and this matter is discussed in more detail below.

#### **Canterbury Land and Water Regional Plan ('LWRP')**

- 4.18 The Canterbury Land and Water Regional Plan was publicly notified on the 11th August 2012. Decisions on submissions have been made, and it was made partially operative on 15 September 2015. The purpose of the LWRP is to identify the resource management outcomes for managing land and water in the Canterbury region,.
- 4.19 The ability of the land affected by PC48 to be efficiently serviced in terms of water, waste water, and stormwater has been considered by Avanzar Consulting Ltd as part of the application, and specifically in the Infrastructure Servicing Report attached as Appendix 7 to the plan change documentation. This information has been peer reviewed by Murray England on behalf of the SDC, who advised via email on 26 May 2016 that he was happy from a servicing perspective with the proposal. There is adequate capacity in the water supply network to supply the proposed PC48 site.
- 4.20 The site does not contain any springs or other natural water features, although a water race runs along the Telegraph Road property boundary within the site. Stormwater is able to be disposed of to ground, given the low site coverage and discharge rates of rural residential properties. The detailed design of the stormwater system will form part of the subsequent

subdivision process and will be assessed via any associated resource consents from the Canterbury Regional Council.

- 4.21 The township of Darfield has no reticulated wastewater system. Individual properties are served by on-site wastewater treatment and discharge systems. A report was presented at the Council Meeting on 8 February 2017 recommending that the 2017/18 Selwyn District Council Annual Plan should signal the intent to progress consideration of a reticulated scheme, in some form, for Darfield and Kirwee. A copy of this report is contained in **Appendix D**. This is a matter raised in the submission of CDHB. It is considered to some extent the matters raised in that submission are of a general nature applying to development in Darfield generally. In any case the matters raised will be the subject of any subsequent consents required for onsite wastewater treatment and disposal.
- 4.22 Overall it is considered that the proposal can be efficiently and effectively serviced in a manner that maintains water quality and quantity and is consistent with the outcomes sought by the NRRP and LWRP.

#### **Mahaanui Iwi Management Plan 2013**

- 4.23 Mahaanui Iwi Management Plan 2013 (M.IMP) is an expression of kaitiakitanga and rangatiratanga. It is a manawhenua planning document reflecting the collective efforts of six Papatipu Rūnanga.
- 4.24 The M.IMP enables external agencies to understand issues of significance to tāngata whenua, and how those issues can be resolved in a manner consistent with cultural values and interests including embracing the practice of ki uta ki tai, which recognises:
- i. the connection between land, groundwater, surface water and coastal waters; and
  - ii. the holistic nature of traditional resource management.
- 4.25 Councils must take into account any relevant planning document recognised by an Iwi authority and lodged with the Council (section 74(2A)(a)). The relevant document for the Selwyn District is the Mahaanui Iwi Management Plan 2013 (M.IMP). This document sets out the aspirations of local iwi and in particular seeks the maintenance and enhancement of water quantity and quality, the promotion of indigenous biodiversity and mahinga kai species, and the protection of sites with identified waahi tapu or waahi taonga value.
- 4.26 Mahaanui Kurataiao Ltd (MKT) is a resource and environmental management advisory company established in 2007 by the six Canterbury Rūnanga to assist and improve the recognition and protection of tāngata whenua values in their takiwā. MKT provided comments on the proposal on 21 April 2016, which is attached as Appendix 12 to the application. Their comments included a number of recommendations which are summarised on Page 35 of the Application and draws on the key matters set out in the Iwi Management Plan. The consistency of the plan change in relation to these key matters is discussed in more detail below.

#### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)**

- 4.27 As this is an application for a zone change and not the actual use of the site, the NES does not strictly apply. The land owner will be required to address the NES requirements either as a result of subsequent subdivision or building consent stage, which depending upon the nature of any future proposed activity, may either satisfy the permitted activity requirements or require resource consent under the NES.
- 4.28 The plan change application included a preliminary site investigation prepared by Pattle Delamore Partners Limited (PDP), dated 18 March 2016. The report notes that:

*“no HAIL activities have been identified as having occurred/be occurring at the site. Therefore, no further environmental investigations are considered to be necessary for the rezoning of the site. In addition, the NES is considered to not be applicable for any future subdivision of land, land use change or soil disturbance activities at the site.”<sup>1</sup>”*

- 4.29 I accept the conclusions of the PDP report and therefore, no further environmental investigations are considered to be necessary for the rezoning of the site..

#### **Selwyn District Plan**

- 4.30 The District Plan is divided into two volumes – Rural and Townships. Rural residential typologies have always fallen into something of a gap between the two volumes in that they are neither wholly rural nor wholly urban.
- 4.31 The Council has been proactively seeking to update the District Plan to more fully address rural residential development, first through PC17, which sought to introduce an amended objective, policy and rule framework and rezone specific blocks of land for rural residential development. PC17 was then superseded by PC32, which also sought to introduce an amended objective, policy and rule framework. However it left rezoning of specific blocks to later private plan change applications. PC32 has lapsed due to two years having passed since the submission period closed without a hearing being held. The reason for the delay in progressing to a hearing was the fluid nature of the higher level policy framework contained in the CRPS, with this framework having only recently been settled through the Gazetting of the LURP, confirmation of Chapter 6 to the CRPS, and the subsequent development of the RRS14.
- 4.32 LURP Action 18 (viii) required the SDC to update the District Plan to ensure it actively manages rural residential development. However, the resulting Rural Residential Strategy 2014 (RRS14) document only applies within the area affected by the LURP (former UDS area incorporating ‘Greater Christchurch’). This does not includes the land affected by PC48.
- 4.33 The objectives and policies of the Rural Volume of the Plan aim to maintain a very low density of dwellings, set amongst a productive rural landscape (**Objective B4.1.1-B4.1.3**). In essence the Rural Volume objectives and policies support the environmental outcomes anticipated by retaining the status quo zoning of Rural Outer Plains. Given that PC48 is a plan change, rather than a resource consent, the rural objectives and policies are only of limited assistance in determining whether the Rural Outer Plains or proposed Living 2 zoning better meets the Plan’s objectives and policies.
- 4.34 PC48 promotes a Living Zone, rather than Rural, to facilitate rural residential development. Therefore, the Plan provisions dealing with urban growth are of most relevance. These provisions are contained primarily within the ‘Quality of the Environment’ and ‘Growth of Townships’ sections of the Township Volume of the District Plan.
- 4.35 **Objective B3.4.1** seeks that “*the District’s townships are pleasant places to live and work in*”, and **Objective B3.4.2** seeks that “*a variety of activities are provided for in townships, while maintaining the character and amenity values of each zone*”. **Objective B4.1.1** seeks that “*a range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones*”. These objectives are all rather high level, and are supported by similar high level **Policies B3.4.1-B3.4.3**. The proposed Plan Change sits reasonably comfortably against these provisions in that it will assist in providing a diversity and choice of living environments, with the living zone rule package delivering a rural residential living environment that is spacious and of high amenity, subject to the parameters

set out in the applicable ODP. In this regard it is only the site-specific detail matters relating to the proposed ODP for the PC48 site that remain outstanding (discussed further below),

4.36 The provision of new urban growth areas is guided by **Policy B4.1.3**, which aims:

*“...Elsewhere in the District to allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:*

- *A compact township shape;*
- *Consistent with preferred growth options for townships;*
- *Maintains the distinction between rural areas and townships;*
- *Maintains a separation between townships and Christchurch City boundary;*
- *Avoid the coalescence of townships with each other;*
- *Reduce the exposure to reverse sensitivity effects;*
- *Maintain the sustainability of the land, soil and water resource;*
- *Efficient and cost-effective operation and provision of infrastructure”*

4.37 Similar outcomes are sought through ‘Residential and Business Development’ **Objectives B4.3.2** and **B4.3.4** which require that:

*For townships outside the Greater Christchurch area , new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions in the Plan. (Objective B4.3.2)*

*New areas for residential or business development support the timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach. (Objective B4.3.4)*

4.38 **Policy B4.1.10** seeks to ensure that an appropriate balance between buildings and open space is achieved to maintain the spacious character of the District, **Policy B4.1.11** encourages new residential areas to be designed to maintain or enhance the aesthetic values of the township, including:

- Retaining existing trees, bush or other natural features on the site; and
- Landscaping public spaces.

4.39 **Policy B4.3.1** sets out to ensure that new rural residential development such as that proposed takes place in accordance with an Outline Development Plan incorporated into the District Plan. PC48 would meet this outcome.

4.40 **Policy B4.3.2** “...requires any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape”. The immediate surrounding area is made up of Living 1 zoned land (minimum allotment size 650m<sup>2</sup>) adjoining the northwest boundary of the site, Living 2A zoned land (average allotment size of 1ha) adjoining the site to the northeast.

4.41 **Policy B4.3.3** seeks to “avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business”. **Policy B4.3.6** seeks to “encourage townships to expand in a compact shape where practical”. **Policy B4.3.8** sets out the matters each ODP shall include:

- *Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;*
- *Any land to be set aside for*
  - *community facilities or schools;*

- parks and land required for recreation or reserves;
- any land to be set aside for business activities;
- the distribution of different residential densities;
- land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;
- land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and
- land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.
- Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;
- Identify any cultural (including Te Taumutu Runanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;
- Indicate how required infrastructure will be provided and how it will be funded;
- Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;
- Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;
- Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- Include any other information which is relevant to an understanding of the development and its proposed zoning; and
- Demonstrate that the design will minimise any reverse sensitivity effects.

4.42 Not all these matters are relevant to PC48, for example the reference to 10 allotments or households per hectare relates to a higher [residential] density of development. Notwithstanding, the list above illustrates that an ODP should be used to inform future development, and should be more than simply lines on a map. It is considered that the ODP for PC48 would address the previous potential reverse sensitivity effects arising from noise generated from the Darfield Gun Club. The other key matters identified in the ODP for PC48 are considered to be consistent with PC24 (adopted June 2013). The ODP includes roading connections with on-road cycle opportunities as anticipated under PC24, and which provide a logical connection from Telegraph Road to the Living 2A land to the east of the site. I therefore consider the proposal to be consistent with this policy.

4.43 The Townships Volume of the District Plan also sets out specific policies for individual townships. **Policy B4.3.24** seeks to “encourage the provision of large residential allotments within the Living 2 Zones”. **Policy B4.3.28** is to provide for rural residential development around the Darfield township in the Living 2A (Deferred ) Zone to a minimum average area of 1ha, subject to the following:

- That all new allotments are able to serviced with a reticulated potable water supply;
- That outline development plans have been incorporated into the Plan for the coordinated development of four identified areas of land in the Living 2A Zone...addressing roading, reserve and pedestrian/cycle linkages;
- Where applicable, provision has been made to address reverse sensitivity issues.

4.44 The ODP includes three areas of proposed density, which will provide for a minimum average allotment size of 5,000m<sup>2</sup>. As part of the proposed Plan Change, a minor amendment to Policy B4.3.28 is sought to enable development across the PC48 site to the

living 2 zone densities, rather than the prescribed 1ha average density for the Living 2A (deferred) zone. This Darfield specific policy implements a number of objectives including B4.3.1, B4.3.2 and B4.3.4 which generally seek to ensure development occurs adjoining existing townships in a compact form and provides for the integrated development of infrastructure including roading. I am not convinced that this change is necessary as the rezoning means that it is Policy B4.3.24 that is the relevant consideration. Once rezoned policy B4.3.28 will not be applicable to the application site and therefore I do not consider the requested change is necessary.

- 4.45 The servicing requirements have been considered by Mr Murray England who has not raised any concerns with the proposal.
- 4.46 It is noted that the Applicant's Plan Change request assesses various other objectives and policies found in the District Plan. It is considered that these are either not particularly relevant or there is general agreement with the views expressed therein.
- 4.47 In summary, as set out in the discussion above, it is considered that proposed PC48 would achieve a compact township shape due to the proximity of the plan change area to the centre of Darfield and would be consistent with the objectives and policies of the Township Volume related to Growth of Townships and Residential Development. For these reasons, it is considered that the rezoning request represents an efficient and effective method for achieving the Plan's operative objective and policy framework.

## **5 SUBMISSIONS**

- 5.1 **Attachment B** provides a summary of submissions and includes the recommendations to the Commissioner on each submission.
- 5.2 This section provides an assessment of the submission points received and a summary of the comments from Council staff to inform this Officer's Report.
- 5.3 As noted earlier, the site currently has a Living 2A (Deferred) zoning. Part B4 'Growth of Townships' sets out the preferred growth options for Darfield. This states:

*The development of large areas of land on the periphery of the Township will be deferred pending an upgraded water supply, the incorporation of outline development plans, and measures to address reverse sensitivity effects. The ultimate development of land in the deferred zones may ultimately also be subject to review in respect to effluent treatment required.*

- 5.4 In light of the above, the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled are:
- Reverse Sensitivity;
  - Connectivity to Adjoining Land;
  - Servicing - Water Quality and Quantity;
  - Cultural Matters; and
  - Other Matters
- 5.5 This assessment incorporates the conclusions of the assessments made by Council Officers to inform the overall recommendations of this report and to make a determination on the relief sought by the submitters.

### **Reverse Sensitivity**

- 5.6 In their submission Mr Dye and Mrs Lyttle raise concerns about potential reverse sensitivity effects arising from PC48 on their existing horticultural and agricultural activities, which includes an operational hazelnut orchard, the keeping of pets and livestock and the grazing of livestock.
- 5.7 I note that the viability of legitimately established rural activities can be reduced where they adjoin rural residential nodes through amenity conflicts, where new land owners moving into an established environment have differing expectations of what land use activities are appropriate. In this instance, the submitters land forms part of the plan change area and adjoins Living 1 zoned land to the north and Living 2a zoned land to the east, therefore the establishment of residential development within close proximity of their site is already provided for within the District Plan. Given the size of the submitters' site, intensive farming activities that are likely to create nuisance effects to urban residents are unlikely to establish on the edge of one of the District's larger townships. While activities such as spraying of horticultural land can create potential reverse sensitivity issues, I note that there are industry standards around matters such as this, which are designed to reduce any potential reverse sensitivity effects. I also note that the proposed ODP requires that provision shall be made for land to be set aside for a future road connection adjacent to the boundary of the Dye/Lyttle property. I consider the land set aside for the roading connection will provide an appropriate mitigating buffer distance between potential new dwellings and the sources of the offending existing activities on Mr Dye and Mrs Lyttle's land.
- 5.8 With reference to the Gun Club, paragraph 8.8 of the Application outlines the discussions that have been held with the Gun Club since the site was excluded from PC24 in 2013 due to potential reverse sensitivity effects. The Gun Club did not submit on the proposal and the Applicant has advised that the Gun Club are "*satisfied that the proposed new noise rules will provide sufficient mitigation to avoid the potential to give rise to reverse sensitivity effects. The proposed covenant also provides the Gun Club with confidence that activities on their site will not be impeded by development of the subject site*". Having considered the conclusions of the Acoustic Assessment from a planning perspective and the mitigation proposed, I consider that potential reverse sensitivity effects on the Gun Club have been adequately mitigated.

#### **Connectivity to Adjoining Land**

- 5.9 The submission of Mr Dye and Mrs Lyttle raise concerns about the proposed location of the secondary road from Telegraph Road. They consider that a more appropriate location for the road would be on the north west boundary of their property at 1878 Telegraph Road. I note that the location of the proposed secondary road is consistent with the alignment of the 'indicative potential future road' shown approved as part of PC24, shown in figure 2 below.



Figure 2: Appendix 41 SDP. ODP – Area 3, Darfield

- 5.10 A road on the north west boundary of 1878 Telegraph Road as suggested by the submitter would not align with the secondary road already included on the ODP as part of PC24. Therefore, I consider that the current location of the secondary road is a more appropriate planning outcome. I further note that from a transport safety and efficiency perspective, the Council's Asset Manager Transportation, Mr Andrew Mazey favours a straight alignment of this road through the PC24 land through the application site to Telegraph Road.
- 5.11 Another of the concerns raised by these submitters is that *"the existing, well established, belt of eucalyptus trees would need to be removed"*. As the subject belt of trees is located on the submitter's land, I note that these could not be removed without their permission. They therefore have the ability to control if and when the trees would be removed and can therefore avoid any potential effects from the removal of the subject trees if they wish.
- 5.12 The submission of Mr Dye and Mrs Lyttle also states that the proposed positioning of the road in very close proximity to their current driveway, garage and dwelling would have amenity effects (including noise) associated with the traffic movements and would have significant impact on the current enjoyment of their property. As stated above, this alignment was effectively decided at the time of PC24. The development of the land subject to PC24 and PC48 will inevitably result in changes to the current rural character of the area due to the increase in residential density. The existing rule framework requires that the road be constructed to facilitate the development of the adjacent land for residential purposes. Notwithstanding, I note that approximately half of the proposed secondary road is located on the submitters land. The road can therefore not be constructed without their permission. Therefore, they can largely avoid any potential effects from the proposed road until such time as they wish to develop. Alternatively, should the landowner to the south wish to develop sooner, the road could be moved slightly further south to avoid their land altogether, pending the Council's assessment of whether such alignment is in accord with the approved ODP. In any case, I consider that owing to the location of the submitters existing driveway access, the setback of the existing house, and the additional separation provided by the new road through the ODP that sufficient separation is provided in the context of the zoning that will apply. Furthermore, the opportunity exists for additional mitigation in the form of fencing or planting to be provided within the submitters site to mitigate any amenity effects on current or future occupants.

### **Servicing – Water Quality and Quantity**

- 5.13 The CDHB submission raises concerns about the continued installation of septic tank systems in and around Darfield and contends that the proposal will increase the risk of groundwater contamination an exposure of the public to pathogens if the septic tank systems fail.
- 5.14 In summary, the matters raised in the submission are considered to apply at a higher (i.e., Townships) level than the development sought through this plan change per se. On the basis that the Council's Asset Manager – Water Services is satisfied with the proposal, and that the necessary consents from Environment Canterbury will be required at the appropriate time in the development process, then it is considered that the servicing of PC48 can proceed as put forward.
- 5.15 I note that the detailed design of the stormwater system will form part of the subsequent subdivision process and will be assessed via any associated resource consents from the Canterbury Regional Council. The design and consenting of these systems will necessarily take into account effects on water quality and quantity and ensure that the specific design delivers an acceptable outcome in this regard.
- 5.16 Water supply is available through recent upgrades to the wider Darfield Township network.

### **Cultural Matters**

- 5.17 The recommendations made by MKT are summarised on Page 35 of the Application and draws on the key matters set out in the Iwi Management Plan. Generally the recommendations are considered to apply at a higher (i.e., Townships) level than the development sought through this plan change per se. As previously discussed the Council's Asset Manager is satisfied with the proposal, and that the necessary consents from Environment Canterbury will be required at the appropriate time in the development process. I also note that matters such as accidental discovery protocol conditions are now standard for any subdivision or land use applications involving earthworks. In considering the consistency of the plan change in relation to these key matters, I agree with the conclusions reached in the Applicant's assessment in paragraphs 8.10-8.15.

### **Other Matters**

- 5.18 Other relevant matters such as rural character, visual amenity, discharge of contaminants and increased living 2 zoned land have been assessed in the Application. The current 'Living 2A deferred' zoning, anticipated the future development of the site for low density residential use to provide a buffer between more intensive residential development in Darfield and rural activities beyond the urban boundary. I agree with the conclusions reached on the other applicable assessment matters.

## **6 PROPOSED DISTRICT PLAN TEXT AMENDMENTS**

- 6.1 As outlined above, the requested changes to the District Plan are included in **Attachment A**.

### **Township Volume – Policy B4.3.28**

- 6.2 As noted earlier, I am not convinced that the proposed amendments to Policy B4.3.28 are necessary as the rezoning means that it is Policy B4.3.24 that is the relevant consideration. Once rezoned policy B4.3.28 will not be applicable to the application site and therefore I do not consider the requested change is necessary.

### **Township Volume - Subdivision Rules**

- 6.3 Proposed **Rule 12.1.3.16** in the subdivision rules for Darfield, which specifically references the land affected by the plan change. I note that Rule 12.1.3.16 already exists and therefore recommend that this be re-numbered as Rule 12.13.17. I consider this rule will assist plan users in identifying the existence of the ODP for the site, and will help ensure that development of the site complies with the provision of that ODP.

#### **Township Volume - Land Use Rules**

- 6.4 The Applicant has suggested the insertion of several new rules with associated rule numbers. The numbering suggested correlates to existing rules and therefore if the proposal is approved, consequential re-numbering will be required.
- 6.5 To ensure greater consistency with the existing Plan format, I would recommend a new sub-heading of rules be created and titled “Darfield” within section 4.9 ‘Buildings and Building Position’.
- 6.6 Proposed **Rule 4.9.43** (which will need to be re-numbered) is a site specific rule seeks to restrict the erection of additional dwellings within the 60dB noise contour identified for PC48. I consider that the outcomes this rule seeks to achieve are consistent with the recommendations of the adopted Acoustic Assessment and will ensure that this part of the site is not developed for residential purposes, which could create reverse sensitivity noise effects for the Darfield Gun Club and a sub-standard quality living environment for future residents where appropriate noise mitigation cannot be achieved. Notwithstanding the fact that matters of discretion are likely to be focused on noise effects and therefore a restricted discretionary activity status could be appropriate, as the Applicant has requested a discretionary activity status and this has not been opposed by any submitters, I also consider that the proposed discretionary activity status is acceptable. This would also enable the Council to consider all matters associated with the establishment of a new dwelling within this noise contour.
- 6.7 Proposed **Rule 4.9.44** (which will need to be re-numbered) is a site-specific rule applicable to PC48, which would require additional mitigation to be incorporated into any additional dwellings erected outside the 60dB noise contour. I consider that the outcomes this rule seeks to achieve are consistent with the recommendations of the adopted Acoustic Assessment and will reduce any potential reverse sensitivity noise effects and provide future residents with appropriate on-site amenity. I agree with the Applicant that this proposed rule would be effective in ensuring that new residential development is not adversely effected by existing activities while also avoiding the opportunity for reverse sensitivity effects to occur.
- 6.8 PC48 seeks to provide a new restricted discretionary activity rule for activities which do not comply with the rule they refer to as 4.9.44 with the Council’s discretion restricted to measures to avoid adverse amenity effects caused by noise generated at the Gun Club and potential reverse sensitivity noise effects. I agree that this rule would be effective in ensuring that new residential owners avoid or mitigate the potential conflict with noise generated from the Gun Club, and also enables Council to consider the site-specific features when assessing the likely adverse effects of noise. However, in order to achieve an appropriate formatting outcome and ensure ease of use of the plan for users, I consider that it would be more appropriate to include this rule and the associated matters discretion under the existing ‘Restricted Discretionary Activities’ heading which begins at Rule 4.9.43 and that all consequential re-numbering be undertaken.
- 6.9 Similarly, PC48 seeks a new Discretionary Activity rule for activities that do not comply with the rule referred to as 4.9.43. For the same reasons as outlined in the preceding paragraph, I consider that it would be more appropriate to amend existing Rule 4.9.51, which includes all discretionary activities (or any consequential re-numbering that may be applied to it) to include any activity that does not comply with this subject rule.

## **Planning Maps**

- 6.10 The adoption of PC48 would require amendments to planning maps 73 and 77 (sheets 1 and 2) to remove reference to the deferred status across the site.

## **Appendices**

- 6.11 A new ODP would be included in the appendices to the Township Volume of the District Plan. At the present time, this would be Appendix 41a.
- 6.12 Plan Change 48 seeks to amend Appendix 25 of the District Plan, which contains the Outline Development Plan Areas 1-5 for Darfield, to incorporate the consequential amendments to the notations on the plan to reflect PC48. I consider this proposed amendment is appropriate.

## **7 CONCLUSIONS/RECOMMENDATIONS**

### **Matters to be considered**

- 7.1 Section 74 of the RMA sets out the matters that must be considered in preparing a change to the Plan. Amongst other things, section 74 requires the local authority to:
- comply with its functions under section 31
  - consider alternatives, benefits and costs under section 32
  - ensure the necessary matters are stated in the contents of the district plan under section 75
  - have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (section 6), the Other Matters (section 7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (section 8)
- 7.2 It is noted that in a general sense, the purpose of the 'Act' is reflected in the current District Plan objectives and policies as they have already been through the statutory tests and are now unchallenged. The operative provisions can likewise be deemed to be 'giving effect to' the higher order objectives and policies sought in the CRPS.

### **Functions of territorial authorities and matters to be included in a district plan – section 31 and section 75 assessment**

- 7.3 Council's functions under section 31 include the following:
- “(a) the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district...”*
- 7.4 The assessment and conclusions of this report establish that the PC48 framework incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes.
- 7.5 The matters proposed in PC48 are all matters that fall within the ambit of the content of a district plan under section 75.

### **Consideration of alternatives, benefits and costs - s32 assessment**

- 7.6 The Council has a duty under section 32 of the RMA to consider alternatives, benefits and costs of the proposed change. The section 32 analysis is a process whereby initial investigations, followed by the consideration of submissions at a hearing, all contribute to Council's analysis of the costs and benefits of the amended provisions in its final decision making.

- 7.7 The proposal does not seek to amend any of the operative objectives and only one site specific amendment is proposed to a policy of the Plan. The section 32 consideration therefore turns on the Council being satisfied that the lifting of the deferred status proposed as part of PC48 is a more efficient and effective method of achieving the Plan's objectives, and thereby Part 2 of the RMA, than the existing Living 2A Deferred Zone and associated rule package as it relates to the specific site in question.
- 7.8 On the information presented as part of the plan change application and from the findings of the various Council Officers who have reviewed the application and the matters raised by submitters, I am satisfied that proposed PC48 can better achieve the Plans' objectives than the existing provisions, and does give effect to the CRP.
- 7.9 It is therefore recommended that the Plan Change be accepted, subject to the relatively minor amendments recommended above. It is recommended that all the submissions be rejected or accepted in part, as set out in **Attachment B**.

## **Attachment A:**

### Changes Requested to the Selwyn District Plan

## 6. Proposed Changes to the District Plan

- 6.1. This plan change introduces the following changes to the District Plan and planning maps to enable the rezoning of the application site to the Living 2 Zone. Any text proposed to be added by the plan change is shown as **bold and underlined** and text to be deleted is shown as ~~bold and strikethrough~~.
- 6.2. The following changes are sought to the District Plan:
- 6.3. Addition of a new Appendix 41A containing the Outline Development Plan and associated text contained in **Appendix 2** of this Plan Change request.
- 6.4. Amend Planning Maps as necessary to reflect the Living 2 Zone status across the site.
- 6.5. Amend Policy B4.3.28 as follows:

### Policy B4.3.28

To provide for mixed densities in the Living X Zone, and rural residential development around the township in the Living 2A (Deferred) Zone to a minimum average area of 1ha, **in the Living 2 Zone identified on Appendix 41A – Creyke Road Outline Development Plan to a minimum average of 0.5ha,** and in the Living 2A1 Zone to a minimum average area of 2ha, subject to the following:

- That all new allotments are able to be serviced with a reticulated potable water supply;
- That outline development plans have been incorporated into the Plan for the coordinated development of four identified areas of land in the Living 2A Zone, the Living X Zone and part of the Living 2 Zone to address roading, reserve, and pedestrian/cycle linkages;
- Where applicable, provision has been made to address any reverse sensitivity issues.

- 6.6. Insert new rules as follows:

### Township Volume, Part C – Living Zone Rules – Buildings

Insertion of new rules

4.9.43 In the Living 2 zone identified in Appendix 41A at Darfield, no additional dwellings shall be erected within the 60dB noise contour.

4.9.44 In the Living 2 zone identified in Appendix 41A at Darfield, the following shall apply:

- i. All habitable spaces excluding bedrooms, within new dwellings erected outside the 60dB noise contour will be designed, constructed and maintained to achieve a design noise level of 35 dB LAFmax when noise is generated by outdoor gun shooting at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).
- ii. Primary outdoor living areas associated with any new residential dwelling must be screened from the Darfield Gun Club gun shot noise to achieve a noise level not exceeding 50 dB LAFmax.
- iii. Prior to the construction of any dwelling, certification of compliance with 4.9.44 (i) & (ii) shall be confirmed in writing to the Councils Planning Manager by a suitably qualified and experienced acoustic expert.

This rules shall only apply until such time as the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD) ceases to operate outdoor gun shooting events at the corner of Creyke and Telegraph Roads.

#### Restricted Discretionary Activities

4.9.51 Any activity which does not comply with 4.9.44 shall be a restricted discretionary activity.

4.9.52 Under Rule 4.9.51 the Council shall restrict the exercise of its discretion to the following:

- The extent to which the site is predicted to be affected by noise from outdoor gun shooting carried out at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).
- The extent to which any noise effects from outdoor gun shooting carried out at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI

Hawkins SD), will have an effect on all habitable spaces (excluding bedrooms), and primary outdoor living areas.

- The extent to which residential activities at the site will give rise to reverse sensitivity on the outdoor gun shooting at the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).
- The extent of environmental effects from any noise mitigation measures.

Applications under Rule 4.9.51 shall not be publicly notified, but may be limited notified on the Darfield Gun Club (located on the site legally described as RES 1511 BLK XI Hawkins SD).

#### Discretionary Activities

4.9.52 Any activity which does not comply with rule 4.9.43 shall be a discretionary activity.

6.7. Amend the subdivision rules as follows:

Township Volume, Part C – Living Zone Rules – Subdivision

Insertion of new rule, following the rules for Darfield:

12.1.3.16 Any subdivision of land within the area shown in Appendix 41A – Living 2 Darfield – Creyke Road Outline Development Plan, shall comply with the layout and contents of that Outline Development Plan.

6.8. Consequential amendment to Appendix 25 of the District Plan to amend the notation for Area three to include reference to the outline development plan for Appendix 41A as follows;

Area 3 – Refer to Appendix 41 & 41A for Outline Development Plans

6.9. Any further consequential amendments to the provisions of the Selwyn District Plan as may be required to provide for the rezoning sought in the plan change application.

**Attachment B:**

## Submission Summary and Officer's Recommendations

**Proposed Plan Change 48 –**

**Rezoning the corner of Creyke Road and Telegraph Road from Living 2A Deferred to Living 2**

**Recommendations on Submissions**

Submitter Number	Submitter	Submission	Oppose/Support	Relief Sought	Officer Recommendation
1	Craig Dye and Sandra Lyttle	<p>The proposed location and positioning of a road or accessway along the southeast boundary of 1878 Telegraph Road is not suitable or justified.</p> <p>The indicative road will have adverse amenity effects associated with the traffic movements.</p> <p>The indicative road raises safety concerns with access to Telegraph Road.</p> <p>The proposal needs to preserve existing use rights and mitigate potential reverse sensitivity effects.</p> <p>Submitter raises a number of points wishing to be amended in Appendix 1 of the submission.</p>	Support in part	<p>1) The submitter requests that the road location is moved to the North West Boundary of 1878 Telegraph Road (Appendix 2 of submission)</p> <p>2) The submitter wants to ensure the eucalyptus tree belt is retained</p> <p>3) Submitter seeks to ensure existing use of property for horticulture and agricultural is retained and protected</p> <p>4) Any dwellings to be erected adjacent to the submitters property will need to be appropriately separated from the submitters current horticultural and agricultural activities</p>	<p>Reject</p> <p>Accept in part</p> <p>Accept in part</p> <p>Accept in part</p>

				5) The clarifying and correcting of information relating in particular to 1878 Telegraph Road contained in the plan change application and associated appendices.	Noted
2	Canterbury District Health Board	There is still no reticulated wastewater network, therefore it is the CDHB's view that granting consent for a Plan Change Subdivision and changing zoning to Living Zone 2 to allow for residential development on this parcel of land will further exacerbate the issues inherent in an already inadequate wastewater disposal and treatment for a town of this size.	Oppose	The application be declined	Reject

## **Attachment C:**

Relevant Objectives, Policies and Rules

## Canterbury Regional Policy Statement (CRPS)

### 5.2 OBJECTIVES

#### **Objective 5.2.1 – Location, design and function of development (Entire Region)**

Development is located and designed so that it functions in a way that:

- (1) achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and
- (2) enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:
  - (a) maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;
  - (b) provides sufficient housing choice to meet the region's housing needs;
  - (c) encourages sustainable economic development by enabling business activities in appropriate locations;
  - (d) minimises energy use and/or improves energy efficiency;
  - (e) enables rural activities that support the rural environment including primary production;
  - (f) is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;
  - (g) avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;
  - (h) facilitates the establishment of papakāinga and marae; and
  - (i) avoids conflicts between incompatible activities.

### Policy 5.3.1 – Regional growth (Wider Region)

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

- (1) ensure that any
  - (a) urban growth; and
  - (b) limited rural residential developmentoccur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;
- (2) encourage within urban areas, housing choice recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;
- (3) promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;
- (4) maintain and enhance the sense of identity and character of the region's urban areas; and
- (5) encourage high quality urban design, including the maintenance and enhancement of amenity values.

### Policy 5.3.3 – Management of development (Wider Region)

To ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient:

- (1) through promoting, where appropriate, a diversity of residential, employment and recreational choices, for individuals and communities associated with the substantial development; and
- (2) where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced.

### **Policy 5.3.5 – Servicing development for potable water, and sewage and stormwater disposal (Wider Region)**

Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:

- (1) avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and
- (2) requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.

### **Policy 5.3.6 – Sewerage, stormwater and potable water infrastructure (Wider Region)**

Within the wider region:

- (1) Avoid development which constrains the ongoing ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used.
- (2) Enable sewerage, stormwater and potable water infrastructure to be developed and used, provided that, as a result of its location and design:
  - (a) the adverse effects on significant natural and physical resources are avoided, or where this is not practicable, mitigated; and
  - (b) other adverse effects on the environment are appropriately controlled.
- (3) Discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1.

### **Policy 5.3.7 – Strategic land transport network and arterial roads (Entire Region)**

In relation to strategic land transport network and arterial roads, the avoidance of development which:

- (1) adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and
- (2) in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.

### **Policy 5.3.8 –Land use and transport integration (Wider Region)**

**Integrate land use and transport planning in a way:**

- (1) that promotes:**
  - (a) the use of transport modes which have low adverse effects;**
  - (b) the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport;**
- (2) that avoids or mitigates conflicts with incompatible activities; and**
- (3) where the adverse effects from the development, operation and expansion of the transport system:**
  - (a) on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied or mitigated; and**
  - (b) are otherwise appropriately controlled.**

### **Policy 5.3.11 – Community-scale irrigation, stockwater and rural drainage infrastructure (Wider Region)**

**In relation to established and consented community-scale irrigation, stockwater and rural drainage infrastructure:**

- (1) Avoid development which constrains the ability of this infrastructure in Canterbury to be operated, maintained and upgraded;**
- (2) Enable this infrastructure to be operated, maintained and upgraded in Canterbury to more effectively and efficiently transport consented water provided that, as a result of its location and design:**
  - (a) the adverse effects on significant natural and physical resources and cultural values are avoided, or where this is not practicable, mitigated; and**
  - (b) other adverse effects on the environment are appropriately managed.**

### **Policy 5.3.12 – Rural production (Wider Region)**

**Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:**

- (1) avoiding development, and / or fragmentation which;**
  - (a) forecloses the ability to make appropriate use of that land for primary production; and / or**
  - (b) results in reverse sensitivity effects that limit or precludes primary production.**
- (2) enabling tourism, employment and recreational development in rural areas, provided that it:**
  - (a) is consistent and compatible with rural character, activities, and an open rural environment;**
  - (b) has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;**
  - (c) is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural area; and**
  - (d) is of a scale that would not compromise the primary focus for accommodating growth in consolidated, well designed and more sustainable development patterns.**

**and;**
- (3) ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity.**

## **RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – OBJECTIVES**

### **Objective B4.1.1**

The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

### **Objective B4.1.2**

Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on natural and physical resources or reverse sensitivity effects.

### **Objective B4.1.3**

Allotments are created which are of the appropriate size and shape and have the required utility services, for their intended use.

## **QUALITY OF THE ENVIRONMENT – OBJECTIVES**

### **Objective B3.4.1**

The District's townships are pleasant places to live and work in.

### **Objective B3.4.2**

A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

### **Objective B3.4.3**

"Reverse sensitivity" effects between activities are avoided.

### **Objective B3.4.4**

Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.

# **QUALITY OF THE ENVIRONMENT – POLICIES AND METHODS**

## **ZONES**

### **Policy B3.4.1**

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

### **Policy B3.4.2**

To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.

### **Policy B3.4.3**

To provide Living zones which:

- are pleasant places to live in and provide for the health and safety of people and their communities;
- are less busy and more spacious than residential areas in metropolitan centres;
- have safe and easy access for residents to associated services and facilities;
- provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;
- ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities and
- ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following design principles:
  - access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes;
  - block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;
  - streets are aligned to take advantage of views and landscape elements;
  - section proportions are designed to allow for private open space and sunlight admission;
  - a subdivision layout that minimises the number of rear lots;
  - layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;
  - a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;
  - a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;
  - any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.

# **RESIDENTIAL DENSITY – POLICIES AND METHODS**

## **Policy B4.1.2**

Maintain Living 2 and 3 Zones as areas with residential density which is considerably lower than that in Living 1 Zones.

## **Policy B4.1.3**

Within the Greater Christchurch area of the District covered by Chapter 6 to the Canterbury Regional Policy Statement, to provide for rural residential development through the Living 3 zone and only where located in accordance with the areas shown in the adopted Selwyn District Council Rural Residential Strategy 2014. Elsewhere in the District to allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they achieve the following:

- A compact township shape;
- Consistent with preferred growth options for townships;
- Maintains the distinction between rural areas and townships;
- Maintains a separation between townships and Christchurch City boundary;
- Avoid the coalescence of townships with each other;
- Reduce the exposure to reverse sensitivity effects;
- Maintain the sustainability of the land, soil and water resource;
- Efficient and cost-effective operation and provision of infrastructure.

## **Policy B4.1.10**

Ensure there is adequate open space in townships to mitigate adverse effects of buildings on the aesthetic and amenity values and “spacious” character.

## **Policy B4.1.11**

Encourage new residential areas to be designed to maintain or enhance the aesthetic values of the township, including (but not limited to):

- Retaining existing trees, bush, or other natural features on sites; and
- Landscaping public places.

## **Policy B4.1.12**

Discourage high and continuous fences or screening of sites in Living zones that have frontage but no access on to Strategic Roads or Arterial Roads.

## **B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT**

### **RESIDENTIAL AND BUSINESS DEVELOPMENT – OBJECTIVES**

#### **Objective B4.3.1**

The expansion of townships does not adversely affect:

- Natural or physical resources;
- Other activities;
- Amenity values of the township or the rural area; or
- Sites with special ecological, cultural, heritage or landscape values.

#### **Objective B4.3.2**

For townships outside the Greater Christchurch area, new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions in the Plan.

#### **Objective B4.3.4**

New areas for residential or business development support the timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach.

## **RESIDENTIAL AND BUSINESS DEVELOPMENT – TOWN FORM POLICIES**

Policies B4.3.1 to B4.3.10 of this section apply to rezoning of land for residential or business development in addition to the general policies in Part B, Sections 1.1 to 4.2 and 4.4. Any variation or plan change request should be consistent with each and every relevant policy in these two parts of the Plan or seek to change those policies with which it is not consistent.

#### **Policy B4.3.1**

Ensure new residential, rural 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 activities (as defined within the Regional Policy Statement) in accordance with an Outline Development Plan incorporated into the District Plan; or
- The land is rezoned to an appropriate Living or Business zone and, where within the Greater Christchurch area, is contained within existing zoned land and greenfield priority areas identified in the Regional Policy Statement and developed in accordance with an Outline Development Plan incorporated into the District Plan.

### **Policy B4.3.2**

In areas outside the Greater Christchurch area, require any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or Business zone in a township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape.

### **Policy B4.3.3**

Avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business.

### **Policy B4.3.6**

Encourage townships to expand in a compact shape where practical.

### **Policy B4.3.8**

Each Outline Development Plan shall include:

- Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;
- Any land to be set aside for
  - community facilities or schools;
  - parks and land required for recreation or reserves;
  - any land to be set aside for business activities;
  - the distribution of different residential densities;
  - land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;
  - land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and
  - land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.

- Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare ;
- Identify any cultural (including Te Taumutu Runanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;
- Indicate how required infrastructure will be provided and how it will be funded;
- Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;
- Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;
- Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- Include any other information which is relevant to an understanding of the development and its proposed zoning; and
- Demonstrate that the design will minimise any reverse sensitivity effects.

## **DARFIELD**

### **Policy B4.3.23**

Encourage new residential and business development on sites in existing Living and Business zones if such sites are available and appropriate for the proposed activity.

### **Policy B4.3.24**

To encourage the provision of large residential allotments within the Living 2 Zones.

### **Policy B4.3.25**

Discourage individual property access from new Living or Business zones to State Highway 73 or State Highway 77 (Bangor Road) and manage the number and location of any new subdivisional roads on to these routes.

### **Policy B4.3.28**

To provide for mixed densities in the Living X Zone, and rural residential development around the township in the Living 2A (Deferred) Zone to a minimum average area of 1ha, and in the Living 2A1 Zone to a minimum average area of 2ha, subject to the following:

- That all new allotments are able to be serviced with a reticulated potable water supply;
- That outline development plans have been incorporated into the Plan for the coordinated development of four identified areas of land in the Living 2A Zone, the Living X Zone and part of the Living 2 Zone to address roading, reserve, and pedestrian/cycle linkages;
- Where applicable, provision has been made to address any reverse sensitivity issues.

PART C

## **12 LIVING ZONE RULES – SUBDIVISION**

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## Darfield

- 12.1.3.9 No subdivision of land in any of the areas labelled “Areas 1, 2, 4 and 5” as shown in [Appendix 25](#), shall take place until:
- (a) A potable water supply is available which is capable of serving the lots within the subdivision; and
  - (b) An Outline Development Plan addressing those matters identified in the explanation and reasons to [Policy B4.3.23](#), Darfield Specific Policies has been incorporated into the District Plan for the area as identified in [Appendix 25](#) within which the subdivision is proposed.
- 12.1.3.10 Where a potable water supply is available which is capable of serving the lots within the subdivision, and there is an Outline Development Plan which has been incorporated into the District Plan for the area identified in [Appendix 25](#) within which the subdivision is proposed, the subdivision complies with the layout and contents of the Outline Development Plan for that area.
- 12.3.1.11 The subdivision of land shown in [Appendix 27](#) (east of Clintons Road) is in accordance with the plan shown in that Appendix
- 12.1.3.12 Subdivision of land to which [Appendix 41](#) Darfield Outline Development Plan applies shall be in general accordance with the layout (and other details) shown for that area
- 12.1.3.13 For the subdivision of Living 1 and Living 2A zoned land shown in [Appendix 41](#) Darfield Outline Development Plan, any subdivision plans submitted to the Council shall be accompanied by a landscape plan and planting plan detailing plantings to be undertaken and reserve areas to be established. Landscaping and planting of reserve areas shall be established generally in accordance with the Landscape Concept Plans in [Appendix 41](#).
- 12.1.3.14 Prior to the development of land for Living 1 purposes along the boundary with the Cardale Street Business 2 zone a 2.2m high acoustic fence shall be constructed along the southern boundary of 1 – 15 Cardale Street, with a 3m wide landscaping strip immediately to the south of the fence (to visually screen the acoustic fence). A cul-de-sac shall run adjacent to the landscaping strip.
- 12.1.3.15 Prior to the development of land for Living 1 purposes along the boundary with the Cardale Street Business 2 zone a 3m high acoustic fence along the eastern boundary of Darfield Collision Repair and Lovelady Racing Ltd with a 3m wide landscaping strip immediately to the east of the fence (to visually screen the acoustic fence)
- 12.1.3.16 Any subdivision of land within the area shown in [Appendix 47](#) - Living 2A Darfield - Bangor Road Outline Development Plan, shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.

PART C

## 4 LIVING ZONE RULES – BUILDINGS

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### **4.9 BUILDINGS AND BUILDING POSITION**

## Restricted Discretionary Activities — Buildings and Building Position

- 4.9.43 Any activity which does not comply with Rule 4.9.1, Rule 4.9.25 or 4.9.26 shall be a restricted discretionary activity.
- 4.9.44 Under Rule 4.9.43 the Council shall restrict the exercise of its discretion to consideration of
- 4.9.44.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter
- 4.9.45 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to Rule 4.9.30 and Rule 4.9.32 to Rule 4.9.33 shall be a restricted discretionary activity.
- 4.9.46 Under Rule 4.9.43 the Council shall restrict the exercise of its discretion to consideration of:
- 4.9.46.1 Internal Boundary
- Any adverse effects on the:
- (a) privacy
  - (b) outlook
  - (c) shading; or
  - (d) amenity values
- of the adjoining property, its occupiers and their activities; and
- 4.9.46.2 Road Boundary
- Any adverse effects on:
- (a) the character of the street
  - (b) safety and visibility of pedestrians, cyclists and motorists, and
  - (c) shading of the road or footpath in winter;
  - (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and
- 4.9.46.3 Any reverse sensitivity issues at the southern zone boundary of the Living 2A zone at Prebbleton
- 4.9.46.4 In the Living 3 Zone at Rolleston as shown in Appendix 39, whether the building development meets the internal sound levels listed in the table below:

Type of Occupancy/activity	Recommended Internal Design Sound Level (dBA Leq (24hr))
Dwelling/Family Flat/accessory buildings – bedroom	35
Within Bedrooms	
all other habitable spaces	40
Noise Sensitive activities	35

- 4.9.47 Any activity which does not comply with Rule 4.9.34 shall be a restricted discretionary activity

- 4.9.48 Under Rule 4.9.47 the Council shall restrict the use of its discretion to consideration of any reverse sensitivity issues at the eastern zone boundary with the Business 2B Zone.
- 4.9.49 Any activity which does not comply with Rules 4.9.40 or Rule 4.9.41 shall be a restricted discretionary activity.
- 4.9.50 Under Rule 4.9.49 the Council shall restrict the use of its discretion to consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.

**Discretionary Activities — Buildings and Building Position**

- 4.9.51 Any activity which does not comply with Rule 4.9.3 and Rule 4.9.35 to Rule 4.9.39 and Rule 4.9.42 and Rule 4.9.42(a) shall be a discretionary activity

**Non-Complying Activities — Buildings and Building Position**

- 4.9.52 Any dwelling which does not comply with Rule 4.9.30 shall be a non-complying activity.
- 4.9.53 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 39 and Appendix 40

**Attachment D:**  
**Darfield and Kirwee Wastewater Working Party**  
**recommendations to Council Meeting – 8 February 2017.**

## REPORT

**TO:** Chief Executive

**FOR:** Council Meeting – 8 February 2017

**FROM:** Asset Manager Water Services

**DATE:** 27 January 2017

**SUBJECT:** **Darfield and Kirwee Wastewater Working Party Update**

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### 1. RECOMMENDATION

**That the Council:**

- (a) Receives this report “Darfield and Kirwee Wastewater Working Party Update” for information, and
- (b) Endorse the following recommendations of the working party that:
  - a. The 2017/18 Selwyn District Council Annual Plan should signal the intent to progress consideration of a reticulated sewer scheme, in some form, for Darfield and Kirwee. The intention is to seek initial public feedback on desirability, willingness to pay etc.
  - b. Any proposal to include a reticulated sewer scheme in Councils budgets would then be subject to full consultation via the 2018-28 Long term plan (or specific special consultation on its own).
- (c) Instruct staff to prepare a brief statement to include in the 2017/18 Annual Plan consultation document to gauge the communities desire for a reticulated wastewater system within the Darfield and Kirwee townships; and indicating that formal consultation on any proposal would take place as part of the 2018-2028 Long Term Plan process

### 2. PURPOSE

The purpose of this report is to provide Council an update from the Darfield and Kirwee Wastewater Working Party, along with a summary of information relating to the current and potential wastewater servicing of the Darfield and Kirwee townships.

The report also seeks Council's approval to include a statement in the 2017/18 Annual Plan concerning the future wastewater servicing strategy for Darfield and Kirwee.

### 3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This matter has been assessed against the Significance and Engagement Policy:

Consideration has been given to criteria set out in the policy, including:

- the magnitude of the net costs of the proposal or decision to the Council and / or to affected communities or groups
- the level of community interest in the proposal, decision or issue
- the values and interests of Ngāi Tahu whānau, hapū and rūnanga, as mana whenua for the region

On this basis the matter is considered to be of high significance.

It is recommended that initial informal engagement with the community is undertaken at the level of Informing/Consulting the community during the 2017/18 Annual Plan process with more specific consultation during the 2018-2018 Long Term plan.

### 4. HISTORY/BACKGROUND

This section of the report sets out the key background information relating to the establishment of the Darfield and Kirwee Wastewater Working Party and a high level summary of the investigations completed to date.

Dwellings in Darfield and Kirwee currently have the ability to discharge domestic wastewater to ground. The long term sustainability of current wastewater disposal needs to be reviewed and the appetite to fund a centralised wastewater system gauged.

At the Council meeting 24th September 2014 the Council provided support for a Project Working Party for the consultation on the future management of Darfield and Kirwee townships wastewater.

The working party met on Tuesday 2 December 2014 6-9pm at Darfield. At this meeting it was agreed that no provision in the 2015-25 LTP would be made for wastewater servicing Darfield or Kirwee. The Selwyn District Council Long-Term Plan 2015-25 states that:

*“There will be insufficient evidence or stimulus to initiate the establishment of a reticulated wastewater scheme in Darfield or Kirwee in the 2015-18 period. This will be reviewed when the Water and Sanitary Services assessment is updated, and a specific Darfield/Kirwee assessment is completed.”<sup>1</sup>*

<sup>1</sup> Selwyn District Council Long-Term Plan 2015-25, Page 82 Key Assumptions, Item 22.

The Water and Sanitary Services assessment is planned for review in 2017/18.

The Malvern 2031 Area Plan sets out a number of implementation steps for Kirwee and Darfield which include the continuation of the Wastewater Working party

*“Continue the Darfield and Kirwee Wastewater Working Party in consultation with Ngāi Tahu, Canterbury District Health Board, Environment Canterbury and the community to continue to consider the benefits, efficiencies and costs associated with the establishment of a reticulated wastewater scheme, in partnership with the community and stakeholders”*

The following documents are available for further reference and summarised below:

- ‘Public health risk assessment of sewage disposal by onsite wastewater treatment and disposal systems in the Darfield and Kirwee Communities, Ministry of Health’ makes the following conclusion<sup>2</sup>:

“Based on the available information, it is unlikely that onsite systems in Darfield and Kirwee contribute to illness in the towns, or properties down-gradient, through drinking water contamination.

The very low likelihood of residents on the Darfield-Kirwee area becoming ill through indirect exposure to contaminants from the clustered onsite systems in the townships results from a combination of favourable factors, particularly the great thickness of the vadose zone in the area. It must not be assumed that this finding is applicable to all situations in which onsite systems are clustered. The combination of favourable factors may not exist elsewhere. The risk of contamination has to be assessed for each individual situation.

Town residents are more likely to come into direct contact with sewage (through maintenance or system failure) from onsite systems than they would if the towns had reticulated sewage systems. While direct exposure pathways to sewage from onsite systems exist, it does not necessarily follow that these pathways make an unacceptably high contribution to illness in the communities. This contribution cannot be quantified, but the likelihood of exposure to sewage from onsite treatment and disposal systems is not high.”

- The DRAFT 2016 MWH report, looks at the cost of installing a wastewater system for Darfield. Estimated cost per household is \$23,700.00. The 2012 MWH report is available on request.
- The Liquid Earth report (available on request) outlines the results of recent groundwater sampling.

Overall, sample results indicate groundwater quality in the Darfield/Kirwee area is high with little indication of contamination likely to be associated with on-site wastewater disposal in the Darfield and Kirwee townships. Spatial variations in groundwater quality appear to be largely associated with general land use activities across the contributing recharge area. Temporal variability in

<sup>2</sup> <http://www.cph.co.nz/wp-content/uploads/phradarfieldkirweewastewatersystems.pdf>

groundwater quality is observed on an inter-annual basis across the study area, possibly reflecting changes in recharge flux due to natural variations in climate.

- The Area Plan submission from Environment Canterbury outlines the Regional Planning framework within which we need to work within. This submission is available on request.

Under the LWRP, rule 5.8 requires that new on-site treatment and disposal systems are designed and installed in accordance with sections 5 and 6 of New Zealand Standard AS-NZS 1547:2012. There is no mention of soak pits in this Standard.

Policy 4.14A in the LWRP states “The disposal of domestic effluent and wastewater ....Where residential density exceeds 1.5 dwellings per hectare and the total population is greater than 1000 persons, community reticulated systems should be promoted. Alternatively, other measures should be promoted to reduce adverse effects on water bodies from effluent disposal systems, including secondary treatment and septic tank warrants of fitness”.

- Selwyn District Council ‘Malvern 2031 Area Plan’<sup>3</sup>

“Continue the Darfield and Kirwee Wastewater Working Party in consultation with Ngā i Tahu, Canterbury District Health Board, Environment Canterbury and the community to continue to consider the benefits, efficiencies and costs associated with the establishment of a reticulated wastewater scheme, in partnership with the community and stakeholders”

- Darfield and Kirwee Wastewater Working Party

The Darfield and Kirwee Wastewater Working Party meet on Tuesday 13 December 2016. Recommendations from the meeting are detailed in section 7 of this report. A full copy of the meeting notes are included in Appendix 1.

## 5. PROPOSAL

That the 2017/18 Selwyn District Council Annual Plan signal the intent to progress consideration of a reticulated scheme, in some form, for Darfield and Kirwee.

The intention is to seek initial informal public feedback on the community’s desire and willingness to pay for a reticulated sewer scheme to be constructed in Darfield and Kirwee.

Any proposal to include a reticulated scheme in Councils budgets would then be subject to full consultation via the 2018-28 Long term plan (or specific special consultation on its own).

<sup>3</sup> <http://www.selwyn.govt.nz/services/planning/policy-strategy/ellesmere-and-malvern-area-plans>

## 6. OPTIONS

The options available to Council are to:

- (a) Undertake initial, informal engagement under the 2017/18 Annual Plan process, followed by formal consultation under the 2018-2028 Long Term Plan;
- (b) Defer any community consultation until the 2018-2028 Long Term Plan;
- (c) Defer any further investigations and consultation beyond the 2018-2028 Long Term Plan consultation period.

For the reasons outlined in this report, option (a) is the preferred option.

## 7. VIEWS OF THOSE AFFECTED/CONSULTATION

### a) Views of those affected

The views of the community as represented in the Darfield and Kirwee Wastewater Working Party members are included in the minutes attached (Appendix 1).

The overall conclusions and recommendations from the committee are as follows:

#### **It was concluded that**

- The consensus view of the Committee was that the existing wastewater regime in Darfield and Kirwee is not currently having a detrimental effect on the environment (supported by the scientific evidence presented at the meeting),
- The main driver for a reticulated wastewater scheme is likely to be the enabling of commercial and industrial development, and more intensive residential (retirement villages etc.) in Darfield. For that reason, Kirwee will likely have a reduced requirement for a reticulated sewer scheme compared to Darfield although should be still considered a possibility at this stage,

#### **It was recommended that**

- The 2017/18 Selwyn District Council Annual Plan should signal the intent to progress consideration of a reticulated scheme, in some form, for Darfield and Kirwee. The intention is to seek initial informal public feedback on desirability, willingness to pay etc.
- Any proposal to include a reticulated scheme in Councils budgets would then be subject to full consultation via the 2018-2028 Long Term Plan (or specific special consultation on its own).

### b) Consultation

Initial consultation on the development of the Darfield and Kirwee communities was completed as part of the Malvern 2031 Area Plan. The final plan sets out a number of implementation steps for Kirwee and Darfield which include the continuation of the Wastewater Working party.

*“Continue the Darfield and Kirwee Wastewater Working Party in consultation with Ngāi Tahu, Canterbury District Health Board, Environment Canterbury and the community to continue to consider the benefits, efficiencies and costs associated with the establishment of a reticulated wastewater scheme, in partnership with the community and stakeholders”*

It is on the basis of this recommendation and that of the Working Party that initial consultation is undertaken on this matter as part of the 2017/18 Annual Plan process.

### **c) Maori implications**

The development of a new wastewater scheme, if it goes ahead, would be of particular interest to local Rūnanga. Waste management is covered in the ‘Mahaanui Iwi Management Plan’ the document identifies Issue P7: There are specific cultural issues associated with the disposal and management of waste.

## **8. RELEVANT POLICY/PLANS**

The proposal to consult on this matter is not inconsistent with Councils Policy’s and Plans.

## **9. COMMUNITY OUTCOMES**

This proposal supports the community outcome of ‘Air, land, water and general environment to be kept in a healthy condition.’ – ‘Provide sewerage systems that minimise the negative effects of the activity.’<sup>4</sup>

## **10. NEGATIVE IMPACTS**

No negative impacts have been identified in relation to this proposal.

The proposal to consult on this matter is unlikely to impact negatively on the community or any of Council’s activities.

## **11. LEGAL IMPLICATIONS**

No legal implications have been identified in relation to this proposal.

## **12. FUNDING IMPLICATIONS**

No funding implications have been identified in relation to this proposal.

## **13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

Councils Strategic & Policy Planner is a member of the Working Party

<sup>4</sup> Selwyn District Council Long-Term Plan 2015-25



Murray England  
**ASSET MANAGER, WATER SERVICES**

**ENDORSED FOR AGENDA**



Murray Washington  
**ASSET MANAGER**

Attachment 1- Darfield and Kirwee Wastewater Working Party Notes



**MEETING NOTES**  
**DARFIELD AND KIRWEE WASTEWATER WORKING PARTY**  
**COUNCIL CHAMBERS**  
**TUESDAY 13 DECEMBER 2016 – 3.30pm**

**WORKING PARTY MEMBERS - PRESENT**

- |                                    |                   |
|------------------------------------|-------------------|
| • Malvern Ward Councillor          | Bob Mugford       |
| • Malvern Ward Councillor          | John Morten       |
| • Councillor                       | Nicole Reid       |
| • Malvern Area Community Board     | Jenny Gallagher   |
| • Malvern Area Community Board     | Megan Hands       |
| • Darfield Township Committee      | Evan Frew         |
| • Kirwee Township Committee        | David Stott       |
| • Canterbury District Health Board | Matt Willoughby   |
| • Environment Canterbury           | Carl Hanson       |
| • SDC Asset Manager Water Services | Murray England    |
| • SDC Asset Delivery Manager       | Murray Washington |
| • SDC Policy and Strategy Team     | Benjamin Rhodes   |

**IN ATTENDANCE**

- Chris Nokes, ESR
- Lee Burberry, ESR
- Shane Bishop, MWH
- Alistair Humphrey, Canterbury District Health Board
- Rob Potts (Darfield)
- Alicia Paulsen, Water Services Support Planner

**APOLOGIES / ABSENT**

- |                               |               |
|-------------------------------|---------------|
| • Councillor                  | Pat McEvedy   |
| • Darfield Township Committee | Paddy McKay   |
| • Kirwee Township Committee   | Andrew Curtis |
| • Mahaanui Kurataiao Ltd      |               |

**1. WELCOME & INTRODUCTIONS**

Murray England opened the meeting acknowledging Councils appreciation of attendee's time which has been put aside for this committee. Each member introduced themselves and provided context to their position on the committee.

Committee member's attention was drawn to the Terms of Reference for the Darfield and Kirwee Working Party. Reference was also made to the pre-circulated information, including:

- The 2014 ESR Report, 'Public health risk assessment of sewage disposal by onsite wastewater treatment and disposal systems in the Darfield and Kirwee Communities, Ministry of Health'

- The 2012 MWH Report, Darfield and Kirwee Sewerage Scheme Options
- The 2016 (Update) Liquid Earth Report, Darfield/Kirwee Groundwater Monitoring
- Selwyn District Council 'Malvern 2031 Area Plan'
- The Malvern Area Plan submission from Environment Canterbury

## 2. PRESENTATIONS

Presentations were made to the Committee members as follows:

### **Groundwater Impacts from Septic Tanks, Presentation from Lee Burberry.** (Refer Attachment 1)

The presentation was followed by general discussion and questions. Key points from the discussion were as follows:

- There are no comparable case studies to reference
- Microorganism contamination risk is very low (next to nothing)
- Virus risks are unknown
- Main issue is nitrate, but similar to surrounding land use
- Scientific evidence incomplete, but no obvious major health risk, small perceivable risk overall
- Likely to be a socio-political decision to install a sewage system

### **Outcome of the Septic Tank Field Checks on Human Health, Presentation by Chris Nokes** (Refer Attachment 2)

The presentation was followed by general discussion and questions. Key points from the discussion were as follows:

- Direct exposure – onsite system
  - Nitrate – very low risk
  - Pathogens – not a high risk, but greater than reticulated systems
- Indirect exposure – water supply in towns
  - Very low risk of exposure
- Indirect exposure – water supply down gradient
  - Low risk of exposure
- If maintenance of existing septic tanks is undertaken by Council, this may reduce risks further. Drainage contractors may require guidance of maintenance and consenting requirements.
- If the decision is taken to continue with on-site disposal in Darfield/Kirwee, it is important that new systems are kept outside of the capture zones of the townships' water supply bores.

### **Reticulation and Treatment Options, Presentation by Shane Bishop** (Refer Attachment 3)

The presentation was followed by general discussion and questions. Key points from the discussion were as follows:

- Discussion about the price of septic tanks vs reticulated sewage (comparable)
- Provision for 'cut and carry' of disposal fields will reduce land area requirements
- There are a number of reticulation and treatment options with new technologies being developed
- Other options need to be looked at, such as reticulating the key commercial area only to get a system in-place that can be added to later

## Environment Canterbury Planning Rules, The Malvern Area Plan submission from Environment Canterbury (Taken as read)

No further discussion

### 3. General Discussion

Notes from the general discussion are as follows:

- Intensification versus risk, every new lot means a new disposal field
- Commercial growth may require a treatment system, is it limiting Darfields growth?
- Viability of a reticulated network will depend on connection numbers i.e. it is likely, at this stage, that residential will need to be included
- What is the appetite of public/ratepayers? This is a potential matter for the 2017/18 annual plan. Ratepayers will need general information and indicative costings to provide informed submissions
- Who should pay? Central government subsidy unlikely, local and / or district community?
- Consideration of a cost share system, with staged development, particularly if a pressure system rather than conventional gravity
- The question is when do people hook on? By 2020? When people buy a house they need to be informed. This could be by LIM note.
- Can the lost opportunity cost for commercial and industrial development be estimated?
- There were submissions about the potential for a Darfield sewage system from residents during the Malvern Area Plan consultation period. Submissions were received in support and in opposition.
- Developers? What do we need to do in the LTP/District Plan
- New developments are assessed and approved on an 'effects basis'. Members unaware of development consents being declined.
- Annual plan needs to have issues, options and costs going forward
- Guidance on for future development then consultation for LTP
- Economic support from Council so individual people not adversely affected i.e. not depending on their circumstances?
- Malvern Council bought land for sewage so if this land is sold, the community need to understand this.
- What reticulation do we put in? Environment court? Could be taken to environment court by developers as reticulation is not required currently as no reticulated scheme planned
- There has been a change in thinking, in comparison to the working party meeting in 2014

### 4. Committee Position Statements

#### Darfield Township Committee

- Darfield has potential to expand its commercial activities, develop retirement homes and provide denser housing typology but will first require a way of disposing its waste.
- There is less demand to service residential properties if decision is based purely on health and environmental impacts.
- If reticulated sewage was to go ahead in Darfield, funding options will need to be considered along with timing of scheme rollout. Connections could be made in order of priority e.g. commercial area first, then older septic tanks... larger new sections... The community does not want to pay twice, i.e. \$15 - 20,000 for an on-site system, then another \$20,000 for reticulation in a few years' time – there needs to be clear direction given to developers and to people buying the lots and installing systems.
- Consideration for budgeting a new sewage scheme towards the end of the 2018-28 Long Term Plan would potentially allow Council to require new subdivisions to install sewage networks and allow existing ratepayers to plan for the costs and installation of the new sewage scheme.

- Recommend initial community consultation in 2017/18 Annual Plan and depending on outcome, the 2018-28 Long Term Plan.

#### **Kirwee Township Committee**

- A scheme in Kirwee would only go ahead if built in conjunction with Darfield due to the affordability achieved through economy of scale.
- There is less justification for a wastewater scheme in Kirwee. However, Kirwee should still be considered throughout the process and community feedback sort as with Darfield.

#### **Canterbury District Health Board**

- Support the proposal for reticulated sewage in principle. Although it is acknowledged that risk is low at this stage.
- A wastewater scheme is the ultimate solution for these townships.

#### **Environment Canterbury**

- Support the proposal for reticulated sewage in principle
- Promote reticulation but don't require it

#### **Malvern Community Board**

- From the evidence presented agree that the current risk to health and environment is low
- Development potential is being restricted. We need to think about lost opportunity cost.

### **5. Committee Conclusions and Recommendations**

#### **It was concluded that**

- The consensus view of the Committee was that the existing wastewater regime in Darfield and Kirwee is not currently having a detrimental effect on the environment (supported by the scientific evidence presented at the meeting),
- The main drivers for a reticulated wastewater scheme is likely to be the enabling of commercial and industrial development, and more intensive residential (retirement villages etc.) in Darfield. For that reason, Kirwee will likely have a reduced requirement for a reticulated sewer scheme compared to Darfield although should be still considered a possibility at this stage.

#### **It was recommended that**

- The 2017/18 Selwyn District Council Annual Plan should signal the intent to progress consideration of a reticulated scheme, in some form, for Darfield and Kirwee. The intention is to seek initial public feedback on desirability, willingness to pay etc.
- Any proposal to include a reticulated scheme in Councils budgets would then be subject to full consultation via the 2018-28 Long term plan (or specific special consultation on its own).

Meeting Closed 6pm