

SELWYN DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Change 49

Report on submissions relating to Plan Change 49

**Z & S Croft and JK Williams request to amend the rezoning
Rural (Inner Plains) zone land to Living 3 zone at
Hauschids Road, Tai Tapu**

To:

From:

Hearing Date:

Hearing Commissioner – D Mountfort

Consultant Planner – J Clease

27th June 2017

This report analyses the submissions received on Plan Change 49 (PC49) to the Selwyn District Plan ('the Plan') and has been prepared under s42A of the RMA. The purpose of the report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC49 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.

CONTENTS

1.	Introduction	3
	Qualifications and experience	3
	Evidence Scope	3
2.	Background	4
	Application and Site context	4
3.	Submissions	6
4.	Statutory Planning Framework	6
5.	Statutory Analysis	6
	Canterbury Regional Policy Statement	6
	Land and Water Plan	10
	Mahaanui Iwi Management Plan 2013	11
	Selwyn District Plan	11
6.	Assessment	14
	Landscape values and visual effects	14
	Urban form and village character	16
	Infrastructure servicing & flood risk	16
	Transport safety and efficiency	19
	Land stability and geotechnical risk	20
	Soil contamination risk	21
	Potential adverse reverse sensitivity effects	21
	Cultural values	22
7.	Conclusions	23

ATTACHMENTS

Attachment A	Infrastructure & stormwater – Liam Foster, Opus International Consultants Ltd
Attachment B	ECan flood hazard letter 2012
Attachment C	Transport safety & efficiency – Andrew Mazey, Council Asset Manager
Attachment D	Geotechnical peer review - Ian McCahon, Geotech Consulting Ltd

1. INTRODUCTION

Qualifications and experience

- 1.1 My full name is Jonathan Guy Cleese. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a senior planner and urban designer. I have twenty years experience working as a planner, with this work including policy development, providing s.42a evidence on plan changes, the development of plan changes and the preparation of s.32 assessments, and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
- 1.2 I have a B.Sc. in geography, a Master of Regional and Resource Planning, a Master of Urban Design, and am a full member of the New Zealand Planning Institute.

Evidence Scope

- 1.3 I have been asked by Selwyn District Council to assess Plan Change 49, 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) Visited the site and surrounding neighbourhood in early June 2017;
 - (b) Reviewed the plan change request as notified;
 - (c) Read and assessed all the submissions received on the plan change request;
 - (d) Considered the statutory framework and other relevant planning documents, including the Council's Rural Residential Strategy 2014; and
 - (e) Relied where necessary on the evidence and peer reviews provided by other experts on this plan change.

2. BACKGROUND

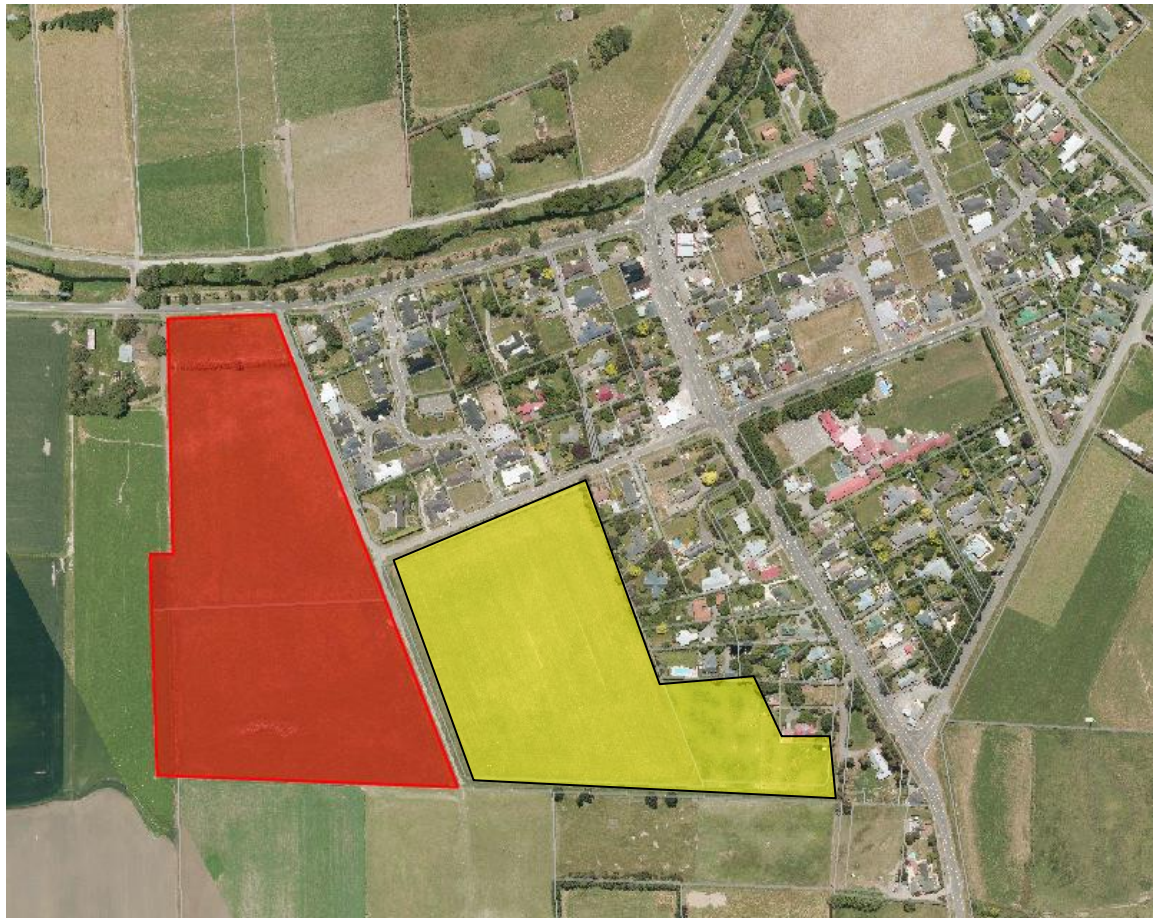
Application and site context

- 2.1 The application site currently has a Rural (Inner Plains) zoning, which provides for rural activities and requires a minimum site density of one household per 4ha. The site is

located on the western side of Tai Tapu's urban area and is bounded by Lincoln Tai Tapu Road to the north, Hauschilds Road to the east, and rural properties to the west and south. The property has a total area of approximately 8.1ha, is held in two existing titles and is legally described as Lot 1 and Lot 2 DP436571.

- 2.2 The site is currently vacant and does not contain any existing dwellings or farm buildings. It has a generally flat contour and is comprised of several paddocks. There is a relatively small shelterbelt towards the northern end of the site. The site is shown in red in Figure 1 below, with the Ardrossan residential subdivision that is currently under development shown in yellow.

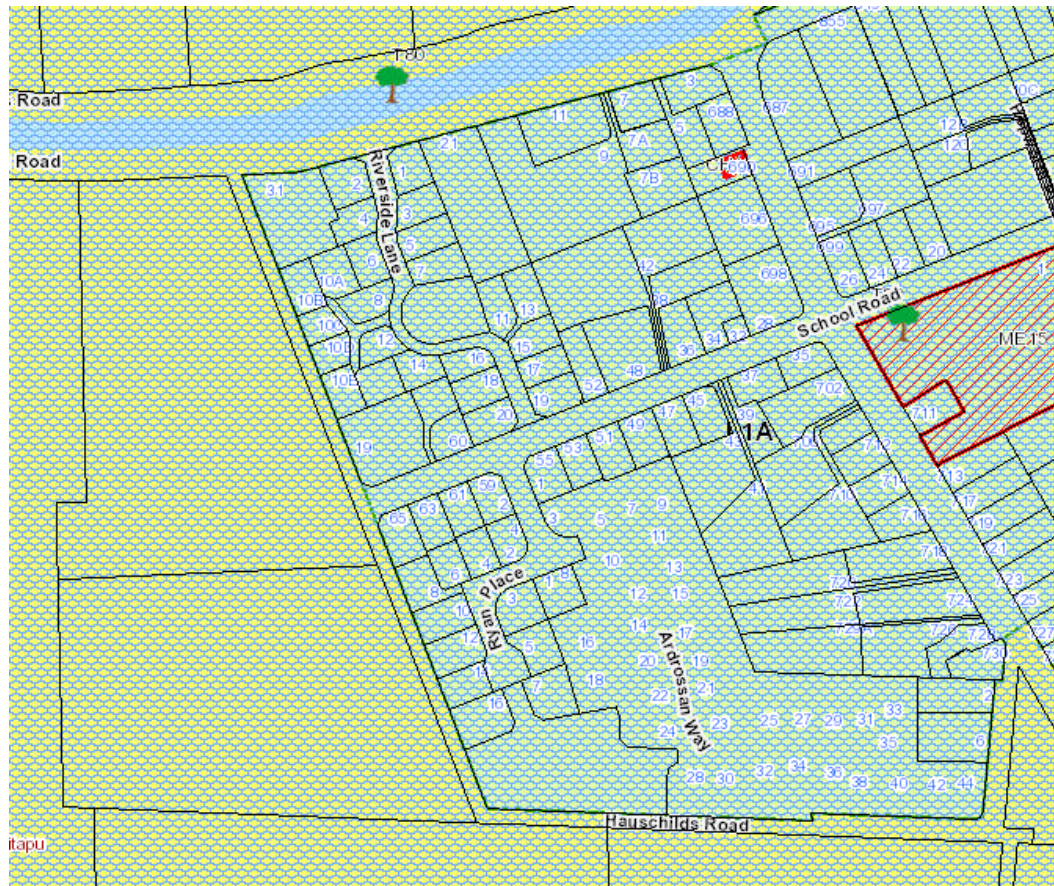
Figure 1: Site Plan



- 2.3 Beyond the site, the property is surrounded by Rural Inner Plains zoned pastoral farmland on three sides, with the eastern edge of the site opposite a Living 1A¹ zoned suburban area that in turn forms part of Tai Tapu township. The Halswell River runs along the far side of Lincoln Tai Tapu Road to the north of the site. The site is located approximately 500m west of the Tai Tapu village centre and school, with both Lincoln Tai Tapu Road and School Road providing direct pedestrian and vehicle linkages to the village centre. The entire site, and indeed the whole of Tai Tapu village, is located within the Lower Plains Flood Area

¹ In Figure 2 the L1A is shown as light blue, Rural Inner Plains is green, and the designated school is red cross hatch. The entire area is overlaid by the Lower Plains Flood Area blue hatching.

Figure 2: Zoning Map



- 2.4 PC 49 facilitates the rezoning of the site to a Living 3 zone to accommodate some 16 rural residential households, with an average lot size of 5,000m². The application includes an indicative subdivision concept plan as Annexure 9 which shows 16 lots, three access ways, and stormwater basins. PC 49 relies largely on the existing Living 3 zone rule framework, subject to several minor amendments to make specific reference to the PC 49 site where appropriate and including a rule capping the number of lots at a maximum of 16. The Plan Change also includes a simple Outline Development Plan ('ODP') to guide future development, and amendments to planning maps to reflect a change in zone from Rural (Inner Plains) to Living 3. It is important to emphasise that PC 49 does not seek to amend any of the Plan's operative objectives and policies. The site is identified as 'Preliminary Location Area 14' in Council's adopted Rural Residential Strategy 2014 ('RRS14').
- 2.5 The application was initially lodged with Council on the 13th September 2016. After lodgement the application was reviewed in terms of the adequacy of the information provided, with peer review feedback received on a range of landscape, soil contamination, transport, infrastructural, geotechnical, and planning matters. A Request for Further Information was issued on 3rd October 2016, with the final revised proposal received on 9th November 2016. Several minor amendments were made to the application in response to the above peer reviews, with the application then publicly notified for submissions.

3. SUBMISSIONS

Submissions received

- 3.1 The application was publicly notified on 31st January 2017, with the submission period closing on 1st March 2017 and the further submission period closing on the 4th April 2017. A total of 11 submissions were received (including one late submission), along with one further submission. Nine of the submissions were opposed to the proposal, with two being in partial support subject to a number of concerns being appropriately addressed. One further submission was received from Mr Tentori (submitter #3), with Mr Tentori's further submission supporting of the concerns raised by the other 8 submitters who are also opposed to the plan change. The matters raised by submitters are discussed in more detail below.
- 3.2 A late submission was received from Mr Peter Steenson. This submission was received two days late (3rd March). The submitter subsequently identified that they sent their submission via e-mail within the prescribed time limit but that a fault with their internet service provider resulted in it being received by Council two days later. Given that the submission has not unduly delayed the hearing of submissions and does not raise issues that are not already raised by other parties, I do not consider any party to be directly affected by the late service of this submission. Accepting the late submission is consistent with the public participatory approach of the Act, and ensures the Commissioner is able to consider the views of the community in assessing the application. I therefore recommend that the late submission of Mr Steenson be accepted by the Commissioner² and subject to the applicant confirming that they agree to the extension³.

4. STATUTORY FRAMEWORK

Statutory principles

- 4.1 The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay⁴, the relevant components of which are set out in the following paragraphs.
- 4.2 The matters that must be considered in preparing a change to the Plan are set out in s74 of the RMA. Amongst other things, s74 requires the local authority to:
- comply with its functions under s31
 - consider alternatives, benefits and costs under s32
 - ensure the necessary matters are stated in the contents of the district plan under s75
 - have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8)
- 4.3 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. PC 49 does not seek to amend these objectives and policies.

² pursuant to s.37A(2),

³ pursuant to s.37A(4)(b)(ii)

⁴ Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

- 4.4 When preparing a plan or considering a plan change the Council:
- must give effect to the operative Canterbury Regional Policy Statement (s75 (3)(c))
 - shall have regard to any proposed changes to the Canterbury Regional Policy Statement (s74 (2)(a)(i)); and
 - any management plans and strategies prepared under other Acts (s74 (2)(b)(i))
 - must not take into account trade competition (s74(3))
 - must take account of the Mahaanui: Iwi Management Plan 2013 (s74 (2A))
 - shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c))
- 4.5 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'). Regard must also be had to the adopted Rural Residential Strategy 2014 which was recently prepared under the Local Government Act.
- 4.6 There are not considered to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC 49. Matters of cross-boundary interest are limited to managing the co-ordinated urban growth of Greater Christchurch through the CRPS.
- 4.7 PC 49 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 better achieve the District Plan's objectives, and thereby Part II, than the operative provisions.
- 4.8 The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the RMA. PC 49 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).

STATUTORY ANALYSIS

Chapter 6 to the Canterbury Regional Policy Statement ('CRPS') & the Rural Residential Strategy 2014

- 5.1 The PC 49 application includes a comprehensive assessment of the proposal against the objectives and policies of the CRPS. I agree with this assessment and therefore focus on just the key provisions, and in particular Policy 6.3.9 which specifically addresses how rural residential growth is to be managed in the greater Christchurch area. The PC 49 site is within the geographic area that is subject to the provisions of Chapter 6 of the CRPS regarding how the urban growth of greater Christchurch is to be managed.
- 5.2 Chapter 6 sets out the role of rural residential housing through Issues, Objectives and Policies that District Plans must implement, or 'give effect' to. Chapter 6 of the CRPS supports the provision of some rural residential development during the earthquake recovery period to allow a range of choices of housing types. Provision is however limited to avoid the inefficient use of land and infrastructure, to protect future urban expansion options, and to manage potential conflict with rural character, rural activities,

and strategic infrastructure. The supply and uptake of rural residential activity must also be monitored.

- 5.3 **Issue 6.1.5** references rural residential development in the context of the recovery, establishing that the western rural areas of Greater Christchurch remained undamaged during the earthquakes. It confirms that these factors make such areas desirable locations to live. The Issue statement goes on to identify that rural residential development is a typology that, if unconstrained, can change the character of rural areas and create adverse effects, both through adverse reverse sensitivity effects that may undermine legitimate farming activities and strategic infrastructure, and through dispersed settlement patterns that will contribute to inefficient development and uneconomic infrastructure service provision. These issues were reflected in the matters raised by a number of submitters regarding infrastructure capacity, market demand (or lack thereof), and the urban form and character of Tai Tapu as a relatively small village surrounded by an attractive rural hinterland.
- 5.4 **Objective 6.2.2** outlines the urban form and settlement pattern outcomes and their role in restoring and enhancing Greater Christchurch. It specifically identifies the need for territorial authorities to manage rural residential development outside existing urban boundaries and the urban greenfield priority areas identified in Map A of Chapter 6, and to ensure it does not compromise the overall intent of managing growth through the consolidation of existing townships.
- 5.5 **Policy 6.3.3** requires rural residential areas to be developed in accordance with an Outline Development Plan (“ODP”) and prescribes what matters should be contained in these ODPs.
- 5.6 The key policy to manage rural residential development in the CRPS is **Policy 6.3.9**. As such it is set out in full below:

Policy 6.3.9 – Rural residential development

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

- (1) In the case of Christchurch City, no further rural residential development is to be provided for within the Christchurch City Plan area;*
- (2) The location must be outside the greenfield priority areas for development and existing urban areas;*
- (3) All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;*
- (4) Legal and physical access is provided to a sealed road, but not directly to a road defined in the relevant district plan as a Strategic or Arterial Road, or as a State Highway under the Government Roading Powers Act 1989;*
- (5) The location and design of any proposed rural residential development shall:*
 - (a) Avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;*
 - (b) Avoid the groundwater protection zone for Christchurch City’s drinking water;*
 - (c) Avoid land between the primary and secondary stop banks south of the Waimakariri River;*
 - (d) Avoid land required to protect the landscape character of the Port Hills;*

- (e) *Not compromise the operational capacity of Burnham Military Camp, West Melton Military Training Area or Rangiora Airfield;*
 - (f) *Support existing or upgraded community infrastructure and provide good access to emergency services;*
 - (g) *Avoid significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;*
 - (h) *Avoid significant natural hazard areas including steep or unstable land;*
 - (i) *Avoid significant adverse ecological effects, and support the protection and enhancement of ecological values;*
 - (j) *Support the protection and enhancement of ancestral land, water sites, wahi tapu and wahi taonga of Ngai Tahu;*
 - (k) *Where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and*
 - (l) *Avoid adverse effects on existing surface water quality.*
- (6) *An outline development plan is prepared which sets out an integrated design for subdivision and landuse, and provides for the long-term maintenance of rural residential character.*
- (7) *A rural residential development area shall not be regarded as in transition to full urban development.*
- 5.7 This policy requires the Council to develop a Rural Residential Strategy under the Local Government Act 2002 to identify appropriate locations for rural residential development, in accordance with the extensive list of locational criteria set out in Policy 6.3.9. Of particular importance is the policy direction that rural residential development can only occur in areas that have been identified for such in a Rural Residential Strategy. At a strategic level, in order for rural residential proposals to 'give effect to' the CRPS (and specifically Policy 6.3.9), it is therefore necessary for such areas to have first been identified in a Rural Residential Strategy.
- 5.8 'Rural residential activities' are defined in Chapter 6 of the CRPS, with this definition placing a determinative direction as to the size of individual lots as follows⁵:
- "Means: residential units outside the identified Greenfield Priority Areas at an average density of between 1 and 2 households per hectare"***
- 5.9 'Rural Residential Strategies' are defined in Chapter 6 of the CRPS as follows⁶:
- "Means: a strategy or plan developed for the purpose of identifying a territorial authority's approach to the management of rural residential development in its district, using the special consultative procedure under the Local Government Act 2002"***
- 5.10 Chapter 6 of the CRPS effectively devolves responsibility for establishing the extent and location of rural residential development to territorial authorities, who are then tasked with preparing a Strategy. A strong reliance is therefore placed upon Rural Residential Strategies to ensure that this form of development does not undermine the primary outcomes of Chapter 6 of the CRPS or the District Plan.
- 5.11 Following the gazetting of CRPS Chapter 6 in December 2013, Selwyn Council prepared and subsequently adopted the Rural Residential Strategy 2014 (RRS14). This strategy was prepared under the Local Government Act and was the subject of a special

⁵ LURP: Appendix 1 – Amendments to the CRPS, Definitions, 6Dec13 [P28]

⁶ LURP: Appendix 1 – Amendments to the CRPS, Definitions, 6Dec13 [P28]

consultative procedure, given the significance of the strategy. Section 6 of the RRS14 identifies 14 locations as being suitable in principle for rural residential development, subject to confirmation through a plan change process to the District Plan.

- 5.12 The PC 49 site is one of these 14 locations identified in the RRS14 (pages 74-76), having been confirmed by the hearings panel following the consideration of evidence presented through the RRS14 submission process. Inclusion of the PC 49 site in the adopted RRS14 signals that the locational criteria and high level outcomes identified in Policy 6.3.9 have been satisfied in a general sense. In particular, the RRS14 identifies that the PC 49 location is adjacent to the urban edge of Tai Tapu, supports consolidation of growth around existing townships, is not in an identified greenfield priority area for urban development, is not in an area subject to any of the constraints identified in Policy 6.3.9, and is a sufficiently small node that a sense of 'ruralness' rather than suburban outcomes will be achieved. Of significance, it is the only rural residential block identified for Tai Tapu. Whilst inclusion in the RRS14 satisfies the initial policy test of the CRPS, it does not pre-empt or override consideration of the substantive merits of the proposal, resolution of any site-specific constraints, or matters raised by submitters, as the RRS14 was clear that any identified blocks still needed to have their merit tested in detail through a plan change process.
- 5.13 At a strategic level, PC 49 is able to 'give effect' to Chapter 6 of the CRPS. To this end it is noted that none of the key governance organisations overseeing urban growth in greater Christchurch (the Christchurch and Waimakariri District Councils, Canterbury Regional Council, and the New Zealand Transport Agency) have submitted on the application or raised concerns about its consistency with the strategic post-earthquake urban growth framework.

Land and Water Regional Plan ('LWRP')

- 5.14 The purpose of the LWRP is to identify the resource management outcomes for managing land and water in the Canterbury region. The ability of the PC 49 site to be efficiently serviced in terms of water, waste water, and stormwater has been considered by Davis Ogilvie Ltd as part of Appendix 6 of the application. This report has been reviewed by Liam Foster of Opus International Consultants Ltd, in consultation with Murray England (Council's services manager), with his findings appended to this report as **Attachment A**. It is noted that stormwater management and servicing constraints were concerns raised by most of the submitters opposing the rezoning.
- 5.15 Servicing is discussed in more detail below. In summary, the PC 49 site is able to be provided with a reticulated sewer system and will not have to rely on septic tanks. Water supply is likewise able to be provided via an extension to the existing Tai Tapu township piped network. The site does not contain any springs or other natural water features, although a drain runs along the southern edge of the site.
- 5.16 Stormwater is able to be disposed of to on-site basins, with the general size and location of these shown on the Outline Development Plan that forms part of the application. The construction of such basins, in combination with the generally low levels of site coverage and discharge rates typical of rural residential properties, means that the development will not result in any net increase in stormwater discharged beyond the site boundaries. The detailed design of the stormwater system will form part of the subsequent subdivision consent process and will be assessed via any associated resource consents under the LWRP from the Canterbury Regional Council concerning water treatment and discharges. 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 LWRP.

Mahaanui Iwi Management Plan 2013

- 5.17 Councils must take into account any relevant planning document recognised by an Iwi authority and lodged with the Council (s74 (2A) (a)). The relevant document for the Selwyn District is the Mahaanui Iwi Management Plan 2013. 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. The District Plan amendments⁷ that introduced the Living 3 zone policy and rule framework were developed with reference to this management plan and in response to comments received on the draft text from Mahaanui Kurataiao on behalf of mana whenua. The application likewise contains feedback specific to this proposal from Mahaanui Kurataiao on behalf of Te Taumutu Runanga and Te Ngai Tuahuriri (Annexure 14). Whilst pre-application feedback was provided by Mahaanui Kurataiao, they have not submitted on the application.

Selwyn District Plan

- 5.18 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.
- 5.19 The PC 49 application (Table 2) contains an assessment of the proposal against the objectives and policies of the District Plan of relevance to new rural residential development. The application concludes that the proposed plan change is consistent with the District Plan framework. Overall, I agree with the assessment included in the application and likewise consider that PC 49 is consistent with District Plan's objectives and policies.
- 5.20 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 objectives and policies support the outcomes anticipated in the status quo zoning of Rural Inner Plains. Given that the PC 49 application is for a plan change, rather than a resource consent, the rural objectives and policies are only of limited assistance in determining whether the Rural Inner Plains or proposed Living 3 zoning better meets the Plan's overall objective and policy framework. PC 49 promotes a Living, rather than Rural, zone to facilitate rural residential development. Given that this typology is at its heart an urban growth issue, I consider that the Plan provisions dealing with urban growth are of most relevance. These provisions are contained primarily within the 'growth of townships' section of the Township Volume of the District Plan.
- 5.21 **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*". **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*". 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 3 rule package delivering a living environment that is spacious and of high amenity.

⁷ The Living 3 zone provisions were introduced through 'Land Use Recovery Plan Action 18' as one of a series of steps that were undertaken by the Council in response to the Canterbury earthquake sequence.

- 5.22 The provision of new urban growth areas is guided by **Policy B4.1.3** which aims:
- “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”*
- 5.23 Similar outcomes are sought through **Objective B4.3.2** which requires that:
- “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”.*
- 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”.*
- 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 B4.3.5** seeks to *“encourage townships to expand in a compact shape where practical”.*
- Policies B4.3.94-97** are specific to managing urban growth in Tai Tapu. These policies seek to encourage new residential activities to locate on sites that have the least risk of being subject to flooding and that new land zoned for residential development does not increase the flood hazard. The policies also seek to avoid rezoning land for new residential development along both sides of State Highway 75 and to consider the potential effect of residential development on the rural-urban landscape contrast of the area with Christchurch City.
- Objective B4.3.7** seeks to *“Ensure that any rural residential development occurs in general accordance with an operative Outline Development Plan, supports the timely, efficient and integrated provision of infrastructure, provides for the long-term maintenance of rural residential character, and where located in the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement occurs only in the Living 3 Zone and in locations shown in the adopted Selwyn District Council Rural Residential Strategy 2014”.*
- 5.24 **Policy B4.2.13** is specific to the management of rural residential development. It seeks”
- To manage rural residential development in the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement through the Living 3 Zone and the adopted Selwyn District Council Rural Residential Strategy, whilst ensuring:*

- *Development is in accordance with an Outline Development Plan included in the District Plan;*
- *Areas can be efficiently serviced with network infrastructure;*
- *Efficient and effective linkages are provided to the adjoining township;*
- *Where areas are sufficiently large such that lots do not directly adjoin a rural area, the subdivision plan is to have an appropriate mix of section sizes, orientation, and internal road layout to maintain a sense of openness and visual connection to rural areas;*
- *The lot layout is consistent with the residential density required by Chapter 6 to the Canterbury Regional Policy Statement;*
- *Any risks of natural hazards or soil contamination are effectively managed;*
- *That there will be no adverse effects on ancestral land, water and the Wāhi tapu and WWāhi taonga of Te Taumutu Rūnunga. This includes the need to protect and enhance rivers, streams, groundwater, wetlands and springs within the catchment of Te Waihora/Lake Ellesmere and any associated mahinga kai sites;*
- *That there will no significant adverse effects on the quality of ecosystems and indigenous biodiversity;*
- *That where located in an urban growth path identified in an adopted township structure plan, the lot and road layout and infrastructure servicing is to be designed to readily facilitate intensification of the area to urban densities.*

5.25 As set out in the discussion above, I consider that PC 49 at a strategic level is consistent with the policy direction concerning the management of urban growth. The proposal achieves a compact township shape through its location adjacent to the existing suburban edge of Tai Tapu township and the developing Adrossan subdivision immediately to the east and the relatively small size of the block. The inclusion of the site in the RRS14 also confirms that at a strategic level the site is an appropriate location for rural residential development. Servicing of PC 49 is technically feasible, and connection to reticulated water and wastewater networks is possible. The site does not have any frontage to SH75 and is not located in an area where flood hazard cannot be adequately managed.

5.26 **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, and **Policy B4.1.12** seeks to discourage high fences in Living zones that have frontage but no access to strategic or arterial roads. The operative Living 3 rule package, which is adopted by the applicant, has been designed to achieve the outcomes sought by these policies, with the proposed ODP showing site access onto Hauschilts Road (local road function) rather than the more strategic Lincoln Tai Tapu Road.

- 5.27 Provided that site-specific detail matters can be resolved (discussed below), it is considered that the zoning request represents an efficient and effective method for achieving the Plan's operative objective and policy framework.

6. ASSESSMENT OF ISSUES RAISED BY SUBMITTERS

Submissions received

- 6.1 As set out above, submissions closed on 1st March 2017, with the further submission period closing on the 4th April 2017. A total of 11 submissions were received (including one late submission), along with one further submission.

Submission summary

- 6.2 The submissions in opposition request that the plan change be declined. This section provides an assessment of the submission points received and a summary of the expert evidence commissioned to inform this report and as included with the original application.
- 6.3 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:
- Landscape values and visual effects;
 - Effects on the village form and character of Tai Tapu;
 - Infrastructure servicing and stormwater management (including flood risk);
 - Transport safety and efficiency;
 - Land stability and geotechnical risk;
 - Soil contamination risk;
 - Potential adverse reverse sensitivity effects;
 - Cultural values.
- 6.4 This assessment incorporates the conclusions of the expert assessments commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.

Landscape values and visual effects

- 6.5 The Plan Change's potential effects on visual and landscape values have been assessed in the application. The applicant's assessment identifies that there are no outstanding or notable landscape features on the site that warrant protection or that would preclude rezoning to rural residential densities, with this conclusion aligning with my observations for the site which consists simply of rural paddocks.
- 6.6 Several submitters have raised concerns about the loss of rural views and outlook from their properties to the east, through both the proposed change of use from rural to low density suburban activities, and through the inevitable erection of accessory buildings, fencing, and amenity tree planting.
- 6.7 There are a number of dwellings that have views out over the application site from the eastern side of Hauschids Road (19 School Rd and 10B-10E Riverside Lane). A number of sites in the developing Ardossan subdivision likewise have an outlook over the application site. With the exception of 19 School Road, none of these eastern properties obtain direct access to Hauschids Road, and instead are accessed from rear laneways or cul-de-sacs. Despite not having a Hauschids Rd 'front door' or access, the outlook

from these properties to the west is nonetheless generally quite open with post and rail fencing and garden plantings.

- 6.8 I agree with the submitters that the proposed plan change will result in an inherent change in character from the existing overtly rural landscape to one that displays more urbanised elements. The principle of this change in activity (and character) was however established through the RRS14 process which concluded that such change was appropriate as part of a wider strategic approach to providing for rural residential housing choices in Selwyn. The site does not contain any specific landscape features or values above those generically associated with rural areas that would differentiate this block or make it markedly less suitable than other rural blocks adjacent to townships.
- 6.9 The Living 3 rule package that will apply to the site has been designed to maintain a semi-rural character. In summary, this rule package includes the following requirements:
- Any fencing is to be no higher than 1.2m, at least 50% open, and is to be post and rail or post and wire construction (rule 4.2.3);
 - Site coverage of buildings per lot is to be the lesser of 10% of the site or 500m² (rule 4.7.1);
 - Building height is limited to 8m (rule 4.8.1);
 - Buildings are to be set back a minimum of 20m from road boundaries and 15m from internal boundaries (rule 4.9.42);
 - The setback between buildings and the road is to be landscaped, however there is no requirement for tree planting in this area (rule 4.2.1);
 - Dwelling density is to be no lower than an average of 5,000m² per lot.
- 6.10 The RRS14 process and subsequent Living 3 District Plan amendments were the result of a review of the outcomes that were being achieved through recent rural residential developments. The RRS14 and Living 3 processes identified that with the proposed rule package in place a high quality visual outcome would result, i.e. that whilst site character would change from rural to rural-residential, the end outcome would still display high levels of amenity.
- 6.11 In terms of internal amenity for future residents, the site is relatively small such that all future house lots will be located in close proximity to wider rural landholdings and associated expansive views. The location of stormwater basins along the western edge of the site reinforce this rural outlook and sense of spaciousness, in combination with the relatively large size of the lots compared with higher density suburban living environments.
- 6.12 The CRPS (and subsequent District Plan objectives and policies) require that rural residential developments have an average lot size in the range of 0.5-1 hectare. The applicant proposes the following amendments to Table C12.1⁸:
- The land contained within the Outline Development Plan at Appendix 47 shall be developed with an average allotment size of no less than 5000m² with a minimum allotment size of 2,750m².*
- The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 48 shall be 16.*

⁸ Table C12.1 sits in the subdivision chapter and is the key table that sets out the minimum lot sizes of the various zones and townships in the District

- 6.13 This rule relating to the average lot size, minimum lot size, and the overall number of lots provides certainty that the proposal will both meet the CRPS requirements and that the lots will all be reasonably large, whilst also providing some variety in size. Overall it is considered that the zone will have an identifiable rural residential character that is visually differentiated from suburban areas to the east and likewise provides a clear visual contrast to the inner plains rural environment to the west. Whilst this will result in a change in view for existing residents to the east, the view from these properties should nonetheless retain a pleasant high amenity outlook with significant separation between existing houses and future dwellings.

Village form and character

- 6.14 Several submitters raise concerns about the proposal's potential effects on the village character of Tai Tapu. These concerns are centred around urban growth and form and the gradual loss of a sense of identity as a small village surrounded by farmland.
- 6.15 From my observations, Tai Tapu is definitely an attractive village with a clear village centre that is oriented around the school and nearby shops on the Christchurch- Akaroa road. The village's residential areas are then arranged in a rough circle with the shops and school at the centre. The RRS14 process found that there were few sites suitable for rural residential development in Tai Tapu, with the application site the only block identified in that Strategy. As such the proposal does not set a precedent for additional and ongoing urban growth in the township and nor is it of such a scale as to threaten the village character of the township, even on an incremental basis. The village will retain a roughly circular form, with all residential sites located within easy walking distance of the centre.

Infrastructure servicing & stormwater management

- 6.16 The application includes an assessment of infrastructure and servicing prepared by consulting firm Davis Ogilvie Ltd. This assessment has been peer reviewed by Mr Liam Foster from Opus International Consultants Ltd in discussion with Selwyn Council's infrastructure asset engineers, with his report appended as **Attachment A**. Servicing is a key issue raised by submitters, with these concerns covering the supply and management of water, sewer, and stormwater.
- 6.17 **Stormwater and flood management:** Mr Foster has concluded that stormwater can be appropriately managed through the solution proposed by the applicant. This solution includes several retention basins within the application site, with these basins to remain in private ownership. Given the very low density nature of rural residential developments and the restriction on building site coverage to be the lesser of 500m² or 10% of the area of individual lots, such developments do not tend to generate high volumes of runoff. The stormwater basins are able to be designed so that there is no net increase in runoff from across the site and as such there should not be any adverse cumulative effects on flooding in the wider catchment.
- 6.18 The detailed design of the stormwater system, the necessary storage volumes, discharge rates, and first flush treatment of contaminants are all matters that are required to be assessed through the subdivision consent process and any necessary resource consents from the Canterbury Regional Council. The design of such systems and their associated consenting is well established, with proven techniques and technologies readily available.
- 6.19 The site is located within an area identified in the District Plan as a Lower Plains Flood Area. The application made reference to an ECan letter dated 2012 regarding flood hazard/ stormwater management. The letter itself was however omitted from the application in error and subsequently was an issue raised by submitters. The applicant

has provided a copy of this letter which is appended as **Attachment B**. The letter confirms that the site is located outside of the major ponding areas of the Halswell River catchment. It includes several aerial photographs of the site and surrounding area in various high rainfall events, with these images showing flood ponding to be generally similar to that occurring on the adjacent Adrossan subdivision that is under development (and where flooding issues and building floor heights have been able to be resolved). Of significance, the letter confirms that the height of any raised building platforms necessary for managing flood risk on the site is less than 1m above existing ground level. Given that the proposed lots will average 0.5ha in size, the provision of such a platform should be straight forward, and the potential visual and shading effects of raised dwellings will be able to be absorbed through ample setbacks from boundaries and landscaping provided on these larger lots.

- 6.20 The ECan letter notes that a floor level recommendation for specific dwelling locations should be requested from ECan prior to a building permit being obtained, with a new landuse rule proposed by the applicant to ensure that this occurs. The District Plan currently manages flood risk to building in Tai Tapu via a landuse rule that makes the erection of any dwelling where the minimum floor level is less than 6.93m above mean sea level a restricted discretionary activity (with dwellings above this floor level permitted)⁹. This rule is complemented by a related rule in the subdivision chapter.
- 6.21 The applicant proposes to amend rule 4.1.1 by adding in a new clause specific to the application site. Rather than specify a minimum floor level in terms of metres above mean sea level, the rule instead requires a performance standard of freeboard above the 0.5% (1:200 year) flood event as follows:
- 6.22 *4.1.1(A) Any dwelling on land located in the Living 3 zone at Tai Tapu shall have a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability flood event; and shall be sited on a building platform to be established prior to the issue of the building consent for the dwelling, which is of sufficient size to accommodate a dwelling and associated curtilage, in accordance with any applicable resource consent conditions for subdivision requiring the provision of building platforms in the Living 3 zone at Tai Tapu.*
- 6.23 Given that the ECan letter identifies the necessary floor level to be in the order of 7-7.2m above mean sea level the proposed rule is conservative relative to the existing District Plan provision, albeit that it will require site-specific feedback from ECan in order to confirm compliance. In practice it may be more efficient for the building platforms (and associated heights) to be determined as part of the subdivision process and conditioned as such so that subsequent homeowners buying lots have certainty regarding the floor heights necessary to manage flood risk. The proposed landuse rule likewise anticipates that the provision of building platforms is likely to be made a condition of subdivision consents. I am therefore unsure as to why the proposed plan change seeks to exclude consideration of building platforms at the time of subdivision through the following proposed amendment to the subdivision chapter:

*12.1.4.81 - If the land to be subdivided is located in an area which is identified on the planning maps as being in the Living 1A, ~~or~~ Living 2A **or Living 3** zones at Tai Tapu:*

(a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and

(b) Any measures proposed to mitigate the effects of a potential flood

⁹ Rule 4.1.1

hazard including:

- Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage **(to be established at the time of building consent in the case of the Living 3 Zone at Tai Tapu as shown on the Outline Development Plan at Appendix 48); and**

- The filling (with inert hardfill) of any low lying area; and

- **For the Living 3 Zone at Tai Tapu as shown on the Outline Development Plan at Appendix 48, proposed methods and locations for flood offset areas**

(c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

- 6.24 The applicant may be able to clarify at the hearing why they see the need for the above amendment to clause (b) to exclude consideration of the provision of building platforms as part of the subdivision process.
- 6.25 In terms of managing flood risk I also note that the generic L3 subdivision assessment matters include the following:
- 6.26 12.1.4.95 – *The extent to which any identified ground contamination and natural hazards, including flood and liquefaction areas have been addressed.*
- 6.27 **Wastewater:** The site is able to connect to a reticulated wastewater network via additional pipe connections in Hauschilds Road. Tai Tapu's network sewerage system discharges into Christchurch City's network (and ultimately to the Bromley treatment plant), rather than Selwyn Council's Eastern Selwyn Sewerage Scheme that connects to the Pines treatment plant south of Rolleston. There is a service agreement between the two Councils that allows for a maximum annual volume of 90,000m³ discharge per year with a peak flow of 7.5l/s. Mr Foster identifies the annual average volume (2010-16) as being 44,100m³ which is less than the 64,000m³ identified in the application and is significantly less than the service agreement. The additional flow generated by 16 lots will therefore have a negligible impact on overall network capacity.
- 6.28 The bigger constraint in the network concerns peak flow rates rather than total discharge volumes. For this reason the applicant has proposed that each lot will contain an on-site storage tank with pumps that will discharge during off-peak times. The individual tanks and pumps are to be retained in private ownership, however the new low-pressure rising main that collects the discharge from the site will be vested in Council. A new rule is proposed in the subdivision section requiring the provision of a low pressure gravity wastewater system with on-site tanks as follows:
- 6.29 4.5.1A - *In the case of the Living 3 Zone at Tai Tapu as identified on the Outline Development Plan at Appendix 48, each lot owner shall install, at the time of dwelling construction, a low pressure sewer system with a semi-positive displacement pump, as approved by Council, including a storage tank with a volume no less than 1300 litres. The sewer system must be configured to pump during offpeak hours only, as determined by Council.*
- 6.30 The application also proposes a new subdivision assessment matter:
- 12.1.4.101A
- In relation to the Living 3 Zone at Tai Tapu as shown on the Outline Development Plan at Appendix 47, appropriate legal mechanisms proposed to ensure the ongoing maintenance and upkeep of private sewer plant required on individual lots (as required by Rule 4.5.1A).*
- 6.31 Mr Foster has noted that the concept solution is appropriate. He identifies a number of detailed design aspects to the proposed wastewater system that will need to be resolved

as part of the subdivision consent process. It is however quite normal for such details to be addressed at this later stage. In terms of rezoning the site, there are therefore no compelling wastewater network reasons that would prevent the application from being approved.

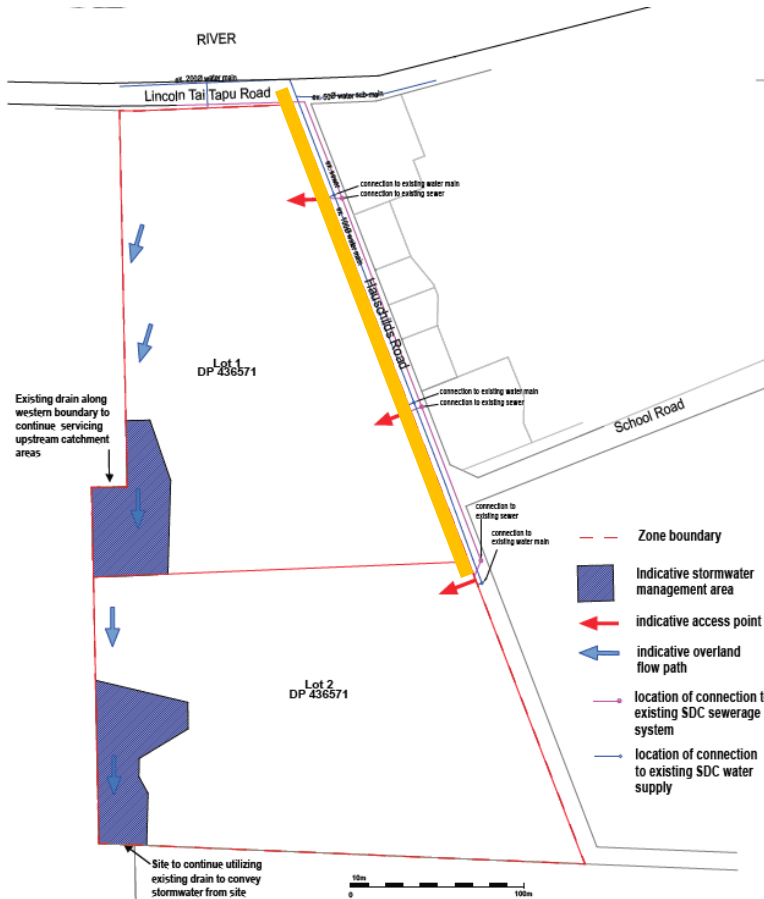
- 6.32 **Water supply:** Reticulated water supply can be accessed from an existing water main on Hauschids Road. Mr Foster has identified that the supply to the site will need to be restricted to 2m³/ day/ property to ensure that wider network capacity is retained at peak times, with such restrictions already in place for a number of dwellings in the township. Such supply may be able to be supplemented by the use of existing private bores on the site. The application has likewise noted the potential to provide water storage tanks on each property to better manage restricted supply and to enable individual sites to store additional water during low demand periods. As with wastewater, the detailed design of the water supply network and methods for restrictions to that supply or augmenting it through on-site bores and/or storage tanks are details that are typically resolved as part of the subdivision consent process.
- 6.33 The L3 subdivision assessment matters include the relevant servicing-related provisions:
- 6.34 *12.1.4.91 – Ensure connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater.*
- 6.35 *12.1.4.96 - Ensure that connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater. Where a reticulated water supply cannot provide adequate quantities and pressure for firefighting as set out in SNZ PAS 4509:2008, an on-site firefighting water supply shall be provided in accordance with SNZ PAS 4509:2008.*

Transport safety and efficiency

- 6.36 The application included transport advice on the proposed access and road design prepared by Novo Group Ltd and dated 3rd November 2016. Comments have also been received from Mr Andrew Mazey (Council Asset Manager, Transportation), with this feedback appended as **Attachment C**. A full transport assessment is not considered to be necessary given the conclusions reached in the applicant's transport assessment, the very low number of vehicle movements generated by the proposal, the uncomplicated nature of the proposed accesses onto Hauschids Road which is a local road with clear sight lines in both directions, and Mr Mazey's feedback which does not identify any major issues.
- 6.37 All lots will gain access onto Hauschids Road via three proposed access points. No access is proposed onto Lincoln Tai Tapu Road. There are no transport safety or efficiency issues arising from the location of the proposed access points or from the proposed internal formation of the accesses. Mr Mazey likewise does not raise any concerns with the functioning of nearby intersections given the very low number of vehicle trips likely to be generated by the proposal.
- 6.38 A number of submitters raise concerns about the narrowness of Hauschids Road and the lack of a pedestrian footpath, with this concern shared by Mr Mazey who has noted that future residents will need to walk along Hauschids Rd in order to connect from the site to the footpath routes on either School Rd or Lincoln Tai Tapu Road. Mr Mazey has recommended that the ODP be amended to show a future 3-5m wide footpath running along the western side of Hauschids Road from the southernmost access point

northwards to the intersection of Hauschilds Rd and Lincoln Tai Tapu Road. This footpath is shown as a yellow line on the below amended ODP.

- 6.39 This footpath would be located on the application site, however its future ownership (vested in Council or retained in private ownership with an easement in favour of the Council) is a matter that can be resolved through the subdivision process.



Land stability and geotechnical risk

- 6.40 The application includes the findings of geotechnical investigations undertaken by Davis Ogilvie Ltd, dated 7th April 2016. This geotechnical report has been peer reviewed by Mr Ian McCahon of Geotech Consulting Ltd, dated 27th September 2016 (appended as **Attachment D**). It is noted for completeness that the peer review was undertaken to ensure compliance with MBIE guidelines for the geotechnical assessment of new subdivisions.

- 6.41 Mr McCahon makes the following conclusions:

"...We accept that the information reported is sufficient to meet the intention of the MBIE guidance for this plan change and subdivision and that the liquefaction hazard is unlikely to preclude building development. The relatively minor liquefaction damage in the recent earthquakes suggests that the liquefaction analysis over-predicts the liquefaction hazard and that the site is likely to be closer to equivalent Foundation Technical Category TC2 rather than TC3 as indicated by the analysis".

- 6.42 Mr McCahon also notes that:

“the new subdivision to the south east [Adrossan] of the site was approved in 2014. The geotechnical report for that site indicates similar soil conditions as for this one, with similar liquefaction settlements predicted. The report presented arguments that TC2 classification was more appropriate, given the disparity between the observed and predicted ground performance. TC2 foundations have been accepted on that subdivision”.

- 6.43 Mr McCahon considered that the proposed waste water system was an appropriate design for sites where there is a risk of liquefaction. Both the applicant's report and the peer review identify the need for specific engineered building platform and foundation design to occur. On this basis, it is considered that the risk of liquefaction and lateral displacement associated with future earthquake events is able to be managed through appropriate building platform design as part of the subdivision and/or building consent processes. The subdivision assessment matters include *“12.1.4.95 – The extent to which any identified ground contamination and natural hazards, including flood and liquefaction areas have been addressed”.*
- 6.44 There are therefore no geotechnical reasons that make the site unsuitable for rural residential development.

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

- 6.45 The site is not currently listed on the Canterbury Regional Council's Listed Land Use Register that records locations where potentially contaminating activities have occurred in the past. Given that the plan change will result in a change of use for the site, the application has nonetheless included a Preliminary Site Investigation ('PSI') prepared by Tasman Environmental Management Ltd in August 2015. This PSI report was then peer reviewed by Tonkin & Taylor Ltd in September 2016. The PSI identified an area in the northwest corner of the site that had experienced contamination as a result of a sheep spray facility located on an adjacent rural property. The peer review identified several matters that will require further investigation and the applicant's response to the Council's request for further information has confirmed that such further investigation could be undertaken as part of the subdivision consent process. The peer review concluded that *“whilst areas of contamination may be present at the site, there is no evidence to suggest that contamination issues are of an extent or magnitude that makes the site wholly unsuitable for more intensive residential use”.*
- 6.46 There is therefore no evidence that would suggest that the land is contaminated to such an extent that remediation would not be plausible or that would pose an unacceptable risk to human health. Given the matters raised in the peer review and the PSI identification of an area of contamination, a consequential Detailed Site Investigation and associated Remedial Action Plan will be necessary as part of the subdivision consent process. The District Plan subdivision provisions referred to above provide appropriate scope to enable Council to assess such matters at the time a subdivision consent application is received. Council subdivision consent approval processes are likewise well-used to considering the robustness of proposed Remedial Action Plans to ensure that soil contamination risk is appropriately managed for both construction workers and future residents.

Potential reverse sensitivity effects and amenity conflicts

- 6.47 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 a

productive rural environment have differing expectations of what land use activities are appropriate. There are no established sensitive strategic infrastructure, military, or educational facilities located near the site and likewise there are no intensive farming operations within 300m of the site, such as odour from established businesses such as poultry or pig farms that could cause a problem for the proposed residential activity. The site's location on the edge of Tai Tapu Township also assists in managing reverse sensitivity issues as new proposed intensive farming activities that are likely to create nuisance effects for urban residents are unlikely to want to establish, or be able to obtain the necessary resource consents for locations near the edge of an established township.

Cultural values

- 6.48 There are no wahi tapu or wahi taonga sites of cultural significance identified in either the District Plan or in feedback from local rununga. The local Te Taumutu and Te Ngai Tuahuriri Rununga have not lodged a submission on the application. The Rununga have however provided feedback on the application as part of the pre-lodgement consultation process undertaken by the applicant. This feedback identifies concerns regarding the management of stormwater quality, quantity, and native riparian planting of the proposed stormwater basins and landscaped areas. It also identifies the need for an accidental discovery protocol to be in place when earthworks are undertaken to ensure appropriate management of any archaeological remains should such be uncovered¹⁰.
- 6.49 Concerns relating to stormwater have been discussed above and in the associated servicing report prepared by Mr Foster. The design and consenting of these systems will necessarily need to take into account effects on water quality and quantity and ensure that the specific design delivers an acceptable outcome in this regard. Water supply will be available through connection to the existing reticulated network, however this supply is likely to be restricted to ensure efficient water use. If a restricted supply system is needed, then this may encourage the use of roofwater storage tanks for garden irrigation and water-efficient appliances. Such matters are not considered to be appropriate to mandate through the plan change process but rather are matters that can only be resolved through the subdivision process once specific infrastructure solutions have been designed.
- 6.50 The Living 3 rule package was developed with input from Nagi Tahu and includes the following assessment matters to the subdivision section of the Plan, where all Living 3 subdivision is a restricted discretionary activity and where, amongst other matters, the Council is to assess:

12.1.4.92 - The extent to which native species are used as street tree plantings and within vegetated stormwater swales;

12.1.4.99 - The extent to which site analysis using a comprehensive design process and rationale has been undertaken to recognise, and where appropriate, protect, maintain or enhance the following elements:

- *Existing water courses, water bodies, wetlands, groundwater, and springs;*
- *Existing vegetation, such as shelter belts, hedgerows and habitats for indigenous fauna and flora;*

¹⁰ The application confirms agreement in principle to such a protocol, however the applicant considers that such a condition more appropriately forms part of the future subdivision consent rather than being incorporated as a rule into the District Plan.

- *Heritage values and any sites of archaeological significance;*
- *Ancestral land, rivers, wetlands, groundwater, springs, Te Waihora/ Lake Ellesmere and mahinga kai sites and the Wāhi Tapu and Wāhi Taonga of Te Rūnunga o Ngāi Tahu and Te Taumutu Rūnunga;*
- *View shafts to the Port Hills;*

The Living 3 Zone assessment matters are considered to adequately address the matters raised by Rununga in their pre-lodgement consultation feedback.

Proposed Amendments to the District Plan text

- 6.51 The objectives, policies, and rule package for the Living 3 zones are now settled and operative. As noted above, PC 49 does not propose any amendments to the objectives and policies, and I agree that none are necessary. The proposed plan change also relies on the operative L3 provisions in terms of achieving appropriate levels of amenity and building scale and location. I again agree that the operative framework is appropriate and does not require amending. The application does propose a number of relatively minor amendments to include reference to the site's Outline Development Plan, lot density and number, and to address site-specific servicing and flood mitigation matters. Apart from the above amendment to the ODP to include provision of a footpath and the above query regarding the need to exclude consideration of building platforms at the time of subdivision, I agree with the need for the proposed amendments and that their drafting is appropriate.

7. CONCLUSION

Matters to be considered

- 7.1 S74 of the RMA sets out the matters that must be considered in preparing a change to the Plan. Amongst other things, s74 requires the local authority to:
- comply with its functions under s31
 - consider alternatives, benefits and costs under s32
 - ensure the necessary matters are stated in the contents of the district plan under s75
 - have regard to the overall purpose and principles set out in Part II, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8)
- 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 - s31 and s75 assessment

- 7.3 Council's functions under s31 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 PC 49 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 PC 49 are all matters that fall within the ambit of the content of a district plan under s75.

Consideration of alternatives, benefits and costs - s32 assessment

- 7.6 The Council has a duty under s32 of the RMA to consider alternatives, benefits and costs of the proposed change. The s32 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 or policies of the Plan. The s32 consideration therefore turns on the Council being satisfied that PC 49 is a more efficient and effective method of achieving the Plan's objectives, and thereby Part 2 of the RMA, than the existing Rural (Inner Plains) Zone and associated rule package as it relates to the specific site in question. On the evidence presented as part of the plan change application and from the findings of the various experts who have reviewed the application and the matters raised by submitters, I am satisfied that proposed Plan Change 49 does better achieve the Plans' objectives than the existing provisions, it does give effect to the CRPS, and it is in accordance with the adopted Rural Residential Strategy 2014.
- 7.8 It is therefore recommended that the Plan Change be accepted, subject to the minor amendments recommended above. It is recommended that all the submissions in opposition be rejected and those in support be accepted.