

Section 42A Report

Report on submissions relating to Plan Change 60

**Kirwee Central Proprieties Limited request to rezone 17.2 ha of
land in Kirwee from Living 2A to Living 1**

To:
From:
Hearing Date:

Hearing Commissioner – D Chrystal
Strategy and Policy Planner – J Lewes
31st July 2020

Contents

1. Introduction.....	3
Qualifications and Experience	3
Evidence Scope	3
2. Background.....	4
3. Proposal and Site Description	4
Site Description	4
Surrounding environment	6
Proposal	7
4. Procedural Matters	7
5. Submissions	8
6. Statutory Framework	9
7. Assessment of Issues Raised by Submitters	10
Township form and character.....	10
Infrastructure Servicing	12
Transport safety and efficiency	14
Land Stability and Geotechnical Risk	16
Cultural Values	17
Greater Christchurch Urban Development Strategy (UDS)	17
8. Statutory Analysis	18
National Policy Statement on Urban Development Capacity (NPS-UDC).....	18
National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health (NESCS).....	18
Canterbury Regional Policy Statement (CRPS).....	19
Canterbury Land and Water Regional Plan (LWRP)	19
Mahaanui Iwi Management Plan 2013.....	20
Selwyn District Plan.....	20
Selwyn 2031: District Development Strategy and Malvern 2031: Malvern Area Plan Mahere-ā-Rohe	21
9. Proposed Amendments to the District Plan.....	21
10. Conclusions and Recommendation	21
Appendix 1 – Summary of Submissions and Officer Recommendations	24
Appendix 2 – Proposed Outline Development Plan	28
Appendix 3 – Evidence of Murray England, Asset Manager Water Services.....	30
Appendix 4 – Evidence of Andrew Mazey, Asset Manager Transportation	43

1. Introduction

Qualifications and Experience

- 1.1. My name is Jocelyn Lewes. I am employed by Selwyn District Council as a Strategy and Policy Planner. I hold a Bachelor of Commerce (Tourism) from Lincoln University and a Bachelor of Planning from the University of Auckland. I have over 20 years' experience as a planner for local authorities and consultancies in New Zealand and Australia.
- 1.2. Whilst this is a Council Hearing, I have read the Environment Court's Code of Conduct for expert witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this report are within my area of expertise and I have relied on the expert advice of others where stated. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Evidence Scope

- 1.3. This report analyses the submissions received on Plan Change 60 (PC60) to the Selwyn District Plan (the Plan) and has been prepared under s42A of the Resource Management Act 1991 (the Act).
- 1.4. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC60 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations to accept or reject points made in submissions, and to make amendments to the Plan. These recommendations are my opinions, as Reporting Officer, only.
- 1.5. In this regard it is important to emphasise that the Commissioner is in no way bound by my recommendations and will form their own view on the merit of the plan change and the outcomes sought by submitters, having considered all the evidence before them.
- 1.6. In preparing this report I have:
 - visited the site and wider Kirwee township;
 - reviewed the plan change request as notified;
 - read and assessed all the submissions received on the plan change request;
 - considered the statutory framework and other relevant planning documents; and
 - relied, where necessary, on the evidence and peer reviews provided by other experts on this plan change.
- 1.7. This report effectively acts as an audit of the detailed information lodged with the plan change request prepared by Baseline Group on behalf of Kirwee Central Properties Limited. A full copy of the plan change request, submissions, summary of submissions and other relevant documentation can be found on the Selwyn District Council website.
- 1.8. As such, this report 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 dispute with the position set out in the plan change application.

2. Background

- 2.1. Part of the plan change area has been the subject of recent resource consents for subdivision.
- 2.2. An initial consent for subdivision was approved in 2013 (RC135488) that sought to subdivide an area of the current plan change into 45 residential allotments, and two further parcels – one that comprised the rest of the existing of the L2A zoned land and the other that comprised Rural (Outer Plains) zoned land. While this consent was not given full effect to, it did create the underlying titles for future applications.
- 2.3. RC175578 (varied by RC185276 and RC185479) enabled the subdivision of the northwest portion of the plan change area for 45 residential allotments with associated roading, as well as an extension to School Lane, a reserve located off School Lane and a utility allotment for a future water bore. The subdivision also created a balance site of 8.6 ha (Lot 500 DP 534334).
- 2.4. RC175578 was approved under the existing Living 2A zoning which provides for an average site size of 1 ha. In order to achieve smaller site sizes, a consent notice was registered on the title of the balance site preventing it from being used in further density calculations for the purposes of subdivision. Should this plan change be approved, this consent notice will need to be removed from Lot 500 DP 534334 to enable development of the balance site.

3. Proposal and Site Description

Site Description

- 3.1. The site is located on the western side of the Kirwee township, east of School Lane, north of State Highway 73 (West Coast Road) and south of Hoskyns Road, as shown below in Figure 1.
- 3.2. The site has a total area of 17.2249 ha and includes 40 land parcels, in various ownership. A summary of the titles that comprise that plan change area is shown in Table 1 below, and Appendix 1 to the application provides a more detailed breakdown of ownership as well as the respective certificates of title.
- 3.3. The proponents of the plan change retain ownership of a number of sites created by the earlier subdivision, as well as the large, undeveloped southern portion of the area. Within the developed area, a reserve and a utility lot have been vested with Council. Consent has also been granted for a child care centre (RC185687), on land between the school and the reserve.
- 3.4. The site has a relatively flat topography and no significant natural features. The area over which consent has been granted for subdivision has been developed with roads and dwellings have been established on some of the resultant sites, which generally range in area between 900m² and 5,000m², with the average being around 1,000m². The balance of the plan change area retains a pastoral use.
- 3.5. The zoning of land is shown in Figure 2 below. The entire area of the plan change request, as well as land to the north and east, currently has a Living 2A zoning. Land to the west is zoned Living 1.

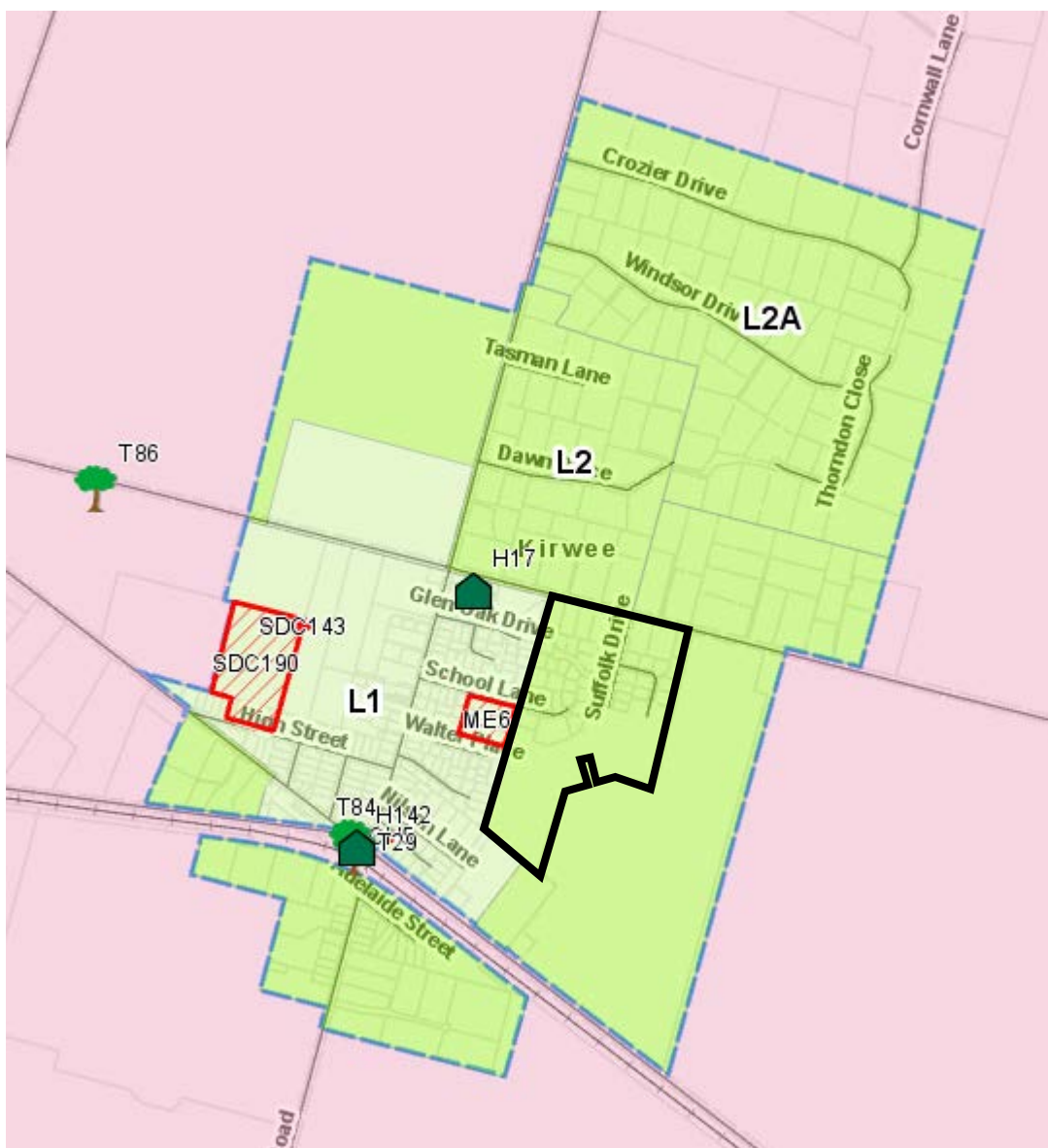
Table 1 – Legal Titles that form the plan change area

Legal Description	Address	Area (ha)
Lot 1 DP 532846	36 School Lane	0.1922
Lots 2-9 and 45 DP 527459	37, 39, 41, 43, 7 and 49 School Lane	1.2313
Lot 12 DP 489829	35 School Lane	0.2128
Lot 1000 DP 489829	(School Lane Council Reserve)	0.5
Lots 10-16 DP 528758	1731, 1727, 1723, 1719, 1715, 1709 and 1703 Hoskyns Road	2.4524
Lot 400 DP 528758	1695 Hoskyns Road	0.25
Lot 401 DP 528758	Suffolk Drive	0.0005
Lots 17-30 and 42-44 DP 534334	2-7, 9, and 11 Merino Cres and 5, 6, 8-11, 13-16 Suffolk Dr	2.1496
Lot 501 DP 534334	Suffolk Drive (west)	1.5783
Lot 500 DP 534334	Suffolk Drive (south)	8.6578
Total Area		17.2249

Figure 1 – Aerial photograph of site, outlined in red (Source: Selwyn District Council Maps)



Figure 2 – Township Zoning. Plan change area outlined in black.



Surrounding environment

- 3.6. The township of Kirwee is located approximately 8 kilometres east of Darfield, approximately 16 kilometres northwest of Rolleston and approximately 36 kilometres west of Central Christchurch. The township itself is primarily located north of State Highway 73, either side of Courtenay Road and north and south of Hoskyns Road.
- 3.7. Within the township boundary, development consists of low density residential uses, centred around Courtenay Road, south of Hoskyns Road and north of State Highway 73. There is also an established area of rural residential development north of Hoskyns Road, with lots ranging in size from 5,000m² to 2 ha.
- 3.8. Kirwee retains a small-town character and within the township there are limited commercial activities, a volunteer fire brigade, and the A&P Showground. Kirwee Model School abuts part of the western edge of

the plan change area and is currently accessible from the plan change area by a formed pedestrian walkway traversing the reserve to School Lane.

- 3.9. Outside of the township boundary, land is zoned Rural (Outer Plains) and is used for agricultural purposes such as grazing, cropping and pastoral activities.

Proposal

- 3.10. PC60 proposes to facilitate the intensification of the plan change area by changing the zoning from Living 2A to Living 1, utilising the existing Living 1 minimum average site sizes in the Plan, which provide for residential sections with an average minimum allotment size of 800m².
- 3.11. The plan change area could then accommodate up to 164 residential sits. As the plan change area includes the approved subdivision area, it would allow for future infill of this area, as a number of the existing residential sites could have future subdivision potential under the Living 1 standards.

Table 2 – Summary of proposed capacity within plan change area

Subdivision Area	# of Allotments
Approved allotments of RC 185479	45
Potential infill capacity of existing allotments ¹	27
Estimated capacity of balance allotment	92
Total new allotments (infill and intensification)	119
Total Capacity of Plan Change Area	164

- 3.12. No changes to the Plan's objectives, policies or rules are required to facilitate the proposed plan change with the exception of the inclusion of an outline development plan (ODP) (see **Appendix 2**), to provide guidance as to the proposed location of key internal roads and open space connections.

4. Procedural Matters

- 4.1. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.
- 4.2. The plan change request was formally received by Council on 9th May 2019. Following lodgement, the application was reviewed in terms of the adequacy of the information provided, with peer review advice received on traffic, urban design, infrastructure servicing, geotechnical investigations and planning matters. A request for further information was issued on 31st May 2019, with the applicant's response received in full on the 19th November 2019.
- 4.3. A decision was made by Council on 11th December 2019 to accept the request for notification pursuant to Clause 25(2)(b).
- 4.4. The application was publically notified on 21st January 2020, with the submission period closing on the 19th February 2020. A summary of submissions was then produced, with the further submission period closing on 24th March 2020.

¹ It is noted that this is a theoretical potential only and that the placement of a residential unit on a site may make further subdivision challenging. Land owners may also have no desire to further divide their sites.

- 4.5. PC60 has reached the point where a hearing is now required (Clause 8B), and a decision made on the plan change and the associated submissions (Clause 10).

5. Submissions

- 5.1. A total of nine submissions were received, including one late submission. No further submissions were received.
- 5.2. The submissions are set out in the table below and **Appendix 1** provides a summary of submissions and includes my recommendations to the Commissioner on each submission.

Table 3 – Summary of submissions

Submitter	Support or Oppose
1 Ian Dickie	Oppose
2 NZ Transport Agency (NZTA)	Oppose
3 Christchurch City Council (CCC)	Oppose in part
4 David Jarman	Oppose
5 Bealey Development Ltd	Support
6 Fire and Emergency New Zealand (FENZ)	Oppose
7 Ministry of Education (MOE)	Neutral
8 Canterbury Regional Council (CRC)	Oppose in part
9 Christchurch City Council (late submission)	Support in part

- 5.3. A late submission was received from CCC.
- 5.4. The original submission received from CCC included pages that referred to a private plan change in Leeston (PC62), which was notified at the same time as PC60. This matter was clarified with CCC who advised that it appears that when submissions on the two private plan change were being signed and sent through, the final two covering pages for PC62 were attached to the Kirwee submission. This was purely a clerical error, and a corrected version was received on 24th February 2020. While the option was given to the City Council to withdraw their original submission in favour of the late submission, they wish to retain both submissions.
- 5.5. In accordance with Council policy, any submission relating to a plan change request which is received by the Council after the closing date for submissions but before the hearing of any such submissions, shall be recorded as late and included in any summary of submissions and presented at the hearing. The Hearing Commissioner shall then determine whether the late submission can and shall be accepted for consideration, having regard to:
- The Council's duties under s37A of the Act;
 - The principles of natural justice; and
 - Any submissions made on the matter by the applicant, the late submitter, and any other affected party and the Council's Reporting Officer.
- 5.6. I do not consider that the late submission of CCC to have unduly delayed the hearing, nor do I consider any party to have been adversely 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 can consider the views of the submitter in assessing the application.

- 5.7. I therefore recommend that the late submission by CCC be accepted by the Commissioner.
- 5.8. For the purposes of this report, I also consider it appropriate that the earlier submission of CCC be disregarded in favour of the late submission as the earlier submission includes references to matters not relevant to this process, and all relevant content is included in the late submission.
- 5.9. For completeness I note that none of the submissions relate to trade competition.

6. Statutory Framework

- 6.1. The general approach for the consideration of changes to district plans was summarised in the Environment Court's decision in Long Bay², the relevant components of which are addressed below.
- 6.2. The matters that must be considered in preparing a change to the Plan are set out in s74 of the Act. Amongst other things, s74 required the local authority to:
- comply with its functions under s31;
 - consider alternative, benefits and costs under s32;
 - ensure the necessary matters are stated in the contents of the district plan under s75; and
 - have regard to the overall purpose and principles set out in Part 2, 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).
- 6.3. When considering a plan change, the Council:
- must give effect to any national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c));
 - shall have regard to any proposed changes to the regional policy statement (s74 (2)(a)(i));
 - shall have regard to 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)); and
 - shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)).
- 6.4. The statutory documents that the proposed plan change is required to have regard to, and the manner in which the plan change request does so, is set out in Section 8 of this report.
- 6.5. There are not considered to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC60.
- 6.6. Matters of cross-boundary interest are outlined in the Plan. The most applicable to PC60 include:
- Effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch; and

² Long Bay – Okura Great Park Society Inc. v North Shore City Council A 078/08

- Development on or near the boundary of Selwyn District and Christchurch City Council.
- 6.7. These have primarily been addressed and managed in an agreed partnership with the adjoining Councils through the co-ordinated urban growth of the Greater Christchurch area and through the Canterbury Regional Policy Statement (particularly Chapter 6), the Land Use Recovery Plan, the Urban Development Strategy and more recently Our Space.
- 6.8. I note that Kirwee is not within included in the Greater Christchurch area.

7. Assessment of Issues Raised by Submitters

- 7.1. As set out in Section 5 above, nine submissions were received. This section provides an assessment of the submission points received and a summary of the included with the application and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.
- 7.2. I consider that 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:
- Township form and character;
 - Infrastructure servicing;
 - Transport safety and efficiency;
 - Land stability and geotechnical risk;
 - Cultural values; and
 - Greater Christchurch Partnership.

Township form and character

- 7.3. The submissions of Ian Dickie, NZTA and CCC raised concerns regarding the lack of need for intensification of the residential density within the plan change area, and of the suitability of plan change area for this.
- 7.4. The Malvern Area Plan anticipates reasonable growth for Kirwee over the coming 15 years, to 2031, with an increase of 187 households and identifies that there is existing capacity to accommodate up to 218 households within the boundary of the township. The Malvern Area Plan concluded that there was sufficient available land to accommodate the projected growth without Council proactively zoning additional residential 'greenfield' land.
- 7.5. In section 5.2 of the application, the applicant has provided an analysis of zoned capacity within the township. This analysis had regard to existing zoning and the nature of existing uses and has concluded that, theoretically, there is capacity to accommodate 170 residential sites within the current zoning of the Kirwee township.
- 7.6. Based on area, the Living 2 and Living 2A zones account for approximately 77% of the available residential land in the Kirwee township, with the majority of this accommodating established residential use with a low potential for future infill. The balance of the townships is zoned Living 1.

- 7.7. The majority of capacity within this zone is within the Living 1 greenfield area west of Courtenay Road and north of Hoskyns Road. The Living 1 boundary in this area does not follow current allotment boundaries and the land remains part of a larger parcel of some 178 ha which is currently used for agricultural purposes. Consent was granted in 2009 for 16 residential allotments, which was to be the first stage of a larger development, and this was included in the land capacity analysis included in the Malvern Area Plan. However, in 2016 the applicant advised Council that they wished to withdraw the subdivision consent.
- 7.8. Large areas of existing Living 1 zoned land are utilised for civic purposes including the A & P Showgrounds, reserve and cemetery, with some of this being covered by designations. These existing uses constrain development for residential purposes.
- 7.9. The Plan identifies that the preferred growth option for Kirwee is to accommodate future growth in the zoned areas north of State Highway 73, generally in a compact pattern with higher densities toward the centre of the township
- 7.10. I consider that the plan change area provides a logical area of expansion of the existing Living 1 Zone in the Kirwee township, as it is immediately adjoining this established zone. The application site is identified by the Malvern Area Plan as undeveloped residential land which could accommodate residential use in future. I consider that the proposed intensification of this area by rezoning for a higher density residential use is a more efficient use of land and will not require expansion of the township boundary, resulting in a more compact township form. Further, the proposed plan change will enable provision of a range of housing typologies to meet differing housing needs and preferences.
- 7.11. I also note that this application reflects the process anticipated in the Malvern Area Plan whereby, while there is no need for Council to progress plan changes to meet demand, private plan changes are contemplated by landowners of areas where more intensive development may be able to occur.
- 7.12. The submissions of NZTA and Bealey Development Inc. raised the issue of the connectivity of the plan change area to the existing Kirwee township and the residential area further east. I consider that this is more appropriately addressed in relation to the assessment of transport related matters below.
- 7.13. The submission of David Jarman has suggested that the visual landscape from Hoskyns Road may change significantly and adversely should the plan change be approved. I do not agree with this submission. The plan change area is currently zoned residential. While I acknowledge that intensification of the area may result in a change in character, from the existing rural residential outlook to one that displays more urban elements, such as footpaths and street lighting, I note that there are no provisions in the Plan which require the retention of the existing visual landscape; specifically there are no restrictions on the nature and type of fencing adjacent the road frontage within the existing zone, and setbacks from road boundaries are consistent with the setbacks applicable in the Living 1 zone.
- 7.14. The submission of Ian Dickie has also requested that the existing sections adjacent Hoskyns Road, created by the earlier subdivision, be excluded from proposed zoning change, on the basis that they are not suitable for intensification, due to the proximity of the well, are shaded by trees on the north side of Hoskyns Road and were sold as large, rural style lots.
- 7.15. Within the township, there are currently three residential zonings and I consider that the size of the existing sites, being an average of 3,000m², is more consistent with the Living 1 zoning than either the Living 2 or Living 2A zoning, which provide for an average site size of 1ha. The future of intensification of

the existing allotments adjacent Hoskyns Road is a theoretical potential only, as the placement of a residential unit on these sites may make further subdivision challenging. Land owners may also have no desire to further divide their sites. As such, I do not consider that it is necessary to exclude these sites from the plan change area.

Conclusion

- 7.16. I do not consider that there are any remaining specific issues relating to the township form and character identified by submitters that have not been dealt with by my assessment in the preceding paragraphs.
- 7.17. In my opinion, intensification of the plan change area is appropriate and the potential effects of the future development of this area will not adversely affect the character and amenity of the surrounding environment.

Infrastructure Servicing

- 7.18. The application includes an assessment of infrastructure and servicing prepared by Baseline Group Ltd in Appendix 7. This assessment has been peer reviewed by Mr Murray England, Selwyn District Council's Asset Manager Water Services, with his report appended as **Appendix 3**.

Wastewater

- 7.19. The submissions of David Jarman, CRC and CCC, as well as the review provided by Mahaanui Kurataiao Ltd, have raised concerns regarding the proposed use of individual, on-site wastewater treatments systems.
- 7.20. The plan change area, along with all of the Kirwee township, is currently not provided with a reticulated wastewater network. Disposal of effluent is currently managed by way of individual, on-site systems. In Section 4 and Appendix 7 of the application, a number of options for the management of wastewater have been discussed, with the preferred wastewater system being a continuation of the existing approach. Mr England concurs with this conclusion.
- 7.21. Both the applicant and Mr England note that consent is required from CRC for the discharge of wastewater to ground. In their submission, CRC acknowledge that recent investigations have not detected any adverse effects on human health or the environment from the existing on-site wastewater treatment systems in the area. They further acknowledge that it is not known if, or when, any such effects would present an obstacle to obtaining the necessary consent from CRC.
- 7.22. The submissions of David Jarman and CRC have suggested that it would be more appropriate for a reticulated sewer system, capable to servicing the entire plan change area.
- 7.23. In this regard, Mr England has advised that a joint working party representing the Council, the Malvern Community Board, Darfield and Kirwee township committees, Canterbury District Health Board and CRC have been considering options for the possible establishment of a wastewater scheme for Darfield and Kirwee, as both townships are not currently provided with a reticulated system.
- 7.24. Currently, the Council has endorsed the further planning and consultation for a reticulated scheme for central Darfield and for new developments within that township. Council have also requested that *"design, costing and funding options for a reticulated wastewater system for Darfield and possibly Kirwee*

be prepared for the 2021-2031 Long Term Plan with installation to proceed as soon as possible once the preferred option is agreed upon in consultation with communities³

- 7.25. While I acknowledge the submission point of CRC that it would be inappropriate to service the plan change area with on-site wastewater systems ahead of any decision that the Council may make on the future wastewater servicing, I note that there is significant work to be undertaken, as evident by the resolution above, and it could be some years before a reticulated system is available to Kirwee residents. Therefore, as much as it may be inappropriate to pre-empt any decision on the nature of wastewater servicing, I also consider that it is inappropriate to delay a decision on the plan change request when a co-ordinated approach to wastewater infrastructure in Kirwee is only a possibility.
- 7.26. I accept Mr England's advice that there is a viable means to dispose of wastewater for this plan change area at this time. I also concur with Mr England's view that, should a reticulated wastewater system be available at the time of any future subdivision, connection to this system should be insisted on.

Water supply

- 7.27. Kirwee is provided with a reticulated, UV treated groundwater supply, sourced from an existing bore and connected to the network via a reservoir and booster pump station. Both the application and Mr England have indicated that, while there is sufficient total capacity within the existing system to provide for the plan change area, the existing system cannot meet the requirements of the application in terms of peak flow rate, if each allotment was provided with an 'on demand' connection.
- 7.28. As part of the earlier subdivision of land within the plan change area, a utility allotment has been vested with Council for the purpose of providing a new water supply well and headworks. Mr England has advised that a new bore has been drilled and tested and a resource consent to abstract water from this well is currently being prepared by Council. Should this be granted, Mr England has indicated that 'on demand' connections could be provided.
- 7.29. Should Council not be able to obtain consent to abstract water from the new bore, Mr England has indicated that sites within the plan change area would have to be provided with a restricted water supply connection of 3 units of water per day (3,000 l/day) to ensure that wider network capacity is retained at peak times.
- 7.30. The detailed design of the water supply network, and methods for restrictions to that supply if needed, are details that are typically resolved as part of the subdivision consent process. Existing subdivision assessment matters include relevant servicing related provisions and all new subdivision are required to be designed and constructed in accordance with Council's Engineering Code of Practice (ECOP).
- 7.31. The submission from FENZ has also raised concerns regarding the adequate supply of water for firefighting activities, and seeks the inclusion of a specific provision in relation to the plan change area that any new lots or habitable buildings are provided with a water supply connection that complies with the New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 (Code of Practice). This Code of Practice is a non-mandatory New Zealand Standard that sets out requirements for firefighting water supplies and access.
- 7.32. Mr England has confirmed that Council's ECoP currently provides a requirement that water supply reticulation should comply with the Fire Service Code of Practice. In particular, the reticulation must meet

³ Council resolution – Appendix 5 of Evidence of Murray England in Appendix 3

the requirements for firefighting flows, residual fire pressure and the spacing of hydrants and the applicant has also indicated that the new pipe sizes and positioning of fire hydrants will satisfy the criteria of the Code of Practice.

- 7.33. For completeness, I note that as part of the District Plan Review, consideration has been given to the approach requested by FENZ, to have the Code of Practice be included as a requirement in the proposed district plan. The District Plan Committee has resolved not to include mandatory requirement to comply with the Code of Practice, as to do so would effectively create a third party approval process. This approach is consistent with the plan wide approach of removing third party documents that the Council has not or will not have any say in developing, unless the District Plan process absolutely required it for operation, or if there was a statutory requirement for their inclusion.
- 7.34. On this basis, I consider that the proposed rule sought by FENZ to be unnecessary, as sufficient measures are already provided to ensure that adequate water volumes and pressure are provided.
- 7.35. The submissions of Ian Dickie, MOE and CCC have raised concerns regarding the potential impact that the proposed plan change may have on the quality of the water supply, having regard to the proposed method of wastewater treatment.
- 7.36. Mr England has advised that the depth of the existing bore, at 208m, combined with UV treatments, provides a good level of protection against ground water contamination. In respect of the potential new bore, a plume of influence extends over adjoining sites, providing a buffer between the bore and any potential future on-site wastewater systems. Mr England advises that this, along with the UV treatment measures, would provide a new well in this location with a good level of protection from contamination.

Stormwater

- 7.37. The detailed design of the stormwater system, any 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 CRC. The design of such systems and their associated consenting is well established, with proven techniques and technologies readily available.
- 7.38. Mr England has indicated that, subject to any necessary consents, the discharge of stormwater to ground is appropriate.

Conclusion

- 7.39. I consider that there are no water based infrastructure network reasons why the plan change should not be granted. While there are concerns around the suitability of individual on-site wastewater treatment systems and the capacity of the water supply system, there are viable means of addressing both of these issues, outside of the plan change process.

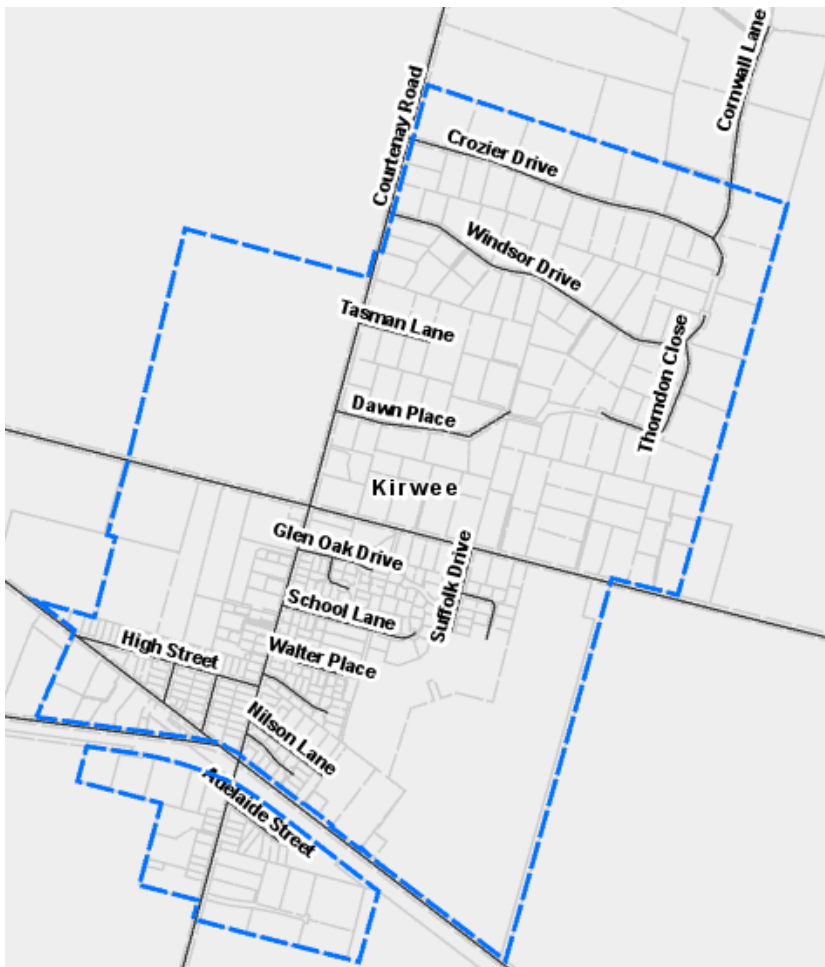
Transport safety and efficiency

- 7.40. The application includes an assessment of the transportation issues associated with the plan change prepared by Carriageway Consulting in Appendix 5. This assessment has been peer reviewed by Mr Andrew Mazey, Selwyn District Council's Asset Manager Transportation, with his report appended as **Appendix 4**.

Connectivity

- 7.41. The submissions of NZTA, Bealey Development Inc. and MOE have, to varying extents, raised concerns regarding the connectivity of the plan change area to the wider township, particularly via the roading network.
- 7.42. Mr Mazey is in agreement with the roading and transport layout shown on the ODP, and he does not share the submitters concerns regarding the lack of internal roading connectivity west to Courtenay Road. Rather, he indicates that this is an outcome that has been encouraged by Council to create stronger walking and cycling links within the township, rather than traffic 'rat runs' using existing roads which are narrow and difficult to upgrade to improve capacity and safety. This has been a specific focus of previous subdivision consents, particularly in relation to traffic movements that would adversely impact on the activities of the Kirwee Model School. To encourage active transport, an existing pedestrian accessway is provided from School Lane, through the reserve, to the plan change area, and a recent consent for subdivision (RC205003) has provided for a further connection from Walter Place to the plan change area. This connection is reflected in the proposed ODP.
- 7.43. I also note that the predominant development pattern of Kirwee, to the east of Courtenay Road is a series of cul-de-sacs. With the exception of Hoskyns Road, all roads that branch east off Courtenay Road, are either a cul-de-sac or a dead-end road, as shown in Figure 3 below.

Figure 3 - Kirwee Settlement Pattern



- 7.44. The submissions of NZTA and Bealey Development Inc. both commented on the potential transport network layer of the ODP, which provides an indication of how roading connections could be established outside of the plan change area. As this layer of the ODP relates to land outside of the plan change area, it should only be considered in so far as it shows that connections are possible, but should not be given any further weight and should not be included in the Plan, if the plan change is approved.

Transport safety

- 7.45. The submission of David Jarman has raised a number of potential issues regarding the safety of the Suffolk Drive/Hoskyns Road intersection and the location of the existing footpath in this location. Mr Mazey has not raised any issue with the functioning of the intersection, or with pedestrian safety, given the low number of vehicle trips likely to be generated by the proposal.
- 7.46. However, Mr Mazey has identified that a portion of Hoskyns Road, at the Courtenay Road end, is not of a similar standard as that portion the road at the Suffolk Drive intersection. He considers that this section of Hoskyns Road should be formed and sealed in a manner consistent with the provisions of the Plan for its classification. I consider that extent and detailed design of any road upgrades is a matter that is best resolved through the subdivision consent process.

Transport Effects

- 7.47. The submission of CCC suggests that the intensification of the plan change area would result in a higher commuter traffic volume into Christchurch City, which in turn could contribute to more congestion along with other effects such as increased emissions. Mr Mazey has identified that issues such as these are governed by the Greater Christchurch Partnership and, as discussed further below, I concur with this view.
- 7.48. Mr Mazey has also advised that Metro Service 86 has recently been made a permanent service, providing a public transport option to the plan change area, thereby assisting in reducing commuter single occupant type car trips.

Conclusion

- 7.49. I accept Mr Mazey's advice and consider that there are no transport related reasons why the plan change should not be granted.

Land Stability and Geotechnical Risk

- 7.50. Appendix 3 of the application includes the findings of geotechnical investigations undertaken by Davis Ogilvie Ltd, dated May 2013, in support of the original subdivision (RC135488). This is supplemented by a further geotechnical assessment undertaken by Coffey Services (NZ) Ltd dated November 2019, covering the additional area covered by the plan change. These geotechnical reports were peer reviewed on behalf of Council by Mr Ian McCahon of Geotech Consulting Ltd.
- 7.51. Mr McCahon concluded that the reports demonstrate that the ground is suitable for residential subdivision, there is minimal to no liquefaction potential at the site and the site is equivalent Foundation Technical category TC1 with respect to future possible liquefaction damage. Mr McCahon also concluded that the extent of work reported complies with the intent of the MBIE Guidance requirements and there was no geotechnical reason reported to prevent subdivision. Mr McCahon did note that, given the limited amount of testing to date, he agreed with the recommendation of both reports that NZS3604 type site

investigations would be required at building consent stage but that no further information was required at this plan change stage.

- 7.52. The submission of Mr Jarman considers that the servicing report incorrectly identifies the distance of the plan change area from the Greendale fault. Recent investigations as part of the District Plan Review has mapped the Greendale fault approximately 10km away from the plan change area, rather than the 15km as included in the servicing report.
- 7.53. In light of the peer review undertaken, I consider that the risk of liquefaction or lateral displacement associated with future earthquake events can be satisfactorily addressed at the subdivision and building stages and, despite the differences in distance from the Greendale fault, there are no geotechnical reasons that prevent the plan change request from being supported.

Cultural Values

- 7.54. The applicant commissioned Mahaanui Kurataiao Limited, who provide mana whenua environmental services that are endorsed by local Rūnanga, to review the request against the Mahaanui Iwi Management Plan. This review formed a component of the notified version of the plan change request and is contained in Appendix 8 of the application. The review did not identify any wahi tapu or wahi taonga sites of cultural significance within the plan change area and, for completeness, none are identified in the Plan.
- 7.55. The review provided by Mahaanui Kurataiao Ltd concluded that, while the site was appropriate for increased residential development in some respects, there were concerns around both the infrastructure capacity and the road layout, and a number of recommendations were provided. These matters have been considered in the assessment above. The review also identified 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 uncovered
- 7.56. Overall, I consider that cultural values have been appropriately considered and addressed by the applicant.

Greater Christchurch Urban Development Strategy (UDS)

- 7.57. The submissions of NZTA and CCC both raise concerns regarding the impact that the proposed plan change may have on the UDS. The UDS aims to manage growth within the Greater Christchurch Region, as shown on Map A within Chapter 6 of the CRPS.
- 7.58. The submitters have suggested that there is a risk to the successful implementation of the UDS from urban development beyond the UDS boundary, undermining the objective to consolidate urban growth. Both submissions suggest that the plan change should be considered against any updates to the UDS and the CRPS.
- 7.59. While I appreciate the concerns raised in these submissions, I consider they raise matters that are beyond the scope of the plan change and are better addressed, as suggested in the submissions, in the Greater Christchurch Partnership forum. I also note that the plan change area currently falls outside of the area of concern of the UDS and was not recognised in the settlement pattern update or considered in the recommendations in Our Space for changes to the CRPS. This is discussed further in Section 8 below.

- 7.60. I also reject the proposition in the submissions that it is not appropriate to consider the proposed plan change until future work, such as the development of the next Future Development Strategy, has been completed. As discussed further below, I consider that the proposed plan change is consistent with the current, operative, higher order documents and to decline it on the basis that it may not align with future work, the outcomes of which are not currently known, is inconsistent with the principles of natural justice.

8. Statutory Analysis

- 8.1. In considering the contents of District Plans, Council must give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c)) and have regard to any proposed regional policy statement (s74 (2)(a)) and any management plan or strategy prepared under other Acts, including the Local Government Act (s74 (2)(b)(i)).

National Policy Statement on Urban Development Capacity (NPS-UDC)

- 8.2. I concur with the conclusion in Section 6.3 of the application that, currently, the only National Policy Statement relevant to the application is the NPS-UDC.
- 8.3. The NPS-UDC defines an urban environment as *“an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries.”* Kirwee currently has a population of less than 1,000 and while the Malvern Area Plan projects the population of Kirwee to grow by 44% by 2031, this growth will still be less than 10,000, which is the current trigger for urban environments in the NPS-UDC.
- 8.4. Therefore, as Kirwee is not classified as an urban environment, and the NPS-UDC is silent on development outside urban environments, I consider that the plan change request does not need to be assessed against the objectives and policies of the NPS-UDC.
- 8.5. I also note, for completeness, that the Greater Christchurch Partnership has determined that urban environment subject to the NPS-UDC is the Greater Christchurch Region, as shown on Map A within Chapter 6 of the CRPS.

National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health (NESCS)

- 8.6. I concur with the conclusion in Section 6.3 of the application that only the NESCS is relevant to the application.
- 8.7. A Preliminary Site Investigation (‘PSI’) was prepared by Tasman Environmental Management Ltd (TEM) in October 2012 in support of the original resource consent for subdivision. As this report did not cover the entire plan change site, TEM prepared an addendum, dated November 2019, to their original PSI. Both reports concluded that it is highly unlikely that there will be a risk to human health given the previous pastoral use of the site. I also note that the site is not currently listed on the CRC’s Listed Land Use Register that records locations where potentially contaminating activities have occurred in the past.
- 8.8. As this is an application from a zone change, and not the actual use of the site, the NESCS does not strictly apply. However, I consider that the appropriateness of residential use for the area has been established

to an appropriate level of detail for the purposes of this process. Further evaluations may be required through any subsequent consent processes.

Canterbury Regional Policy Statement (CRPS)

- 8.9. Section 6.4 and Appendix 9 of the application contain a comprehensive assessment of the proposal against the relevant objectives and policies of the CRPS and conclude that the proposed plan change is generally consistent with the existing provisions.
- 8.10. The application site is located outside of the 'Greater Christchurch' part of the Region and therefore Chapter 6 of the CRPS does not apply. Urban growth is instead managed primarily through Chapter 5.
- 8.11. Chapter 5 recognises the need to provide for the region's urban growth, however this is not an open ended provision, rather growth should only occur in a manner that achieves the following outcomes:
- a consolidated and connected urban form i.e. is adjacent to, and connected with, existing townships and has logical boundaries;
 - provides sufficient housing choice to meet the Region's housing needs;
 - is able to be efficiently serviced;
 - is able to be integrated into the transport network;
 - does not constrain the use or development of Regionally significant infrastructure;
 - maintains and where possible enhances the overall quality of the natural environment, including outstanding natural features and landscapes;
 - avoids conflicts between incompatible activities;
 - avoids locating new development in areas exposed to a high risk of natural hazard
- 8.12. The proposed plan change achieves these outcomes in that it relates to land already included within the boundary of the Kirwee township and is zoned for residential purposes, will provide for housing choice within the township, is able to be appropriately serviced (subject to the necessary consents), is not an area with identified outstanding landscape or other natural values or exposed to an unacceptable risk of natural hazards, and will not adversely affect the functioning of the strategic road network.
- 8.13. Therefore I consider that PC60 is able to 'give effect' to the CRPS at a strategic level.
- 8.14. For completeness, there is a proposed change to the CRPS, relating to Chapter 6. I do not consider that it is necessary to have regard to this proposed change when considering PC60, however I do note that the proposed change does not propose extending the application of Chapter 6 to include Kirwee.

Canterbury Land and Water Regional Plan (LWRP)

- 8.15. Section 6.4 and Appendix 10 of the application assess the proposal against the relevant provisions of the LWRP that provide direction in terms of the processing of resource consent applications related to the management of land and water resources in Canterbury. It is considered that the objectives of the LWRP are applicable when considering the proposed plan change.

- 8.16. The ability of the plan changed area to be efficiently serviced in terms of water, wastewater, and stormwater has been discussed above. In summary, the plan change area is able to be provided with a reticulated water supply, albeit at this current time, as a restricted supply. Stormwater will be disposed of directly to ground, with the free-draining nature of the soils combined with the proposed sizes meaning that there is no need for a site-wide reticulated stormwater retention and treatment system. Given that there is no reticulated wastewater infrastructure available in Kirwee, the sites will be required to be serviced by individual septic tanks for which a discharge consent under the LWRP would be required. The applicant has indicated that, under current statutory requirements discharge consent from the CRC for individual on-site wastewater treatment and disposal, could be gained. Should this not be forthcoming, the Servicing Report in Appendix 7 of the application has identified a number of other options. The detailed design of appropriate systems will form part of any subsequent subdivision consent process and will be assessed via any associated resource consents required under the LWRP from the CRC.
- 8.17. I consider 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

- 8.18. Section 6.4 and Appendix 11 of the application assess the plan change request against the relevant provisions of the Mahaanui Iwi Management Plan. An assessment of the proposal has also been undertaken by Mahaanui Kurataiao Ltd and is included in Appendix 8 of the application.
- 8.19. While there are no specific areas of cultural value identified on the application site, as discussed in Section 7 above, the rūnanga have encouraged the applicant to reflect the relevant Ngāi Tahu Development guidelines in future plans. Mahaanui Kurataiao Ltd have also made a number of recommendations that I consider are more appropriate addressed at the time of consent for subdivision.
- 8.20. I consider that the proposed plan change will not compromise the values set out in the Mahaanui Iwi Management Plan 2013.

Selwyn District Plan

- 8.21. Appendix 12 of the application contains a comprehensive assessment of the proposal against the relevant objectives and policies of the Township Volume of the Plan and concludes that the proposed plan change is consistent with the existing provisions.
- 8.22. I consider that the assessment contained within the application correctly identifies the relevant objectives and policies that apply to this plan change request, and evaluates them to a level of detail that is appropriate to the degree of change that is being sought. I accept the conclusion reached in the application that the proposed plan change is consistent with the existing objectives and policies of the Plan.

Selwyn 2031: District Development Strategy and Malvern 2031: Malvern Area Plan Mahere-ā-Rohe

- 8.23. Section 6.4 of the application contains an assessment of the proposal against the provisions of Selwyn 2031 and the Malvern Area Plan, and concludes that the proposed plan change is consistent with the direction of both documents.
- 8.24. I concur with the conclusion in the application that the proposed plan change is consistent with the key actions identified in the Selwyn 2031: District Development Strategy.
- 8.25. As discussed in Section 7 above, I also consider that the proposed plan change is consistent with the Malvern Area Plan, in that it manages growth within the existing township boundary, in an integrated and consolidated manner.

9. Proposed Amendments to the District Plan

- 9.1. The objectives and policies of the Living 1 zone are operative and well settled. PC60 does not propose any amendments to the objectives and policies, and I do not consider that any are necessary. The proposed plan change also relies on the operative Living 1 provisions in terms of achieving appropriate levels of amenity, building scale and location, and again I do not consider that any amendment, alteration or addition to this framework is required.
- 9.2. The plan change does propose to include an ODP. As discussed in Section 7 above, I consider that the overall plan is the only ODP necessary to be included in the Plan, should the plan change be approved. This is consistent with the approach taken in the proposed district plan, of consolidating information from multiple layers into the one ODP.

10. Conclusions and Recommendation

- 10.1. As set out in Section 6, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.

Functions of territorial authorities

- 10.2. 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”

- 10.3. The assessment and conclusions of this report establish that PC60 incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes.
- 10.4. The matters proposed in PC60 are all matters that fall within the ambit of the content of a district plan under s75, and I consider that the application, and this report, have had appropriate regard to all the relevant matters set out in s74 and 75.

Consideration of alternatives, benefits and costs

- 10.5. The Council has a duty under s32 of the Act 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.
- 10.6. In summary, s32 requires the consideration and evaluation of the extent to which the proposal is the most appropriate way to achieve the purpose of the Act, having regard to the efficiency and effectiveness of all practicable options.
- 10.7. Appendix 2 of the application contains an assessment of the alternatives, benefits and costs of the proposed plan change. I concur with the applicant that the other practical options for achieving the purpose of the proposal include the following:
- Maintaining the status quo i.e. maintain the current zoning and not provide for intensification of the area
 - Rezoning the area to Living 1
 - Seeking intensification of the site through a subdivision consent.
- 10.8. Having assessed the evaluation contained in the plan change request and the findings of the various peer reviews and evidence, I am satisfied that the proposed plan change is the best approach when considered against s32 of the Act.

Part 2 Matters

- 10.9. The Act requires the Council to manage the use and development of physical resources in a way, or at a rate, that will enable to the community to provide for its social, economic and cultural wellbeing while avoiding, remedying or mitigating any adverse effects of activities on the environment (s5).
- 10.10. There are no matters of national importance listed in s6 that are considered to be of specific relevance to PC60. The other matters in s7 to which Council must have regard to include the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.
- 10.11. I consider that the purpose of the Act is reflected in the current objectives and policies of the Plan and that these have already been through the statutory tests and are unchallenged. PC60 does not seek to make any changes to the settled objectives and policies of the Plan, rather it seeks to change the Plan's zoning pattern. I consider that this better achieve the Plan's objectives, and thereby Part 2, than the operative zoning, resulting in the efficient use and development of natural and physical resources, whilst maintaining the amenity value of the area.
- 10.12. There are no known sites of significance or specific cultural values affecting the development of the area and Iwi have been consulted as part of the plan change process. The Treaty of Waitangi has been considered in preparing and assessing PC60.
- 10.13. It is my opinion that PC60 will achieve the purposes of the Act.

Conclusion and Recommendation

- 10.14. The assessment and conclusions of this report establish that PC60, at a strategic level, better achieves the Plans' objectives than the existing provisions, is consistent with the provisions regarding urban growth management, gives effect to the objectives and policies of higher order documents in place at the time that this report was written, and is in accordance with the Malvern Area Plan 2031.
- 10.15. The plan change proposes to intensify an existing residential zoned area, to provide for smaller sites than the current zoning allows in that part of Kirwee. I consider that this is a more efficient use of land that is already identified for residential use and will not require the expansion of the township boundary, resulting in a more compact township form. Servicing of PC60 is technically feasible through on-site management of stormwater and wastewater and connection to the Council's reticulated water network, potentially as a restricted supply. The proposal will not result in any unacceptable effects on the safe and efficient functioning of the road network.
- 10.16. It is therefore my recommendation that Plan Change 60 be accepted without modification. It is recommended that all the submissions in opposition be rejected and those in support be accepted, as set out in **Appendix 1**.

Appendix 1 – Summary of Submissions and Officer Recommendations

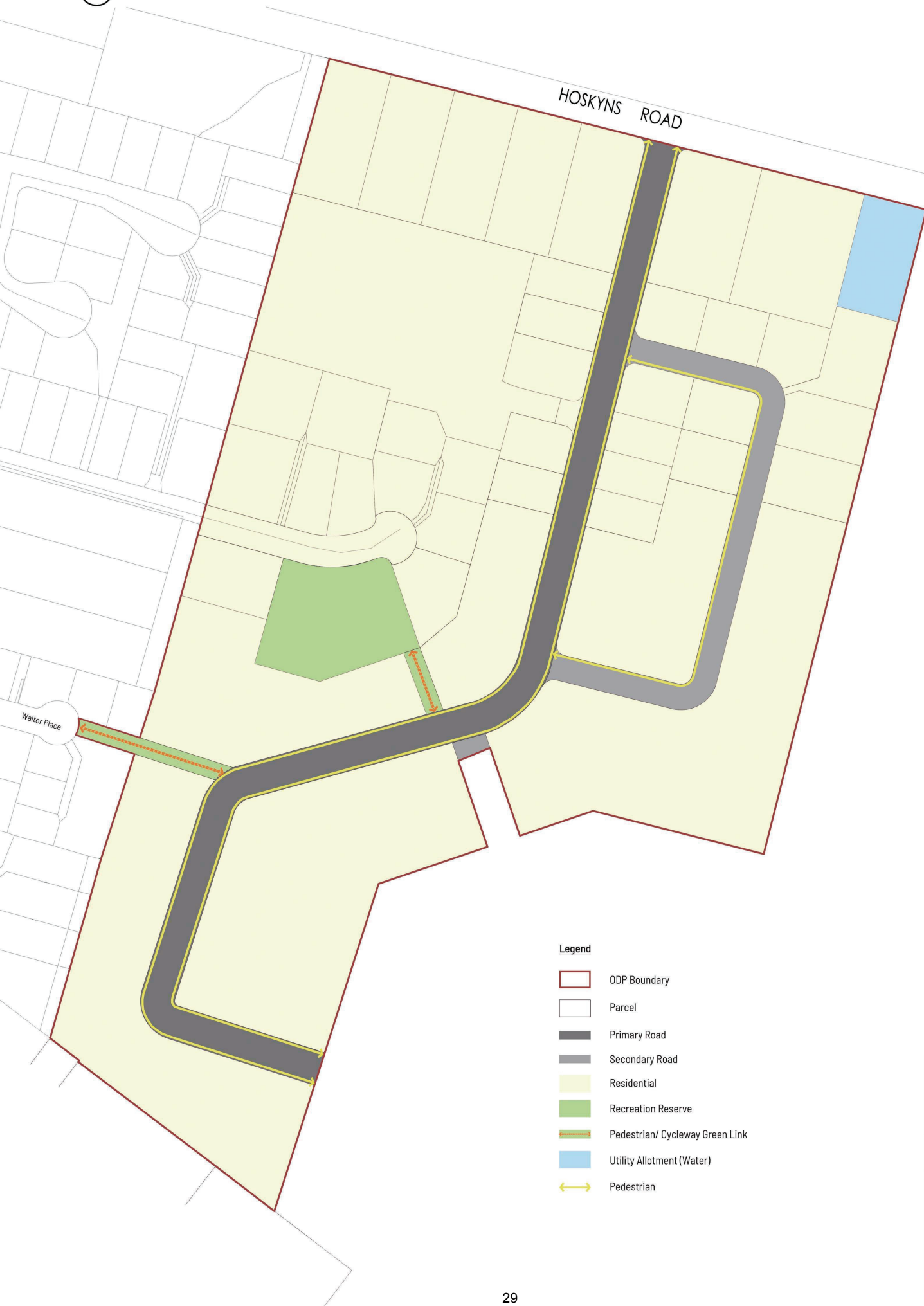
Sub No.	Submitter	Support/ Oppose	Summary of Submissions	Officer Recommendation
01	Ian Dickie	Oppose in part	Seeks that the already subdivided sections, including Lots 10 to 16 DP 528758 be excluded from the proposed plan change.	Reject
02	NZ Transport Agency	Oppose	Concerned that no provision has been made for roading connection to local roads within Kirwee, such as School Lane or Walter Place, which creates a segregation of areas and could affect the connections within the local community. Recommends that consideration of local roading connections to School Lane, Walter Place or other similar arrangement is included as part of the ODP.	Reject
			Requests that the proposed plan change be considered against any updated Urban Development Strategy (UDS) provisions. Consideration also needs to be given to the Regional Policy Statement (RPS).	Reject
03	Christchurch City Council	Support in part	SUBMISSION NOT CONSIDERED IN FAVOUR OF SUBMISSION #9	N/A
04	David John Jarman	Oppose	PC60 should not proceed until all available Living 1 zoned land has been developed.	Reject
			Development of existing Living 1 land on the corner of Hoskyns Road and Courtenay Road is more central to the Kirwee and would accommodate growth in a more compact pattern than that proposed in the Plan Change.	Reject
			Concern about sewerage disposal and groundwater contamination. The Council should require the applicant to install a reticulated sewerage system and treatment plant as a condition of the zoning, rather than waiting until approval of a subdivision	Reject
			The visual landscape from Hoskyns Road may change significantly and adversely.	Reject
			Concern that the high volumes of traffic generated by the additional sections would create a highly dangerous intersection at Suffolk Drive/Hoskyns Road, especially with the sun angle in peak hour at certain times of the year.	Reject
			Concern that the high increase in traffic at the Suffolk Drive/Hoskyns Road intersection poses a significant safety hazard for pedestrians using the footpath on Hoskyns Road and navigating through the subdivision to School Lane/Walter Place.	Reject
			Concern regarding the additional traffic movements on children's safety and general road safety in the area.	Reject
			Concerned that the Greendale Fault is not correctly mapped in the application and request confirmation that the information provided is corrected.	Reject

Sub No.	Submitter	Support/ Oppose	Summary of Submissions	Officer Recommendation
05	Bealey Developments Ltd	Support	Support future requirement to amended existing consent notices	Accept in part
			Concern that the potential transport network may not be conducive to future development of submitters land.	Reject
			Seeks clarification as to the status of the outline development plan layer labelled 'potential transport network'.	Reject in part
06	Fire and Emergency New Zealand	Oppose	Kirwee currently has an insufficient water supply for firefighting purposes and PC60 does not provide FENZ with the certainty to support or remain neutral with respect to the plan change.	Reject
			FENZ seeks the addition of provisions as part of PC60 that require any new lots or habitable buildings within the plan change area to be provided with a water supply connection that complies with the New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 (CoP). Where a reticulated supply cannot provide adequate water volume and pressure for firefighting as set out in the CoP, an alternative on-site firefighting water supply shall be provided in accordance with the CoP.	Reject
07	Ministry of Education	Neutral	Seeks that the Ministry of Education is able to engage with Council and the developer in respect of potential effects on the capacity and growth of Kirwee Model School	Reject
			Seeks that the Ministry of Education is consulted on the potential traffic effects including the proposed pedestrian and cycle access on Kirwee Model School	Reject
			Seeks that the applicant establishes that there are no adverse and cumulative effects on the Kirwee Model School in respect of the proposed onsite discharge of wastewater.	Accept in part
08	Canterbury Regional Council	Oppose in part	Strongly encourages the provision of reticulated wastewater services for new residential development rather than the proposed wastewater servicing method of individual on-site wastewater treatment systems.	Reject
			Concerned that it would be inappropriate to service the plan change area with on-site wastewater systems ahead of any Selwyn District Council decisions on the future of a coordinated approach to wastewater infrastructure serving Kirwee.	Reject
			Would like to see a requirement for the outline development plan to include reticulated wastewater servicing, or a mechanism in place to require a co-ordinated approach to reticulation at the time of subdivision.	Reject

Sub No.	Submitter	Support/ Oppose	Summary of Submissions	Officer Recommendation
09*	Christchurch City Council	Support in part	Seeks that the plan change is accepted in part, with no intensification beyond what is needed to provide for local growth needs as identified in the Malvern Area Plan.	Reject
			Concerned about the wider transport effects on Christchurch City from the potential increase in commuter traffic volumes into the City from Kirwee and the implications that this will have in terms of increased emissions, congestion and longer journey times. Would like to see the transport effects assessment consider alternative transport options and the transport effects on the wider region.	Reject
			Concerned regarding the on-site servicing proposed and the implications that this may have on the sustainability of the Greater Christchurch sub-region.	Reject
			Concerned that the release of land beyond the forecast growth models has the potential to undermine the higher order documents, prepared by various agencies, which have been developed to enable growth to occur in the wider Canterbury region in an integrated and consolidated manner.	Reject
			Concerned that there is a risk to the implementation of the Urban Development Strategy from urban development beyond the UDS boundary, and questions whether the Greater Christchurch Partnership has a view on whether the partnership boundary needs to be extended to cover a wider area.	Reject

Appendix 2 – Proposed Outline Development Plan

As discussed in the body of the report, it is considered that only the overall plan layer should be included in the Plan, should the plan change be approved. This is consistent with the approach taken in the proposed district plan, of consolidating information from multiple layers into the one ODP.



Appendix 3 – Evidence of Murray England, Asset Manager Water Services

In The Matter of the Resource Management Act 1991 (“the Act”) And

In The Matter Kirwee Plan Change 60 -

OFFICER COMMENTS OF MURRAY ENGLAND

Introduction

1. My name is **MURRAY RUSSELL ENGLAND**. My qualifications are BE (Environmental) and NZCE (Civil).
2. I am the Asset Manager – Water Services for the Selwyn District Council (“the Council”) and I am authorised to present this statement on its behalf. I have been employed by the Council since March 2009 initially holding the position of Stormwater Engineer and since May 2012 the position of Asset Manager Water Services.
3. I have the responsibility of managing Councils 5 waters which include Potable Water, Wastewater, Stormwater, Land Drainage and Water Races.
4. The Council operates the water supply which will be impacted by this plan change.

Water Supply

5. The Kirwee Water Supply provides UV treated groundwater to the Kirwee community from bore L35/0191. This bore supplies water to the network via a reservoir and booster pump station (Refer Appendix 1 and 2) .
6. Water take consent (CRC158020) limits the maximum rate of take to 45 litres per second and 396,450 cubic metres per year. There is 450 cubic metres of reservoir storage and a booster pumping system so the maximum flow rate that can be

supplied to the community is 53 litres per second.

7. Over the last 3 years, the maximum supply demand was 34 litres per second and the annual volume 228,000 cubic metres per year. This means capacity for some growth is available.
8. The water supply provides both 'on-demand' connections via water meters and also restricted connections mainly to rural properties.

Future Growth Demand

9. In response to the accelerated growth within the Selwyn District, hydraulic models have been used to plan future water infrastructure for a number of water supplies including Kirwee.
10. The master planning provides an assessment of the sizing and timing of new infrastructure for new water sources (wells) and pipelines to service growth. Part of the master planning requires a water balance to be developed to forecast growth, using historical peak demand per household. The water balance forecasts the peak instantaneous flow per year versus the water resources available to determine the staging of new wells.
11. Kirwee is expected to see growth over the next 30-years and to meet this growth, a new well has been planned for 2020/21 to increase supply capacity.
12. As identified by the applicant, a utility allotment was vested with the SDC for the purpose of providing a new water supply well and headworks.
13. At the date of this statement, a new bore has been drilled and tested. A summary is provided below:

- Screen depth: 208 – 225m
- Static water level: 95.5m
- Drawdown: 24.5m @ 50L/sec (7 hour test)

This is a good result and it is expected that this will be a high yield bore.

14. A resource consent application to Environment Canterbury to abstract water from this well is currently being prepared. Consent is required before water can be abstracted.

15. The plan change proposes an additional water demand of 68.75 litres per second and 53,000 cubic metres per year.
16. The additional yearly volume can be provided however, without the addition of the new bore, the existing system cannot meet the requirements of the proposed development in terms of peak flow rate.
17. At this time, the existing water supply infrastructure has insufficient capacity to meet the likely demand generated from the plan change area if 'on demand connections' are provided as proposed.
18. However, if each individual lot were provided with a restricted water connection limited to 3 units (3000 l/day) then the whole proposed plan change area can be serviced now.
19. If a resource consent is granted from Environment Canterbury to take water from the newly constructed bore, on demand metered connections could be provided.

Water Quality

20. The screen depth of the new bore at 208m gives a good level of protection against ground water contamination from surrounding land use.
21. In addition, all water abstracted from the new bore will be UV treated to ensure the water is safe to drink at all times.
22. The existing bore L35/0191 is UV treated.

Fire Fighting Capacity

23. The Kirwee scheme was designed as a domestic supply which has been extended into the surrounding rural areas and therefore not all areas within Kirwee water supply will comply with the NZ Fire Fighting Code of Practice due to reticulation sizing in the rural areas.
24. The Infrastructure Report accompanying the plan change 'Kirwee Plan Change - Servicing Report' states that *"For firefighting purposes, the classification for the subdivision will be FW2 (from SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice), based on all properties being*

residential, non-sprinklered structures.”

25. Council confirms that all new subdivisions are required to be designed and constructed in accordance with Selwyn District Councils ‘Engineering Code of Practice’. Section 7.5.4 – Fire service requirements, provides the following requirement:

“The water supply reticulation should comply with the Fire Service Code of Practice. In particular, the reticulation must meet the requirements for firefighting flows, residual fire pressure and the spacing of hydrants.

Location of hydrants shall comply with SNZ PAS 4509: 2008 with minimum hydrants spacing of 135 metres. Blue RRPM’s (cat eyes) shall be installed to offset from the road centreline adjacent to all hydrants. Hydrant Marker posts are to be installed to comply with Section G3.4 of the NZ Fire Service Code of Practice. Hydrant posts are not required in urban areas. The type of hydrant marker required is shown on drawing WS10.0 (see Appendix V).’

26. In summary, the reticulated water supply for this proposed plan change shall be designed to meet firefighting standards.

Conclusion

27. The ODP area can be adequately serviced with potable water initially via a restricted supply and ultimately on-demand metered supply once consent is granted.
28. Firefighting requirements can be met.
29. High quality drinking water can be provided and maintained for both the existing and future proposed users.
30. It is noted that development contributions are payable for any additional lot developed.

Wastewater

31. There is no reticulated sewage network within Kirwee
32. The application considers a number of wastewater servicing options. The preferred

wastewater system is identified as consisting of *“sewer from each lot will be treated by onsite aerated wastewater treatment systems installed on each allotment at the time of building consent.”*

33. Resource consent from Environment Canterbury will be required before any subdivision consent can be approved.
34. I am aware that submitters have raised concerns regarding the risk of contamination of drinking water arising as a consequence of on-site wastewater disposal. Appendix 6 provides a consent notice which provides a 100m buffer between the new bore and any potential future on-site wastewater systems. This along with the measures provided in statements 20 and 21 provides a good level of protection of the community supply.

Darfield and Kirwee Reticulated Wastewater

35. Over the past three years, a joint working party representing the Council, Malvern Community Board, Darfield and Kirwee township committees, Canterbury District Health Board and Environment Canterbury has been considering options for the possible establishment of a wastewater scheme for Darfield and Kirwee, which do not currently have a reticulated wastewater system.
36. A business case assessment, which included public consultation, indicated that while a full township wastewater scheme was not warranted, there was evidence to support a scheme for central Darfield and for any new development within the township. There was feedback from the business community of the potential benefits for growth and for reducing onsite treatment costs. It would also allow smaller houses to be provided in Darfield to provide for an ageing population.
37. The Council has endorsed the business case recommendation, to progress further planning and consultation for a reticulated scheme for central Darfield and for new developments. The Council also confirmed it will continue to seek cost-effective and environmentally sound solutions for both Darfield and Kirwee¹.
38. Following consultation on the proposal for a central Darfield and for new developments, Council has requested that *“Design, costing and funding options for*

¹ Council resolution – Appendix 4

a reticulated wastewater system for Darfield and possibly Kirwee be prepared for the 2021-2031 Long Term Plan with installation to proceed as soon as possible once the preferred option is agreed upon in consultation with communities²”

Conclusion

39. There is a viable means to dispose of wastewater for this plan change area. I would recommend that a wastewater consent is obtained from Environment Canterbury prior to resource consent for subdivision being applied for from Selwyn District Council.
40. Should a reticulated wastewater system be available in time for the subdivision, connection to this system should be insisted on. Should a reticulated system be available Development contributions would be payable for any additional lot developed.

Stormwater

41. It is anticipated by the applicant that stormwater will discharge to ground via sump to soakhole. The discharge of stormwater to ground is appropriate.
42. Resource consent for stormwater discharge from Environment Canterbury will be required before any subdivision consent can be approved.

Conclusion

43. There is a viable means to dispose of stormwater for this plan change area. I would recommend that a stormwater consent is obtained from Environment Canterbury prior to resource consent been applied for from Selwyn District Council.

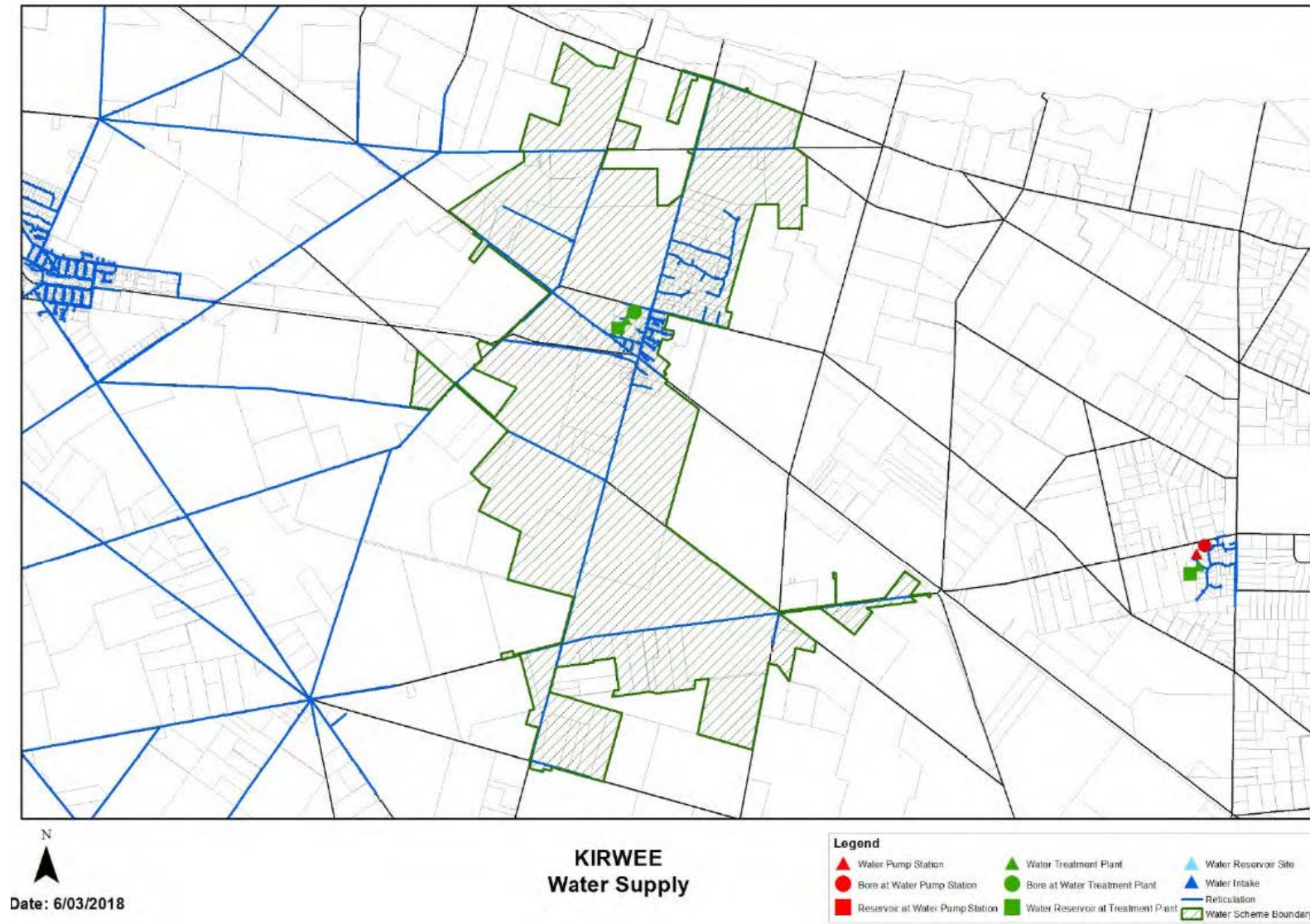
Murray England

18 June 2020

² Council resolution – Appendix 5

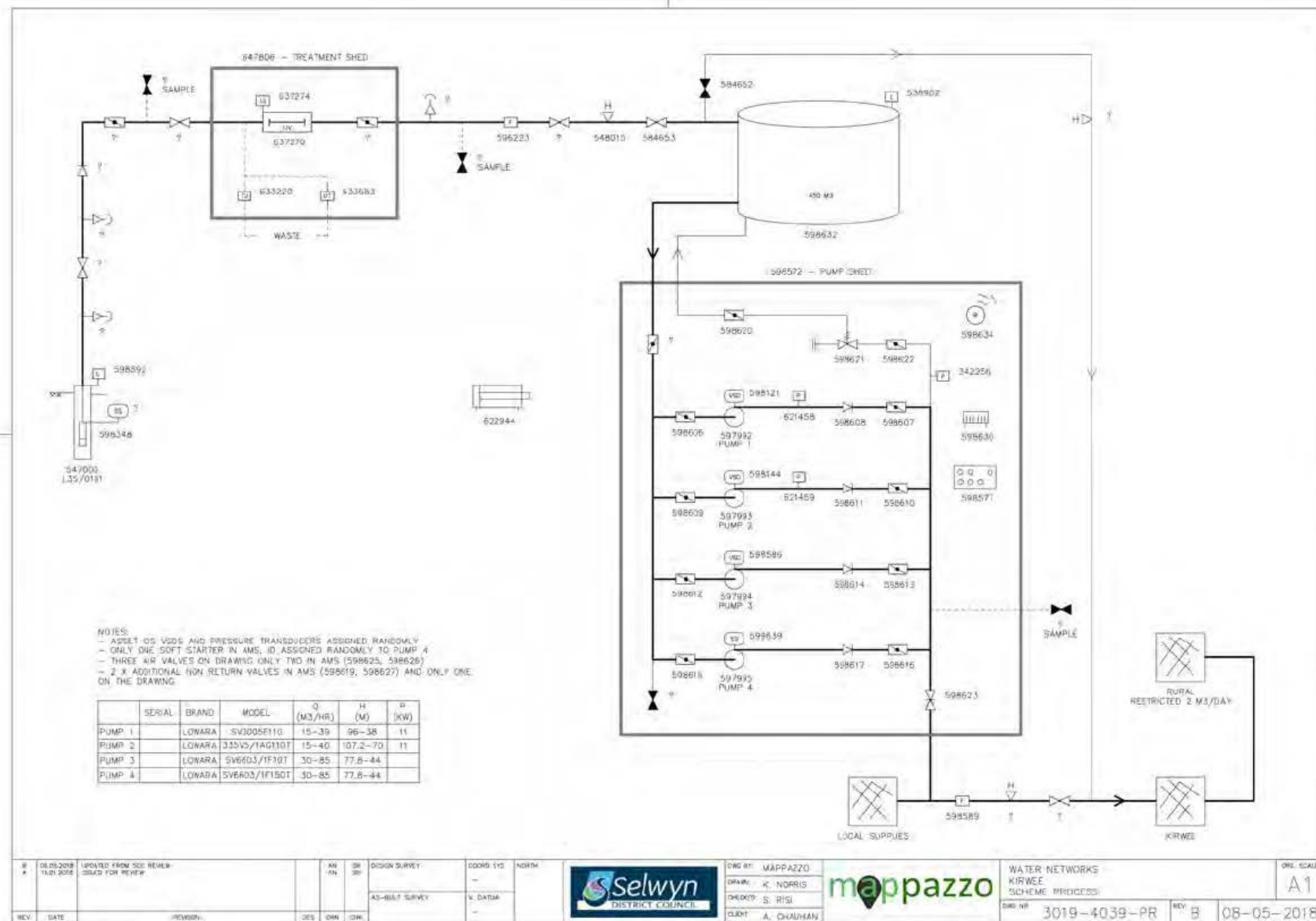
Appendix 1

Scheme Map – Water



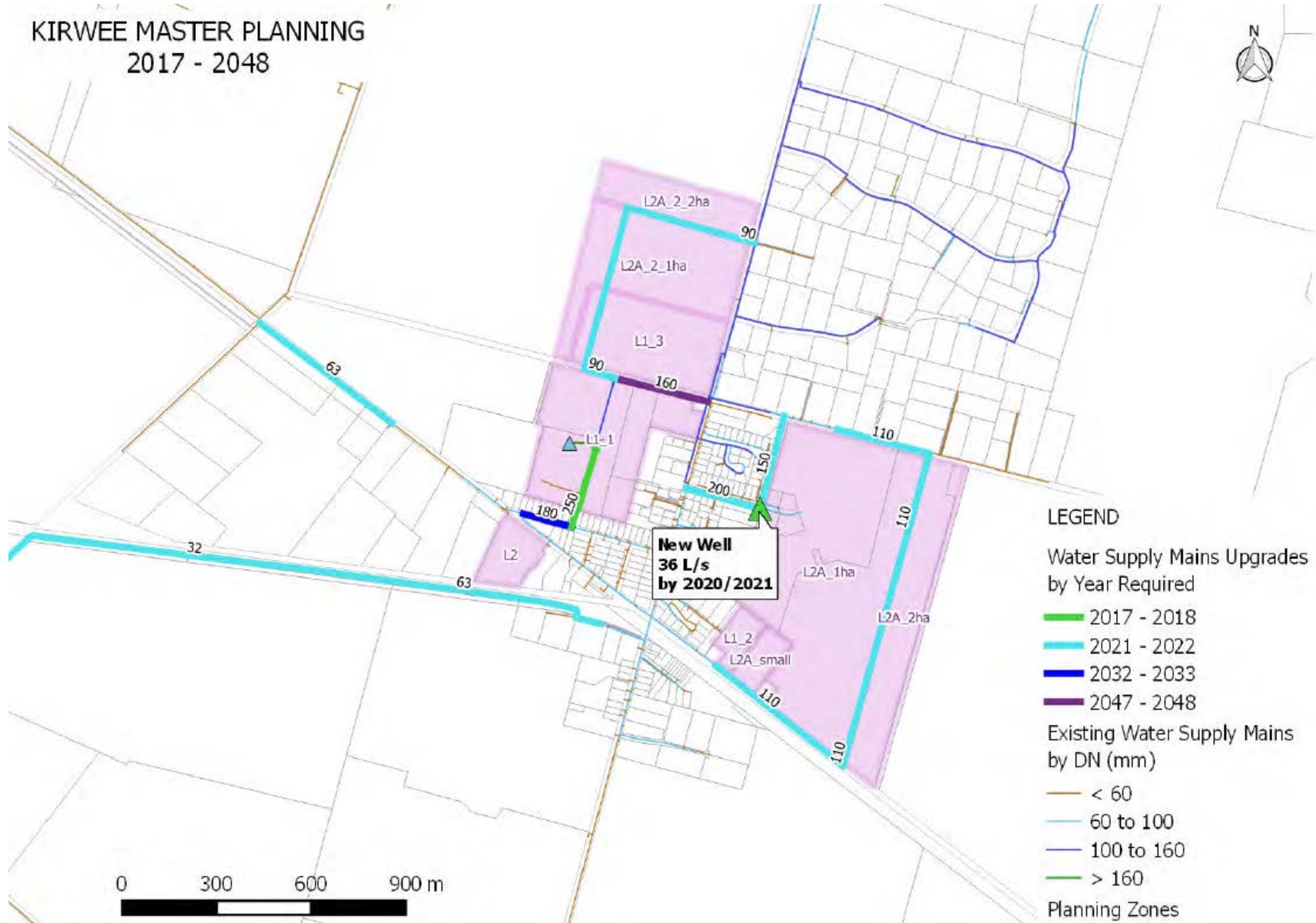
Appendix 2

Scheme Schematic – Water



Appendix 3

KIRWEE MASTER PLANNING 2017 - 2048



Appendix 4

Council 12 February 2020

‘That the Council:

- a) Receives this report ‘Darfield and Kirwee Wastewater Business Case’ for information, and
- b) Endorse the recommendation from the Darfield Business Case assessment that there is sufficient evidence to support planning toward a potential central Darfield Wastewater Scheme, and
- c) Request staff to prepare a brief statement to include in the 2020/21 Annual Plan consultation document to further engage the communities desire for a reticulated wastewater system within central Darfield and for any new development within the township; and indicating that formal consultation on any proposal would take place as part of the 2021 -2031 Long Term Plan Process.
- d) Continue to strive for cost effective and environmentally sound solutions that could ultimately benefit the whole Darfield and Kirwee communities in the future; and
- e) Review options for the location and treatment including piping to ESSS.’

Appendix 5

MINUTES OF THE SELWYN DISTRICT COUNCIL

DRAFT ANNUAL PLAN SUBMISSION DELIBERATIONS

HELD IN THE COUNCIL CHAMBERS, 2 NORMAN KIRK DRIVE ROLLESTON

ON THURSDAY 11 JUNE 2020 BETWEEN 9.30AM AND 4.05PM (unconfirmed)

It is agreed that:

(a) Design, costing and funding options for a reticulated wastewater system for Darfield and possibly Kirwee be prepared for the 2021-2031 Long Term Plan with installation to proceed as soon as possible once the preferred option is agreed upon in consultation with communities;

(b) That the definition of the sewage investigation rate be amended from (refer wording in 2019/20 Annual plan page 105):

“A sewerage investigation targeted rate is assessed on each SUIP in Darfield to cover the cost of monitoring the environmental effects of discharging waste water to ground.” to,

*“A sewerage investigation targeted rate is assessed on each SUIP in Darfield to cover the cost of monitoring the environmental effects of discharging wastewater to ground **and the development of a design to resolve potential risks.**”*

(c) That funding of up to an additional \$100,000 from the ‘sewerage investigation targeted rate’ account be made available to progress investigations and design work and that this be reflected in the annual plan budget.

Appendix 6

Consent Notice and Plan 528758



www.selwyn.govt.nz

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Resource Consent 175578,
185276 & 185479

CONSENT NOTICE PURSUANT TO S. 221 RESOURCE MANAGEMENT ACT 1991

To: The District Land Registrar
Canterbury Land Registration District

TAKE NOTICE that the land hereinafter described is subject to conditions in relation to a subdivision

"That should the plume of influence of the well on Lot 400 of the subdivision extend over Lots 15, 16 and 500 of the subdivision, shown as Areas "Z", "Y" and "X" on Plan 528758, then this area be shown on the survey plan and be prevented from the location of any effluent treatment and disposal system."

AND THAT you are hereby requested to register the same pursuant to Section 221 of the Resource Management Act 1991.

DESCRIPTION OF LAND

All those pieces of land being Lots 15, 16 and 500 DP 528758 as held in computer freehold registers 855913, 855914 and 855917

DATED this 12th day of October 2018

SIGNED for and on behalf of Selwyn District Council

A handwritten signature in blue ink, appearing to read 'J. Ford'.

Authorised Officer

www.selwyn.govt.nz
Selwyn District Council, 2 Norman Kirk Drive Rolleston / PO BOX 90, Rolleston 7643
Tel: 03 347 2800 Fax: 03 347 2799 Email: admin@selwyn.govt.nz



Appendix 4 – Evidence of Andrew Mazey, Asset Manager Transportation



M E M O R A N D U M

To: Jocelyn Lewes, Processing Planner

From: Andrew Mazey, Asset Manager Transportation

Date: 17 June 2020

Subject: Transport Comments on Plan Change 60, Kirwee Central Properties Ltd

Introduction

1. My name is Andrew McDonald Mazey. I have worked for Selwyn District Council since 1991 in a number of roading related roles over this time. I currently hold the position of Asset Manager Transportation and have been in this and an equivalent earlier position for 19 years. Part of my role is to provide strategic asset management and planning advice to Council across its roading and transport systems. A key component of this is to ensure the appropriate integration of both transport and land use planning for activities that depend on both.
3. Because of the relatively simple and non-contentious nature of this Plan Change 60 (PC) application, my comments are provided in memo form. I have been involved in pre application meetings and providing transport advice on behalf of Council to the Applicant previously. This also includes the original 45 lot subdivision consented and partly constructed covered by Resource Consent 175578 granted in February 2018.
4. I have read in particular the December 2018 Transportation Assessment by Carriageway Consulting Ltd included in the PC Application. From the outset I am generally supportive of the conclusions reached in the report.
5. Apart from any general discussion or comments, others are on an “exception” basis to discuss any specific aspects of interest or note. This includes roading

and transport submission points directed to me by the Processing Planner to consider.

PC60 Outline Development Plan (ODP)

6. I am in agreement with the roading and transport layout shown on the PC Outline Development Plan (ODP). Pre Application discussions worked through the layout of the ODP. The ODP incorporates the main roading elements already consented and constructed under the RC175578 including the cul de sac extension of School Lane and 300m of the primary road (Suffolk Drive) from Hoskyns Road.
7. The PC area has no direct roading or property access to the West Coast Road State Highway 73 (SH73). However as shown by the ODP there is provision to extend the primary road south of the PC area through any further urban rezoning. This allowance provides viable options to extend the primary road to SH73 and/or loop back onto Hoskyns Road further east as part of any future urban development.
8. A notable feature of the proposed PC roading network is the perceived lack of internal roading connectivity west to Courtenay Road using existing local roads, which has been commented on by some submitters. This was an outcome Council encouraged to create stronger walking and cycling links rather than traffic “rat runs” from the PC area to Courtenay Road using Walter Place and School Lane, which are narrow and difficult to upgrade to improve capacity and safety.
9. In the case of School Lane it only has a 12m wide road reserve alongside the school. It was always an important outcome to minimise any increase in through traffic from any new urban development to the east along the school frontage that would impact on existing school crossing points, parking activities and other access needs to maintain safe access to the school. This is why I support the retaining the existing School Lane cul de sac extension into the PC (created by RC175578) rather than extending it further to connect onto the PC primary road. The direct reserve and walking and cycling connections achieved to School Lane and Walter Place from the PC area will encourage local trips by

those modes rather than by private vehicle which is a better outcome in this situation.

Submissions

Comments are provided on the following submissions relating to roading and transport aspects.

NZ Transport Agency (NZTA):

10. The NZTA referred to the lack of local roading connections through the likes of Walter Place and School Lane to the PC area. The reasons for this are explained above. In addition the ability to extend some of these and other adjoining roads has been prevented with new homes being built e.g. Glen Oak Drive.
11. Whether through these possible roading connections and/or just from Suffolk Drive/primary road connecting to Hoskyns Road, the increase in traffic using the SH73/Courtney Road intersection as the result of this will generally be the same. In time if urban zoning extends further east from the PC area, the primary road could, subject to due process, can connect directly to SH73 which will spread the traffic generated in the PC area and beyond more equitably across multiple roading access points.

Jarman:

12. The submitter raises a number of potential issues with the use of the Suffolk Drive/Hoskyns Road Intersection. The intersection, along with the current roads in PC area was constructed under RC175578 following Council engineering approval processes and requirements. It is quite obvious it was always going to have a much wider role to cater than envisaged by RC175578, as this PC now proposes, and had been configured and constructed to enable this to occur.
13. I agree as explained in the Applicants Traffic Assessment, that proposed traffic levels are sufficiently low through the intersection such that an individual traffic assessment is not required under Austroad requirements. The intersection will operate as a standard priority controlled tee intersection. The predominate

traffic movements will be a right turn into Suffolk Drive from Hoskyns Road and left turn out of Suffolk Drive to Hoskyns Road. The intersection would benefit from a Give Way priority control being installed on Suffolk Drive to ensure relative priorities are understood by road users as traffic volumes increase. The suggestion by submitter to install traffic signals is totally unwarranted based on the low traffic use the intersection will receive in relative terms.

14. However Council has raised previously the issue with the 6m seal width of the 450m long section of Hoskyns Road back to the Courtenay Road intersection. This is narrower than the 8-9m wide carriageway already in place with Suffolk Drive, appropriately in line with this type of urban development and the Local Major Road classification stipulated in the District Plan.
15. It is therefore incongruous that this 450m section of Hoskyns Road is not of a similar standard as most, if not all, of the additional 944 daily traffic generated by the PC area will be using this section of road to connect to Courtenay Road, and then main arterial roads such as SH73 and Old West Coast Road.
16. It has been my opinion in the past, and now again with this PC application that the seal widening of this section of Hoskyns Road is necessary to improve safety and mitigate the extra maintenance costs from increased edge break from any significant urban activity planning to utilise Hoskyns Road for primary access.
17. Notwithstanding the benefits of not having to provide other local roading connections as explained above, it is reasonable instead that the Applicant should at least upgrade this section of Hoskyns Road to cater for main traffic flows originating from the PC area. This even more relevant now compared to the previous lower density development intended by RC175578 and the extended area.
18. While the submitter raises the possible issue of sun strike at the intersection of Suffolk Drive and Hoskyns Road I do not consider this to be a sufficient reason to jeopardise the Application. Firstly the intersection has already been approved and constructed in accordance RC175578. Secondly when viewing the roading

network as a whole there are many roads and intersections that fall onto this azimuth type alignment with the sun.

19. The submitter has also raised a possible safety issue with the footpath at the Suffolk Drive/Hoskyns Road intersection and children playing alongside Hoskyns Road. I see no pedestrian safety issue at the intersection compared to what would be found at any other urban intersection. It is actually of considerable benefit to the current PC application that a footpath along Hoskyns Road is already in place. However it is expected pedestrians, including school students, will favour using the more direct routes provided by the pedestrian links via School Lane and Walter Place.
20. The submitter's safety concerns around "...a number of children playing on the sides of Hoskyns Road..." is a matter of individual and/or care giver reasonability around personal safety in general. This activity likely occurs more in the absence of traffic along Hoskyns Road and will be self-correcting as traffic volumes increase and individuals become more aware of the safety implications.

Ministry of Education:

21. The submitter supports the pedestrian and cycling access provided to the school, in preference to adopting more direct roading connections from the PC area.
22. It is noted that the submitter wishes to ensure the continued safety of students accessing the school through all modes. The Selwyn District Council employs a School Road Safety Coordinator who works with schools to develop School Travel Plans to assist in providing behavioural and localised infrastructural improvements to improve the safety of students getting to and from school, especially around the "school gate". To date the Kirwee Model School has not taken Council up on an offer to collaborate on such a plan. It would be recommended that the submitter encourages the School to do so to assist in improving school road safety outcomes in the immediate area around the school.

Christchurch City Council:

23. The submitter has the view that further urban development within Selwyn increases the number of commuter trips into Christchurch. This then impacts on their own roading network contributing to more congestion along with other effects such as increased emissions etc. The collaboration on these types of transport and land use issues are governed by the Greater Christchurch Partnership (GCP) in the high growth areas close to metropolitan Christchurch that include Rolleston and Lincoln etc. This does not include Kirwee which is rural township well beyond the GCP geographical area of purview.
24. The PC area will generate an extra 944 Daily traffic movements (472 in and 472 out). The submitter provides no evidence on what proportion of this would end up on the Christchurch network or indeed other destinations such as Darfield to the north or even say Rolleston. Even assuming all 472 trips did indeed end up on the Christchurch network the net effect would be minuscule in relative terms.
25. The Metro Service 86 provides a direct express bus service in the morning between Darfield and the Central City Bus exchange. It has been recently upgraded from a trial to a permanent service based on its good level of patronage. This service includes stops at Kirwee and West Melton. This alternative mode of transport would be available to those in the PC area to reduce commuter single occupant type car trips.

Conclusion

From a roading and transport perspective I support the proposed Plan Change 60 with the exception that it should include the seal widening of Hoskyns Road between Courtney Road and Suffolk Drive. As the only main existing roading link to proposed plan change area, Hoskyns Road should be of similar standard as the internal urban roading network already established by Suffolk Drive as it is expected that this section of Hoskyns Road will carry most, if not all, of the traffic generated from the development area to Courtenay Road.



Andrew Mazey
Asset Manager Transportation