

Section 42A Report

Report on Private Plan Change Request 63

Merf Ag Services Ltd and Matthew Reed request to rezone approximately 60 hectares from Rural Outer Plains to Living 1 (14.6 ha.) and Living 1 Deferred (46 ha.)

2 July 2021

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1. Introduction

Qualifications and Experience

1. My name is Rachael Carruthers. I am employed by Selwyn District Council as a Strategy and Policy Planner. I hold the qualifications of Master of Social Science and Post Graduate Diploma in Resource and Environmental Planning from the University of Waikato and am an Intermediate Member of the New Zealand Planning Institute. I have 18 years' experience as a planner for Selwyn District Council, including as the reporting officer for plan change requests and resource consents, including subdivisions.
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

3. This report analyses the submissions received on Private Plan Change Request 63 (PC63) to the Selwyn District Plan (SDP) and has been prepared under s42A of the Resource Management Act 1991 (the Act).
4. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC63 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.
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.
6. In preparing this report I have:
 - visited the site and wider Darfield township;
 - reviewed the plan change request as notified and the further information received;
 - 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.
7. This report effectively acts as an audit of the detailed information lodged with the plan change request prepared by Aston Consultants on behalf of Merf Ag Services Ltd and Matthew Reed. 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 at <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-63,-rezone-60-hectares-of-rural-outer-plains,-darfield> As such, this report seeks to provide as little repetition as possible and accepts 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.

Key question

8. The plan change site is in a location that has been identified by Council at a strategic level as suitable for residential development, and all relevant technical issues can be satisfactorily addressed. The key

question in relation to PC63 is therefore whether, given the amount of undeveloped land in Darfield zoned Living 1 or Living X, the timing of the current proposal is appropriate.

2. Site Description

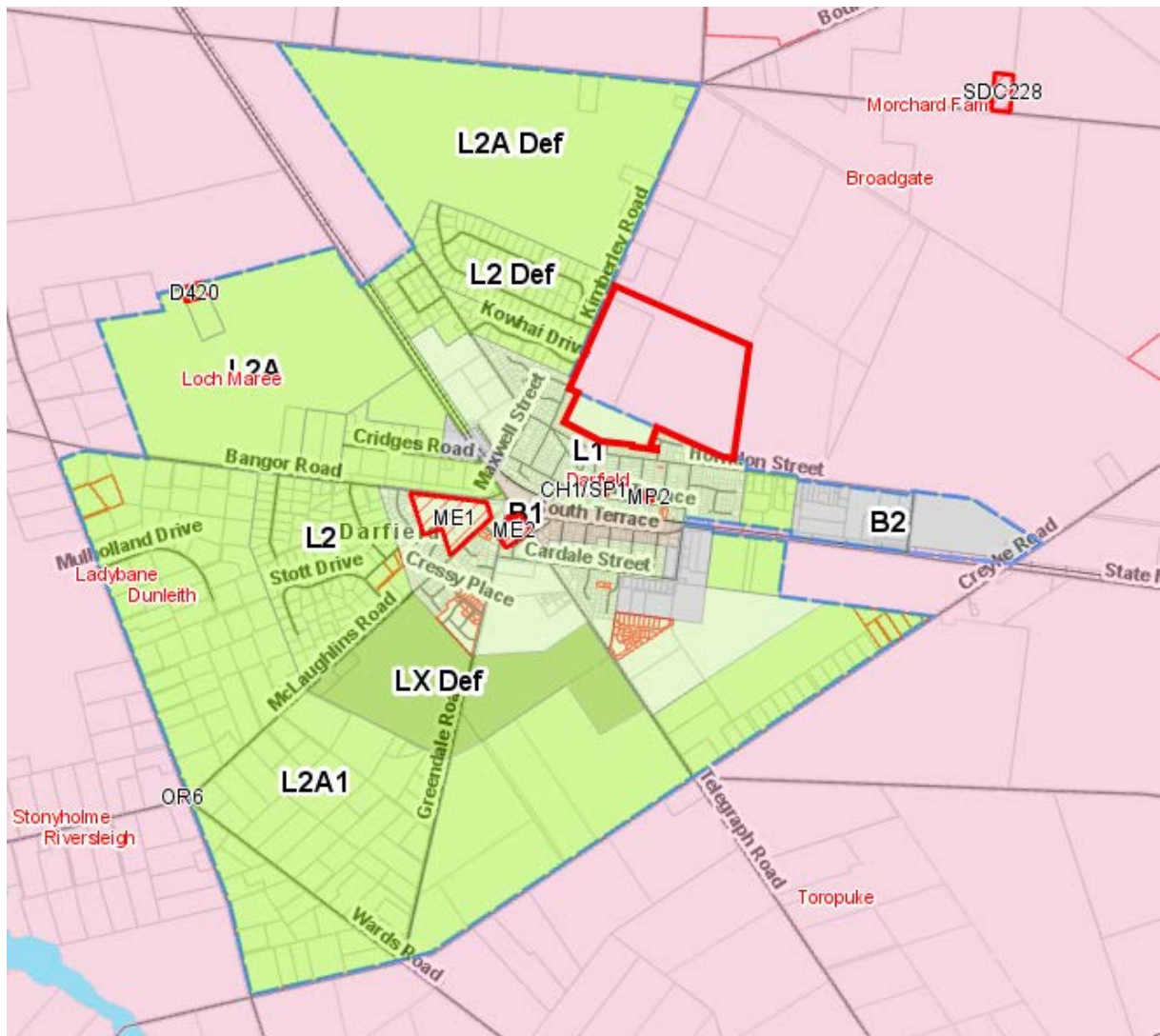
9. The site and surrounding environment is as described in the application s32 report. The site is shown outlined in red in Figures 1 and 2 below.

Figure 1 – Aerial photograph of site, outlined in red



10. Although the outline development plan and all assessments in the s32 report refer to the area outlined in red, the application itself also includes Lot 3 DP 542058, shown yellow in Figure 1 above. This report has been prepared on the assumption that this is an error, but I invite the proponent to confirm the extent of the plan change request area.

Figure 2 – Township zoning



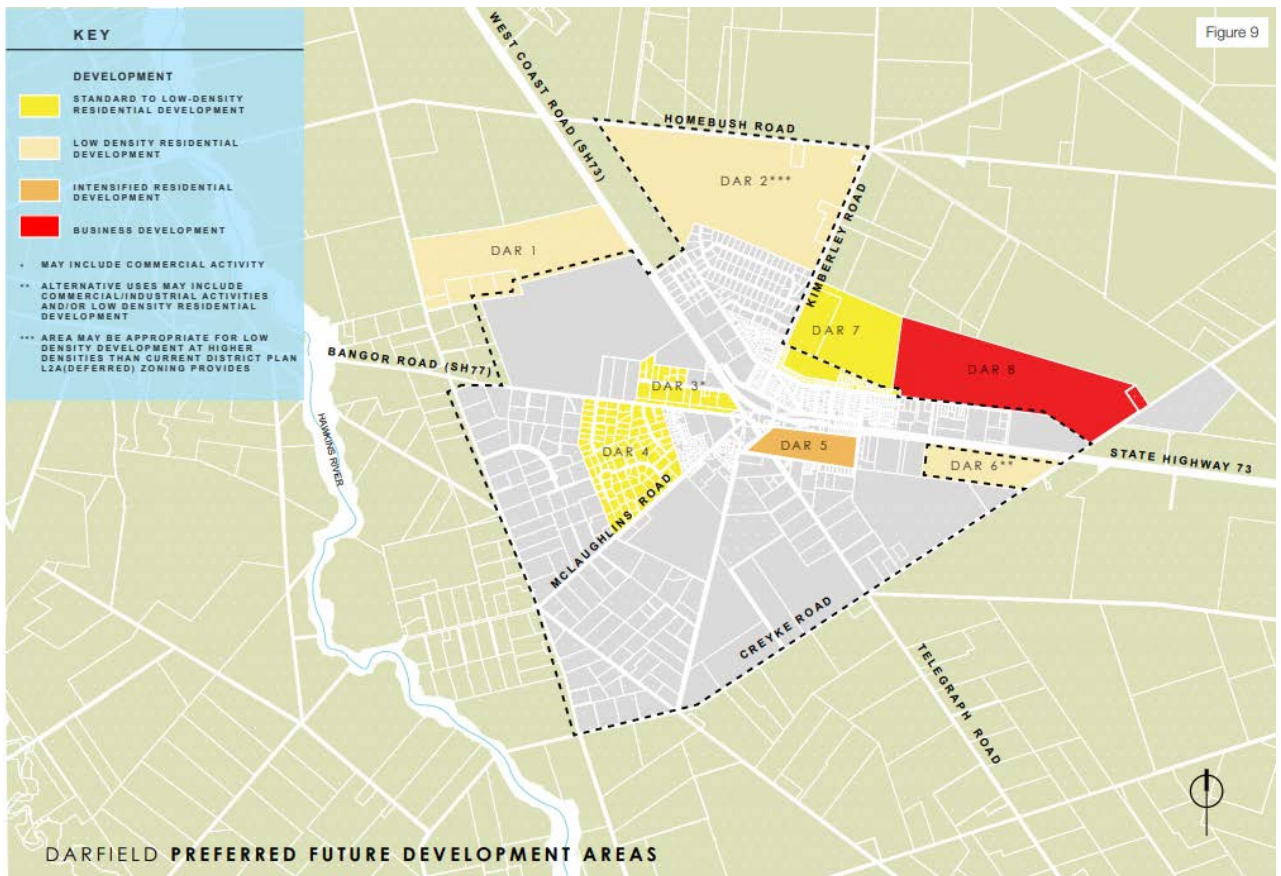
11. The request proposes to retain the existing Living 1 zone over Lot 24 DP 366007 (shown outlined red in Figure 3 below), and to rezone Lot 4 DP 524058 from Rural to Living 1 (shown outlined blue) and Part Rural Section 27204 from Rural to Living 1 Deferred (outlined green). However, the area described as Living X is currently zoned Living 1. This report has been prepared on the assumption that this is an error, but I invite the applicant to confirm the intended zoning of Lot 24 DP 366007.

Figure 4 – Proposed zones



12. The site has been identified in the Malvern Area Plan 2031 as a preferred future development area – DAR 7, as shown in Figure 4 below. The Malvern Area Plan identified that no new land was required to be proactively zoned to provide for anticipated residential development out to 2031, but identified DAR 7, among others, as potentially suitable for standard to low-density residential development.

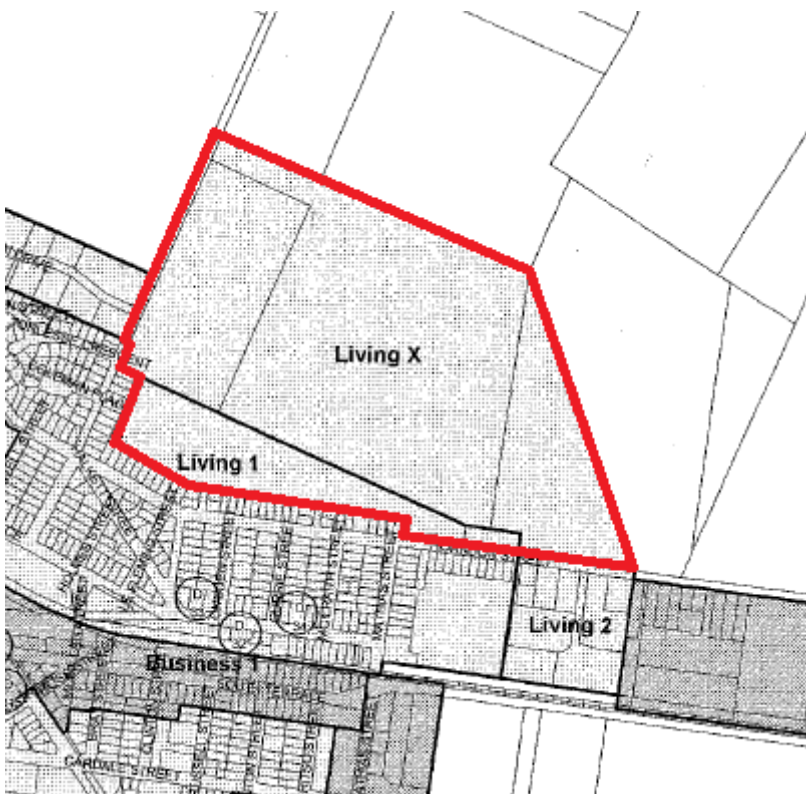
Figure 4 – Darfield Preferred Future Development Areas



3. Background

13. As outlined in the request, the proposal site was included in the 1995 Proposed Selwyn District Plan as Living X. The 1995 Plan was withdrawn and the provisions were never made operative.
14. The proposal site was included in the 2000 Townships Volume of the Proposed Selwyn District Plan as a combination of Living 1 and Living X, as shown in Figure 5 below.

Figure 5 – 2020 Proposed District Plan (Townships Volume), site outlined in red



15. The boundary between the Living 1 and Living X zones followed the Transitional District Plan (Malvern Section) boundary between the Residential Zone (retained as Living 1) and the Rural Residential Zone (proposed as Living X).
16. The Panel were satisfied that the Living X area was suitable, in terms of location and proximity to the township, for more intensive subdivision. However, there were concerns that firstly, such a zoning would limit the ability of the Selwyn Plantation Board (who owned the land at the time) to continue forestry activities in a residential zone from both a rules compliance and reverse sensitivity perspective, and secondly that a Living X zone could encourage the development of larger residential sections in the area than were desirable from the perspective of achieving a compact township form. The land proposed as Living X was therefore zoned Rural (Outer Plains).
17. The Living X area above is no longer owned by the Selwyn Plantation Board and the forest has been cleared.

4. Proposal

18. As described in the plan change request, the proposal is to amend the operative Selwyn District Plan (SDP) to enable development of the site for residential purposes, including medium density lots and a retirement village. The proposal includes the following changes to the SDP and associated Planning Maps:
 - a. Amend the District Planning Maps to rezone and identify the subject land Living 1 and Living 1 Deferred as shown in Figure 4 below.
 - b. Add an Outline Development Plan (ODP) for the subject land
 - c. Amend the policies and rules of the SDP; and
 - d. Make any consequential changes to the SDP text where necessary

5. Procedural Matters

19. 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.
20. The request was formally received by Selwyn District Council on 17 December 2019. Following the provision of requested further information, it was accepted for further processing on 25 May 2020. The request was publicly notified on 1 July 2020, with submissions closing on 29 July 2020. The summary of submissions was notified and further submissions requested on 2 September 2020.
21. PC63 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).

6. Submissions

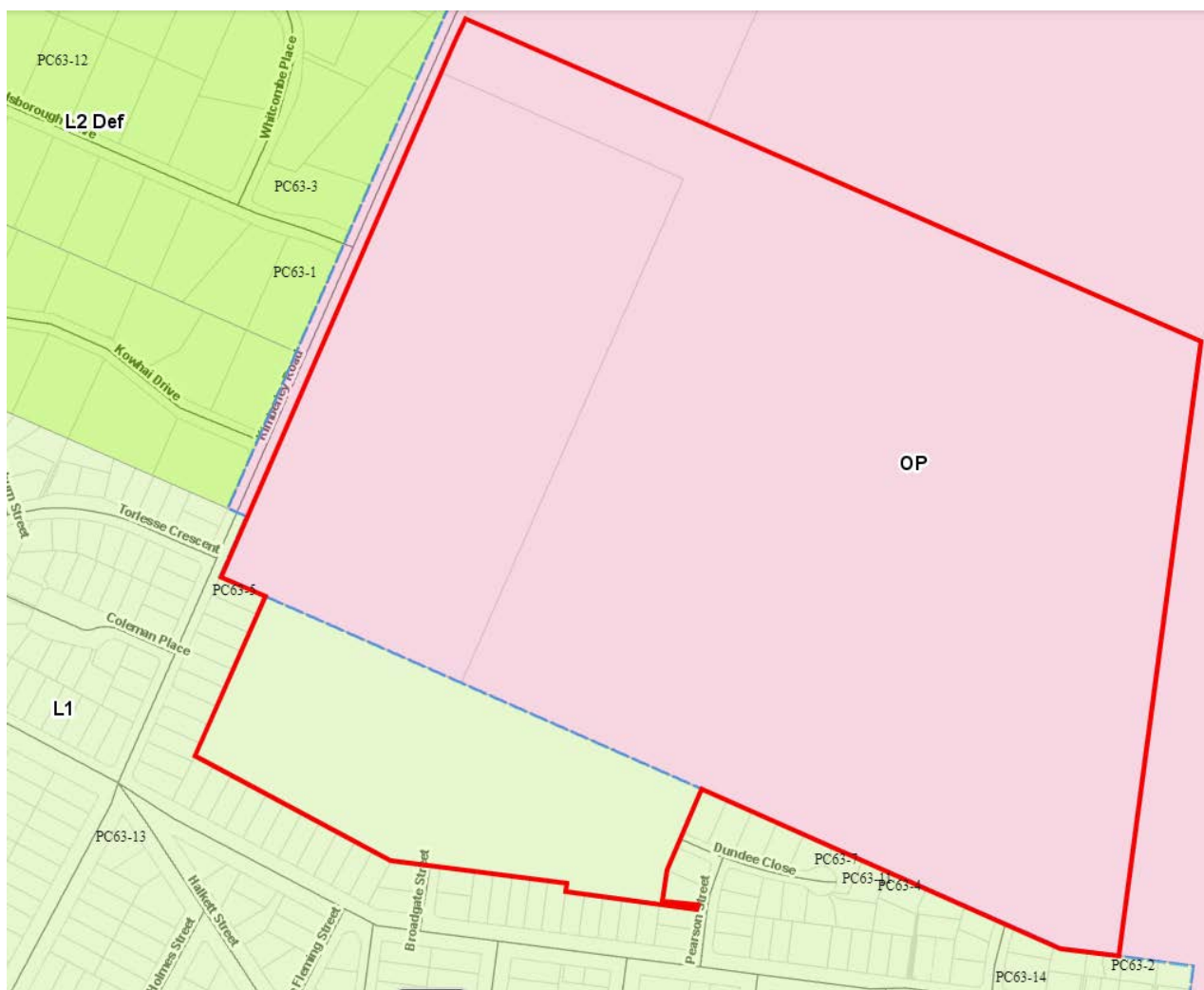
22. A total of 14 submissions were received, including one late submission. Two further submissions were received.
23. The submitters and their position in relation to the plan change are set out in the table below. The summary of submissions is available at https://www.selwyn.govt.nz/_data/assets/pdf_file/0003/350625/PC63-Summary-of-Submissions-Updated.pdf, and the full text of each submission is available at <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-63,-rezone-60-hectares-of-rural-outer-plains,-darfield>

Table 1 – Summary of submissions

Submitter		Support or Oppose	Wishes to be heard?
PC63-1	Phillipa Joan Anderson	Neutral	No
PC63-2	Darren and Vanessa Davies	Oppose	Yes
PC63-3	Janice and Collan Perriton (also further submitter PC63-FS01)	Oppose in part	Yes
PC63-4	Paul and Alison Wightman	Oppose	No
PC63-5	Crystal Vercoe	Oppose	Yes
PC63-6	Canterbury Regional Council (Environment Canterbury)	Neutral	No
PC63-7	Duncan and Irene Mattushek	Oppose	Yes
PC63-8	Canterbury District Health Board (CDHB)	Support	No
PC63-9	KiwiRail Holdings Ltd (KiwiRail)	Oppose in part	Yes
PC63-10	Waka Kotahi NZ Transport Agency	Oppose	Yes
PC63-11	Maddison McCullough	Oppose	No
PC63-12	Katherine Molloy	Oppose in part	No
PC63-13	Westmar Senior Care, Darfield	Oppose	Yes
PC63-14	Kirsty Lucey and Ben Hanburger (late submission)	Oppose	Yes
PC63-FS02	Malvern Housing Trust (further submitter)	Support	Yes

24. The location of individual submitters in relation to the plan change site is shown in Figure 6 below.

Figure 5 – Location of submitters in relation to the plan change site



25. 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.
26. I do not consider that the late submission Kirsty Lucey and Ben Hanburger 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.
27. I therefore recommend that the late submission of Kirsty Lucey and Ben Hanburger be accepted by the Commissioner.
28. Part of the submission of PC63-13 Westmar Senior Care relates to the potential for the application to have an adverse effect on the viability of the proposed extension to their existing rest home facility in Darfield. I consider that those parts of the submission addressing the supply of aged care beds in

Darfield relate to trade competition and recommend that they be struck out. They have not been considered further in this report.

7. Statutory Framework

29. The general approach for the consideration of changes to district plans are as set out in the Environment Court's decision in *Colonial Vineyard Ltd v Marlborough District Council*, applied and summarised in subsequent decisions. In this case, I summarise the tests as requiring that PC63:
 - a. accord with and assist the Council in carrying out its functions (s74(1));
 - b. accord with Part 2 of the Act (s74(1)(b));
 - c. have regard to actual and potential effects on the environment, including, in particular, any adverse effect (s76(3));
 - d. give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - e. have regard to any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - f. have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
 - g. establish the most appropriate method for achieving the objectives and policies of the District Plan, undertaking the assessment detailed in s32.
30. The functions of Council as set out in s31 of the Act include the establishment, implementation and review of objectives, policies and methods to:
 - a. achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b. to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.
31. The application considered the actual and potential effects of the plan change on the environment, and where necessary, I have discussed these in Section 7 of this report.
32. 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
33. I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC63.
34. Matters of cross-boundary interest are outlined in the Plan. The most applicable to PC63 is the effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch
35. I note that Darfield is outside the Greater Christchurch area, and so is not an 'urban area' in relation to the National Policy Statement on Urban Development 2020.

8. Assessment of Issues Raised by Submitters

36. As set out in Section 5 above, 16 submissions and further submissions were received. This section provides an assessment of the submission points received and a summary of the information 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.
37. 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:

- The spatial extent of Darfield/the need for the plan change
- Loss of productive land
- Infrastructure
- Transport
- Natural hazards
- Density/minimum site sizes
- Rural identity and outlook
- Need for a retirement village
- Building heights
- Construction effects
- Biodiversity effects

Spatial extent of Darfield/need for the plan change

38. Environment Canterbury (ECan) (PC63-6) note that the application site appears to provide a logical extension to the township boundary – being close to the existing town centre and providing for a compact urban development pattern. The proposed provision for a range of housing types, including older persons housing is supported. However, the need to rezone additional rural land, when significant available capacity (i.e. zoned but undeveloped land) exists within the current township boundary, is unclear. If, based on projected population and household growth, additional land (or land in a different location – e.g. closer to the town centre, as in this case) is necessary or desirable over the existing zoned land, ECan consider that it may be more appropriate to consider this at a township and/or District-wide scale through the District Plan Review, in the interests of promoting consolidated, co-ordinated and sustainable urban growth and the efficient use of land and infrastructure.
39. Darren and Vanessa Davies (PC63-2), Duncan and Irene Mattushek (PC63-7) and Maddison McCullough (PC63-11) all consider that there is sufficient zoned land available in Darfield that additional residential zoning is unnecessary.
40. Paul and Alison Wightman (PC63-4) consider that there is insufficient demand for smaller residential sections in Darfield to justify the land proposed for Living 1 Deferred zone. This submission point is opposed by the Malvern Area Housing Trust (PC63-FS02).
41. Katherine Molloy (PC63-12) considers that, while a retirement complex and high-density housing would be positive for the area, current population growth projections do not support the proposal. This submission point is opposed by the Malvern Area Housing Trust (PC63-FS02).
42. This matter is examined in detail below in the assessment of the request against the objectives and policies of the SDP relating to residential and business development.

Loss of productive land

43. ECan (PC63-6) consider that rezoning the application site, which is identified as Land Use Capability (LUC) Classes 1 - 3 using the New Zealand Land Resource Inventory data set from Manaaki Whenua Landcare Research could have the effect of irreversibly foreclosing the productive use of this land.
44. Paul and Alison Wightman (PC63-4) and Duncan and Irene Mattushek (PC63-7) are concerned that PC63 would result in the loss of prime arable land from production capacity.
45. The Canterbury Regional Policy Statement defines ‘versatile soils’, as land classified as Land Use Capability I or II in the New Zealand Land Resource Inventory. The plan change area contains LUC Class 3 land, but not Class 1 or Class 2 land. Although the proposed National Policy Statement for Highly Productive Land (NPS-HPL) includes a transitional definition of highly productive land of LUC Class 1 – 3 land, there were submissions in opposition to this definition, and the provisions of the NPS-HPL, including the transitional definition of highly productive land are not yet confirmed.

46. I therefore consider that the plan change area is not an area of productive land that requires protection from residential development.

Infrastructure

47. Environment Canterbury (ECan) (PC63-6) and Canterbury District Health Board (PC63-8) note that there is currently no community reticulated wastewater infrastructure in Darfield, and support the provision of this for the PC63 area.
48. Darren and Vanessa Davies (PC63-2) consider that the request would impact on the infrastructure of Darfield, which they consider to already be stretched.
49. Janice and Collan Perriton (PC63-3) are concerned that any community (as opposed to Council) wastewater scheme would not be well managed in the long run, resulting in adverse odour and noise effects.
50. Paul and Alison Wightman (PC63-4) question the wisdom of allowing a deferred zoning when wastewater plans for Darfield are uncertain.
51. Crystal Vercoe (PC63-5) and Katherine Maolloy (PC63-12) are concerned about the potential for development while the township relies on on-site wastewater treatment and disposal, rather than community reticulation.
52. Maddison McCullough (PC63-11) (supported by Janice and Collon Perriton (PC63-FS01)) does not support a temporary wastewater scheme.
53. Westmar Senior Care (PC63-13) is concerned that the establishment of a retirement village would have adverse effects on the provision of water and the disposal of wastewater in Darfield.
54. Mr Murray England, Council's Asset Manager – Water Services has provided advice about the request in relation to water supply, wastewater and stormwater management (Appendix 1), and I accept his conclusions. Suitable water supply and stormwater disposal is available to service the area.
55. In relation to wastewater, Council is in the process of installing a pipeline from Darfield to the Pines wastewater treatment plant in Rolleston, with a 2021-31 Long Term Plan (LTP) decision to require all new developments to connect immediately. If PC63 is approved, I therefore consider that it would be appropriate to require appropriate amendments to SDP Rule 4 Buildings and Rule 12 Subdivision to require these connections. Recommended amendments to SDP provisions are attached as Appendix 7.

Transport

56. KiwiRail Holdings Ltd (PC63-9) wish to ensure that the potential impacts of the proposed development on their network are considered during the plan change process, to confirm whether the level crossing safety of the level crossings in the area is adequate for the additional traffic and/or whether they require mitigation. Waka Kotahi NZ Transport Agency (Waka Kotahi) (PC63-10) have similar concerns about level crossings.
57. Waka Kotahi (PC63-10) and Katherine Molloy (PC63-12) raise concerns about increased traffic entering State Highway 73 and the associated safety and efficiency of intersections. They also raise concerns about pedestrian safety, with more people needing to cross State Highway 73 to move between home and school or shops.
58. Phillipa Anderson (PC63-1) has expressed concern about the effects of additional traffic on the Kimberley Road/Landsborough Drive intersection.
59. Janice and Collan Perriton (PC63-3) have expressed concern about the effects of additional traffic on the Kimberley Road/Landsborough Drive intersection, suggesting that properties fronting Kimberley Road should have access from within any development, rather than from Kimberley Road.

60. Kirsty Lucey and Ben Hamburger (PC63-14) are concerned about the effects of increased traffic on their no-exit street.
61. Crystal Vercoe (PC63-5) is concerned about noise from increased traffic.
62. Westmar Senior Care (PC63-13) is concerned that the establishment of a retirement village would result in transport effects, including effects on parking.
63. Mr David Smith, Technical Director of Transportation Planning at Abley Ltd, has provided advice about the request in relation to transport (Appendix 2), and I accept his conclusions.
64. Mr Smith supports this plan change application from a transport perspective subject to the following matters being addressed as matters of discretion within an Integrated Transportation Assessment for any future subdivision consent application in the plan change area:
 - Safety for all modes at existing level-crossings in the Darfield urban area.
 - Operation of State Highway 73 intersections with Matthias Street and McMillan Street.
65. Recommended amendments to SDP provisions to give effect to Mr Smith's conclusions are attached as Appendix 7.

Natural hazards

66. Environment Canterbury (ECan) (PC63-6) note that parts of the PC63 area have been modelled as subject to overland flow flooding in a 200-year Average Recurrence Interval, (ARI) flood event. This is limited to historic channels, with the exception of a small area of deeper ponding near Dundee Close. Janice and Collon Perriton (PC63-FS01) lodged a further submission in relation to this matter, seeking clarification of the effects on existing properties if new properties are subject to increased floor height requirements.
67. Paul and Alison Wightman (PC63-4) and Duncan and Irene Mattushek (PC63-7) question the wisdom of PC63, given that the land has been identified by Council as susceptible to flooding.
68. This matter is examined in detail below in the assessment of the request against the objectives and policies of the SDP and the CRPS relating to natural hazards.

Density/minimum site sizes

69. Phillipa Anderson (PC63-1) (supported by Janice and Collon Perriton (PC63-FS01)) seeks that a minimum site size of 800m² should be applied across the plan change area.
70. Janice and Collan Perriton (PC63-3) consider that a minimum site size of 2000m² along the Kimberly Road frontage is required to maintain a rural aspect.
71. Crystal Vercoe (PC63-5) (supported by Janice and Collon Perriton (PC63-FS01) but opposed by the Malvern Area Housing Trust (PC63-FS02)) is concerned that increasing numbers of site sizes smaller than 800m² are having a detrimental effect on the character of Darfield.
72. The proposed minimum average site size of 650m² is consistent with the Living 1 zone requirements for Darfield, and provided that this average is maintained, there is currently no minimum site size beyond the requirement to be able to fit a 150m² building as permitted activity on each site – which equates to a minimum site size of 375m². The proposed site size requirements are consistent with the existing provisions, with the proposed medium density provisions being consistent with those for the Living Z zone.
73. Also in the Living Z zone, comprehensive medium density developments (which include retirement villages) have a maximum site size of 350m², with no minimum size. The proposal not to have a minimum site size for any retirement village in the plan change area is therefore consistent with existing provisions.

Rural identity and outlook

- 74. Phillipa Anderson (PC63-1) considers that the proposal would result in a loss of rural identity. This submission point is opposed by the Malvern Area Housing Trust (PC63-FS02).
- 75. Darren and Vanessa Davies (PC63-2), Paul and Alison Wightman (PC63-4) Crystal Vercoe (PC63-5) (supported by Janice and Collon Perriton (PC63-FS01)), Duncan and Irene Mattushek (PC63-7), Maddison McCullough (PC63-11) (supported by Janice and Collon Perriton (PC63-FS01)) and Kirsty Lucey and Ben Hamburger (PC63-14) all consider that the request would result in a loss of rural outlook from their properties. These submission points are opposed by the Malvern Area Housing Trust (PC63-FS02).
- 76. Changes to residential amenity is to be expected with any plan change to expand growth in a township.

Need for a retirement village

- 77. Maddison McCullough (PC63-11) supports the concept of a retirement village, but considers that there are other location opportunities within Darfield.
- 78. Westmar Senior Care (PC63-13) is concerned that the proposed retirement village buildings may be unsightly, to the detriment of the wider community.
- 79. The built form of a retirement village is similar to other forms of comprehensive medium density residential development – it is the ownership structure that differs. The decision to make a resource consent application to establish a retirement village is ultimately a commercial decision for any eventual applicant and need not be considered further as part of this request.

Building heights

- 80. Phillipa Anderson (PC63-1) requests that Council, rather than developers, impose a single storey height restriction on buildings within the plan change area. She considers that this would enable such covenants to be enforced in the longer term.
- 81. Crystal Vercoe (PC63-5) questions the proposed height of the retirement village.
- 82. No changes to permitted building heights are suggested by the proponent, and so I do not consider that this matter requires further consideration.

Construction effects

- 83. Janice and Collan Perriton (PC63-3) and Paul and Alison Wightman (PC63-4) have expressed concern about construction effects, such as noise and dust, during any development.
- 84. These temporary effects are managed through the subdivision consent process, and are not a matter for this stage of the process.

Biodiversity effects

- 85. Duncan and Irene Mattushek (PC63-7) express concern about the potential effects on bird and bee populations, should PC63 be approved. I note that the plan change area does not meet the criteria for consideration as a significant natural area, and that changes to an environment are an expected part of rezoning land for residential development. Some or all of the shelterbelt along Kimberley Road would almost certainly be removed as part of any residential development, as the trees are incompatible with a residential environment.

Strategic documents

86. Waka Kotahi (PC63-10) raise questions about the plan change request in the light of strategic documents, namely the Urban Development Strategy/Our Space, Canterbury Regional Policy Statement and the Selwyn District Plan. These matters are discussed in more detail below.

9. Statutory Analysis

87. 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)).

Selwyn District Plan

88. The request contains an assessment of the proposal against most of the relevant objectives and policies of the Township Volume of the SDP and concludes that the proposed plan change is consistent with the existing provisions.
89. I consider that the objectives and policies contained within the request assessment are relevant and that they are generally evaluated to a level of detail that is appropriate to the degree of change that is being sought. I generally accept the conclusion reached in the request that the proposed plan change is consistent with the identified objectives and policies of the Plan.
90. Where I disagree, and where there are additional relevant objectives and policies not addressed in the request, these are discussed below. All relevant SDP objectives and policies are attached as Appendix 3 to this report.

4.3 Residential and business development

91. Objective B4.3.4 and Policy B4.3.23 are also of relevance to this request, and I disagree with the proponent's assessment of the request in relation to Objective B4.3.2 and Policy B4.3.4.
92. The recent decision of Council to install reticulated wastewater for Darfield (as described in Mr England's evidence at Appendix 1) has a staged approach, requiring all new development to connect immediately, and the existing township to connect over time. I therefore consider that it would be inefficient to provide for a private communal wastewater system through the plan change as suggested by the proponent. Following the financial investment that would be required to install such a system, it can be expected that there would be reluctance to connect to the imminent public network before the end of the design life of the private system. This would not support the timely, efficient and integrated provision of public infrastructure and so would be contrary to Objective B4.3.4.
93. Given the LTP requirement for all new development to be connected to the reticulated wastewater network immediately, should the plan change be approved, there would be no advantage to the proposed Living 1 (Deferred) status of Stage 2. Rather, the whole area could be zoned Living 1 immediately, with reliance placed on plan provisions to prevent development before reticulation was available. Possible relevant provisions are included in Appendix 7.
94. Should the plan change be approved, Mr England has indicated a willingness to work with the proponent in order to provide the required reticulation to the plan change area.
95. Policies B4.3.4 (which applies to all townships) and B4.3.23 (which is specific to Darfield) are almost identical, encouraging new residential and business development to occur on sites in existing Living and Business zones if such sites are available and appropriate for the proposed activity. The explanation to Policy B4.3.4 notes that this is to encourage a consolidated township area, while the

explanation to Policy B4.3.23 notes that there are large areas of land zoned Living at Darfield that have not been subdivided or developed for residential purposes.

96. Living 1 and Living X zones are grouped together for this analysis because they have the same subdivision development standards. The difference in zoning relates to their historic zoned status under the Malvern County Scheme 1990 – existing residential or urban zones became Living 1, while new areas for development were zoned Living X.
97. The Malvern Area Plan 2016 (MAP) https://www.selwyn.govt.nz/_data/assets/pdf_file/0012/221106/Malvern.pdf identifies that there is existing capacity to accommodate over 1,430 additional households within the existing Living 1 and Living X zones.
98. Although this capacity includes around 80ha of land with a current deferred status, I note that the Proposed District Plan retains the residential zoning but lifts the deferral, as the limiting constraints have been addressed.
99. The one Proposed District Plan submission in opposition to the proposed Low Density Residential zone (minimum average site size 750m²) for this zoned-but-undeveloped land is from Kāinga Ora, who consider that a General Residential zone (minimum average site size 650m²) would be more appropriate. It is therefore almost certain that the district plan constraints on development of the deferred land will be removed in the near to medium term.
100. The report *Selwyn District Growth and Demand* https://www.selwyn.govt.nz/_data/assets/pdf_file/0013/460201/SDC_Growth-and-Demand-Doc_FINAL.PDF was prepared to inform the development of Council's Long-Term Plan 2021-2031 and Infrastructure Strategies. This report projects population, household, and dwelling numbers out to 2051 as well as the growth in employment over that time. The information was developed and confirmed by March 2020 and used the latest Statistic New Zealand projections as its base point.
101. From a starting point of 1,283 dwellings in 2021, the projections in Appendix 1 of *Selwyn District Growth and Demand* estimate that it will take until 2051 to increase by 1,142 dwellings to reach 2,425 dwellings. This suggests that Darfield currently contains sufficient Living 1 or Living X zoned but undeveloped capacity for more than the next 30 years.
102. Based on the information currently available, I therefore consider that sites in the existing Living 1 and Living X zones are available and appropriate for residential development, and, by enabling development in another area, that the request would not encourage development in these existing zoned areas. Given the sparse nature of existing development in Darfield, I consider that the request is contrary to Policies B4.3.4 and 4.3.23, and is at least inconsistent with Objective B4.3.2 to achieve a compact township shape.
103. I invite the proponent to provide the Commissioner with any alternative analysis of demand and capacity that might provide an alternative view.

B3.1 Natural hazards

104. The timing of this plan change request means that the proposal does not include an assessment against the objectives and policies relating to natural hazards, because the modelling that has subsequently identified parts of the site as subject to flooding in a 200-year ARI flood event had not been completed at the time the plan change request was lodged.
105. Consistent with most of the district, the site contains overland flow paths that the model suggests would be subject to flooding in the event of a 200-year ARI flood event, with a small area of the site being modelled as subject to flooding in excess of 1m deep in a 500-year ARI flood event and thus a high hazard area as defined by the CRPS.
106. Provisions to consider the flood hazard at the time of subdivision and building already exist in the SDP, but only in relation to Tai Tapu. To avoid the need to rely on s106 RMA, I therefore consider that

amendments to Rule 4.1 Buildings and natural hazards and Rule 12.1.4 Subdivision matters for discretion would be required to give effect to the objectives and policies relating to natural hazards. Possible relevant provisions are included in Appendix 7.

107. The site has been considered and considered acceptable for development in regards of geotechnical risks, and a more detailed assessment would be made as part of any future subdivision (Rules 12.1.4.12 and 12.1.4.13).
108. Overall, I consider that the proposal in its current form does not give effect to the objectives and policies relating to natural hazards. Further amendments to proposed plan provisions would be required beyond those currently requested, with possible provisions included in Appendix 7.

B2.1 Transport

109. In relation to B2.1 Transport, I consider that Objective B2.1.3 and Policies B2.1.3, B2.1.14, B2.1.20 and B2.1.23 are also of relevance.
110. Given the existing pattern of development in Darfield, it would not be possible to rezone land on the northern side of the township without increasing the need for pedestrians, cyclists or motorists to cross the railway line, contrary to Policy 2.1.20.
111. Council has undertaken a level crossing safety impact assessment for Darfield in January 2020, which recommended a number of level crossing upgrades. These have been incorporated into Council's 2021-2031 LTP, and will be undertaken independent of this plan change request but subject to funding and construction arrangements with other agencies including KiwiRail.
112. The Outline Development Plan provides for a range of transport choices within Darfield, consistent with Policy B4.1.14. While the plan change would result in additional traffic using the intersections with State Highway 73, Mr Smith (Appendix 2) concludes that the effects of this would be largely felt as intersection delays on the local roads, rather than affecting the safe and efficient flow of through traffic. Additional matters for discretion at the time of subdivision would enable these effects to be considered, with suggested amendments included in Appendix 7. I therefore consider that the proposal is consistent with Policy B1.2.3.
113. The plan change site is in a location consistent with Policy B2.1.23, in that it extends the township north, rather than east or west along the state highway or railway line.
114. I therefore consider that the proposal is also consistent with the additional provisions relating to transport.

B2.2 Utilities

115. In relation to B2.2 Utilities, I consider that Objectives B2.2.1, B2.2.2 and B2.2.3 and Policies B2.2.24 and B2.2.26 are of relevance to this proposal.
116. Policy B2.2.4 requires Council to ensure that provision is made for the ongoing maintenance and repair of utilities that do not vest in the Council, and that the users of these utilities are informed of any responsibility they have for ongoing maintenance and repair. This is addressed by Rule 12.1.4.45, and no related amendment would be required to the SDP should the plan change be approved in its current form. A discharge permit would be required for any private communal wastewater scheme, and so the effects of this utility would be addressed through this process to give effect to Policy B2.2.6. I therefore consider that the proposal is also consistent with these additional provisions relating to utilities.

B1.2 Water

117. Policy B1.2.2 requires all land rezoned to a Living or Business zone to be serviced with a water supply and effluent and stormwater disposal without adversely affecting groundwater or surface

waterbodies. A water supply is available and stormwater disposal can be adequately addressed at subdivision stage.

118. The proponent proposes to provide a private communal wastewater system for Stage 1, with Stage 2 development deferred until public reticulation is available. Given Council's recent LTP decision to reticulate wastewater from Darfield to Rolleston as discussed in the evidence of Mr England (Appendix 1), I consider that it would be a better planning outcome to require connection to the public system from the outset.

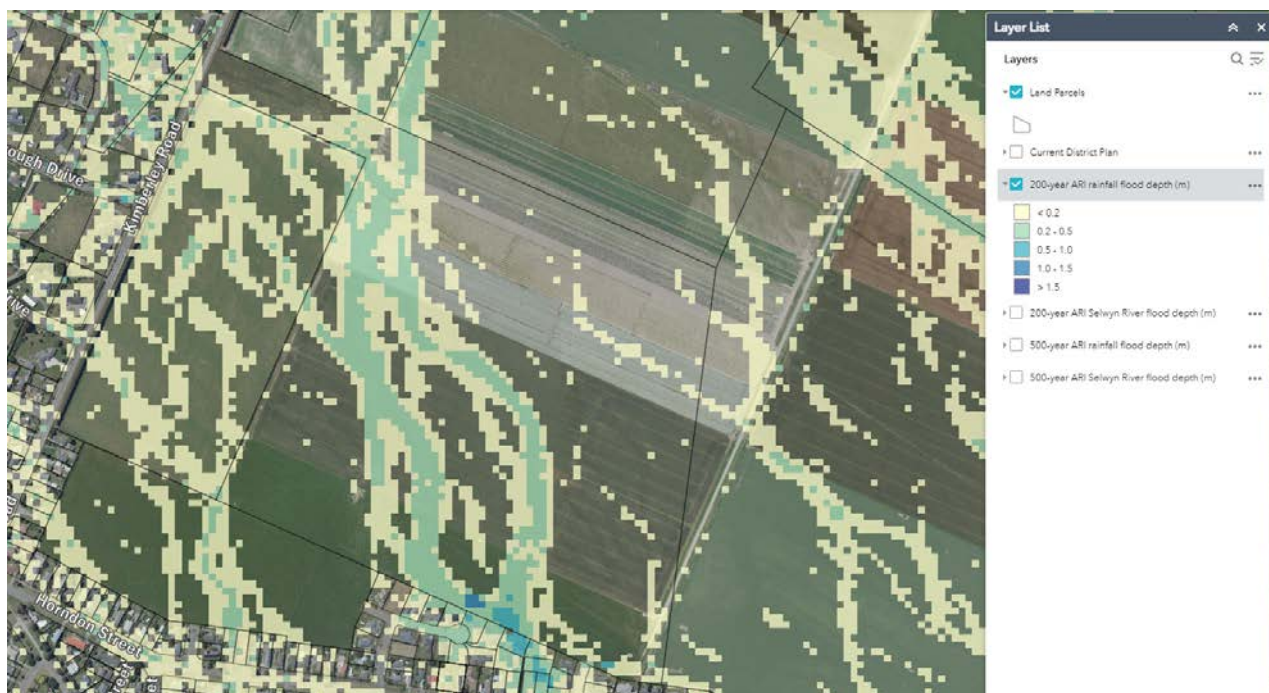
B3.4 Quality of the environment

119. Policy B3.4.39 requires Council to avoid rezoning land for new residential development adjoining or near existing activities which are likely to be incompatible with residential activities, unless any potential reverse sensitivity effects will be avoided, remedied or mitigated.
120. There are not currently any adjoining or near existing activities which are likely to be incompatible with residential activities. Should additional land be zoned for Business 2 activities in the future (as indicated as an option in the Malvern Area Plan), this would be addressed as part of that future development. I therefore consider that the request is consistent with this additional policy.

Canterbury Regional Policy Statement (CRPS)

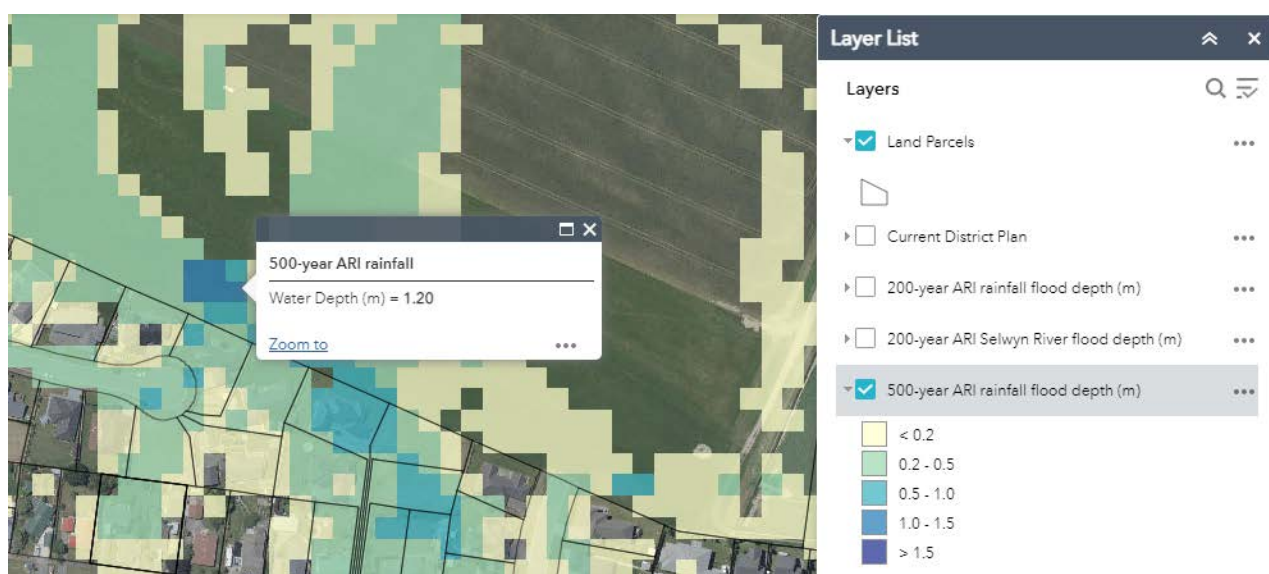
121. The request contains an assessment of the proposal against the relevant objectives and policies of Chapters 5 and 11 of the CRPS and concludes that the proposed plan change is consistent with the identified provisions.
122. I consider that the objectives and policies contained within the request assessment are relevant and that they are generally evaluated to a level of detail that is appropriate to the degree of change that is being sought. I generally accept the conclusion reached in the request that the proposed plan change is consistent with the identified objectives and policies of the Plan.
123. Where I disagree, and where there are additional relevant objectives and policies not addressed in the request, these are discussed below. All relevant objectives and policies are attached as Appendix 4 to this report.
124. Chapter 5 addresses land use and infrastructure across the entire region. Objective 5.2.1 seeks that development be located and designed in a consolidated way in and around existing urban areas as the primary focus for growth, subject to nine criteria. Of these, criteria b, d, f, and g are of relevance to this application.
125. The request would enable the provision of housing stock of a range of types, while the location of the plan change area would enable low-energy transport options within Darfield such as walking or cycling. Effects on the state highway and railway infrastructure could be managed through appropriate upgrades outside this plan change process.
126. Although the request enables housing choice by including provision of medium density sites in specified locations, I do not consider that, given the extent of undeveloped Living 1 and Living X land in Darfield, the further expansion of Darfield's Living 1 zone at this time would support urban consolidation as required by Policy 5.3.1.
127. I therefore consider that the request does not give effect to Chapter 5 of the CRPS.
128. Chapter 11 considers natural hazards more specifically. The application area is outside any district plan natural hazard area, but, as with most of the District, does include areas that have been modelled as potentially subject to at least 5cm of flooding during a 0.5% Annual Exceedance Probability flood event. The most recent Council flood modelling is available at <https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/>, and a snapshot is shown below as Figure 6.

Figure 6 – Modelled flood extent, 0.5% AEP event, incorporating 8.5 RCP climate change scenario.



129. Policy 11.3.2 requires all new buildings to have an appropriate floor level above the 0.5 AEP design flood level (the 200-year ARI flood level). Consistent with the discussion above, amendments to Rule 4.1 Buildings and natural hazards and Rule 12.1.4 Subdivision matters for discretion would be required to give effect to the objectives and policies relating to natural hazards. Possible relevant provisions are included in Appendix 7.
130. A small portion of the site north of Dundee Close has been modelled as subject to flooding greater than 1m deep in a 500-year ARI (0.2% AEP) flood event, and therefore a high hazard area, as shown in Figure 7 below.

Figure 7 – Modelled flood extent, 0.2% AEP event, incorporating 8.5 RCP climate change scenario.



131. As it relates to this area, Policy 11.3.1 requires the avoidance of new subdivision use and development in high hazard areas, unless, in the event of a natural hazard occurrence, the subdivision use or development is not likely to:
- result in loss of life or serious injury; and
 - result in significant damage or loss; and
 - require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
 - exacerbate the effects of the natural hazard
132. As the proposal stands, it does not address this policy. I invite the proponent to provide the Commissioner with either: evidence that this part of the site is not within the definition of a high hazard area; or examples of how a future development of the site could be undertaken in such a way that it would be unlikely to result in loss or damage without requiring hazard mitigation works or exacerbating the effects of flooding on other land.
133. The plan change area is within that part of the district where ground conditions are such that damaging liquefaction is considered unlikely. There are no known fault traces within or near the plan change area.
134. As the proposal stands, I consider that the request is contrary to Chapter 11 of the CRPS.
135. Chapter 16 seeks the efficient use of energy, including through development that maintains an urban form that shortens trip distances. I consider that the request gives effect to Chapter 16 of the CRPS.
136. Chapter 17 concerns contaminated land, with the objective being to protect people and the environment from both on-site and off-site adverse effects of contaminated land. Appropriate land investigations have been undertaken as part of the request and no further investigation is required at this time. I consider that the request gives effect to Chapter 17 of the CRPS.
137. Overall I consider that, as the proposal stands, PC63 does not give effect to the CRPS in relation to the provision of a compact urban form given the extent of zoned but undeveloped Living 1 and Living X land in Darfield and in relation to natural hazards.
138. 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 PC63, as the proposed change does not affect the applicability of the CRPS to the plan change area.

Canterbury Land and Water Regional Plan (LWRP)

139. It is considered that the objectives of the LWRP are applicable when considering the proposed plan change. The relevant provisions are attached as Appendix 5.
140. The ability of the plan changed area to be efficiently serviced in terms of water, wastewater, and stormwater has been discussed above and in Appendix 1. In summary, the plan change area is able to be provided with a reticulated water supply and wastewater disposal system. Stormwater is likely to be disposed of directly to ground. The detailed design of appropriate systems would form part of any subsequent subdivision consent process and will be assessed via any associated resource consents required under the LWRP.
141. 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

142. Mahaanui Kurataiao Ltd have undertaken an assessment of the plan change in relation to the Mahaanui Iwi Management Plan 2013, which forms Appendix F to the plan change request.
143. In terms of the recommendations in the report, the proponent does not propose any changes to the SDP in response.

144. Appendix 6 of the SDP contains an accidental discovery protocol, and so I consider that no amendment is required in relation to Recommendation 3.
145. Consultation is not required for complying residential subdivisions, and so Recommendation 1 forms more of an advice note than a required amendment.
146. The matters discussed in recommendations 2 and 4 are reflected in existing matters for discretion in relation to subdivision.
147. I therefore consider that the proposed plan change would not compromise the values set out in the Mahaanui Iwi Management Plan 2013.

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

148. The NES-CS is the only National Environmental Standard relevant to the application.
149. As this is an application from a zone change, and not the actual use of the site, the NES-CS 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.

National Policy Statement on Urban Development (NPS-UD)

150. Since the plan change request was received by Council, the National Policy Statement on Urban Development Capacity 2016 has been replaced by the NPS-UD (2020) (Appendix 6).
151. While Selwyn District is a 'Tier 1' authority, subject to the majority of objectives and policies in the NPS-UD, these provisions primarily relate to an 'urban environment'. The NPS-UD defines an urban environment as "any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:
 - a. Is, or is intended to be, predominantly urban in character; and
 - b. Is, or is intended to be, part of a housing and labour market of at least 10,000 people."
152. Darfield currently has a population of approximately 3,000 and while the *Selwyn District Growth and Demand* report projects the population of Darfield to grow to 5,801 by 2051, this growth will still be less than 10,000.
153. I also note, for completeness, that the Greater Christchurch Partnership has determined that urban environment subject to the NPS-UD is the Greater Christchurch Region, as shown on Map A within Chapter 6 of the CRPS.
154. Several objectives and policies of the NPS-UD have a broader applications than 'urban environments'. This includes Objective 2 which states that planning decisions will improve housing affordability by supporting competitive land and development markets and Policy 2 which states that local authorities at all times must provide sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term. While I am unaware of any constraints on available development land in Darfield, I consider that the Plan Change is nevertheless consistent with the intent of this objective and policy by increasing the availability of land for housing and business in the Darfield area.
155. As Darfield is not classified as an urban environment, and the NPS-UD is largely (with the exception of the above) not directly applicable to this Plan Change, I consider that the plan change request does not need to be assessed against the full suite of objectives and policies of the NPS-UD.
156. While the plan change would support a competitive land and development market and provide additional development capacity, I consider that these things are already provided for in Darfield. The areas of land zoned Living 1 or Living X but undeveloped could be developed to provide a range of housing choices, including medium density development, under current SDP provisions. These areas

of land have numerous owners – the land is not consolidated into only a few landowners who may choose to landbank in the hope of future profit from a constrained supply. Meanwhile, the amount of land available for development exceeds that required to meet expected demand for all of the short term, medium term and long term.

157. Overall, I consider that the plan change is not necessary in order for the Council to give effect to the NPS-UD.

Malvern Area Plan 2016

158. The plan change area is outside the area subject to the Urban Development Strategy/Our Space, but is within the area subject to the MAP.
159. The Malvern Area Plan identified that no new land was required to be proactively zoned to provide for anticipated residential development out to 2031, but identified the plan change area as DAR 7, being, among others, as potentially suitable for future standard to low-density residential development.

10. Proposed Amendments to the District Plan

160. This section provides general comments about the proposed amendments to the District Plan. A 'line by line' analysis and recommendations is attached as Appendix 7 to this report.
161. Should the plan change be accepted, I consider it appropriate to rezone the whole of the site Living 1 accompanied by appropriate rules preventing subdivision or development in advance of public reticulated wastewater, rather than a combination of Living 1 and Living 1 Deferred. The proposed deferral relates only to the timing of planned infrastructure provision, and so the additional future plan change that would be required to remove the deferral would be inefficient.

Zoning maps

162. As discussed above, the reason for the proposed deferred status for much of the plan change land is the availability of a public reticulated wastewater system. This work has now been programmed. The proposed deferred status would then require a further future plan change to remove, which is inefficient when the delay relates only to servicing issues.
163. If the Commissioner is of a mind to approve the plan change, then I recommend that a deferred zone not be used. Rather, the land should be zoned Living 1, with appropriate subdivision standards to prevent subdivision of any of the land until a connection to the public reticulated wastewater network is available.

Objectives and Policies

164. The objectives and policies of the Townships Volume are operative and well settled.
165. The proposed policy B4.3.28A is only necessary if a Living 1 Deferred zone is imposed over part of the land. The required infrastructure is planned and construction is due to commence soon. As such, I consider that the proposed policy is unnecessary.

Rules

166. Subject to amendments for better consistency with the wording of the SDP, most of the requested changes to rules are appropriate.
167. Additional new rules are required in relation to:
- 4.1 Buildings and natural hazards, to address the matters raised in submissions relating to flooding

- 4.2 Buildings and landscaping to implement the recommendations of the proponent’s landscape architect
 - 12.4 Subdivision matters for discretion, to address the transport matters raised by Mr Smith.
168. I consider that proposed new rule 4.19 Buildings and retirement villages would in fact add unnecessary complexity to the plan as a whole. The proposed amendment would not achieve the outcome sought by the proponent of a retirement village in this location being a restricted discretionary activity without consideration of other rules, such as:
- Hospitals, hospices and other facilities providing 24 hour medical care are a discretionary activity (Rule 1.2.2.c)
 - The erection of more than 2 dwellings on a site in a Living 1 zone is a discretionary activity (Rule 4.6.5)
 - Comprehensive Residential Development (which includes retirement villages) in Medium Density areas covered by an Outline Development Plan is a restricted discretionary activity (Rule 4.12)
169. I consider that the amendments that would be required to these other rules in order to achieve the outcome sought by the proponent are beyond the scope of this plan change.

Outline Development Plan (ODP)

170. The plan change proposes to insert a new Appendix E41B containing the proposed outline development plan. Should the plan change be approved, I consider that this is appropriate.

11. Conclusions and Recommendations

171. 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

172. 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”

173. The assessment and conclusions of this report establish that PC63 incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes.
174. The matters proposed in PC63 are all matters that fall within the ambit of the content of a district plan under s75, and I consider that the plan change request, and this report, have had appropriate regard to all the relevant matters set out in s74 and 75.

Consideration of alternatives, benefits and costs

175. 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.

176. In summary, s32 requires the consideration and evaluation of the extent to which the rezoning element of 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.
177. The plan change request contains an assessment of the alternatives, benefits and costs of the proposed plan change. I concur with the applicant that the 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 whole site Living 1 and Living 1 (Deferred)
 - Rezoning only the 14.6ha adjoining Kimberley Rd as Living 1, leaving the remainder Rural (Outer Plains)
 - Seeking intensification of the site through a subdivision consent.
 - Rezoning the whole site Living 1
178. Having assessed the evaluation contained in the plan change request and the findings of the various peer reviews and evidence, I am not satisfied that the proposed plan change is the best approach when considered against s32 of the Act.
179. Given the progress that has been made towards providing a public waterwater reticulation network for Darfield, should the Commissioner be of a mind to rezone all of the plan change area, then it would be more appropriate to rezone the whole site as Living 1, with no deferral. Instead of a deferral, it would be more efficient to include SDP standards that prevent subdivision and development before such reticulation is available.
180. The proposal does not include a s32 analysis of the proposal to amend the SDP to include specific provision for a retirement village. I invite the proponent to provide the Commissioner with such an analysis.

Part 2 Matters

181. 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).
182. There are no matters of national importance listed in s6 that are considered to be of specific relevance to PC63. 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.
183. 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 PC63.
184. 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. PC63 does not seek to make any substantive changes to the settled objectives and policies of the Plan, rather it primarily seeks to change the Plan's zoning pattern.
185. The abundance of undeveloped land zoned Living 1 and Living X in Darfield leads me to conclude that PC63 would not result in the efficient use and development of natural and physical resources, whilst maintaining the amenity value of the area. It is my opinion that PC63 will not achieve the purposes of the Act.

Conclusion

186. The assessment and conclusions of this report establish that PC63, while in a location identified for possible future urban development, and with development constraints that can be adequately addressed, is not consistent with the provisions regarding urban growth management and does not give effect to the objectives and policies of higher order documents in place at the time that this report was written.

Recommendations

Status of late submission

187. I recommend that the late submission of Kirsty Lucey and Ben Hanburger (PC63-14) be accepted by the Commissioner.

Status of trade competition submission

188. I consider that those parts of the submission from Westmar Senior Care (PC63-13) addressing the supply of aged care beds in Darfield relate to trade competition and recommend that they be struck out.

Submissions to be accepted

189. For the reasons set out above, I recommend that the following submissions be accepted:

Sub No	Submitter	Submission topic(s) to be accepted
PC63-2	Darren and Vanessa Davies	Spatial extent of Darfield/need for a plan change
PC63-4	Paul and Alison Wightman	Spatial extent of Darfield/need for a plan change Infrastructure Natural hazards
PC63-5	Crystal Vercoe	Infrastructure
PC63-6	Environment Canterbury	Spatial extent of Darfield/need for a plan change Infrastructure Natural hazards
PC63-7	Duncan and Irene Mattushek	Spatial extent of Darfield/need for a plan change Natural hazards
PC63-8	Canterbury District Health Board	Infrastructure
PC63-9	KiwiRail Holdings Ltd	Transport
PC63-10	Waka Kotahi	Transport Strategic documents
PC63-11	Maddison McCullough	Spatial extent of Darfield/need for a plan change Infrastructure Retirement village
PC63-12	Katherine Molloy	Spatial extent of Darfield/need for a plan change Infrastructure Transport
PC63-13	Westmar Senior Care	Infrastructure
PC63-FS01	Janice and Collon Perriton	Infrastructure Natural hazards
PC63-FS02	Malvern Area Housing Trust	Density/minimum site size Rural identity and outlook

Submissions to be rejected

190. For the reasons set out above, I recommend that the following submissions be rejected:

Sub No	Submitter	Submission topic(s) to be rejected
PC63-1	Phillipa Anderson	Transport Density/minimum site size Rural identity and outlook Building heights
PC63-2	Darren and Vanessa Davies	Infrastructure Rural identity and outlook
PC63-3	Janice and Collan Perriton	Infrastructure Transport Density/minimum site size Construction effects
PC63-4	Paul and Alison Wightman	Loss of productive land Rural identity and outlook Construction effects
PC63-5	Crystal Vercoe	Transport Density/minimum site size Rural identity and outlook Building heights
PC63-6	Environment Canterbury	Loss of productive land
PC63-7	Duncan and Irene Mattushek	Loss of productive land Rural identity and outlook Biodiversity effects
PC63-11	Maddison McCullough	Rural identity and outlook
PC63-13	Westmar Senior Care	Transport Retirement village
PC63-14	Kirsty Lucey and Ben Hamburger	Transport Rural identity and outlook
PC63-FS01	Janice and Collon Perriton	Density/minimum site size Rural identity and outlook
PC63-FS02	Malvern Area Housing Trust	Spatial extent of Darfield/need for a plan change

Content of District Plan

191. I recommend that Plan Change 63 be rejected.

192. If the Commissioner is of a mind to accept Plan Change 63, I recommend that the acceptance be subject to the modifications set out in Appendix 7.

Appendix 1 – Officer comments of Murray England, Asset Manager Water Services

Appendix 2 – Transport comments of David Smith, Abley Consultants

Appendix 3 – Selwyn District Plan Objectives and Policies

B1.1 Land and Soil

Objective B1.1.2

New residential or business activities do not create shortages of land or soil resources for other activities in the future.

Policy B1.1.8

Avoid rezoning land which contains versatile soils for new residential or business development if:

- the land is appropriate for other activities; and
- there are other areas adjoining the township which are appropriate for new residential or business development which do not contain versatile soils.

B1.2 Water

Objective B1.2.1

Expansion of townships in Selwyn District maintains or enhances the quality of ground or surface water resources.

Objective B1.2.2

Activities on land and the surface of water in Selwyn District:

- Do not adversely affect ground or surface water resources;
- Do not adversely affect waahi tapu or waahi taonga;
- Maintain or enhance the ecological and habitat values of waterbodies and their margins;
- Maintain or enhance the water quality and ecological values of sites of mahinga kai (food gathering); and
- Promote public access along rivers and streams, where appropriate.

Policy B1.2.1

Ensure all activities in townships have appropriate systems for water supply, and effluent and stormwater treatment and disposal to avoid adverse effects on the quality of ground water or surface waterbodies.

Policy B1.2.2

Ensure land rezoned to a Living or Business zone can be serviced with a water supply and effluent and stormwater disposal without adversely affecting groundwater or surface waterbodies.

Policy B1.2.3

Require the water supply to any allotment or building in any township, and the Living 3 Zone, to comply with the current New Zealand Drinking Water Standards and to be reticulated in all townships, except for sites in the existing Living 1 Zone at Doyleston.

B2.1 Transport

Objective B2.1.1

An integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads, pathways, railway lines and airfields is not compromised by adverse effects from activities on surrounding land or by residential growth.

Objective B2.1.2

An integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks on adjoining land uses, and to avoid "reverse sensitivity" effects on the operation of transport networks.

Objective B2.1.3

Future road networks and transport corridors are designed, located and protected, to promote transport choice and provide for: a range of sustainable transport modes; and alternatives to road movement of freight such as rail.

Policy B2.1.2

Manage effects of activities on the safe and efficient operation of the District's existing and planned road network, considering the classification and function of each road in the hierarchy.

Policy B2.1.3

Recognise and protect the primary function of roads classified as State Highways and Arterial Roads in Part E, Appendix 7, to ensure the safe and efficient flow of 'through' traffic en route to its destination.

Policy B2.1.5

Ensure the development of new roads is:

- integrated with existing and future transport networks and landuses; and
- is designed and located to maximise permeability and accessibility;

through achieving a high level of connectivity within and through new developments to encourage use of public and active transport; whilst having regard to the road hierarchy.

Policy B2.1.11

Ensure roads are designed, constructed, maintained and upgraded to an appropriate standard to carry the volume and types of traffic safely and efficiently.

Policy B2.1.12

Address the impact of new residential or business activities on both the local roads around the site and the District's road network, particularly Arterial Road links with Christchurch City.

Policy B2.1.13

Minimise the effects of increasing transport demand associated with areas identified for urban growth by promoting efficient and consolidated land use patterns that will reduce the demand for transport.

Policy B2.1.14

Encourage people to walk or cycle within and between townships by providing a choice of routes for active transport modes and ensuring there is supporting infrastructure such as parking for cycles, at destinations.

Policy B2.1.15

Require pedestrian and cycle links in new and redeveloped residential or business areas, where such links are likely to provide a safe, attractive and accessible alternative route for pedestrians and cyclists, to surrounding residential areas, business or community facilities.

Policy B2.1.20

Ensure any new development is designed and located to minimise the need for pedestrians, cyclists or motorists to cross railway lines.

Policy B2.1.23

Where a township is already largely developed on both sides of a State Highway or railway line:

- Discourage new residential or business development from extending the township further along the State Highway or railway line if there are alternative, suitable sites; or, if not,
- Restrict new residential or business areas to extending further along one side of the State Highway or railway line only.

B2.2 Utilities

Objective B2.2.1

Access to utilities to enable people and communities to carry out their activities.

Objective B2.2.2

Efficient use of utilities is promoted.

Objective B2.2.3

The provision of utilities where any adverse effects on the receiving environment and on people's health, safety and wellbeing is managed having regard to the scale, appearance, location and operational requirements of the facilities.

Policy B2.2.1

Require that the need to supply utilities and the feasibility of undertaking, is identified at the time a plan change request is made to rezone land for residential or business development.

Policy B2.2.2

Ensure activities have access to the utilities they require at the boundary prior to any new allotment being sold; or prior to any new activity taking place on an existing allotment.

Policy B2.2.4

Ensure provision is made for the ongoing maintenance and repair of utilities which do not vest in the Council, and that the users of these utilities are informed of any responsibility they have for ongoing maintenance or repair.

Policy B2.2.6

Ensure the effects of utilities are compatible with the amenity values and environmental characteristics of the zone in which they locate, also having regard to operational, functional and economic constraints.

B2.3 Community Facilities (and Reserves)

Objective B2.3.1

Residents have access to adequate community facilities.

Policy B2.3.8

Ensure residents in Selwyn District have access to sufficient reserve areas to meet their needs for space for active and passive recreation.

B2.4 Waste

Objective B2.4.2

Adverse effects on the environment from the collection, treatment, storage or disposal of waste are reduced.

Policy B2.4.4

Ensure land rezoned for new residential or business development has a regular solid waste collection and disposal service available to residents.

3.1 Natural Hazards

Objective B3.1.1

Ensure activities do not lead to or intensify the effects of natural hazards.

Objective B3.1.2

Ensure potential loss of life or damage to property from natural hazards is mitigated.

Objective B3.1.3

Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment.

Policy B3.1.2

Avoid allowing new residential or business development in areas known to be vulnerable to a natural hazard, unless any potential risk of loss of life or damage to property is adequately mitigated.

Policy B3.1.6

Ensure any measures proposed to mitigate a potential natural hazard:

- Do not lead to or intensify a potential natural hazard elsewhere; and
- That any other adverse effects on the environment are avoided, remedied or mitigated.

Policy B3.1.7

Ensure any new residential or business development does not adversely affect the efficiency of the District's land drainage system or the risk of flooding from waterbodies.

3.4 Quality of the Environment

Objective B3.4.1

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

Objective B3.4.2

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

Objective B3.4.3

"Reverse sensitivity" effects between activities are avoided.

Objective B3.4.4

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

Objective B3.4.5

Urban growth within and adjoining townships will provide a high level of connectivity both within the development and with adjoining land areas (where these have been or are likely to be developed for urban activities or public reserves) and will provide suitable access to a variety of forms of transport.

Policy B3.4.1

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

Policy B3.4.3

To provide Living zones which:

- are pleasant places to live in and provide for the health and safety of people and their communities;
- are less busy and more spacious than residential areas in metropolitan centres;
- have safe and easy access for residents to associated services and facilities;
- provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;
- ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities and
- ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following design principles:
 - access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes;

- block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;
- streets are aligned to take advantage of views and landscape elements;
- section proportions are designed to allow for private open space and sunlight admission;
- a subdivision layout that minimises the number of rear lots;
- layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;
- a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;
- a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;
- any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.

Policy B3.4.39

Avoid rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential 'reverse sensitivity' effects will be avoided, remedied or mitigated.

4.1 Residential Density

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

Objective B4.1.2

New residential areas are pleasant places to live and add to the character and amenity values of townships.

Policy B4.1.1(a)

Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan where a higher density of development is anticipated.

Policy B4.1.13

To ensure that development in Medium Density areas identified in an Outline Development Plan provides a high quality living environment and achieves a good level of urban design, appearance and amenity. Relevant urban design considerations include:

- That the design of medium density developments is of a high quality, with a good balance of consistency and variety in form, alignment, materials and colour and a sufficient level of architectural detailing;
- That residential units provide an open and attractive streetscene through being oriented towards the street or other adjacent public spaces, have low or no front fencing, front facades that are not dominated by garaging but instead have clearly visible pedestrian front entrances and a balanced ratio of glazing to solid walls;

- That opportunities for landscaping and tree planting is provided, commensurate with a medium density living environment;
- That opportunity for comprehensive developments are provided, including the ability to erect short terraces or share internal side boundary walls;
- That medium density developments make provision for adequate, well located and well designed private outdoor living areas;
- That internal amenity is provided for occupants through levels of privacy and access to sunlight appropriate to a medium density living environment;
- That the appearance of cramped development is avoided by limiting site coverage and ensuring there is open space between houses, duplexes or blocks of terraces, particularly at first floor level.

4.3 Residential and Business Development

Objective B4.3.1

The expansion of townships does not adversely affect:

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

Objective B4.3.2

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

Objective B4.3.4

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

Policy B4.3.1

Ensure new residential, rural residential or business development either:

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

Policy B4.3.2

In areas outside the Greater Christchurch area, require any land rezoned for new residential or business development to adjoin, along at least one boundary, an existing Living or Business zone in a

township, except that low density living environments need not adjoin a boundary provided they are located in a manner that achieves a compact township shape.

Policy B4.3.3

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

Policy B4.3.4

Encourage new residential or business development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity.

Policy B4.3.6

Encourage townships to expand in a compact shape where practical.

Policy B4.3.8

Each Outline Development Plan shall include:

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

- Demonstrate that the design will minimise any reverse sensitivity effects.

Policy B4.3.23

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

Policy B4.3.27

Ensure any land rezoned for new residential or business development does not create or exacerbate 'reverse sensitivity' issues in respect of activities in the existing Business 2 Zones or the Midland Railway.

Appendix 4 – Canterbury Regional Policy Statement

Chapter 5 – Land Use and Infrastructure

Objective 5.2.1 Location, Design and Function of Development (Entire Region)

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

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

Policy 5.3.1 Regional growth (Wider Region)

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

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

Policy 5.3.2 Development conditions

To enable development including regionally significant infrastructure which:

1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :

- a. existing or consented regionally significant infrastructure;
 - b. options for accommodating the consolidated growth and development of existing urban areas;
 - c. the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;
 - d. the protection of sources of water for community supplies;
 - e. significant natural and physical resources;
2. avoid or mitigate:
- a. natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;
 - b. reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;
- and
3. integrate with:
- a. the efficient and effective provision, maintenance or upgrade of infrastructure; and
 - b. transport networks, connections and modes so as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.

Policy 5.3.3 Management of development

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

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

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

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

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

Policy 5.3.8 Land use and transport integration (Wider Region)

Integrate land use and transport planning in a way:

- 1. that promotes:
 - a. the use of transport modes which have low adverse effects;
 - b. the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport;
- 2. that avoids or mitigates conflicts with incompatible activities; and

3. where the adverse effects from the development, operation and expansion of the transport system:
 - a. on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied or mitigated; and
 - b. are otherwise appropriately controlled.

Policy 5.3.9 Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs):

1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;
2. provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and
3. provide for the expansion of existing infrastructure and development of new infrastructure, while:
 - a. recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;
 - b. avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and
 - c. when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.

Policy 5.3.12 Rural production (Wider Region)

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

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

and;
3. ensuring that rural land use intensification does not contributed to significant cumulative adverse effects on water quality and quantity.

Chapter 11 – Natural Hazards

Objective 11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards

New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.

Objective 11.2.2 Adverse effects from hazard mitigation are avoided or mitigated

Adverse effects on people, property, infrastructure and the environment resulting from methods used to manage natural hazards are avoided or, where avoidance is not possible, mitigated.

Objective 11.2.3 Climate change and natural hazards

The effects of climate change, and its influence on sea levels and the frequency and severity of natural hazards, are recognised and provided for.

Policy 11.3.1 Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:

1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and
2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and
3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
4. is not likely to exacerbate the effects of the natural hazard; or
5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or
6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which the effect of the natural hazard must be avoided or appropriately mitigated; or
7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significance infrastructure.

Policy 11.3.2 Avoid development in areas subject to inundation

In areas not subject to Policy 11.3.1 [high hazard areas] that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:

1. is of a type that is not likely to suffer material damage in an inundation event; or
2. is ancillary or incidental to the main development; or
3. meets all of the following criteria:
 - a. new buildings have an appropriate floor level above the 0.5% AEP design flood level; and
 - b. hazardous substances will not be inundated during a 0.5% AEP flood event;

provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment).

When determining areas subject to inundation, climate change projections including sea level rise are to be taken into account.

Policy 11.3.3 Earthquake hazards

New subdivision, use and development of land on or close to an active earthquake fault trace, or in areas susceptible to liquefaction and lateral spreading, shall be managed in order to avoid or mitigate the adverse effects of fault rupture, liquefaction and lateral spreading.

Policy 11.3.8 Climate change

When considering natural hazards, and in determining if new subdivision, use or development is appropriate and sustainable in relation to the potential risks from natural hazard events, local authorities shall have particular regard to the effects of climate change.

Chapter 16 – Energy

Objective 16.2.1 Efficient use of energy

Development is located and designed to enable the efficient use of energy, including:

1. maintaining an urban form that shortens trip distances
2. planning for efficient transport, including freight
3. encouraging energy-efficient urban design principles
4. reduction of energy waste
5. avoiding impacts on the ability to operate energy infrastructure efficiently.

Policy 16.3.1 Efficient use of energy

To promote the efficient end-use of energy.

Chapter 17 - Contaminated land

Objective 17.2.1 Protection from adverse effects of contaminated land

Protection of people and the environment from both on-site and off-site adverse effects of contaminated land.

Policy 17.3.2 Development of, or discharge from contaminated land

In relation to actually or potentially contaminated land, where new subdivision, use or development is proposed on that land, or where there is a discharge of the contaminant from that land:

1. a site investigation is to be undertaken to determine the nature and extent of any contamination; and
2. if it is found that the land is contaminated, except as provided for in Policy 17.3.3, the actual or potential adverse effects of that contamination, or discharges from the contaminated land shall be avoided, remedied or mitigated in a manner that does not lead to further significant adverse effects.

Policy 17.3.3 Contaminants may remain in the land

Where land has been identified as being contaminated, contaminants should only be allowed to remain in the ground if discharges of contaminants beyond the site to air, water or land will not result in significant risk to human health or the environment.

Appendix 5 – Canterbury Land and Water Regional Plan

Section 3 Objectives

- 3.5 Land uses continue to develop and change in response to socio-economic and community demand.
- 3.6 Water is recognised as essential to all life and is respected for its intrinsic values.
- 3.8A High quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.

Section 4 – Policies

Stormwater and community wastewater systems

- 4.15 In urban areas, the adverse effects on water quality, aquatic ecosystems, existing uses and values of water and public health from the cumulative effects of sewage, wastewater, industrial or trade waste or stormwater discharges are avoided by:
 - (a) all sewage, industrial or trade waste being discharged into a reticulated system, where available;
 - (ab) all stormwater being discharged to land or into reticulated system, where a reticulated system is available;
 - (b) all stormwater being discharged in accordance with a stormwater management plan, where one has been consented;
 - (c) the implementation of contingency measures to minimise the risk of a discharge from a wastewater reticulation system to surface water in the event of a system failure or overloading of the system beyond its design capacity; and
 - (d) any reticulated stormwater or wastewater system installed after 11 August 2012 is designed and managed to avoid sewage discharge into surface water.
- 4.17 Stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety.

Section 11 Selwyn – Te Waihora

11.4 Policies

- 11.4.1 Manage water abstraction and discharges of contaminants within the entire Selwyn Te Waihora sub-region to avoid, remedy or mitigate adverse cumulative effects on the water quality of Te Waihora/Lake Ellesmere, rivers and shallow groundwater; and the flow of water in springs and tributaries flowing into Te Waihora/Lake Ellesmere and achieve, in combination with non-regulatory actions, the freshwater objectives and outcomes for the sub-region.

Appendix 6 – National Policy Statement on Urban Development 2020

2.1 Objectives

Objective 2:

Planning decisions improve housing affordability by supporting competitive land and development markets.

2.2 Policies

Policy 2:

Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Appendix 7 – Proposed amendments to the District Plan (Townships Volume) and officer recommendations

In the event that the Commissioner recommends that the plan change be approved, the following amendments to the Selwyn District Plan are recommended. Text proposed or recommended to be inserted is underlined, while text proposed or recommended to be deleted is ~~struck through~~.

Where provision numbers in this table differ from those in the request, this is because they have been updated to reflect the outcomes of other plan change requests decided since this request was lodged.

Provision numbering in the table below reflects the Selwyn District Plan as amended by Plan Change 59. There may be further amendments to numbering arising from other District Plan updates between the date of this report and the date the Commissioner makes their recommendation.

Provision	Proposed amendment	Officer recommendation and comment	Recommended amended provision
Planning maps	Amend zoning of the Site from Rural Outer Plains to Living 1 Zone (14.6 ha) and Living 1 Deferred (45.9977 ha)	Accept with amendment Imposing a deferred zone would then require a further plan change request in order to lift the deferral. Given that the deferral is in relation to the provision of infrastructure rather than the preparation of an outline development plan, it is more appropriate to manage the timing of development by way of rules. In terms of the deferral, either the land is appropriate for development in accordance with the proposed outline development plan once the infrastructure is available, or it is not.	Amend zoning of the site from Rural (Outer Plains) zone to Living 1 zone
New Policy B4.3.28A	<u>Policy B4.3.28A</u> <u>To manage, subdivision, land development and use in the Living 1 and Living 1 Deferred zones at Kimberley Road Darfield (as shown on Appendix E41B) to facilitate residential development, serviced by appropriate reticulated wastewater treatment and disposal systems, including some</u>	Reject The provision of public reticulated wastewater will be required from the outset, and the remainder of this policy provides no greater guidance for the consideration of resource consent applications than is already provided in the Selwyn District Plan.	No amendment to plan provisions

	<p><u>medium density housing and a retirement village. In the event that there is no Council reticulated system available, the L1 zone will be serviced by a consented community wastewater treatment and disposal scheme located on adjoining land to the north. There is flexibility to extend this scheme to service the Stage 2 development area, zoned L1 Deferred. Properties utilising this community system will be required to connect to Council reticulated system, if and when it becomes available.</u></p> <p><u>Explanation and Reasons</u></p> <p><u>The Kimberley Road L1 and L1 Deferred zones make provision for some smaller more affordable housing than other living zones in Darfield and a retirement village. This is in recognition of the ageing population and trend towards smaller households. The location, close to and readily accessible from the existing town centre, is ideal.</u></p>		
Rule 4.1 Buildings and Natural Hazards		<p>A new standard is required to address the potential for flooding in a 200 year Average Recurrence Interval flood event.</p> <p>The proposed standard is consistent with Rule 4.1.1(A), which applies in the Living 1A, 2A and 3 zones at Tai Tapu,</p>	<p><u>4.1.1B. In the case of the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B, the erection of any dwelling shall be a restricted discretionary activity where it does not achieve all of the following:</u></p> <p><u>4.1.1B.1 The building has a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability flood event</u></p> <p><u>4.1.1B.2 The building is 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</u></p>

			<p><u>subdivision requiring the provision of building platforms</u></p> <p>4.1.2 Under Rule 4.1.1 and 4.1.1B the Council shall restrict the exercise of its discretion to:</p> <p>4.1.2.1 The nature of any flooding or land instability and whether this makes the site unsuitable to erect the proposed building or undertake the proposed earthworks.</p> <p>4.1.2.2 Any effects of buildings or earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.</p> <p>4.1.2.3 Any mitigation measures proposed</p>
Rule 4.2 Buildings and landscaping		<p>As recommended by the proponent's urban designer, an amendment to Rule 4.2.3 is required:</p> <p>Permitted activities – Buildings and Landscaping</p> <p>4.2.3 Any Fencing in the Living 3 Zone, the Living 2A Zone in Darfield, as identified in Appendix 47, <u>the Living 1 Zone at Darfield as identified on the Outline Development Plan at Appendix 41B or and</u> in the Living 2 Zone (Springfield) as identified in Appendix 49, shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;</p> <p>Rule 4.2.6 makes non-compliance with Rule 4.2.3 a restricted discretionary activity.</p>	<p>4.2.3 Any Fencing in the Living 3 Zone, the Living 2A Zone in Darfield, as identified in Appendix 47, <u>the Living 1 Zone at Darfield as identified on the Outline Development Plan at Appendix 41B or and</u> in the Living 2 Zone (Springfield) as identified in Appendix 49, shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;</p>
Rule 4.5 Buildings and Sewage Treatment and Disposal	<p>Permitted Activities — Buildings and Sewage Treatment and Disposal</p> <p>4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, the erection of any dwelling or principal building shall be a</p>	<p>Accept with amendment</p> <p>Given the progress of the reticulation of wastewater from Darfield to Rolleston and the 2021-31 Long Term Plan, rather than the creation of a bespoke rule, 4.5.1 should be amended to read (track changes relative to proposed text):</p>	<p>4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, <u>and in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B</u>, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to</p>

	<p>permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.</p> <p>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.</p> <p>4.5.1B On-site sewer pumps required under 4.5.1A shall be positioned on the building platform required under 4.1.1(A).</p> <p><u>4.5.1C In the case of the Living 1 and Living 1 Deferred zones as identified on the Outline Development Plan at Appendix E41B, the erection of any dwelling or principal building or a retirement village shall be a permitted activity provided that it is connected to a communal 'off site' wastewater treatment plant and land treatment disposal system which is subject to an approved and current wastewater discharge consent. If and when a Selwyn District Council reticulated wastewater treatment and disposal system becomes available to service this area, all existing and new dwellings, principal buildings and the retirement village will be required to connect, pursuant to provisions in the Local Government Act 1974/2002</u></p>	<p>4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, <u>and in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B</u>, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.</p> <p>4.5.1C In the case of the Living 1 and Living 1 Deferred zones as identified on the Outline Development Plan at Appendix E41B, the erection of any dwelling or principal building or a retirement village shall be a permitted activity provided that it is connected to a communal 'off site' wastewater treatment plant and land treatment disposal system which is subject to an approved and current wastewater discharge consent. If and when a Selwyn District Council reticulated wastewater treatment and disposal system becomes available to service this area, all existing and new dwellings, principal buildings and the retirement village will be required to connect, pursuant to provisions in the Local Government Act 1974/2002</p>	<p>a reticulated sewage treatment and disposal system.</p>
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	4.5.2 In all other Living zones in the district dwellings shall be permitted activities provided that they are serviced by on-site effluent treatment and disposal systems.		
	Non-Complying Activities — Buildings and Sewage Treatment and Disposal 4.5.3 Any activity which does not comply with Rule 4.5.1, Rule 4.5.1A, <u>4.5.1.C</u> , <u>4.5.1.D</u> or Rule 4.5.2 shall be a non-complying activity	Reject The officer's recommendation is that 4.5.1 be amended, rather than the creation of a bespoke rule, and so no 4.5.1C is required. No Rule 4.5.1D is included in the plan change request. Non-compliance with the proposed amendment to 4.5.1 would still be a non-complying activity under 4.5.3, as intended by the proponent.	No amendment to plan provisions
	Note 2. If the Council and the community decide to install a reticulated sewage treatment and disposal system, the Council may require existing dwellings and principal buildings to connect, pursuant to provisions in the Local Government Act 1974. <u>In the case of the Living 1 Zone as identified on the Outline Development Plan at Appendix E41B, this will be compulsory as the proposed community treatment and disposal system which will service this area has been designed to facilitate reticulation to a Council system if and when this becomes available.</u>	Reject Given the progress of the reticulation of wastewater from Darfield to Rolleston and the 2021-31 Long Term Plan, and the recommended amendments to plan provisions, the proposed note is not required	No amendment to plan provisions
Rule 4.7 Buildings and Site Coverage	Permitted Activities — Buildings and Site Coverage 4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used	Accept with amendment for consistency of terminology with other amendments (track changes compared to the proposed amendment): Retirement village as identified in <u>on the</u> ODP at Appendix E41B. Site coverage will be calculated over the entire retirement village site.	Permitted Activities — Buildings and Site Coverage 4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

	<p>exclusively for access, reserves or to house utility structures or which are subject to a designation.</p> <p>Table C4.1 Site coverage allowances</p> <table><tr><th>Zone</th><th></th><th>Coverage</th></tr><tr><td>Living 1</td><td>Including garage</td><td>40%</td></tr><tr><td></td><td>Excluding garage</td><td>40% minus 36m²</td></tr><tr><td></td><td>Emergency Services only</td><td>50%</td></tr><tr><td></td><td><u>Retirement village as identified in ODP at Appendix E41B. Site coverage will be calculated over the entire retirement village site.</u></td><td><u>45%</u></td></tr></table>	Zone		Coverage	Living 1	Including garage	40%		Excluding garage	40% minus 36m ²		Emergency Services only	50%		<u>Retirement village as identified in ODP at Appendix E41B. Site coverage will be calculated over the entire retirement village site.</u>	<u>45%</u>		<p>Table C4.1 Site coverage allowances</p> <table><tr><th>Zone</th><th></th><th>Coverage</th></tr><tr><td>Living 1</td><td>Including garage</td><td>40%</td></tr><tr><td></td><td>Excluding garage</td><td>40% minus 36m²</td></tr><tr><td></td><td>Emergency Services only</td><td>50%</td></tr><tr><td></td><td><u>Retirement village as identified o ODP at Appendix E41B. Site coverage will be calculated over the entire retirement village site.</u></td><td><u>45%</u></td></tr></table>	Zone		Coverage	Living 1	Including garage	40%		Excluding garage	40% minus 36m ²		Emergency Services only	50%		<u>Retirement village as identified o ODP at Appendix E41B. Site coverage will be calculated over the entire retirement village site.</u>	<u>45%</u>
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<p>New Rule 4.19 Darfield – Retirement Village</p>	<p><u>4.19 Darfield – Retirement Village</u></p> <p><u>Within the L1 Zone at Darfield a retirement village shall be a restricted discretionary activity in the location shown on the Appendix E41B Outline Development Plan. Council shall restrict the exercise of its discretion to the following:</u></p> <p><u>14.19.1 incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;</u></p> <p><u>14.19.2 residential amenity for neighbours, in respect of outlook, scale, privacy, light spill, and access to sunlight, through site design, building,</u></p>	<p>Reject</p> <p>The proposed amendment would not achieve the outcome sought by the proponent of a retirement village in this location being a restricted discretionary activity without consideration of other rules.</p> <p>Hospitals, hospices and other facilities providing 24 hour medical care are a discretionary activity (Rule 1.2.2.c)</p> <p>The erection of more than 2 dwellings on a site in a Living 1 zone is a discretionary activity (Rule 4.6.5)</p> <p>Comprehensive Residential Development (which includes retirement villages) in Medium Density</p>	<p>No amendment to plan provisions</p>																														

	<p><u>outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening;</u></p> <p><u>14.19.3 creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour</u></p>	<p>areas covered by an Outline Development Plan is a restricted discretionary activity (Rule 4.12)</p> <p>I consider that the amendments that would be required to these other rules in order to achieve the outcome sought by the proponent are beyond the scope of this plan change.</p>	
Chapter 4 – Reasons for Rules	<p>Higher levels of site coverage have also been provided for emergency services <u>and retirement villages</u> recognising their importance to the community <u>and that retirement villages are comprehensively designed, including with regard to open space, and retirement housing requires less open space than standard housing.</u> Their general one-off locations <u>of emergency services</u> throughout the district’s townships will ensure any impact of increased density on the overall character of an area is minimal.</p>	<p>Reject</p> <p>Retirement villages in general are not subject to a greater site coverage than otherwise anticipated – the proposed text implies that all retirement villages in all locations are subject to higher site coverage. That is a district-wide matter and outside the scope of PC63.</p>	No amendment to plan provisions.
Rule 10.8 – Activities and Scale of Activities	<p>Notes:</p> <p>1. Rule 10.8 does not apply to any temporary activities; however temporary activities are subject to all other applicable rules in the Plan.</p> <p>2. In Rolleston, Rule 10.8.1 does not apply to Commercial Services, Small Format Retail or Office Activities in Precinct 5 (Transitional Living) of the Key Activity Centre, as identified in Appendix 29A. Rule 10.8.2 shall apply instead.</p> <p>3. In Lincoln, Rule 10.8.1 does not apply to Commercial Services or Office Activities in Precinct 5 (Transitional Living) of the Key Activity Centre, as identified in Appendix 29B. Rule 10.8.2 shall apply instead.</p>	<p>If the requested amendment to the definition of ‘residential activity’ is accepted, then this amendment is not required</p>	

	<u>4. Rule 10.8 does not apply to a retirement village at Darfield as identified in in Appendix E41B - Living 1, Living X and Living 1 Deferred Zone, Kimberley Road Darfield Outline Plan.</u>																	
Rule 10.9 – Activities and Hours of Operation	Rule 10.9.1 does not apply to spiritual and educational activities, or a public car park in Precinct 6 of the Rolleston Key Activity Centre <u>or a retirement village at Darfield as identified in in Appendix E41B - Living 1, Living X and Living 1 Deferred Zone, Kimberley Road Darfield Outline Plan.</u>																	
Rule 12.1 Subdivision – General	Size and shape 12.1.3.6 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m2 in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan and <u>Retirement Villages</u> , there shall be no minimum building area requirement; and	Reject. This proposed amendment would apply district-wide, which is outside the scope of the plan change request	No amendment to plan provisions															
	12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1 <table><tr><th colspan="3">Table C12.1 – Allotment Sizes</th></tr><tr><th>Township</th><th>Zone</th><th>Average Allotment Size Not Less Than</th></tr><tr><td></td><td></td><td></td></tr></table>	Table C12.1 – Allotment Sizes			Township	Zone	Average Allotment Size Not Less Than				Accept	12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1 Table C12.1 – Allotment Sizes <table><tr><th>Township</th><th>Zone</th><th>Average Allotment Size Not Less Than</th></tr><tr><td>Darfield</td><td>Living 1</td><td>650m²</td></tr></table>	Township	Zone	Average Allotment Size Not Less Than	Darfield	Living 1	650m ²
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Darfield <u>12.1.3.16A Any subdivision of land within the area shown in Appendix E41B - Living 1, Living X and Living 1 Deferred Zone, Kimberley Road Darfield Outline Development Plan, shall comply with the layout and contents of that Outline Development Plan and shall comply with any</u>	Accept, subject to amendment for consistency with other amendments (track changes compared to the proposed amendment): <u>12.1.3.16A Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B, within the area shown in Appendix E41B – Living 1, Living X and Living 1 Deferred Zone, Kimberley Road</u>	<u>12.1.3.16A Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B, shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.</u>																								

	<u>standards referred to in the Outline Development Plan.</u>	Darfield Outline Development Plan , shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.	
	<u>12.1.3.16B No subdivision of land in the Living 1 Deferred Zone shown in Appendix E41B shall occur until a Council reticulated wastewater treatment and disposal system is available to service this area and any lots created are connected to this system.</u>	<p>Accept, subject to amendment</p> <p>Given the progress of the reticulation of wastewater from Darfield to Rolleston and the 2021-31 Long Term Plan, it would be inefficient to install an appropriate private reticulation system, given the short timeframe until a public system will be available. Rather than create a bespoke rule, it would be more appropriate to instead amend 12.1.3.4 to read (track changes compared to the proposed amendment):</p> <p>12.1.3.4 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu and West Melton, or within a Living 3 zone <u>or within the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B</u> is supplied with reticulated effluent treatment and disposal facilities; and</p> <p>12.1.3.16B No subdivision of land in the Living 1 Deferred Zone shown in Appendix E41B shall occur until a Council reticulated wastewater treatment and disposal system is available to service this area and any lots created are connected to this system.</p>	<p>12.1.3.4 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu and West Melton, or within a Living 3 zone <u>or within the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41B</u> is supplied with reticulated effluent treatment and disposal facilities; and</p>
		A new matter for discretion is required to address the concerns raised in Mr Smith's comments.	<p><u>12.1.4.84A In relation to the land within the area shown in Appendix E41B :</u></p> <p><u>(a) Any adverse effects on safety for users of all transport modes at all existing level crossings in Darfield township</u></p>

			<u>(b) Any adverse effects on the operation of the State Highway 73 intersections with Matthias Street and McMillan Street.</u>
		<p>A new matter for discretion is required to address the potential for flooding in a 200 year Average Recurrence Interval flood event.</p> <p>The recommended wording is consistent with Rule 12.1.4.81, which applies in the Living 1A, 2A and 3 zones at Tai Tapu, and with the amendment recommended for Plan Change 61.</p>	<p><u>12.1.4.84B In relation to the land within the area shown in Appendix E41B :</u></p> <p><u>(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</u></p> <p><u>(b) Any measures proposed to mitigate the effects of a potential natural hazard, including:</u></p> <p><u>i. Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and</u></p> <p><u>ii. The filling (with inert hardfill) of any low lying area; and iii. proposed methods and locations for flood offset areas; and</u></p> <p><u>(c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.</u></p>
Definitions	<p>Residential Activity: means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:</p> <p>a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site</p> <p>b) Emergency and/or refuge accommodation</p> <p>c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site</p> <p><u>d) Retirement villages</u></p>	<p>Reject.</p> <p>The requested defined term 'retirement village' already falls within the first sentence of the definition, and so an amendment to this term is unnecessary.</p> <p>The National Planning Standards 2019 require that, where a term is used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the <i>Definitions List</i> of the Standard. The planning Standards definition of <i>Residential Activity</i> is:</p>	

	...	<p>Residential Activity means the use of land and building(s) for people's living accommodation.</p> <p>Although operative district plans do not need to comply with most of the National Planning Standards if the proposed district plan does comply, given the timing of this process compared to that of the proposed district plan, it is poor planning practice to add additional clarification points as part of PC63 when there is no option for them to be considered for inclusion in the proposed district plan.</p>	
	<p><u>Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who may be retired, and any spouses or partners of such people. It may also include any of the following facilities for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.</u></p>	<p>Accept, subject to amendment.</p> <p>The National Planning Standards 2019 require that, where a term is used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the <i>Definitions List</i> of the Standard. The Planning Standards definition of <i>Retirement Village</i> is (with track changes compared to the proposed definition):</p> <p>Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who may be <u>are</u> retired, and any spouses or partners of such people. It may also include any of the following facilities for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.</p> <p>Although operative district plans do not need to comply with most of the National Planning Standards if the proposed district plan does comply, as a newly-defined term rather than an amendment of an existing term, it would be poor</p>	<p><u>Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired, and any spouses or partners of such people. It may also include any of the following facilities for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.</u></p>

		planning practice to use a definition other than that included in the Planning Standards.	
New Appendix E41B	Include the Outline Development Plan as a new Appendix E41B	<p>Accept, subject to amendment</p> <p>The proponent's urban designer has recommended a minimum site size of 1000m² around the Living 2 and Rural interfaces of the site, but the ODP records the site sizes in this area as a minimum average of 1000m². This would result in sites smaller than 1000m² along this interface, which is not what the urban designer has recommended.</p> <p>If the Commissioner is of the opinion that larger site sizes are necessary along the Living 2 and Rural interfaces, the area shown bright yellow on the ODP should be subject to a minimum site size of 1000m², rather than a minimum average site size of 1000m²</p>	Include the Outline Development Plan as a new Appendix E41B ODP Darfield – Kimberley Road, subject to an amended site size requirement.
Generally	Any other consequential amendments including but not limited to renumbering of clauses	Accept	

