

Notice of Submission on Proposed Plan Change 63

Resource Management Act 1991 – Form 5

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This is a submission on Proposed Plan Change 63

Environment Canterbury neither supports nor opposes the application. This submission raises a number of matters relating to available development capacity, wastewater servicing, and natural hazards, which we hope will be helpful in your consideration of the proposed Plan Change.

The reasons for our submission are:

Plan Change 63 seeks to rezone approximately 60 hectares (ha) from Rural Outer Plains to Living 1 (14.6 ha.) and Living 1 Deferred (46 ha.) on the North Eastern side of Darfield along Kimberley Road.

Within the proposed Living 1 zone, the rule provisions would allow for a retirement village catering for upwards of 110 residents. The remainder of the area would have a residential unit density of 650 m2 except for specified medium density areas which will have a maximum average allotment size of 500 m2, and a minimum allotment size of 400 m2. This will result in approximately 90 low density residential units, and 13 medium density residential units.

The Living 1 Deferred zone will not be able to be subdivided until a wastewater solution has been implemented, but will have capacity for approximately 283 standard sized residential lots, 56 lower density lots (1,000 m2), and 8 medium density lots.

The following provisions in the Canterbury Regional Policy Statement (CRPS) are relevant to this application:

- Objective 5.2.1 which seeks that development is located and designed so that it functions in a way that (among other things): achieves consolidated, well designed and sustainable growth in and around existing urban areas; provides sufficient housing choice to meet housing needs; encourages sustainable economic development by enabling business activities in appropriate locations; minimises energy use and/or improves energy efficiency and; enables rural activities to support the rural environment including primary production.
- Policy 5.3.1 which seeks to provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that ensure that any urban growth occurs in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development, and; encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation and; promote energy efficiency in urban forms, transport patterns, site location and subdivision layout.
- Policy 5.3.2 which seeks to ensure that adverse effects of development are avoided, remedied or mitigated, including where these would compromise or foreclose options for accommodating the consolidated growth and development of existing urban areas or 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 use, or through further fragmentation of rural land. The policy further seeks to enable development which avoids or mitigates natural and other hazards and reverse sensitivity effects, and integrates with the efficient and effective provision of infrastructure and transport networks, connections and modes.
- Policy 5.3.5, which requires development to be appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water.
- Policy 5.3.6 which relates to sewerage, stormwater and potable water infrastructure.
- Policy 5.3.8 which promotes effective integration of land use and transport planning.
- Policy 5.3.12 which seeks to maintain and enhance Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production.
- Policy 11.3.2 which sets out criteria that must be met in areas subject to inundation.
- Policy 14.3.5 which seeks to avoid encroachment of new development on existing activities discharging to air, where the new development is sensitive to those discharges, unless any reverse sensitivity effects of the new development can be avoided or mitigated.
- Policy 17.3.2 which requires a site investigation to be undertaken where land is actually or potentially contaminated, and the appropriate management of the effects of any contamination that is found.

Availability of existing development capacity in Darfield township

The application site is identified in the Malvern Area Plan as a 'Preferred Future Development Area' (DAR7), with a potential opportunity to provide 'mixed-use living densities' and to consider expansion of existing Business 2 zoned land.

According to the Malvern Area Plan, the population of Darfield in 2015 was 2,909 people (1,039 households), and is projected to grow to 4,141 people (1,479 households) by 2031. This represents an estimated population increase of 1,232 people (440 households).¹

With regard to the ability to accommodate projected population and household growth, the Malvern Area Plan states: *"There is sufficient developable land to accommodate the projected demand through to 2031"*².

Regarding residential land capacity, the Area Plan states: *"Overall there is considered to be sufficient available land to accommodate projected population growth through to 2031 without Council proactively zoning additional greenfield land. The maximum potential yield for infill subdivision on Living zoned land, including deferred zoned land but excluding any Council reserves zoned for residential purposes, is some 2,274 households. In addition, there are currently 87 vacant lots available in existing and established residential areas."*³ It further acknowledges, *"A significant oversupply of undeveloped low-density Living 2 zoned land exists, which gives rise to a dispersed settlement pattern with corresponding issues"*⁴.

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 Plan Change also makes provision for a range of housing types, including older persons housing, which 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, 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.

Rezoning the application site, which is currently zoned Rural (Outer Plains), could have the effect of irreversibly foreclosing the productive use of this land. The land is identified on Canterbury Maps as Land Use Capability Classes 1 - 3 using the New Zealand Land Resource Inventory data set from Manaaki Whenua Landcare Research. This means that the area would likely be identified as highly

¹ Malvern 2031: Malvern Area Plan, page 21

² Malvern 2031: Malvern Area Plan, page 25

³ Malvern 2031: Malvern Area Plan, page 22

⁴ Malvern 2031: Malvern Area Plan, page 25

productive under the proposed National Policy Statement on Highly Productive Land⁵ (pNPS-HPL). There is an exemption in the pNPS-HPL for areas that have been identified as future urban zones in district plans, but the identification of this area for possible future growth in the Malvern Area Plan would not meet that threshold. The Malvern Area Plan is a non-statutory document that has not been tested through an RMA process.

The pNPS-HPL seeks to maintain the availability and productive capacity of highly productive land for primary production. There is provision for urban development on highly productive land within the proposed NPS, but this is only in circumstances where there is a shortage of development capacity to meet demand and it is demonstrated that this is the most appropriate use of land.

The pNPS-HPL has not yet been gazetted and Environment Canterbury does not wish to predict the outcome of consultation on this document or the final content. It does, however, provide a strong indication of the potential national requirements for the protection of highly productive land and Plan Change 63 should be considered in light of that.

Wastewater servicing

There is currently no community reticulated wastewater infrastructure in Darfield. The Wastewater Options Infrastructure Report submitted with the application identifies a number of wastewater treatment plant and discharge options.

The application proposes that the 14.6ha site to be re-zoned Living 1 is to be serviced by a privately owned communal package treatment plant and effluent disposal area to be located on adjoining farmland presently zoned Outer Plains.

The 40ha site to be zoned Living 1 Deferred will either be connected to that package treatment plant in an expanded form, or to a Council scheme if one is available at the time that site is to be developed.

The Rural Outer Plains standards would apply to the Living 1 Deferred zone until such time as an approved community or Council reticulated wastewater scheme is available to service this land. We understand that a wastewater discharge consent application is being sought for the Living 1 land only at this stage, as the balance land will be a Stage 2 development (anticipated as being developed over the next 5-15 years, by which time a Council wastewater scheme may be available to service the land). In the event there is not, the application states there is flexibility to extend the proposed community wastewater plant and disposal area for the Living 1 zone, to service the Living 1 Deferred land. However, this will require a further wastewater discharge consent.

Environment Canterbury supports the provision of reticulated wastewater servicing for the area as part of this proposed Plan Change.

⁵ The Ministry for Primary Industries and the Ministry for the Environment published the proposed National Policy Statement for Highly Productive Land in 2019. The overall purpose of the pNPS-HPL is to improve the way highly-productive land is managed under the RMA. MfE has indicated the NPS-HPL may be gazetted in August 2020.

Natural hazards (flooding)

We note that Selwyn District Council has completed rainfall runoff modelling for most of the district, including the application site. The modelling includes 200 and 500 year return period scenarios.

Results of the modelling for the 200 year event show some overland flow flooding across the property, limited to historic channels. There is a small area of significantly deeper flooding (~1 m) proximal to Dundee Close. It appears that this ponding area has been demarked as a potential stormwater pond.

Environment Canterbury recommends that any buildings forming part of this development have floor levels suitably above the 200 year flood level as required by CRPS Policy 11.3.2.

Results of the 500 year modelling show that the property is outside of areas defined at 'High Hazard' in the CRPS, with the exception of the small ponding area along the southern boundary.

The decisions we would like the Council to make are:

1. To require a thorough assessment of whether it is appropriate to re-zone the land for residential development in light of the direction contained within the CRPS and pNPS-HPL. An appropriate analysis should be undertaken through an RMA process, either through this Private Plan Change application or more appropriately through the Selwyn District Plan review, to determine the outcome of re-zoning this area of land.
2. To require the outline development plan to include reticulated wastewater servicing, or that a mechanism is in place to require a co-ordinated approach to reticulation (site-wide, to include surrounding ODP areas, or community-wide), at the time of subdivision.
3. To ensure that any buildings forming part of this development have floor levels suitably above the 200 year flood level as required by CRPS Policy 11.3.2.

We do not wish to be heard in support of our submission.



Andrew Parrish
Planning Section Manager

(Authorised under delegated authority from the Canterbury Regional Council)

Date: 27 July 2020