

# Notice of Submission on Proposed Plan Change 61

---

## Resource Management Act 1991 – Form 5

**Name of submitter:** Canterbury Regional Council (Environment Canterbury)

**Physical address:** 200 Tuam Street, Christchurch, 8011

**Address for service:** Canterbury Regional Council  
PO Box 345  
Christchurch 8140

**Contact person:** Tammy Phillips

**Email:** [tammy.phillips@ecan.govt.nz](mailto:tammy.phillips@ecan.govt.nz)

**Telephone:** 027 597 2874

### This is a submission on Proposed Plan Change 61

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

### The reasons for our submission are:

Plan Change 61 seeks to rezone approximately 30 hectares (ha) of land located east of Darfield from Rural (Outer Plains) to a mix of Business 2 (17ha) and Living 1 (7ha) zone. The remaining land (6ha) would provide for roading and road reserve.

The proposed Plan Change seeks to insert an outline development plan and associated rules into the District Plan. If approved, it would provide for additional industrial development and up to 35 residential sites at an average density of 1,950 square metres.

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' (DAR6) suitable for low density residential development and/or commercial or industrial activities.

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).<sup>1</sup>

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”*<sup>2</sup>.

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.”*<sup>3</sup> 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”*<sup>4</sup>.

In relation to the availability of business land to meet future demand, the Area Plan states: *“No additional Business 2 land is identified as being required in Darfield within the Malvern 2031 planning horizon given that there is an excess of 20ha of industrial land available”*<sup>5</sup>.

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) 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 productive under the proposed National Policy Statement on Highly Productive Land<sup>6</sup> (pNPS-HPL). There is an exemption in the pNPS-HPL for areas that have been identified as future urban zones in

---

<sup>1</sup> Malvern 2031: Malvern Area Plan, page 21

<sup>2</sup> Malvern 2031: Malvern Area Plan, page 25

<sup>3</sup> Malvern 2031: Malvern Area Plan, page 22

<sup>4</sup> Malvern 2031: Malvern Area Plan, page 25

<sup>5</sup> Malvern 2031: Malvern Area Plan, page 25

<sup>6</sup> 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.

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 61 should be considered in light of that.

#### Wastewater servicing

Environment Canterbury acknowledges that there is currently no reticulated wastewater infrastructure in Darfield and that recent investigations (commissioned by the Darfield and Kirwee Wastewater Working Party) have not detected any adverse effects on human health or the environment from the existing on-site wastewater treatment systems in the area. However, the cumulative effects from an increased density of on-site wastewater treatment systems remain unknown.

The Engineering Servicing Report submitted with the application identifies the following possible wastewater disposal methods:

1. On-site wastewater treatment and disposal (preferred option).
2. Reticulated system – the report states that a gravity or pressure reticulation network, discharging to a centralised wastewater treatment facility is possible but considered unnecessary given the ability to service the plan change area by on site treatment and disposal systems. Following investigations, the consultants concluded that it was not viable to install a new treatment system as it was too land intensive and cost prohibitive.
3. Reticulated system, pumping to Rolleston – the report states that a gravity or low pressure reticulation network, discharging to the existing wastewater treatment plant in Rolleston is an option, but considered unnecessary given the ability to service the plan change area by on site treatment and disposal systems.

The application proposes that the plan change area would be serviced by individual on-site treatment and disposal systems.

Consent to discharge wastewater into the ground will be required from Environment Canterbury. Any cumulative environmental effects or effects on the quality and safety of human and animal drinking-water from these systems will be assessed as matters of restricted discretion on a case by case basis

for any resource consent applications received by Environment Canterbury<sup>7</sup>. It is unknown if or when these effects would present an obstacle to obtaining resource consent.

The poor maintenance of existing on-site wastewater systems and the potential for system failure was a recurring issue identified in studies commissioned by the Darfield and Kirwee Wastewater Working Party<sup>8</sup>. A precautionary approach to the unknown risk posed from an increased density of on-site wastewater systems would mitigate potential adverse effects, as well as avoiding potential legacy issues from a large stock of on-site systems, including the associated maintenance and replacement costs.

Environment Canterbury is concerned that it would be inappropriate to service the Plan Change 61 area with on-site wastewater systems ahead of any Selwyn District Council decisions on the future wastewater servicing for Kirwee and Darfield. Environment Canterbury is aware that the work of the Darfield and Kirwee Wastewater Working Party is ongoing, including further engagement and consideration on potential wastewater treatment options for the townships of Darfield and Kirwee.

It would be inefficient to switch from on-site treatment to reticulated treatment at an unknown point in time when regional resource consents might be refused. It would also be inefficient to pre-empt a preference for on-site wastewater systems if there is potential for a co-ordinated approach to wastewater infrastructure in these townships.

#### 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. 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.

#### Contamination

The Preliminary Site Investigation report submitted with the application notes the presence of two pits at the site which will require further action before a change in land use occurs. One was filled with poisoned possums, and the other was filled with unknown material.

---

<sup>7</sup> Restricted discretionary resource consent to discharge wastewater to ground will be required under rule 5.9 of the Canterbury Land and Water Regional plan because all of the new sites will be smaller than the 4 ha threshold condition in permitted activity rule 5.8.

<sup>8</sup> Canterbury District Health Board, Existing on-site wastewater treatment systems assessment in Darfield, Sanitary survey summary report 2014; ESR, Public health risk assessment of sewage disposal by onsite wastewater treatment and disposal systems in the Darfield and Kirwee Communities, 2014

The applicant's consultant has recommended that a Remedial Action Plan be created for the Possum Pit, and that a Detailed Site Investigation should take place over the unknown material pit.

However, Environment Canterbury recommends that a Detailed Site Investigation is undertaken to cover both pits. Due to the size of the possum pit it is considered likely that this was filled with material other than just possums. Further, it will not be possible to create an appropriate Remedial Action Plan without a full understanding of the nature of any contamination requiring remediation across the site.

Environment Canterbury recommends that the investigations are carried out in accordance with the Contaminated Land Management Guidelines (CLMG) and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) legislation. Any recommendations of the investigations should be followed to ensure that the soil meets the appropriate standard for the proposed land use. Further, any discharges to land in these areas should consider Environment Canterbury's discharge rules, although the interpretation of the rules may change depending on what the investigations find in the soil.

**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 conclude the evaluation of potential community-based wastewater treatment and disposal options for the township of Darfield, before approving the Plan Change. Alternatively, 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. Environment Canterbury would welcome pre-application consultation for any reticulated wastewater proposal.
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.
4. To require that a Detailed Site Investigation is undertaken for both pits identified within the application site. The investigations must be carried out in accordance with the Contaminated Land Management Guidelines and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health legislation.

**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