

Submission

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Introduction

- [1] This is an application for a discretionary activity and as such will require the consenting authority to make an overall broad and subjective judgement as to whether or not consent should be granted.
- [2] Throughout the process of developing this application for resource consent, we have endeavoured to engage in a meaningful and collaborative way with the planners at Timaru District Council. We believed that a meaningful level of mutual engagement was particularly important in the light of the draft Timaru District Growth Management Strategy (GMS), and its intentions for the land that is the subject of this proposal, in order to ensure that the development plan was going to be, at the very least, in broad agreement with, and not frustrating of, the proposed rural residential land use under that strategy.
- [3] When we initially engaged with the TDC planners we were advised that, in order for the subdivision to be successful, we should either await the District Plan review and zoning change or seek a resource consent following the publication of the GMS. We were advised that a resource consent was a relatively straightforward process that was responsive to changing land use demand or circumstances that were not foreseen by an older district plan and/or that was due for formal review.
- [4] As our efforts to engage with the planners in order to synchronise the detail of our application with the likely requirements of the anticipated future land use zoning were rebuffed, we have, as a result, prepared this application by consideration of other planning decisions, expert evidence presented in various fora (hearings and judicial) and reference to similar rural living land uses in other territorial jurisdictions. In that regard we have also been guided, in preparing this proposal, by the requirements summarised in the district plan review publication Rural Residential Areas (Topic 13 discussion document (published in December 2016 and available at: https://www.timaru.govt.nz/_data/assets/pdf_file/0018/101538/1032850-Discussion-Document-Topic-13-Rural-Residential-Areas-Discussion-Document-Work-District-Plan-Review-December-2016.pdf).

“Issue 2 How should the amenity and characteristics of a rural residential zone be managed?”

A key aspect of managing rural residential development opportunities is housing density. Too small, and the resulting intensive densities are indistinguishable from urban settlement patterns, and there may be resultant expectations as to infrastructure servicing and community facilities. Too large and the resultant patterns of development become an inefficient use of the productive land resource and become unwieldy for those seeking lifestyle opportunities rather than wanting to undertake active farming activities.

Land holdings that range in size from between 0.5ha to 2ha are able to demonstrate the residential and rural character elements that typify rural residential environments. They are also demonstrably larger than the median urban allotment size in Timaru, Pleasant Point, Temuka and Geraldine which range from 700m² to 1,000m². Properties that are greater than 2ha in size generally continue to be productive and are predominantly retained for rural purposes, small holdings or hobby farms.

Whilst housing density is the key determinant of expectations of the character of rural residential areas, the size of such development areas and the connection to surrounding rural landscapes are also critical aspects of rural residential amenity. Large areas of rural residential development can become more

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suburban in character as boundary plantings and shelterbelts become established and sections lose views to more extensive rural farming landscapes.

The maintenance of amenity values and the pattern of development consistent with the expectations of inhabitants is crucial in ensuring that the values that make these areas desirable are not diminished by inappropriate activities, or inappropriately placed developments. This requires consideration of a range of in-zone performance standards, for example:

- *Open space and views – including setbacks from the road and boundaries.*
- *Open rural style fencing rather than solid suburban fencing.*
- *Dominance of structures – including building heights and the scale of buildings on a site.*
- *Appearance – in terms of landscaping and building design.*
- *General amenity – including limitations on noise, lighting and non-residential activities. A general avoidance of manicured grass berms, footpaths, or extensive street lighting.*
- *Farming practices – there are opportunities for domestic livestock and pets, but not practical opportunities for economically productive farming activity which requires larger landholdings. Restrictions on intensive farming practices (piggeries, poultry) would be required to avoid nuisance effects.*

There are varying perceptions of what life in rural areas should be like. However, occupiers of rural residential blocks typically anticipate a quiet and pleasant semi-rural environment, where they are not unduly affected by close neighbours or the noise and activity associated with urban areas.

These ideals conflict with the realities of modern working farm life. The Rural Zones Discussion Document (Topic 12) outlines the working environment and functional qualities of the rural zones that support agriculture, productive land use and agricultural industries (for example Clandeboye). Rural activities can involve emissions, vibrations, earthworks, spray drift, stock movements and other effects associated with primary production. It is important to recognise and protect established and anticipated rural activities from more sensitive rural residential activities which would give rise to amenity conflicts and reverse sensitivity effects. Dwelling setbacks in the rural residential zone would need to be established to protect intensive farming operations undertaken within the Rural Zones.”

- [5] We have ensured that the proposed layout will act as a *de facto* structure plan (as signalled by the GMS document) that will support any future subdivision requirement by preserving access, further rural residential subdivision potential and identification of suitable on-site infrastructure to provide for potable water and wastewater disposal.
- [6] We consider that this proposal will fully support the GMS in effectively achieving its aims and objectives and, further, that it represents an efficient use of a site that has limited other productive rural use due to the long history of subdivision of the original landholding.

Executive Summary

- [7] The proposal is for subdivision of rural land which is:
- a. a discretionary activity,
 - b. identified as suitable for rural residential land use in the draft GMS policy statement,
 - c. not contrary (i.e. not repugnant) to the objectives and policies of the District plan, and
 - d. an anticipated suitable activity for the subject property.
- [8] The land use that is proposed:
- a. Is specifically contemplated by the district plan within rural zoning (rural living sites),
 - b. Will contribute to the economic and social well-being of the applicant and the wider community by assisting to develop improved sustainable scale for the community and its services (RMA s5),

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- c. Represents the efficient use and development of natural and physical resources (RMA s7),
 - d. Is consistent with the land use anticipated by the Timaru District's proposed GMS policy statement,
 - e. Offers a more efficient development of the subject land than would be the case should the existing subdivision consent be implemented,
 - f. Will be significantly less injurious to ground water in comparison to permitted baseline rural uses (e.g. dairy cattle effluent),
 - g. Will remove only a very small proportion of versatile land from production,
 - h. Will reduce or remove stock pressure on the stream habitat,
 - i. Is compliant with all rural performance standards save for allotment size,
 - j. Will reduce pressure upon other rural land for dispersed rural living site subdivision thereby assisting to safeguard productive soils elsewhere in the locality,
 - k. Is consistent with the Canterbury Regional Policy Statement (CRPS),
 - l. Assists Timaru District Council in achieving its obligations imposed by the National Policy Statement on Urban Development Capacity (2016).
- [9] Granting the consent will not:
- a. create precedent,
 - b. restrict future intensification,
 - c. generate cumulative effects, or
 - d. compromise the integrity of the existing district plan.
- [10] We suggest the following mitigating measures may be implemented as covenants or consent conditions (these may need to be time bound in order to accommodate future needs - longer term growth and intensification of the Geraldine settlement):
- a. Building setback from road boundary of 15 metres
 - b. Building height 8.5 metres
 - c. Building coverage 400m²
 - d. Buildings to be natural colours – shades of green, brown or gray
 - e. Fencing transparent – post and wire or rail
 - f. Construction from new materials
 - g. External lighting to be downward directed thereby limiting light spill
 - h. No roosters, pigs
 - i. Specific acknowledgement to be executed by incoming purchasers that there is an existing intensive dairy farm operating on the eastern boundary. Such an acknowledgement would only need to be imposed for those allotments that will now or in the future directly adjoin the rural boundary.
 - j. Landscape plan to be approved by council as condition of building consent in mitigation of built form and must include hedging to screen properties from the roadside view.
 - k. Subject to urban noise control limits.
- [11] Any adverse effects have been avoided, remedied or mitigated to the extent possible within the constraints of TDC policy and planning requirements, and are considered to be “less than minor” in effect.

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[12] The purpose of sustainable management would be better met by granting rather than refusing the application.

Submission Issues to be addressed: summarised from Council submission summary

Waste water discharge to ground	Young, McCaskill, Hendriks, Group, Lyttle, Norton, Ecan,
Reverse Sensitivity	Irvine, Hendriks, Young
Rural view	Young, Numan, McCaskill, Group, Lyttle, Norton, Anderson
Inconsistent with the District plan	Young, McCaskill, Hendriks, Group, Lyttle, Ecan
Ecological values of Raukapuka Stream	Young, Irvine, McCaskill, Group, Lyttle, Norton, Numan
Loss of Productive Land	McCaskill, Hendriks, Group, Lyttle
Impact on rural Landscape Values and environment	Young, McCaskill,
Scale of Development out of character	Young
Light Spill	Young
Impact of built form	Young
Potable Water Supply	Young, Group, Lyttle, Ecan
Precedent for future subdivisions	Group, Lyttle
Contrary to CRPS	Group, Lyttle, Ecan
Firefighting water supply	NZFS
Culverts increase flood risk	Group, Lyttle
Growth Management Strategy status	Young, Hendriks, Ecan
Campbell St access impractical	McCaskill
Support for proposal	Burdon, Horrell
Neutral	Irvine
Withdrawn	Sheed

[13] We have addressed the above issues raised in objection and requiring of avoidance, mitigation or remediation throughout the following discussion and analysis. In addition we have provided individual responses to each submission which are included in the appendices to this document. We also consider consent conditions or covenants that may be required and are appropriate for mitigation.

We wish to offer our thanks to those two affected parties that have recognised the merits of the proposal and have taken the time to submit in support of the proposal. We also note that two affected parties have not provided submissions and that one further affected party has withdrawn from the group submission.

RMA Part 2 - Sustainable Management and Efficient Use of Natural Resources (s5 & s7)

[14] RMA s5 sets out the RMA's purpose "to promote the sustainable management of natural and physical resources" and defines "sustainable management" in the following terms:

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“...sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being...”

- [15] We have adduced statistical evidence to support the contention that Geraldine is poorly supplied with suitable building sites to meet demonstrated demand for those seeking to obtain modern residential housing on a larger lot that is close to urban amenities. This evidence is also supported by statements from Geraldine real estate agents. The GMS has also acknowledged the need to provide additional land to accommodate growth and provide for greater housing choice for the Geraldine settlement.
- [16] The proposal efficiently facilitates the creation of rural living sites using a minimum of productive land.
- [17] This proposal will provide for the social and economic wellbeing of both the community and the applicant and will:
- a. enhance the potential of the area to meet the future needs of the community,
 - b. have minimal impact on life supporting capacity, and
 - c. satisfactorily mitigate any adverse effects.
- [18] We particularly note that a major challenge to commercial viability of the urban commercial (service and retail) activity is presented by the relatively sub-scale population of Geraldine (compared to larger towns) which, although growing, is no longer sufficient to maintain certain types of commercial activity. The town has, for example, lost an art gallery, several food outlets, a petrol station, the electrical appliance retailer and reduced banking service in recent years. The recently conducted Town Centre Study noted that a number of Geraldine residents have expressed a desire to see a wider retail offering. This proposal will facilitate further growth in the population, beyond that possible under the present outdated planning regime, that will support greater commercial scale for the settlement.
- [19] The existing consent to subdivide, when proceeded with should this application be declined, will inevitably compromise the most efficient development of the subject land in accordance with:
- a. the Timaru District GMS,
 - b. The CRPS, and
 - c. the objectives of RMA s7(b) Other Matters
- “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— ...
- (b) the efficient use and development of natural and physical resources”
- [20] We submit that the purpose of the RMA will be better achieved by granting this proposal.

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Special Circumstances, the GMS and Anticipated Use

- [21] The relevant extract from the Section 95 notice (introducing the Timaru District GMS as a special circumstance for consideration in relation to this application for resource consent) appears below:

“3.3 SPECIAL CIRCUMSTANCES

Section 95A(4) of the Act provides that Council may publically notify an application if it decides that special circumstances exist in relation to the application. In this case, it is considered that the Draft Growth Management Strategy (DGMS) as it relates to this property creates a special circumstance. The Draft Growth Management Strategy was publicly notified on 1 April 2017 with submissions closing on 12 May 2017. It is therefore not a finalised document and could be subject to change. It is also noted, that the DGMS only informs the District Plan Review, and is not a definitive reflection of lands that will be rezoned. As the current District Plan provisions do not reflect the DGMS, in this sense it has no 'statutory status'.

To test the subdivision in light of the Draft Growth Management Strategy and the proposed growth of the town is considered to amount to a special circumstance, justifying notification of this particular subdivision to enable the public to have a say on whether this proposal should proceed in light of the current state of the planning and growth management documents prepared by Council. The subject application represents a significant departure from the operative provisions of the District Plan. Notwithstanding, it does align with the direction of the DGMS in terms of potential areas for urban expansion identified for the subject lands. However, there is no guarantee that these lands will be rezoned, and as such, the public should be given the opportunity to comment and input on this specific proposal.”

- [22] Section 95A(4) states that a consent authority may notify an application for resource consent if it considers that special circumstances exist, notwithstanding that a rule or national environmental standard precludes notification and the applicant has not requested notification. Clearly Council must consider that the GMS constitutes a significant and relevant other matter for consideration by the decision-maker in relation to this resource consent application (otherwise they would not have introduced it as grounds for public notification as per [21] above).
- [23] “Special circumstances” have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy [1996] 2 NZLR 529*). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau CC [1998] NZRMA 396* that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.
- [24] In *Murray v Whakatane DC [1997] NZRMA 433*, Elias J stated that circumstances which are “special” will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to “special circumstances” it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.
- [25] The district plan was to be reviewed at 1st July 2015 (the expiry date of its intended 10 year lifetime) – we understand that the review has been commenced and is proceeding slowly with none of the self-imposed timelines yet having been met. The Timaru District Growth Management Strategy (GMS) was to be released at the end of 2015 yet was not publicly released until mid-March 2017,

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despite having been in draft form since early 2016 - when the applicant first received advice of a recommended re-zoning of the subject property for rural residential use. We also note that the most recently advised hearing date for the GMS (first 2 weeks in November) has not been met.

- [26] The Council website refers to the relationship between the district plan review and the GMS in the following terms:

*“Please note land use growth is being dealt with in the Timaru District 2045 Draft Growth Management Strategy. **Any direction provided by the draft Strategy will inform the new District Plan.**”*

(Available at: <https://www.timaru.govt.nz/services/planning/district-plan/district-plan-review>, emphasis added)

- [27] The GMS (following consideration of Issues and Options reports and associated community consultation) has now been both publicly notified and subjected to a public submission process which has now closed. The strategy has clearly identified the proposed re-zoning of the subject land from rural to rural residential.

- [28] We note that 71 submissions were received and **none** were in objection to the Geraldine section of the GMS. The one submitter in common to the GMS and this application (Young) was in “strong agreement” with the published strategy. The relevant sections from the summary of community feedback and GMS is reproduced below (the subject land is identified as Cascade Place Rural Residential and is not tagged as deferred):

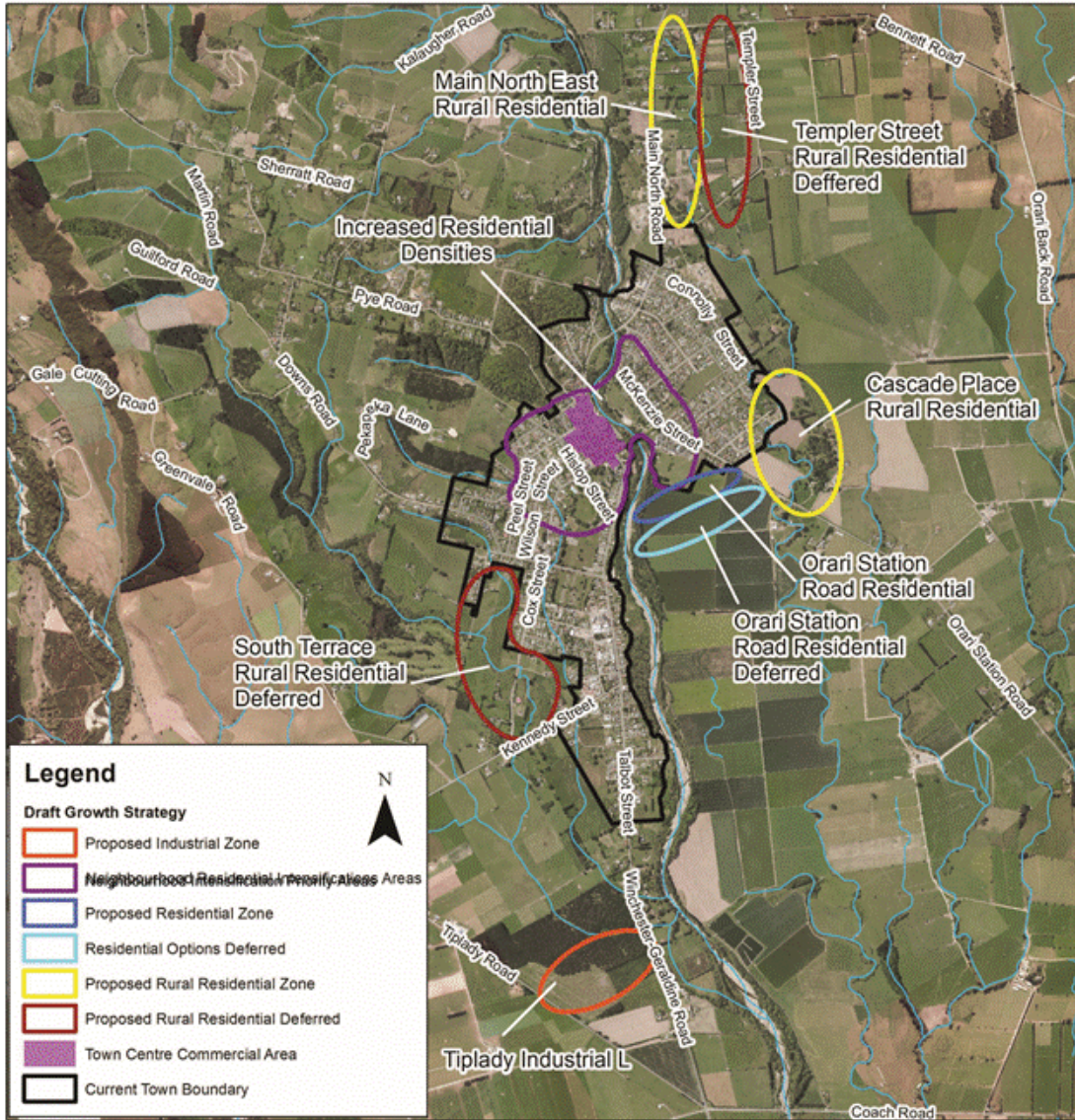
“Topic 13 Rural Residential Area: Summary of Community Feedback

- *The majority of respondents agreed with the need for a targeted zoned framework for rural residential development, moving away from the existing dispersed ‘rural living approach’.*
- *Some respondents requested that high value production land is not removed from rural production to establish targeted rural residential zones.*
- *Respondents in opposition requested the retention of flexibility and choice.*
- *Some respondents seek provision for retiring farmers who want to stay on the land to build a house on the farm site, with the balance of land either farmed by family or sold off.*
- *Some respondents seek specific opportunities near amenities (such as lakes and golf courses) and smaller townships (such as Pareora, Woodbury, and Peel Forest).*
- *One respondent opposed the rural residential zones due to the urban style infrastructure would need to be extended to service the areas.*

Environmental Services Committee Initial Direction

Timaru District Council has an obligation under section 75(3)(c) of the Resource Management Act to give effect to the Canterbury Regional Policy Statement which seeks a concentrated urban form, with limited rural residential development attached to existing urban areas. It has prepared a Draft Growth Management Strategy which is going through its Local Government Act consultation process. To avoid prejudging that outcome the Committee will determine the direction on rural residential development after the decision has been released on the Draft Growth Management Strategy.”

“Figure 4 Geraldine Growth Areas



Residential Demand

Residential Principles: Vacant and infill opportunities provide short and medium term residential capacity particularly adjoining the Town Centre. Orari Station residential rezoning will be needed to provide medium term additional capacity and housing choice, with this area able to provide residential opportunities based on demand. Some peripheral rural residential supply options are to be provided at Main North East and adjoining Cascade Place."

[29] The fact sheet explaining the rural residential section of the GMS and in support of the public notification provides the following guidance:

"Why have Rural Residential areas?"

Council has a statutory obligation to give effect to the Canterbury Regional Policy Statement. That document requires rural residential developments to be limited and occur in a form that concentrates or is attached to existing urban areas and promotes a coordinated pattern of development. Rural residential development has not been managed this way by the current District Plan and has led to a number of issues including: loss of productive

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land; reverse sensitivity effects; demands on infrastructure services; adverse effects on rural character and amenity; and has foreclosed development options in the vicinity of urban areas. The proposed Rural Residential Areas will address these issues and will supply the demand for housing in the country side and provide a lifestyle choice."

(Available at: https://www.timaru.govt.nz/data/assets/pdf_file/0012/114150/Graphically-Designed-Version-Draft-Growth-Management-Strategy-Fact-Sheet-Rural-Residential-Growth-Areas.pdf)

- [30] The rural residential discussion document produced in December 2016 describes the policy framework required to support the managed approach being adopted.

"...

- *Provide a policy framework and rules relating to the maintenance of amenity values, character and a pattern of development in the rural residential zones. Provisions would be required for: building height; scale of buildings; establishment of non-residential activities; setbacks from roads and boundaries; extent of impervious surfaces; minimum and average lot sizes; the need to conform to a structure or outline development plan for the management of stormwater, provision of roading networks, and preservation of important features; and limitations on footpaths and street lighting.*
- *Provide for a policy framework and rules for rural residential activities to avoid reverse sensitivity effects on established or anticipated activities undertaken in the adjoining Rural Zones. Provisions would be required for: setbacks from intensive farming operations; and management of noise impacts."*

(Available at: https://www.timaru.govt.nz/data/assets/pdf_file/0018/101538/1032850-Discussion-Document-Topic-13-Rural-Residential-Areas-Discussion-Document-Work-District-Plan-Review-December-2016.pdf)

- [31] Further, the Council Environmental Services Committee has acknowledged the following obligation (reproduced from p33, *Community Feedback and Initial Committee Direction on Discussion Documents*, 7th September 2017):

"Timaru District Council has an obligation under section 75(3)(c) of the Resource Management Act to give effect to the Canterbury Regional Policy Statement which seeks a concentrated urban form, with limited rural residential development attached to existing urban areas...

...For any identified rural residential zones a policy framework and rules will need to be implemented to ensure amenity values and character are retained. The provisions will also need to avoid reverse sensitivity effects on established or anticipated activities undertaken in the adjoining Rural Zones. This will be achieved through performance standards relating to density and location of buildings, management of stormwater, provision of roading networks, preservation of important features, and limitations on footpaths and street lighting."

"The Infrastructure Strategy does not propose to extend servicing of off-site (community) based infrastructure (i.e. footpaths, water supply, stormwater and sewer) beyond identified urban areas.

The ability of developments to provide on-site infrastructure (i.e. septic tanks, rain water tanks and stormwater management) is not the only factor to determine if it is appropriate for the area to be zoned rural residential. As explained above the Timaru District Council has an obligation to give effect to the Canterbury Regional Policy Statement direction."

- [32] We consider that the proposed subdivision is fully in accordance and supportive of the preferred Council direction, as articulated in the GMS, and the CRPS policy and rules. **It is important that the "special circumstances" identified as relevant to this application clearly demonstrate anticipation (by both Council and the public submission process following the GMS submission process), in the form of the draft GMS policy statement, that the proposed land use will be both appropriate and acceptable.**

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- [33] The following Environment Court determination (*Infinity Investment Group Holdings Ltd v Canterbury Regional Council* (2017) NZENVC 36 at [156]) is instructive:

*"[156] In effect the Special Board decided that all issues - including the accumulative effects of existing allocations - needed to be taken into account when considering whether to grant a new one. Dr Somerville did not make any submissions on why rule 15 makes any take a discretionary activity. That is telling because some of the appellant's witnesses were clearly confused or (quite properly) acting on specific advice as to how the EFR works. For example Dr Donovan's standard response both in his evidence and in cross-examination was to say that such effects on the environment as might occur would be acceptable because they fall within the EFR and therefore what the Allocation Plan finds acceptable. That is a kind of "baseline" argument like the "permitted baseline" which the consent authority has a discretion to accept under section 104(2) RMA. That approach is not consistent with the nature of a discretionary activity. As the Environment Court explained in *Rawlings v Timaru District Council*¹⁸³:*

*"... Although discretionary activity applications avoid the need to pass through the statutory gateways contained in s104D RMA to which non-complying activities are subject, their consideration is in accordance with the wide ranging criteria contained in s 104(1) RMA. There is no **anticipation** either way as to whether a proposal for discretionary activity is likely to be appropriate or not. That view is consistent with the view of the High Court in *Stirling v Christchurch City Council*."*

¹⁸³*Rawlings v Timaru District Council* (2013) 17 ELRNZ 190 (EC) at [44]"

Thus the RMA contains no anticipation that a discretionary activity will be appropriate or not but, in this instance, planning anticipation of particular suitability for rural residential subdivision clearly exists in relation to the subject property.

- [34] Changes in use of land are clearly contemplated by the RMA and district plans are subject to periodic formal review to adjust for changing needs and pressures in the management of resources. The GMS provides ample evidence of changes and the responses that are required to accommodate the future form of the Geraldine settlement.
- [35] We submit that the GMS, even at this early stage of the outstanding District plan review, provides evidence and community acceptance of a clear planning **anticipation**, on the part of both Council (planners and governance) and the regional planning strategy and rules (CRPS), that this proposal is an appropriate activity for the locality. A useful judicial precedent exists in *North Shore City Council v Auckland Regional Council* A86/96 [1996] NZEnvC 23; (1996) 2 ELRNZ 305; [1997] NZRMA 59 (1 October 1996) at p8 (the penultimate paragraph) the judges found (in relation to a regional policy statement):

"The very notification of a proposed regional policy statement gives the instrument some influence, even before submissions on its content have been decided - see for instance sections 74(2)(a) and 104(1)(c) which direct planning authorities to have regard to a proposed regional policy statement. Because a proposed regional policy statement has such influence even before it can be challenged, the preparation of such an instrument for notification has to be done carefully. Therefore a regional council has to act responsibly to be sure that any provisions which would have the effect of limiting activities are necessary for achieving the purpose of the Act."

We submit that a similar logic will apply to the district plan in respect of the public notification of the GMS (although not a "proposed policy statement" as defined within the RMA) and the consideration, by a consenting authority, of the present application for consent. The GMS clearly constitutes a proposed district planning response to the obligation imposed by the CRPS. Again, it is important to note that the submissions received concerning the GMS are supportive of the Geraldine section of the GMS.

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- [36] The GMS should then be considered in addition to the other provisions of s104(c) as an “other matter” that is “relevant and reasonably necessary to determine the application” thus requiring the consenting authority to “have regard to” that document.

Precedent

- [37] It is well understood that, while there is no strict precedent effect from decisions under the RMA due to the multifarious nature of resource consent applications, there is an expectation that consent authorities will treat “like with like” when considering the exercise of its discretion. This has been termed a precedent effect.

- [38] While such precedent effects have been recognised as a potentially relevant matter under section 104(1)(c), the Courts have consistently urged caution when considering such effects. The leading case remains the decision of the Court of Appeal in *Dye v Auckland Regional Council [2001] NZRMA 513*. At paragraph [52] it held:

***"The granting of a resource consent has no precedent effect in the strict sense.** It is obviously necessary to have consistency in the application of legal principles, because all resource consent applications must be decided in accordance with a correct understanding of those principles but a consent authority is not formally bound by a previous decision of the same or another authority. Indeed in factual terms no two applications are ever likely to be the same; albeit one may be similar to another. The most that can be said is that the granting of one consent may well have an influence on how another application should be dealt with. The extent of that influence will obviously depend on the extent of the similarities."* (Our emphasis)

- [39] The above case was also followed in *Harris v Central Otago District Council [2016] NZEnvC 52 (21 March 2016)* where, at [48], the court found:

"We consider Dye is authority for the proposition that a potential effect on the environment which might be caused by or contributed to by some other activity which requires a resource consent under the relevant plan (and is thus not part of the present and reasonably foreseeable future environment) is not a cumulative effect of the activity for which consent is sought."

- [40] The circumstances (location within an area anticipated for rural residential use and satisfying the direction given by the Canterbury regional policy statement for rural living sites that are contiguous with the urban settlement) of this application are such that there is little, if any, chance that those circumstances can be replicated in another location, other than, perhaps, where land has been identified for similar development within the GMS, and will not, therefore, undermine the District plan’s integrity by further applications demanding of “like for like” consideration. That is to say, for example, that the present application for subdivision is certainly differentiable from rural land that is not specifically identified, within the GMS, as suitable for rural residential use and will be unlikely to share circumstances that will be exactly similar to any other application or location. This application is, therefore, clearly distinguishable from the generality of other cases that may form the subject of any future applications.

- [41] There is, however, a level of precedent conferred upon this application by the consent issued for the discretionary creation of a 1.4Ha site in terms of consent number 101.2013.93 (creating a 1.4Ha title).

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Views

[42] Potential adverse effects accruing to rural views have been raised by submitters as an issue demanding the application be declined. The matter of loss of viewshafts has been considered in previous precedent set by the Environment Court. There are a number of presently permitted activities (e.g. amenity planting of trees or construction of farm buildings – “as of right” or permitted baseline activities not requiring of mitigation) which could conceivably have a greater impact upon the relatively minor changes to views that submitters claim to have of a rural aspect from the almost exclusively service-dedicated areas of their dwellings.

[43] In the *Rawlings v Timaru District Council* decision, the Environment Court found at [28] as below:

“Accordingly, it is apparent in terms of s104(2) RMA, the District Plan permits activities which may have the effect of obscuring views to the north-east from the Rawlings property. Notwithstanding the adverse effect which loss of views would have on the Rawlings existing amenity and the provisions of policy 1.6.3, it appears to us that we ought not decline nor amend the Pilcher proposal on the basis of loss of views from the Rawlings house. Those views might be lost in any event as a result of permitted activities being undertaken on the site which, in our view, are credible - they are realistic and feasible possibilities. Mr and Mrs Rawlings have no present guarantee that their north-eastern viewshaft will remain irrespective of whether this subdivision is approved.”

[44] There is no property in a view and there are no statutory requirements that guarantee the retention of views. In other words, the idea that the neighbours are entitled to no change in their outlook – ever - is not supported by an assessment of either the relevant legislation or plan provisions at any level of the planning hierarchy.

[45] A further aspect is whether, as a landowner in a residential subdivision that borders rural land, there is an entitlement to an expectation of perpetual rural amenity as opposed to an expectation that residential amenity, at least, will be maintained? We submit that the views from neighbouring properties will continue to represent a high level of residential amenity. As an example, we refer to the section 42A report prepared to inform Timaru District plan change 20 (Brookfield Road zone) in which we note that the planner, at item [75], has made the following observation:

“The prospect of land use change on the urban edge of a city must always be a consideration for purchasers within the urban area, unless the land is subject to some higher form of RMA protection such as identification as an outstanding natural landscape or feature.”

[46] We note that the subject property already possesses appreciable treed areas which will provide a softening backdrop and screen to built form and that further plantings by residents of the new allotments will appreciably soften the impact of built form over time. Further mitigation of built form will be achieved by adherence to the suggested building covenants (colour palette etc.) that will be attached to the titles.

Cumulative Effect

[47] There are no existing cumulative effects, such as were considered to be the case in the Timaru peri-urban Gleniti Road locality, present in this Geraldine locality. To consider that this application will lead to future conjectural actions by persons unknown goes beyond the intention of the RMA (*Dye v Auckland Regional Council [2001] NZRMA 513 [46]*):

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“... to even consider future applications as a potential effect or a cumulative effect is to make a totally untenable assumption that the consent authority will allow the dike to be breached without evincing any further interest and control, merely because it has granted one consent.”

- [48] In *Gould v Rodney District Council A163/2003 [2003] NZEnvC 346 (22 September 2003)*, the High Court stated that Dye ([47] above) clearly held that a cumulative effect must be one which arises as an effect of the application for which consent is sought, and which is being considered in the particular case before the consent authority. It was not legitimate to consider, as cumulative effects on the environment of one application, effects of possible future applications which may be made. The Court concluded that an effect which may never happen, and which, if it does, will be the result of some activity other than the activity for which consent is sought, cannot be regarded as a cumulative effect.
- [49] This application should then be considered solely upon its own merits and without having to give weight to the *Rawlings v Timaru District Council* Environment Court precedent regarding cumulative effects of prior discretionary subdivision causing compromise to the integrity of the District Plan by granting of this discretionary subdivision consent. The Orari Station Road locality of Geraldine is simply not an area in which there has been relatively intensive peri-urban rural-living site subdivision of rural land (such as was the case in the Gleniti Road locality adjacent to Timaru’s urban boundary) over the years.
- [50] Additionally, the Timaru District plan, in its statement of objectives, makes it plain that cumulative adverse effects that may accrue from the subdivision of rural land into rural lifestyle and living sites are a particular consideration only in the immediate vicinity of Timaru itself, where there has been significant subdivision, and does not speak of the need to restrict such subdivision in the locality of Geraldine.

“1.1.2 OBJECTIVE

Manage land in the District for the greatest benefit of present and future generations while safeguarding the life-supporting capacity of soil and ecosystems and avoiding, remedying or mitigating any adverse environmental effects.”

Policy 1.1.3(2) (in support of objective 1.1.2) states:

*“The Rural 1 Zone includes most of the plains and downland areas with the exclusion of Class I and Class II land. This zone provides for a wide range of primary production activities and other forms of economic activity which are not considered likely to adversely effect (sic) physical resources elsewhere in the District (see Performance Standards in Rural 1 Zone Rules). Many activities such as residential use will be subject to servicing limitations. Subdivision for rural activities and rural living sites is more limited than it has been in the recent past. **The intention is still to provide for a range of activities including rural lifestyle blocks. In some areas such as those close to Timaru the level of current subdivision is such that there will be very limited provision for more intensive subdivision (see General Rule 6.3).** On the downlands there is limited capacity to supply more water through rural water supply schemes. Limitations on Rural Living Site subdivisions and residential uses are necessary on the Levels Plains in the immediate vicinity of the Richard Pearse Airport and Timaru International Raceway to help manage the adverse noise effects from those facilities (see Issue 1.4.1 in the Rural Zone provisions, Policy 5.2.2.1 for the Recreation Zones and Discretionary Activity 2.2 in the Recreation 3 Zone).”* (emphasis added)

We conclude that, as the proposal is not caught under the above quite specific caveats, this proposal is not contrary to the relevant objectives and policies of the District plan as possibly contributing to adverse cumulative effect.

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Allotment Size

- [51] The Timaru District Plan Rule 6.3.12(3) (b) provides as follows in respect of performance standards for rural living sites in rural 1 zoning:

“On land where there is a proven high degree of permeability (including most of the Plains) a site area of 1,000 square metres to 2 hectares will be required but discharges of sewage effluent are required to be treated by one of the following means:

- (i) A specifically engineered effluent disposal system; or*
- (ii) A package plant of approved design; or*
- (iii) Any other approved alternative which meets the standards required by any rule of a Regional Plan.*

The provision of specifically designed effluent disposal systems will be the subject of a consent notice registered against the title...”

It seems quite clear that rural living sites of much less than 10ha are contemplated by the planning provisions although we acknowledge that we are seeking relief from the performance standards governing minimum lot size (for rural 1 and rural 2) in applying for this consent. All allotments are greater than the 5000m² minimum specified in the GMS.

The existing district plan provision for lot size within R1 and R2 is the sole performance standard from which the proposal is seeking relief.

- [52] The Productivity Commission has made the following relevant finding in its report into using land for housing:

“Many high-growth councils seek to protect agricultural soil from residential development through policies such as large minimum lot size rules in rural and urban fringe zones. Such policies are unlikely to encourage the most efficient use of land. Land, like any other resource, will tend towards its highest value use. Prices indicate the highest and best use of a particular section of land, and should play a more prominent role in planning decisions.”

(Available at: <https://www.productivity.govt.nz/sites/default/files/using-land-for-housing-final-report%20-%20summary%2C%20PDF%2C%20672Kb.pdf> p13.)

Sustainable Management of the Land Resource – Effects on Agriculture

- [53] There appears to be a concerning inconsistency in the way that the planning officer has addressed this issue. It is necessary to refer to the original Section 95 notice issued in relation to this application for resource consent.

In the original notice, issued on 27th March 2017 and in which the activity status was incorrectly determined, the planner has assessed the loss of productive versatile land in the following terms (p9):

“The Timaru District’s economy is heavily dependent on the agricultural sector, and agriculture primarily because the rural areas of the District. The potential effect of the subdivision on the viability of agriculture is therefore a highly relevant consideration in this instance. The majority of the subject site is currently on rural production, in addition to being identified as having the most versatile land. Research from the Ministry of Primary Industries has confirmed that rural lots below 2.4Ha in area generally take land out of production.

The creation of five rural living sites and four larger rural/residential sites will remove a substantial amount of this rural 2 versatile land out of rural production. The effect of this loss of rural production land potentially has an

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effect that is more than minor on the local area. However, when viewed in the context of this land in the whole District, it is minor.”(emphasis added)

In the reissued section 95 notice, promulgated on 12 June 2017, the equivalent section of the earlier report is repeated *verbatim* (again at pp 9-10).

As we do not understand what has changed to prompt a different assessment (we do not think anything has), we find it curious in the extreme that the aforementioned s95 assessments should have been entirely altered in the section 42a report at p 15 to become an opposing opinion. That assessment now reads:

“The Timaru District’s economy is heavily dependent on the agricultural sector, and agriculture primarily occurs in the rural areas of the district. The potential effect of the subdivision on the viability of agriculture is therefore a highly relevant consideration in this instance. The majority of the subject site is currently in rural production, in addition to being identified as having versatile Class 1 and 2 Soils. Versatile land is best described as having good soils, access to water and transport.

The creation of five rural living sites and four larger rural/residential sites will remove a substantial amount of this rural 2 versatile land out of rural production. The effect of this loss of rural productive land potentially has an effect that is more than minor on the availability of the sites soil reserve for production.. Soils are non-replaceable national assets that require long-term protection. While it could be argued that lifestyle blocks are productive, few owners of lifestyle blocks in most of the income from the property (sic). While lifestyle blocks between 4 -30 Ha can diversify and increase production, below 4 Ha generally takes land out of production. It is for this reason that while the site remains zoned rural 1 and rural 2 land it should remain in agricultural use.”(emphasis added)

In any event, we believe this latter assessment to be in error and clearly both opinions/assessments/statements (as to extent of effect and production loss) from the same planner cannot be correct as they are plainly contradictory. The Landcare research that we have seen does not seem to support either position of the planner.

[54] Whilst there do not appear to be any statistics nationally, regionally or by district for the area of agricultural land analysed by soil type we have been able to come to an estimate based upon the 2007 Agricultural Production Census figures.

That census indicates that the land area utilised for the following farming types (which are most likely to encompass versatile soils):

1. Grassland,
2. Grain, seed and fodder crop land and land prepared for these crops, and
3. Horticultural land and land prepared for horticulture,

are likely to provide a useful basis for estimation of the adverse impact to total versatile soils accruing from the complete loss (unlikely) of agricultural production from the subject property.

The area of the property is 22.3Ha (or approximately 20Ha less curtilage) resulting in the following table of relative effects if we were to assume that all the land was entirely lost to production or 2.86Ha if only the smaller allotments 4 -8) are considered. The council planner has acknowledged, in the S95 determination (although in the S42A report asserts 4Ha), that allotments above 2.4Ha remain productive whilst those below that size cease to be as productive.

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	Total Land (Ha)	Versatile land (Ha)	Percentage lost to versatile production (assumption 2.86Ha)	Percentage lost to versatile production (assumption 20Ha)
Timaru District	231,541	153,993	0.0018%	0.013%
Canterbury	3,080,261	1,462,115	0.00019%	0.0013%
New Zealand	14,700,897	8,586,456	0.00003%	0.0002%

It seems difficult to describe the adverse effect as more than minor by any measure. The subject land is a stony silt loam broadly typical of the bulk of soils (pallic, recent fluvial deposits) constituting the predominantly flat land throughout the Timaru District (and the Canterbury flood plain) in terms of productive capacity.

- [55] Reference to the district planning map reveals that, with the exception of the Geraldine Downs (zoned Rural R4A and lying directly to the west of Geraldine), the surrounding flat land to the Geraldine settlement is **all** Rural R2 zoning with the exception of the subject property which is a mix of R1 and R2. The logical corollary to that situation is that growth (both residential and rural residential) must, of necessity, be accommodated upon R2 land if it is to be contiguous with the Geraldine settlement - as required in order to give effect to the CRPS via the GMS. Under that circumstance it seems both illogical and futile to seek to decline this resource consent application, accommodating of Geraldine's demonstrated and accepted need for settlement expansion, on the basis that it may remove a tiny proportion of R2 land from production.
- [56] In order to achieve the purpose of the RMA, ss 5 and 7 of the RMA require a balancing of competing uses between productive soils on the one hand and use in providing space for needed housing choice and expansion of the Geraldine settlement upon the other. A similar choice was made in the decision concerning the Brookfield plan change decision where the hearing panel found, when dealing with the issue of loss of productive land (at p29), that:

"... the general location does have good soil, the Panel notes that section 5 of the Act is not concerned with preserving one outcome over another but involves consideration of competing values and a balancing or weighting of those interests having regard to the criteria of section 5 and the other Part 2 matters."

- [57] We consider that the purposes of the RMA are better achieved by granting this proposal.

Intensification of development in rural areas: mitigation of adverse effects – water supply and disposal.

- [58] Performance standards for rural subdivision are to be found in the District plan where, at 1.2.2, it has the following objective:

"Avoid, remedy or mitigate the adverse effects of intensive development in rural areas."

This objective is supported by policy at 1.2.3 (1):

"To provide for a range of sites and uses, as long as the environmental effects including cumulative effects of development meet performance standards for the zone."

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And at 1.2.3(2):

“To require subdivision and building development on rural sites, where there are no reticulated water or private bore or sewage schemes, to provide:

- (i) A potable water supply including rain water or private water bore (for household units) as long as there is storage capacity for 45,000 litres of potable water or a private water bore available on the site (see General Rule 6.5) except that the Blandswood area is exempt from this requirement.*
- (ii) Sufficient suitable land within the site for the disposal of effluent using a disposal system approved of by Council (see General Rule 6.3).*

Explanation and Principal Reason

It is important that a source of water and means of sewage disposal are considered at the time of establishing rural living sites as they are not readily addressed afterwards. Reliance on rainwater will Part D Part D1 – Rural Zones Timaru District Plan Part D1 - Page 10 sometimes require bringing in water because of the unreliable nature of rainfall in this District and increasing expectations for water quality and quantity now held by most households. Council believes that 1.5 hectares (exclusive of any access strips) would be adequate on sites with limited drainage to ensure that a range of waste water disposal sites are available on the site without providing a nuisance to neighbours.

New technology for waste water disposal in the form of package treatment plants together with aboveground sprinklers or irrigators mean that where this type of system is installed and maintained a lesser area is required. A minimum site area of 5000 square metres is acceptable in such situations to provide not only for a dwelling and ancillary driveways, garden etc but also to provide sufficient land for effluent disposal. To ensure that future purchasers are aware of the requirement to install and maintain a specifically designed effluent system (which involves extra costs) there should be a consent notice registered against the title.

On more permeable land a minimum site area of 1000 square metres will apply for sewage disposal purposes.

Where a reticulated water scheme is not available it may not be possible to take bore water from the site because of a rule in the Transitional Regional Plan requiring up to a 50 metres separation distance between sewage disposal and water abstraction sites.”

Expert Evidence from Ecan: Potable and Waste Water

[59] We have now reviewed the expert evidence provided by Ecan in relation to this application and provide the following comments in relation to issues raised in those documents:

Evidence of Liz White

[60] At paragraph 7 we note that the evidence states that the necessary consents to on-site waste water disposal and storm water (if required) are likely to be granted subject to suitable design. We refer to the statement provided by our engineer at (Appendix 2: Engineering Report re Water & Waste Water) confirming feasibility of that approach.

[61] We do not anticipate that further subdivision, at the density contemplated by the GMS, will be in any way limited by reliance upon on-site servicing. We have explored possible future subdivision and its consequences in this respect with our engineer and note that there are several factors in support of this position:

- a. The effect of “as of right disposal” of waste water upon the land from, say, 40 dairy cows would be roughly equivalent to the loading a human population of some 800 people would impose upon the land. We understand that 1 cow will produce waste streams

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equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source Human versus Animals – Comparison of Waste Properties, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf). Thus the nutrient and pathogen load resulting from the possible future subdivision is relatively minor and substantially less than might otherwise be the case.

- b. The speculation (in paragraphs 9 through 12) expressed as to whether or not some future subdivision will generate undesirable cumulative effects is not a matter for consideration in connection with this resource consent application.
- c. Alternatives to site by site establishment of infrastructure were not explored as to do so would be futile in the absence of certain knowledge of the location and size of proposed dwellings. That is to say that a four bathroom house will require a significantly larger septic system than, say, a one bathroom house.
- d. Council have ruled out the provision of infrastructure connections for water and waste water. This is a matter which we consider to be extremely short-sighted and which would completely avoid some adverse effects but, as it is entirely beyond our ability to control or influence, we have resolved to proceed using alternative and fully compliant mitigation measures.
- e. Based upon our experience with this resource consent application a plan change is unlikely to be either economically viable or, indeed, lead to a superior outcome.

[62] In paragraph 14 it is speculated that this application whilst generally meeting the directions of the CRPS for consolidation of growth but, otherwise, does not adequately co-ordinate or integrate with infrastructure. This conclusion is puzzling as Council has ruled out the provision of reticulated water and waste water (their decision not the applicant's) which leaves only roading infrastructure to consider. The astute observer will note that our proposed subdivision plan preserves adequate access to all lots and linkages to the Geraldine settlement's roading infrastructure. This plan also acts as a *de facto* structure plan as a basis for possible future and further subdivision into smaller lots that would comply with the direction provided by the GMS. Thus further subdivision of the larger lots 1, 2, 3 and 9 is not only possible but extremely likely at some future point in response to growth and demand. We also note that the submitted plan would be a far more efficient utilisation of the lands than would otherwise be the case if, as intended, the existing and unimplemented subdivision is exercised in the event that this application be declined.

We have, with this submission, provided an enlargement of the proposed plan for lots 4 through 8 demonstrating a feasible layout for waste water and bore water locations (refer to Appendix 1: Detail of Lots 4 to 8_ Notional Bore and Drainage Layouts).

[63] For the reasons advanced above and elsewhere in this submission we do not agree with the conclusions put forward at paragraphs 20 to 22.

[64] Paragraph 20 dwells upon possible cumulative effects accruing from future possible subdivision. The effects that may arise during the consideration a future possible subdivision proposal will be a matter to address at that time and cannot be considered within the context of this application.

[65] We agree that the site is suitable for rural residential use as presented (paragraph 21) but clearly do not agree that that our proposed infrastructure provision is insufficient (it is, in fact, entirely

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compliant and as envisaged within the policies of the CRPS and the district plan) and that, far from ignoring the direction in either the CRPS or the GMS, have taken every step to accommodate those directions in the proposal by the layout of the proposed larger lots and the proposed site-specific infrastructure and roading connections.

- [66] We do not consider that “a comprehensive infrastructure plan” will lead to a different or superior outcome than that which is both implicit and explicit within the existing proposal.

Evidence of Ashlee Dolomore

- [67] We understand this evidence to provide further confirmation that any necessary water disposal consents will be granted subject to appropriate design and specification.

Evidence of Shirley Hayward

- [68] We understand this evidence to confirm compliance feasibility for suitably specified and located waste water systems. The further plan detail (refer to Appendix 1: Detail of Lots 4 to 8 - Notional Bore and Drainage Layouts) provides greater certainty that the services may be installed and satisfy required separations and setbacks (paragraph 13).

Potable Water Supply

- [69] Timaru District Council (TDC) has a clear policy that will not permit rural connection to urban infrastructure. The allotments will, therefore, be required to rely upon either private bore water supply and/or roof water tank storage.
- [70] Concerns regarding the compliance and sufficiency of the supply of potable water and the disposal of waste water have been specifically addressed and established as feasible by our consulting engineer – please refer to the attached report (Appendix 2: Engineering Report re Water & Waste Water). Individual solutions for each site have been confirmed and will not require the establishment of a Community Drinking Water Protection Zone.
- [71] The application has considered the feasibility of two alternative sources of potable water:
- a. individual bore for ground water supply to 10m³ per day – we are advised by the local drilling contractor that water is plentifully available in the locality at 8 to 10 metres and again at 30 to 40 metres depth (available “as of right” subject to setback requirements)
 - b. tank storage of roof water (established as feasible).

We have determined that either of the above alternatives will be sufficient and have calculated the water supply figures demonstrating the “fit for purpose” nature of the roof water supply (refer to the statement and calculation summary provided by our consulting engineer Appendix 2: Engineering Report re Water & Waste Water).

- [72] The final choice of potable water supply will be a matter for the purchaser of each individual allotment from the combination of options available and will be determined by the desired water source (roof or domestic bore) and the selected sewerage disposal system, from the options identified by our engineer and which dictate the size of the drainage field required. Either source

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of potable water will be satisfactory and entirely compliant with the relevant district and regional planning requirements and rules.

- [73] Required separation distances and setbacks for bore water supply may, relatively simply, be achieved by adjusting location and/or depth of the bore source (for example: taking water from a depth of 40 metres will reduce the minimum surface separation requirement from a septic tank drainage field to 20 metres achieving the 50 metre distance prescribed for a permitted activity).

Waste Water Discharge to Ground

- [74] Servicing requirements for sewerage disposal have been fully considered and the opinion of our engineering consultant has been provided (Appendix 2: Engineering Report re Water & Waste Water) confirming the feasibility of engineered solutions that will conform to planning requirements and satisfactorily mitigate adverse environmental effects.

- [75] The Timaru District Plan Rule 6.3.12(3) (b) provides as follows in respect of performance standards for rural living sites in rural 1 zoning:

“On land where there is a proven high degree of permeability (including most of the Plains) a site area of 1,000 square metres to 2 hectares will be required but discharges of sewage effluent are required to be treated by one of the following means:

- (i) A specifically engineered effluent disposal system; or*
- (ii) A package plant of approved design; or*
- (iii) Any other approved alternative which meets the standards required by any rule of a Regional Plan.*

The provision of specifically designed effluent disposal systems will be the subject of a consent notice registered against the title...”

It is not practicable to obtain consents at this point as the final layouts and locations of buildings, choice of the engineering solution alternative and suggested drainage fields may be altered to suit individual requirements of incoming owners.

- [76] The property does not lie within a community water protection zone.

Rural Amenity and Landscape Effects

- [77] The site does not lie within an identified outstanding landscape or significant natural area.
- [78] The rural amenity afforded by the property is largely unexceptional. It is not identified as being part of a significant landscape or indigenous habitat. We have provided pictures of the property, taken from the road boundary, in order to illustrate the present nature of the amenity afforded to road users. There is little pedestrian traffic along the road.
- [79] We have considered the submissions made and the planner’s view in the S42A report. However the S42A report has identified the adverse effect of the subdivision as “more than minor” – an assessment that we disagree with as an overall subjective judgement.
- [80] We accept that the granting of this proposal will generate a level of change in the rural amenity that will differ depending upon the aspect the property is viewed from. The extent of that effect

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may be less than minor for a few, no more than minor for others and, possibly, more than minor for others in the absence of mitigating measures. We are suggesting restrictive covenants and consent conditions which we judge will achieve a satisfactory level of mitigation against adverse effects accruing to rural amenity and landscape should they be considered necessary.

- [81] We note that a landscape report was not called for when Council requested further information and would have expected that such a request should have included a requirement for further landscape information in the event that the planner was concerned that a particular focus should be placed upon such mitigation. We have taken that to mean that such an exercise was not required under the circumstances. A landscape layout could, if the consenting authority considered it to be necessary, be finalised at the time of building consent (as a condition) when locations, style and extent of the dwelling, access ways, service infrastructure and drainage fields will be known. We also note that a greater degree of engagement with Council planners may well have teased out such issues successfully – as envisaged by the best practice guidelines provided by the Quality Planning website of the Ministry of the Environment and without what is emerging as an adversarial consenting process.
- [82] Leaving Geraldine the view of the property is largely blocked by the large 50 km/h sign on the road verge (refer to Appendix 13: Photographs). We note that the sign, when relocated may afford a view of the lots 4 to 8 leaving Geraldine from the west but will then partially block that outlook from road users approaching Geraldine from the east.
- [83] The existing urban boundary provides a “hard” edge or boundary which already dominates the neighbouring rural zoned land. The smaller lots 4 to 8 will provide a less dense built form softening the existing “hard” urban edge. Built form will not protrude above the heavily treed skylines and will be softened by the large mature trees forming the stream boundary to the north. Thus, appropriate building consent conditions in accordance with existing rural planning requirements and the suggested restrictive covenants will assist to mitigate any adverse effects upon rural amenity.

We consider that the resulting built form will:

- be contained within the landscape
 - be sympathetic to the landscape
 - assist in softening the existing and intrusive (upon rural amenity) rural/urban boundary by providing a buffer of larger (than urban) lots between the urban and rural land uses
 - be satisfactorily mitigated against no more than minor adverse effects upon landscape and amenity
 - present a gradual and to-be expected increase in built density to road users as they enter Geraldine
 - present a gradual lessening in built density as road users leave Geraldine.
- [84] The subject property is able to be separated from the balance of the rural area immediately around it to such a degree that it creates little amenity intrusion within the balance of that environment.
- [85] Appropriate consent conditions will satisfactorily mitigate any adverse environmental effects.

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“As of Right” or Permitted Baseline Activity

- [86] Existing or baseline activity which is permitted on the subject land covers such matters as construction of additional farm buildings, fences and amenity tree planting. It will be clear, from discussion elsewhere and the photographs, that the applicants have found aspects of the urban development along the western boundary somewhat challenging where there was once green space. Not all development has been “softened” or mitigated (in terms of the outlook from the applicant’s property by plantings) and some of the development and associated clutter is even distasteful and insensitive to the environment, intruding unacceptably upon the rural amenity that we have previously enjoyed. We have previously acceded to some neighbours’ requests to trim or remove trees at the western boundary resulting in a decrease in rural or landscape amenity.
- [87] The existing consent to subdivide carries with it the expectation that there will be further buildings that are not requiring of prescribed rural amenity or landscape mitigation and therefore, ought to be considered as a component of the existing permitted baseline in consideration of this consent application. Support for inclusion of this existing consent is provided by *Arrigato Investments Ltd v Auckland Regional Council* [2001] NZCA 329 (11 September 2001); (2001) 7 ELRNZ 193; [2002] 1 NZLR 323; [2001] NZRMA 481 at [38]:

“..The Environment Court did not err in taking into account Arrigato’s existing resource consent. The Court was entitled to do so and no criticism was or indeed could be raised as a matter of law about the way this aspect was taken into account by the court...”

Mitigation

- [88] In order to mitigate landscape effects arising from the proposed subdivision that amenity tree and hedge planting may be required to mitigate both the intrusion of the urban edge and to partially shield the new built environment that will result, from both traffic along Orari Station Road and the balance land allotments.

Such action will assist the rural living allotments to attain a higher level of landscape and rural amenity and will shield the urban edge from the “no more than minor” appearance of a higher density built environment. This will create a pleasantly treed transition between urban and rural zoning – we note that other more intensive subdivision and rural living activity, where it has occurred further out of Geraldine, has become part of the rural landscape and effectively invisible, to all intents and purposes, as the result of planting and the passage of time. We have included photographs of several of these properties as an example of the mitigation of rural living sites of 8000m² that are some 10 to 15 years old refer to (Appendix 13: Photographs). It is clear from these examples that have developed without formal provision for specific mitigation and planning measures that property presentation quite rapidly evolves and adjusts without attracting negative comment as to loss of rural amenity to become part of the rural landscape.

- [89] Further mitigation of the built environment will be achieved by compliance with existing planning provisions (e.g. apply aspects of district plan policy 1.6.3(2) to the subdivision), appropriate consent conditions and properly considered restrictive covenants (e.g. building heights, light spill, no removal buildings) placed upon the new titles. We are happy to further discuss and agree suitable mitigating measures with Council should that be considered necessary.

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[90] We suggest the following mitigating measures may be implemented as covenants or consent conditions (these may need to be time bound in order to accommodate future needs - longer term growth and intensification of the Geraldine settlement):

- a. Building setback from road boundary of 15 metres
- b. Building height 8.5 metres
- c. Building coverage 400m²
- d. Buildings to be natural colours – shades of green, brown or gray
- e. Fencing transparent – post and wire or rail
- f. Construction from new materials
- g. External lighting to be downward directed thereby limiting light spill
- h. No roosters, pigs
- i. Specific acknowledgement to be executed by incoming purchasers that there is an existing intensive dairy farm operating on the eastern boundary. Such an acknowledgement would only need to be imposed for those allotments that will now or in the future directly adjoin the rural boundary.
- j. Landscape plan to be approved by council as condition of building consent in mitigation of built form and must include hedging to screen properties from the roadside view.
- k. Subject to urban noise control limits.

National Policy Statement (NPS)

[91] The National Policy Statement on Urban Development Capacity 2016 provides some further support for this resource consent application through its statutory influence upon lower order planning instruments such as the CRPS and the district plan. Timaru district fits the definition of a medium growth urban area (urban population of greater than 30,000 and growth for 2013 to 2023 of between 5-10% in the medium growth projection by Statistics NZ) and as such the planning authorities are expected to comply with the appropriate objectives and policies of the NPS. The NPS identifies a number of objectives and policies to be implemented by Timaru District Council.

[92] Significantly, NPS objectives OA1 and OA2 (outcomes for planning decisions) and policies PA1 to PA4 (co-ordinated planning evidence and decision-making) were required to be implemented immediately (from 1st December 2016).

[93] It is clear that the NPS intends that greenfield areas be released to accommodate growth in urban settlements and goes on to specifically clarify that the application of policies (PB1 to PB7 and PC1 to PC14) in support of the NPS' objectives and outcomes are not restricted to the boundaries of the urban areas. Geraldine has been identified by Council (GMS) as a settlement requiring of more land to be made available to accommodate growth and choice.

[94] Policy PA3 is of particular relevance to this application for consent:

*“PA3: When making **planning decisions*** that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:*

a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to

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locate businesses;

b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and

c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.”

* The NPS provided definition of planning decision is:

*“Planning decision means any decision on any plan, a regional policy statement, proposed regional policy statement, or **any decision on a resource consent.**” (emphasis added)*

[95] The NPS preamble *inter alia* provides the following guidance:

“This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.”*

[96] Additionally the guidance note to the NPS offers the following at p7:

“To be clear, however, the NPS-UDC policies should not just be applied to the area within the geographic boundaries of Statistics New Zealand’s urban areas”

And at p16:

Local authorities could give effect to policy PA3c by:

- using non-regulatory approaches to achieving some outcomes, so that the cumulative effect of regulations leaves plenty of scope for development in a range of locations*
- minimising uncertainty about the impact of regulations on development opportunities, by keeping regulations simple and unambiguous and undertaking plan changes quickly*
- ensuring consenting processes are clear, coordinated and speedy, to keep the additional costs of doing development to a minimum”.*

(Available at:

<http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/introductory-guide-on-the-nps-udc-nov-2016.pdf>)

[97] We submit that this application for resource consent, should it be granted, will assist Timaru District Council in achieving the obligations imposed under the NPS.

Regional Planning Framework and District Plan

[98] There are two sets of planning provisions which govern land use for the locality. They are:

- The Canterbury Regional Policy Statement and Rules (CRPS)

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- b. The Timaru District Plan (TDP) which is required to give effect to the CRPS.

[99] In the simplest of terms, the proposed use is for a discretionary activity and consequently not contrary, in the sense of being repugnant, to the objectives and policies of either the district plan or the CRPS. The provision of rural living sites and rural residential uses is clearly contemplated within the district plan and further reinforced by the CRPS and the GMS. The applicant is solely seeking relief from the minimum lot size performance standard and is otherwise proposing a lot size that conforms entirely to the proposed GMS and is contemplated within several of the district plan provisions which variously speak of rural living sites of 1000m² and greater.

[100] The CRPS ranks above the district plan in terms of planning hierarchy and the district plan is required to give effect to the CRPS' policies – both are, of course, required to implement National Policy Statements. The CRPS, operative since January 2013, has not yet been embodied in an amended or reviewed district plan. In *Davidson Family Trust v Marlborough District Council* the Environment Court considered the position in respect of a resource consent and, in considering that the most recent document should attract greatest weight, concluded about section 104 RMA:

"[262] In summary we hold that the correct way of applying section 104(1)(b) RMA in the context of section 104 as a whole is to ask:

"Does the proposed activity, after:

- (1) ... assessing the relevant potential effects of the proposal in the light of the objectives, policies and rules of the relevant district plans;*
 - (2) having regard to any other relevant statutory instruments but placing different weight on their objectives and policies depending on whether:*
 - (a) the relevant instrument is dated earlier than the district (or regional) plan in which case there is a presumption that the district (or regional) plan particularises or has been made consistent with the superior instruments' objectives and policies;*
 - (b) the other, usually superior, instrument is later, in which case more weight should be given to it and it may over-ride the district plan even if it does not need to be given effect to; and/or*
 - c) there is any illegality, uncertainty or incompleteness in the district (or regional) plan, noting that assessing such a problem may in itself require reference to Part 2 of the Act, which can be remedied by the intermediate document rather than by recourse to Part 2;*
 - (3) applying the remainder of Part 2 of the RMA if there is still some other relevant deficiency in any of the relevant instruments; and*
 - (4) weighing these conclusions with any other relevant considerations*
- achieve the purpose of the Act as particularised in the objectives and policies of the district/regional plan?"*

[101] The proposal clearly conforms to CRPS 5.3.1, as submitted in the application, with the possible exception of Timaru District Council not having completed a rezoning of the locality as anticipated by that policy statement. That is a factor that is quite beyond our control and the proposed

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subdivision remains a discretionary activity in terms of the existing District Plan. The CRPS policy [5.3.1(2)] states that:

“Territorial authorities:

Will:

*(2) Set out objectives, and policies, and **may** include methods in district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects” (emphasis added)*

The policy uses the word **may** and does not seem to require the obligatory establishment of methods such as zoning as a prerequisite or, indeed, ever. We must assume that such wording is deliberate and that a discretionary approach to subdivision will also be suitable to achieving the purpose of the CRPS. Again, the GMS constitutes a proposed district policy statement giving effect to the CRPS and which may lead to the rezoning of land.

However, we note that the CRPS takes precedence in the planning hierarchy and we submit that the Council is required to give effect to that policy even if the district plan does not yet specifically provide for it.

[102] We note that the expert evidence of Liz White, in addition to the matters already addressed earlier in this submission in relation to water supply and disposal, also refers to the CRPS policy requirements in paragraph 13 of her evidence. We will now address those concerns as to application of the relevant policy methods.

- a. Policy 5.3.1, Method 2 has been addressed above in our discussion in paragraph [101] above, at paragraph 13. We submit that our position has adequately addressed the concern regarding the application of method 2 of in that it is clearly not obligatory to rely solely upon zoning to provide for additional rural residential land availability.
- b. Policy 5.3.2, Method 3(a) - we consider that the proposed subdivision plan has adequately addressed these issues by providing for connection to roading infrastructure and perforce providing for on-site infrastructure for provision of potable water and waste water disposal. The draft plan also has been prepared to accommodate possible future subdivision of the larger blocks of land in order to meet demand for rural residential land as informed by the GMS and will meet the minimum size requirement of 5000m².
- c. Policy 5.3.3, Method 3(a) – this is a matter that is entirely out of the control of the applicant and we note that the Council has had in excess of 4 years since the effective date of the CRPS (more if the period dating from the announcement of the proposed policy statement is included) and has simply not yet established the *“comprehensive approach for the management of urban and rural-residential development”* that is dictated by the policy.
- d. Policy 5.3.5, Method 3 (c) – this matter has been fully dealt with within the application and this submission in that we have satisfied this policy method by ensuring, *“at the time of subdivision and/or development, the manner in which the subdivision and/or development is to occur provides for the collection, treatment and disposal of sewage and*

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stormwater, and the provision of potable water, in order to avoid or mitigate adverse effects on the environment and human health”.

[103] In the appendix to the s42A report, prepared by Council’s planner, a number of aspects of the application have been identified as “contrary” to district plan policies and objectives. We wish to emphasise that the application for resource consent is for a discretionary activity and therefore, cannot be automatically regarded as contrary in the sense of being repugnant to those objectives and policies. They are, then, matters to which the decision-maker may have regard. In *Stirling v Christchurch City Council (2011) HC*, Chisholm J observed:

“[50] There is, of course, a basic difference under the Resource Management Act 1991 between applications for non-complying activities and for discretionary activities (which are contemplated by the relevant plan). The primary difference is that a non-complying activity has to satisfy the s 104D “gateway” before it can go any further. In other words, the consent authority has to be satisfied either that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives and policies of the relevant plan.

[51] However, once an application for a non-complying activity has passed through the s 104D “gateway” it has to be considered under s 104(1). While a discretionary activity does not have to pass through the s 104D “gateway”, it has to be considered under s 104(1). In terms of the s 104(1) evaluation the Act does not distinguish between discretionary and non-complying activities. The only statutory guidance is that the decision maker must, subject to Part 2, “have regard to” the matters specified in paragraphs (a), (b) and (c).”

The Court also repeated the cautionary note sounded in the original Environment Court judgement *Stirling v Christchurch City Council (2010)* leading to the above-mentioned appeal at [110]:

“[110] ... every application for retailing within the B3 zone would be contrary to the objectives and policies of the Plan or even sufficiently inconsistent that consent should be refused. In general we think the term ‘contrary’ is used too readily by witnesses when varying levels of tension exist between a proposal and a plan provision. This is a discretionary activity (a fact that we do not lose sight of)...” (Emphasis added)

[104] Further, In *Wilson v Whangarei District Council W020/2007 [2007] NZEnvC 77 (27 March 2007)* the court found, in relation to “contrary” assessment, at [43]:

“This is an argument that is, to be blunt, overused and it can rarely withstand scrutiny when it is measured against the provisions of the RMA...”

And in relation to discretionary activity:

“... Again the act specifically provides for the consideration of such a proposal. If so, they can and should be dealt with on their merits.”

[105] The district plan policy at 1.1.3 (1) seeks “to provide for a range of land use activities in rural areas while avoiding or mitigating the adverse environmental effects of these activities...”. Clearly the plan nowhere sets out to avoid intensive subdivision within rural zones but seeks to avoid or mitigate adverse environmental effects of such activity and directs attention to several specific locations where particular mischief may arise. The explanation of that policy includes the following:

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“...Those activities which Council has identified as likely to give rise to some adverse effects are made the subject of rules. Where rules can be specified with precision they are included as performance standards. Where the effects are likely to vary according to the location and scale of the activity consent for a controlled or discretionary activity is generally required. Those activities which are non-complying are either of a type which are individually or cumulatively with other proposals of the same or similar nature, anticipated to have inappropriate adverse effects within the zone.”

Clearly the district plan contemplates the possibility that location or scale of a proposed activity may be different from that provided for by rules or performance standards under an approach that ensures avoidance, mitigation or remediation of any adverse effect that may arise by consenting to an activity that may not conform to performance standards.

[106] In the presence of such a policy (1.1.3) it does not seem supportable to conclude that this application can be regarded as contrary to the district plan even though the specific use may not have been specifically contemplated. The plan deems this proposal to be a discretionary activity. This position is further supported by consideration of *Harris v Central Otago District Council [2016] NZEnvC 52 (21 March 2016)* where, at [33], it was found that policy, which might point out the mischiefs of activities such as subdivision and resultant intensification may generate, requires that the adverse effects be avoided or mitigated. The RMA also, of course, imports the concept of remediation to such consideration although that was omitted from the policy wording at 1.1.3 (1).

[107] Preservation of the integrity of the district plan (and by association the CRPS) has been raised (by various submitters including Ecan and TDC) as a reason that the application should be declined. There are several legal precedents, that we have been able to identify, that quite specifically have determined that plan integrity is not a matter that is requiring of specific consideration and determination under the provisions of the RMA. As noted in the Court of Appeal decision in *Arrigato Investments Ltd v Auckland Regional Council [2001] NZCA 329 (11 September 2001)*; (2001) 7 ELRNZ 193; [2002] 1 NZLR 323; [2001] NZRMA 481:

“[17]...The Act provides for a spectrum of activities from the prohibited to the permitted. In between are non-complying, discretionary and controlled activities. There is a clear difference between a prohibited activity and a non-complying one. Consent may be granted for the latter but not the former...”

[18]...The issue in this case is not whether the plans supported the activity but rather, given that it did not, whether it was appropriate to allow it.”

[108] Again, we note that this application is for a discretionary activity and does not have to pass either of the qualifying gateway tests laid out in s104D of the RMA which are prescribed for non-complying activities.

Having specific and explicit regard to the integrity of the Plan is not required as a matter of law following the judgement rendered in *Rodney District Council v Gould [2006] NZRMA 217 at [99] (HC)*:

“The Resource Management Act itself makes no reference to the integrity of planning instruments. Neither does it refer to coherence, public confidence in the administration of the district plan or precedent. Those are all concepts which have been supplied by Court decisions endeavouring to articulate a principled approach to the consideration of district plan objectives and policies whether under s 104(1)(d) or s 105(2A)(b) [now s 104D(1)(b)] and their predecessors. No doubt the concepts are useful for that purpose but their absence from the statute strongly suggests that their application in any

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given case is not mandatory. In my view, a reasoned decision which held that a particular non-complying activity proposal was not contrary to district plan objectives and policies could not be criticised for legal error simply on the basis that it had omitted reference to district plan coherence, integrity, public confidence in the plan's administration, or even precedent. Consequently, I am not prepared to hold that the Environment Court erred in any way by "fusing its consideration of plan integrity and precedent (failing to separately consider each doctrine)" as the council alleges. Neither do I think that it was obliged to make a specific finding on plan integrity, or as to whether public confidence in the administration of the relevant planning instruments would be shaken or challenged, which are the subject of separate questions raised by the appeal under this heading."

We refer to *Auckland Regional Council v Living Earth Ltd* [2008] NZCA 349; (2008) 14 ELRNZ 305; [2009] NZRMA 22 (5 September 2008) in which decision the Court of Appeal (following *Gould*) found that:

"The inconsistency between the proposal and the ARPS was recognised and allowed for by the Environment Court along with the potential for precedential effect. The fact that the Court did not mention the word "integrity" in relation to the ARPS is of no moment.

References in the ARPS to the importance of consistency in the administration of planning documents do not carry the argument any further. There is the problem, which we have already noted, that they in part proceed on the basis of a misconstruction of the definition of "cumulative effects". But more significantly, the Environment Court undoubtedly recognised the importance of the consistent administration of planning documents – as exemplified by it addressing integrity considerations in relation to the District Plan.

The Environment Court did not fail to allow for anything specific in the ARPS that was material to the application. In any event, the relevant District Plan provisions gave effect to the ARPS.

To conclude, as the Court did, that the consent could be granted without challenging the integrity of the District Plan is tantamount to a conclusion that it can remain without change. Accordingly, the legislative scheme under the RMA in which there must be consistency between the District Plan and the ARPS is not impugned and likewise the role of the ARPS is not itself challenged.

Given this, we see no occasion for the Environment Court to have embarked on a sterile analysis of the impact granting consents would have on the integrity of the ARPS."

[109] Judicial precedent therefore establishes that granting of this consent will not impugn (in the sense of being repugnant to) the integrity of the district plan. This is particularly so in view of the existence of the GMS – the district plan is clearly being overtaken by the review process (conducted under the Local Government Act) and the imperative to give planning effect to the requirements of the CRPS. Again, the effects of a land use that does not comply with a performance standard (i.e. 5000m² lot size resulting in increased rural residential density such as that contemplated by this application) are fully anticipated by the GMS policy to which a consenting authority must have regard.

[110] This application must be considered in the round as a discretionary application. It is our position that the application does not offend either the district plan or the regional policy statement in the sense of being repugnant to them. We particularly note that the notion of being contrary to the objective and policies of the district plan is a leg of the test that is specifically required under the provisions of s104D(2) for a resource application that is deemed to be a **non-complying** activity. In the district plan, Rule 6.3.5(i) provides that *"Any subdivision which does not comply with one or more of the Performance Standards for subdivision, except as prescribed in Section 6.3.5A."* shall be a discretionary activity.

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It is for the consenting authority to determine to what extent such an issue should be given weight under s 104(1) as an “other matter”. That is to say the consenting authority may have regard to it (*Stirling v Christchurch City Council HC 2011*).

- [111] The provision of additional rural living sites is an outcome that is presently specifically contemplated by the objectives and policies of the present district plan. The CRPS provides additional direction in the form of its policies which the TDC is required to give effect to. The GMS specifically anticipates rural residential use upon this land.

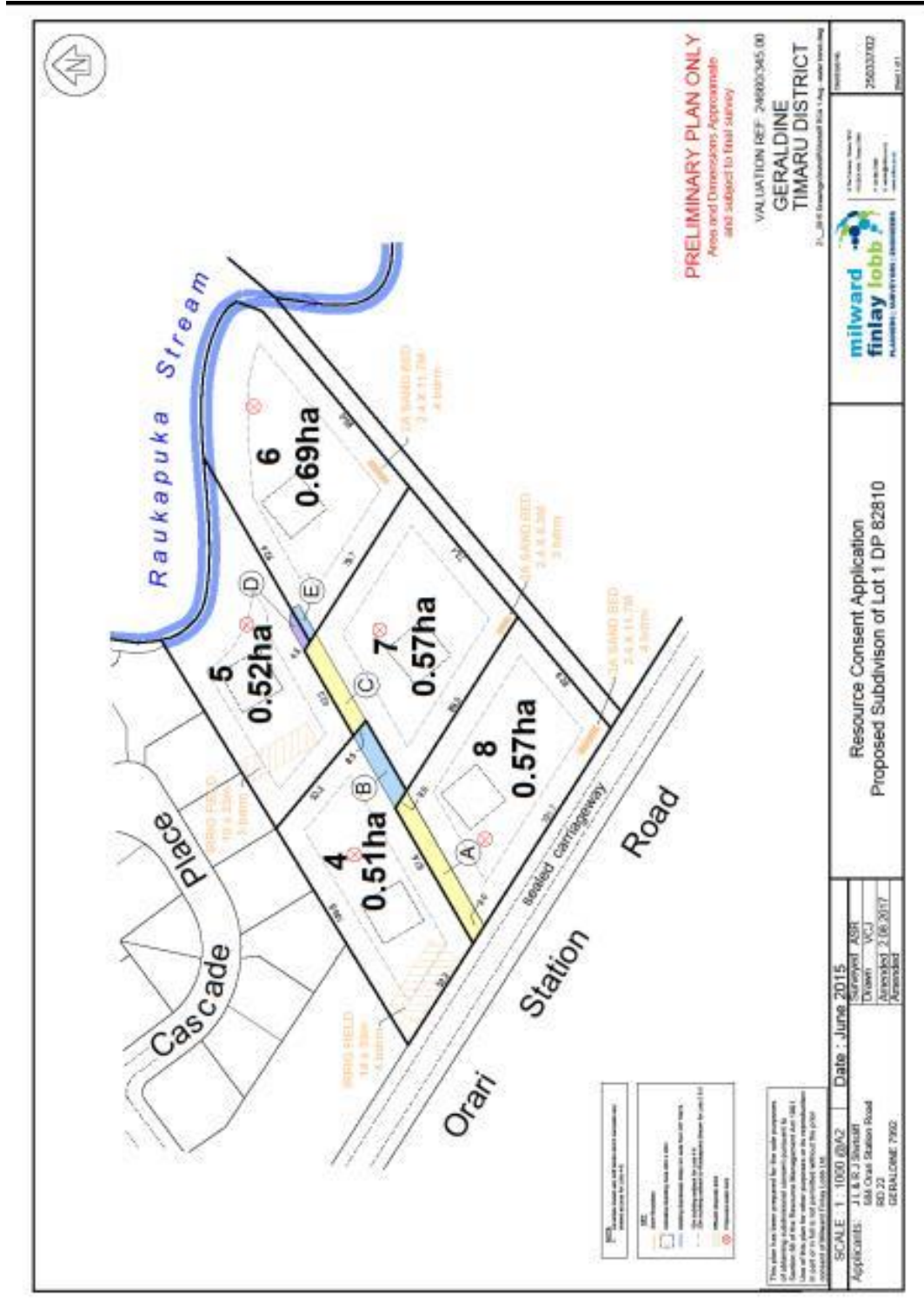
Reverse Sensitivity

- [112] We note that there already exists an element of nuisance relating to the intensive dairy farm and calf-raising operations undertaken on the property’s eastern boundary with a submitter (Hendriks). The problems that have arisen in connection with that operation and resulting occasional nuisance (at the existing notional boundary 120 metres from the submitter’s sheds) to the applicant may be most simply resolved by acting as a **good neighbour** in the conduct of their operations as, indeed, the applicant has endeavoured to do in relation to all neighbours. The only proposed allotment that is likely to be caught up to any extent in the issue of reverse sensitivity is the new Lot 1 (containing the existing and original farming homestead) which is immediately adjacent to the sheds and calf rearing location and where the existing dwelling is within earshot of noisy machinery and the smoke nuisance caused by the calf shed waste fire.
- [113] Proposed Lots 2 and 3 also border the dairy farm at their eastern boundary and are relatively far more removed, than Lot 1, from the areas of the farming operation that are likely to cause nuisance.
- [114] We consider that the issue of reverse sensitivity can be most appropriately managed by applying a notice requiring incoming owners to acknowledge the presence of neighbouring farming activities and their effects. The new lot 1 (which contains the existing homestead) should not be subjected to such a notice or covenant as the conflict already exists and it would not be reasonable to surrender those rights in the absence of an undertaking to mitigate unacceptable levels of nuisance by the farm (e.g. provision of an acoustic barrier). The homestead predates the farming sheds and intensive farming operation (sheds) now located close to it by a considerable margin (approx. 100 years at least). Any new lots which may be created in the future and directly adjoin the farm boundary may carry the acknowledgement but it would not be reasonable to continue to apply such an acknowledgement to lots that may in the future be created and are insulated from that boundary.
- [115] We have approached the Hendriks to raise our concerns as to previous incidents and sought to negotiate a mutually acceptable solution (that may involve a suitably drafted “no complaints” restrictive covenant) in return for a satisfactory undertaking that activities likely to cause an unacceptable level of nuisance will be mitigated by them acting as a good neighbour. We have had no response to that offer, made to them in our letter dated 29th August (refer to Appendix 11: Hendriks Submission and Applicant Response).

Appendix 1: Engineering Report re Waters

Appendices

Appendix 1: Detail of Lots 4 to 8 - Notional Bore and Drainage Layouts



Appendix 2: Engineering Report re Waters

Appendix 2: Engineering Report re Water & Waste Water



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Memorandum

3 August 2017

To: John Shirtcliff
From: Andrew Dakers

Subject: Water Supply and On-site Wastewater Management: Proposed Subdivision of Lot 1 DP 82810

The following brief report is a technical assessment of the water supply and on-site wastewater management service (OWMS) options and compliance issues with respect to your proposed subdivision of Lot 1 DP 82810. It is based on a desktop study based using data obtained from the Canterbury Regional Council GIS mapping service and Landcare soil maps and reports available from S-Map Online.

1 Water supply

Two water supply options have been assessed by ecoEng:

1. Harvesting of roof rainwater to storage
2. Wells to groundwater.

1.1 Roof rainwater

ecoEng used 7 years (2010 to 2016 incl) of monthly rainfall data from Geraldine Forest (**Table A4, Appendix A**) to model rainfall roof runoff yield in order to assess reliability of supply of water for domestic use for three different scenarios:

- Scenario 1. Dwelling occupancy 3, water tank storage 45,000L
- Scenario 2. Dwelling occupancy 3, water saving with water tank storage 45,000L
- Scenario 3. Dwelling occupancy 5, water tank storage 45,000L
- Scenario 4. Dwelling occupancy 5, water saving with water tank storage 45,000L

Note: The daily water consumption/occupant used in the model includes water for all internal household activities such as toilet flushing, laundry, kitchen and bathroom. The values used, based on AS/NZS1547:2012, Table H3, were

- Standard – 180L/day per occupant
- Full water saving – 120L/day per occupant

All three scenarios included the following assumptions:

- a. Roof area 350m²
- b. 90% recovery to storage of all incident rainfall

The results of the modelling are provided in **Appendix A**.

Appendix 2: Engineering Report re Waters

In summary, over the duration of the 7 years, the storage tank registers “empty” for:

Scenario 1.	2 of the total of 84 months
Scenario 2.	0 of the total of 84 months
Scenario 3.	34 of the total of 84 months
Scenario 4.	7 of the total of 84 months

Conclusion

The harvesting of roof rain water to 45kL of storage will provide a significant water supply to dwellings. The reliability of supply will depend on the number of permanent occupants and whether water saving technologies and behaviour have been adopted within the dwelling.

If water supply is to be supplemented, the options are tankering water into the site, installation of a well or connection to a community water supply.

1.2 Groundwater

As illustrated in **Appendix B**, there are about 19 existing wells within 1km of the proposed subdivision. This is evidence that groundwater is a viable source of drinking water for properties located within the subdivision. In terms of mitigating risks to the groundwater household supply from a nearby on-site wastewater land application systems, the options are one or more of the following

1. Install tertiary (e.g. UV) treatment of the secondary treated domestic wastewater before applying to the land application field
2. Site the wastewater land application system at least 30m downstream (in terms of groundwater flow direction [likely to be south east]) or 50m upstream of all water supply bores
3. Installing a deeper well to intercept lower protected aquifer water

2 On-site wastewater management

There are a range of design options for the management of domestic wastewater within property boundaries. Generally, the best-fit on-site wastewater management service for a specific site will depend on:

- Land area available, particularly for the land application system following treatment
- Soil profile characteristics, and in particular drainage capacity
- Surface and subsurface (interflow) drainage patterns and flood risks
- Highest groundwater depth
- Setback requirements from community water supply sources, private wells, surface water bodies, boundaries, buildings, areas with special cultural and heritage values and contaminated sites
- Ground slope and slope stability.

For the proposed subdivision ecoEng has cross-checked the specific issues that would constrain or limit the options for compliant on-site wastewater management. The relevant issues are:

1. Lot area is ~0.5ha of flat land, therefore there is adequate land area for a compliant treated wastewater land application system
2. The Landcare soils map suggests the soil series is likely to be moderately draining Mayfield soils. ecoEng has been assured there are free draining subsoils (below 1m) for all sites.
3. There are no community well protection areas that impact on the sub-division
4. Highest groundwater is likely to be more than 2m below ground level, based on local well groundwater data
5. Risks to existing wells can be mitigated with appropriate setbacks

Appendix 2: Engineering Report re Waters

6. Risks to new wells will depend their relative location with respect to wastewater land application fields. There are mitigation measures available to address risks.
7. No surface water bodies at risk
8. No silent files or cultural values registered for this area
9. There is no record of site contamination under the Listed Land Use Register for Lot 1 DP 82810.

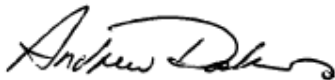
Resources consents to discharge human effluent will be required for all sites within the proposed subdivision. Refer to **Appendix C**. For the above site conditions, the two on-site systems that ecoEng is confident are consentable in terms of Rule 5.9 (ECan LWRP) and the Building Code, and would conform with AS/NZS1547:2012, are:

- Secondary treatment to drip irrigation
- Septic tank with pump dose to a 2A sand bed

There are a number of recent neighbouring human effluent discharge consents have been granted for both of the above two options.

It will be the actual soil profile descriptions and required setbacks (from the nearest bores) that will determine which of the above two options would be the most appropriate for each of the lots within the proposed subdivision.

Yours faithfully



Andrew Dakers
Director and Principal Engineer

Appendix 2: Engineering Report re Waters

3 Appendix A. Rainfall harvesting modelling

The results of the rainfall harvesting modelling are illustration in Table A1, A2, A3 and A4.

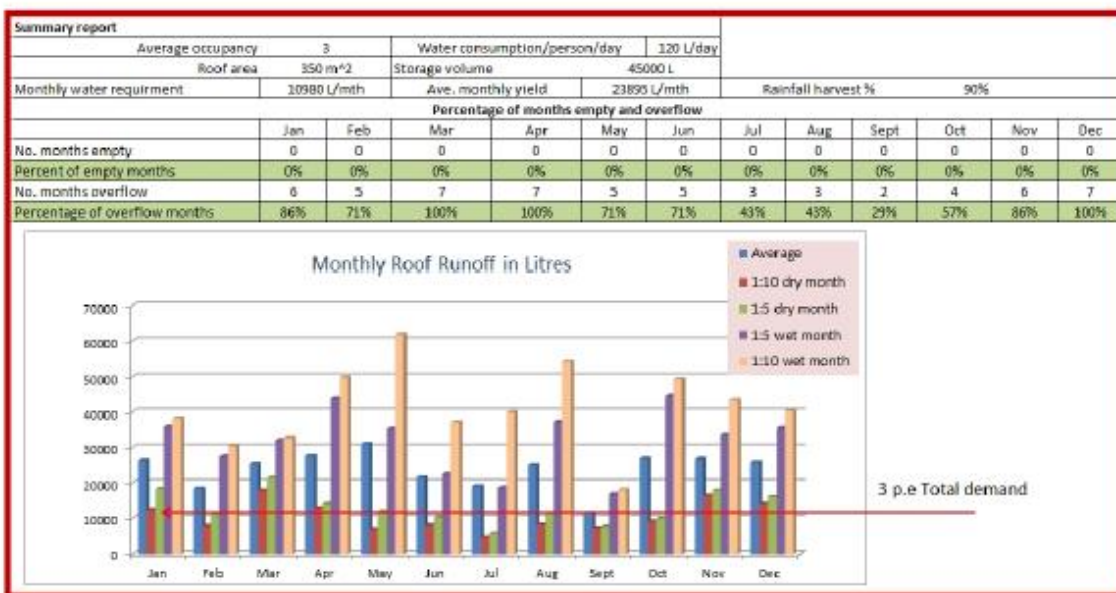
In summary, over the duration of the 7 years the storage tank is "dry" for:

- Scenario 1. 2 of the total of 84 months
- Scenario 2. 0 of the total of 84 months
- Scenario 3. 34 of the total of 84 months
- Scenario 4. 7 of the total of 84 months

Table A1. Scenario 1



Table A2. Scenario 2



Appendix 2: Engineering Report re Waters

Table A3. Scenario 3

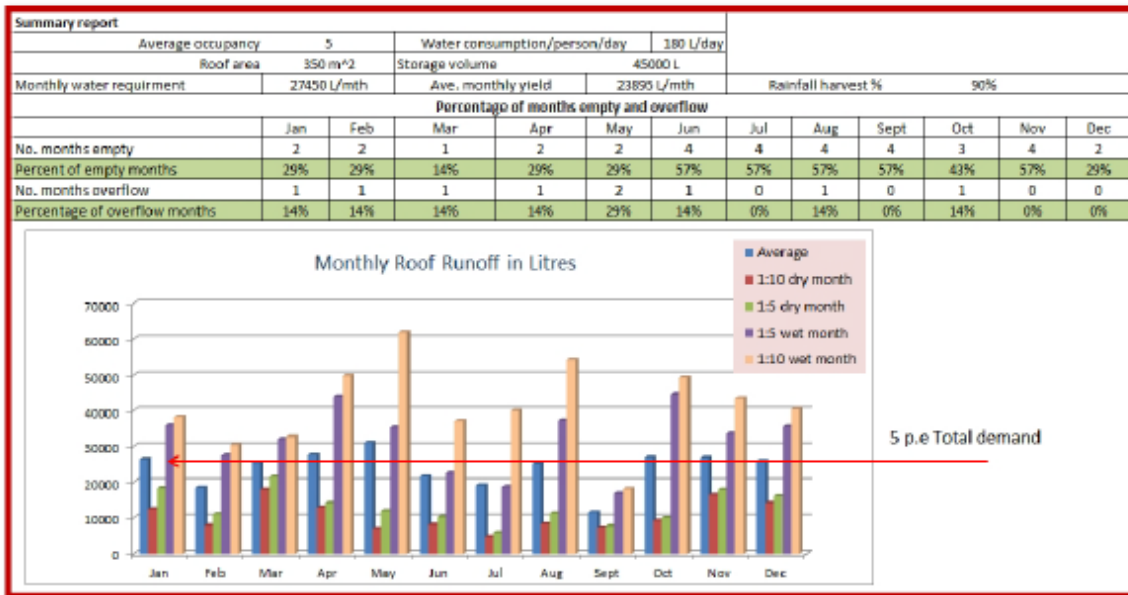
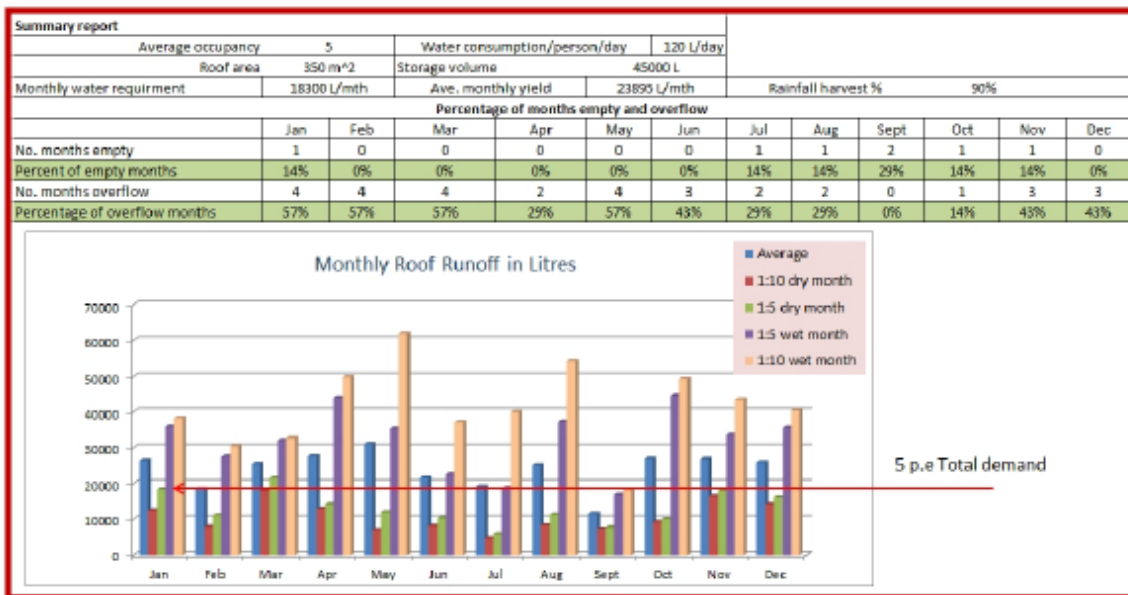


Table A4. Scenario 4



Appendix 2: Engineering Report re Waters

Table A5. Monthly Rainfall. Geraldine Forest

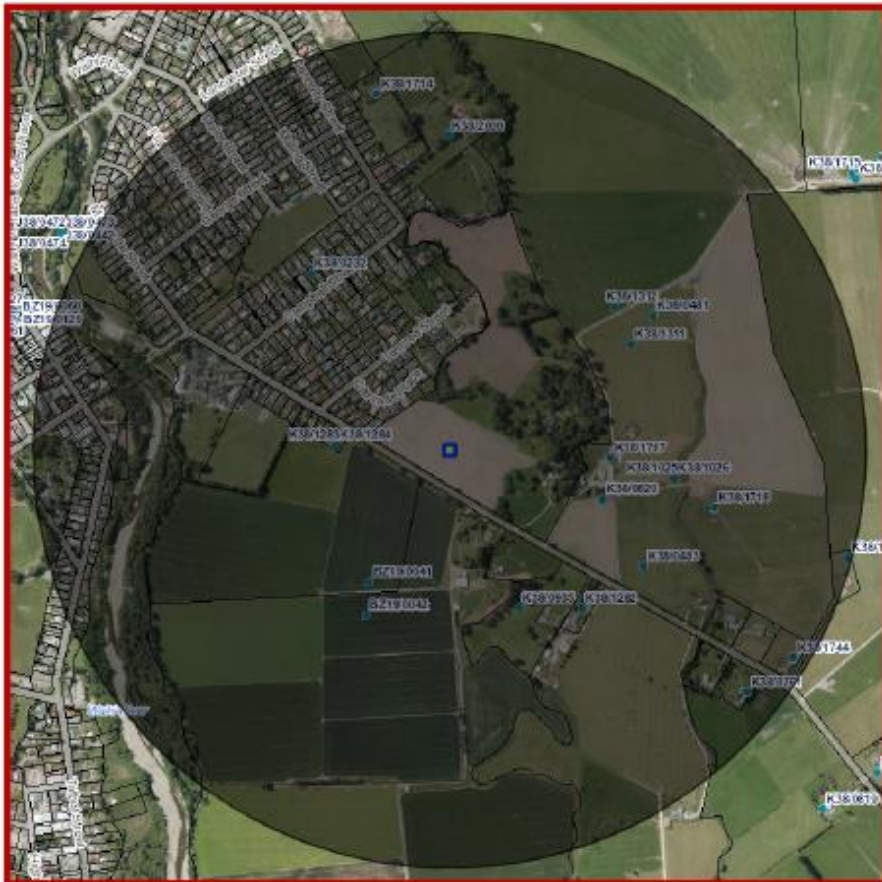
Rainfall	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	ANNUAL
2010	115.0	30.5	42.5	53.1	316.0	60.5	60.5	135.0	25.5	31.5	56.5	100.0	1027
2011	55.0	94.5	103.5	55.5	65.5	19.5	21.5	16.5	24.5	173.5	112.5	116.5	858.5
2012	86.0	100.0	104.5	43.0	32.5	43.0	227.0	228.0	57.0	145.5	83.5	67.0	1217
2013	111.0	56.5	67.0	172.5	117.5	186.5	18.0	52.5	59.0	63.0	62.0	146.5	1112
2014	72.0	59.5	74.0	149.0	60.5	72.5	32.5	33.0	28.5	33.0	59.5	39.0	713
2015	17.0	53.5	80.5	103.0	7.5	69.0	10.5	48.0	40.5	26.0	46.0	60.0	561.5
2016	132.0	17.0	96.0	38.5	91.5	30.0	56.5	47.5	22.0	126.5	177.0	49.0	883.5

Appendix 2: Engineering Report re Waters

4 Appendix B. Groundwater wells

There are 19 wells with 1km radius of the proposed subdivision shown on the ECan GIS mapping service. The well depths range between 5m to 10m depth. Refer to **Figure B1**.

Figure B1. Groundwater wells with 1km radius



Appendix 2: Engineering Report re Waters

5 LWRP Rule 5.8

Table 6. Permitted Activity Conditions. The discharge of wastewater from a new, modified or upgraded on-site wastewater treatment system. LWRP Rule 5.8

The discharge of wastewater from a new, modified or upgraded on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:			
Condition	Criteria	✓ ✕	Note Reference
1	The discharge volume does not exceed 2 m ³ per day; and	✕	Risks can be mitigated
2	discharge is onto or into a site that is equal to or greater than 4 hectares in area; and	✓	
a	The discharge is not located within an area where residential density exceeds 1.5 dwellings per hectare and the total population is greater than 1000 persons; and	?	Open to interpretation. Risks can be mitigated
3	The discharge is not onto or into land:		
a	where there is an available sewerage network; or	✓	
b	that is contaminated or potentially contaminated; or	✓	
c	that is listed as an archaeological site; or		
d	in circumstances where the discharge would enter any surface waterbody; or	✓	
e	within 20 m of any surface waterbody or the Coastal Marine Area; or	✓	
f	within 50 m of a bore used for water abstraction; or	?	Site dependent. Risks can be mitigated
g	within a Community Drinking-water Protection Zone as set out in Schedule 1; or	✓	
h	where there is, at any time, less than 1 m of vertical separation between the discharge point and groundwater; and	✓	
4	The treatment and disposal system is designed and installed in accordance with Sections 5 and 6 of New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management; and	✓	
5	The treatment and disposal system is operated and maintained in accordance with the system's design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management; and	✓	
6	The discharge does not result in wastewater being visible on the ground surface; and	✓	
7	The discharge does not contain any hazardous substance.	✓	

Appendix 2: Engineering Report re Waters

6 Appendix C. Capability Statement, A J Dakers

Andrew Dakers (BE, ME) is Director and Principal Engineer with ecoEng Ltd, based in Christchurch. His first professional appointment (1972) was as an engineer with the Ministry of Agriculture and Fisheries, responsible for providing engineering backup to the Advisory Services for farm wastewater, water supply and irrigation services. From 1979 to 1999 he was a fulltime member of the academic staff at Lincoln University where he was Senior Lecturer, Assistant Head and then Head of Department in the Department of Natural Resource Engineering. Since 1999 he has been involved in private engineering consulting with expertise in agricultural irrigation and wastewater systems, small scale domestic wastewater, stormwater and water supply systems mostly in New Zealand but also in Cook Islands and Fiji. He has been involved in infrastructure assessment in small tourist towns. It recent years he has specialised in providing consultancy services for on-site wastewater management services. He has extensive experience in site and risk assessment, modelling, design, resource consenting, scope of works specifications, tender review, auditing, environmental impact assessment, installation supervision, preparing servicing and maintenance programmes and reporting for on-site wastewater management systems. He has completed full site and soils assessment, designs and consenting services for more than 700 sites for individual homes, residential sub-divisions, schools, marae, commercial buildings and remote sites (DOC); the majority in the Canterbury region). Between 2006 to 2012 Andrew was contracted to the Christchurch City Council to carry out detailed engineering evaluation of land application options for the Lyttelton Harbour catchment communities, Akaroa township and Duvauchelle settlement. Since 2006 he has been engaged for more than 500 in-country work days in Cook Islands and Fiji on village scale wastewater and water supply projects. In February 2016 Andrew was engaged to assess current dairy waste management practices associated with the Myanmar Dairy Excellence Project, MDEP project, providing an evaluation of the environmental risks and possible practical options for improved practices and technologies consistent with MDEP primary objectives (10 days in-country). He was a key member of the Centre for Environmental Training (CET) team and since 2003 to 2013, has been involved as both organizer and senior tutor in more than fifty 1, 2 and 3 day in-servicing training course on on-site wastewater engineering in Australia, New Zealand and the Cook Islands. From 2013 to 2016 Andrew has run more than 12 customized in-service 1 to 2 day training for the on-site wastewater industry practitioners. He was an invited member of the industry committee to develop on-site wastewater training unit standards for the Water Industry Training of the Agriculture ITO (2006). Andrew is called on by Local Government and Consultants to review specific site assessment procedures and designs of on-site wastewater management services. Since early 2009 he has been an appointed member of the Management Audit Group for the On-site Effluent Treatment (OSET) National Testing Programme (based in Rotorua). Andrew is the instigator and convenor of the On-site Wastewater Stakeholders Platform (OWSP) Canterbury. He is a member of Water NZ and Small Wastewater and Natural Systems Special Interest Group (SWANS-SIG) and is a past Board Member of the International Ecological Engineering Society (IEES).



July 2017

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7 Appendix D. SBCG Producer Statement



Licence Number: PSA/2015/37
Doc # 02171470.doc

1 June 2017

Andrew Dakers
63 Bowenvale Avenue
Cashmere
CHRISTCHURCH 8022
Email: andrew@ecoeng.co.nz

Dear Andrew Dakers

PRODUCER STATEMENT AUTHOR – Acceptance on the SBCG register

Your application for acceptance onto the Southern Building Controls Group (SBCG) Producer Statement Register has been accepted for:

PS1 - Producer Statement Design
PS2 - Producer Statement Design Review
PS3 - Producer Statement Construction
PS4 - Producer Statement Construction Review

Your Producer Statement Author number is PSA/2015/37 and should be quoted on all producer statement documentation that you submit. Your expiry date is 17 February 2018.

Please ensure you note your expiry date and if you wish to remain on the Register complete and return a SBCG33 Renewal Form (www.sbcg.co.nz) at least one month prior to your expiry date. It is important that you also provide details and evidence of further training undertaken (Certificates of Attendance, Registration etc.) and any additional information that may support or affect your renewal application e.g. information on any claims against the author.

Please note that if you wish to apply for a different producer statement type or add to your area of expertise a complete new application will be required.

If you have any enquiries regarding this please contact Deborah Wilson (SBCG Register Maintenance Officer) on (03) 211 1451.

Yours faithfully

ICC BUILDING REGULATION SERVICES TEAM
(On behalf of the SBCG)

Appendix 3: NZFS Submission and Applicant Response

Appendix 3: NZFS Submission and Applicant Response

Issue	Submission	Applicant Response
1	<p>The specific parts of the application that the NZFS Commission’s submission relates to are:</p> <p>The provision of sufficient water supply and access for firefighting purposes to the proposed lots within the subdivision which may impact upon the operations of the NZFS Commission.</p>	<p>We suggest that the provisions of the district plan provide for such matters and that an appropriate consent condition should be attached to any building consent issued for the newly created allotments.</p> <p>In the instance of this subdivision proposal, all sites will be serviced by either bore or roof water sources for potable supply. This will necessitate the installation of storage tanks which will be in accordance with TDC’s minimum requirement of 45,000 litres in the case of roof water supply.</p> <p>We also note that the nearest fire hydrant is within 145 metres of the southeast corner of the property at the Orari Station Road corner with Tancred Street.</p> <p>We understand from discussions, with Graeme Mould (fire chief of the Geraldine Fire Brigade), that all responses to fire emergency outside of the urban boundary from Geraldine are attended by a fire truck (2000 litres) and accompanying tanker (6000 litres). They will, even when attending a fire at Orari (some 5km distant) routinely draw additional water from the nearest Geraldine fire hydrant. The property lies outside but immediately adjoining the urban boundary.</p> <p>Clearly a question exists as to what level of dedicated water supply is really appropriate under the above circumstances.</p>

Appendix 4: Ecan Submission and Applicant Response

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
1	<p><i>Name of Submitter: CANTERBURY REGIONAL COUNCIL (ENVIRONMENT CANTERBURY)</i></p> <p><i>This is a submission on an application, as per above, from:</i></p> <p><i>John and Rosemary Shirtcliff</i></p> <p><i>Briefly describe the type, proposed/existing activity, and location of the resource consent:</i></p> <p><i>Nine-lot rural residential subdivision at 584 Orari Station Road, RD 22, Geraldine</i></p> <p><i>The specific parts of the application that my submission relates to are:</i></p> <p><i>The whole application.</i></p>	
2	<p><i>The ability to provide appropriate services for all the lots particularly proposed lots 4,5,6,7, and 8.</i></p>	<p>The ability to make connection to Council potable water and sewerage infrastructure was the applicant's preferred service solution.</p> <p>We have obtained independent confirmation feasibility and planning compliance for potable water from roof or bore.</p> <p>We have taken Council's stance (as communicated in the Growth Strategy) to indicate that subdivision to a minimum of 5000m² is acceptable for the locality and that the necessary consequence will be a minor adverse effect to the ground water from onsite sewerage disposal but that technical solutions will sufficiently and acceptably mitigate any such adverse effect.</p> <p>Alpine Energy have confirmed the feasibility of electricity supply to all new allotments.</p>
3	<p><i>Environment Canterbury supports in principal future rural residential development in this location, as it is identified in the draft Growth Management Strategy. However we are concerned that the subdivision application does not provide sufficient information to confirm that all the new lots can be appropriately serviced. We are also concerned about the wider implications of creating new rural residential areas in advance of the appropriate planning provisions signalled in the draft Growth</i></p>	<p>The "in principle" Ecan support for the subdivision is noted.</p> <p>We have not relied upon the Timaru District Growth Strategy (GMS) to legitimise the subdivision proposal as we recognise that it has not yet been completely formalised as policy. However, we do rely upon the strategy to the extent that it clearly illustrates the TDC view of the present and future needs and form of the</p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
	<p><i>Management Strategy. In particular we are concerned there is no overall plan to provide servicing for the area.</i></p> <p>GENERAL COMMENTS</p> <p><i>The subdivision falls within an area earmarked for future rural residential growth in the draft Growth Management Strategy Timaru District 2045" (the Strategy), and the application places significant weight on this. The Strategy is still at the draft stage, and has not yet been confirmed by Timaru District Council. However, we consider this area appears generally well located for future rural residential growth.</i></p>	<p>Geraldine settlement, intentions for provision of services (or not) and the proposal's overall congruence with that strategy and the Canterbury Regional Policy Statement and Rules. We draw attention to the following circumstances surrounding the strategy:</p> <ol style="list-style-type: none"> 1. The strategy document was publicly notified 2. No submission was made by Ecan in response to the call for public submissions 3. No submissions were made in opposition to the proposed change in land use or rezoning of the subject land. 4. The Growth Strategy was imported into consideration for this consent application when the Council made the Section 95 notification determination invoking the special circumstance provision of the RMA at Section 95A (4) in relation to that document. 5. Legal precedent acknowledges the influence afforded by the notification of a proposed policy statement "<i>even before submissions on its content have been decided</i>" (<i>North Shore City Council v Auckland Regional Council [1996]</i>). Submissions have been received and none were in opposition to the proposed policy for managing Geraldine growth. 6. In this instance the Council is seeking to give effect to the CRPS through implementation of the GMS. This application for resource consent aligns and gives effect to the policy both actual and proposed. <p>The matters raised here should more properly, in our view, have been raised in response to the notification of the strategy document.</p> <p>Timaru District Council have been clear in their refusal to provide services connection to land beyond the urban boundary. This application has been prepared in order to conform to the</p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
		<p>existing rural zone planning provisions of TDC and CRPS.</p> <p>Should there be any further subdivision activity in the future we would anticipate that such activity would be guided by the planning rules and provisions in force at the time.</p>
4	<p><i>The Strategy does not envisage that rural residential lots will necessarily be provided with reticulated services. However it does state that each rural residential area will have an appropriate zoning and structure plan to guide development. Together, these processes enable a coherent approach to be taken to servicing (and to other matters like roading and biodiversity) over the whole area. They avoid the possibility for cumulative adverse effects from creating a new rural residential area through a succession of smaller subdivisions each requiring onsite services.</i></p>	<p>We have drawn from other examples of rural residential zoning when designing the layout of this proposal and have anticipated that a future subdivision proposal could possibly result in each of the proposed lots 2 and 3 being divided into 6 sub-allotments each of average area of, say, some 5-7000m² each. Access has been preserved in the draft plan.</p> <p>We do not anticipate that this proposal will compromise such further development as may occur. We have preserved adequate access to lots 2 and 3 which may be subject to future subdivision. There is clearly no need to layout on-site services for potable and waste water as they will be self-sufficient addressed when any building consents are to be issued.</p> <p>Alpine Energy have confirmed feasibility for LV electricity supply and we acknowledge their <i>caveat</i> regarding a possible need to provide HV distribution service to Lot 3 should that allotment be further subdivided at some time in the future.</p> <p>It is our view that this circumstance provides a <i>de facto</i> outline development or structure plan which conforms to the Growth Strategy, the CRPS and is consistent with other rural residential subdivisions.</p>
5	<p><i>In the case of this application, there is no clear servicing strategy for the lots being created. Neither is there any indication of a strategy for servicing the likely further subdivisions of the remaining larger lots. Where onsite servicing is necessary for small rural residential lots, and where there is no overarching plan for servicing, it is highly desirable to design the subdivision around the need for servicing requirements.</i></p>	<p>As indicated and discussed above, we do not consider that this is a compelling matter for concern.</p> <p>We have designed the subdivision to accommodate onsite servicing requirements for potable water supply and sewerage disposal. Reference to the draft subdivision plan will inform as to notional house sites and associated</p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
	<p><i>If lots are created without a confirmed means of servicing, it sets a dangerous precedent. It has the potential to create difficult development pathways both for the newly created lots, and for subsequent development of the remaining lots.</i></p>	<p>drainage fields to accommodate the sewerage requirements and we have retained an environmental engineer to advise as to provision of satisfactorily engineered solutions to mitigate adverse effects.</p> <p>Whilst we have addressed the potential provision of potable water to the sites we have ruled out:</p> <ol style="list-style-type: none"> 1. possible connection to TDC urban infrastructure due to policy limiting connections to urban zones 2. Te Moana rural supply pending the present upgrade to supply being completed. <p>Obviously this leaves the alternative sources of potable water of:</p> <ol style="list-style-type: none"> 3. individual bore for ground water supply to 10m³ per day – we are advised by the local drilling contractor that water is plentifully available in the locality at 8 to 10 metres and 30 to 40 metres depth (available “as of right” subject to setback requirements). 4. tank storage of roof water (established as feasible). <p>We have considered that either of the above 2 alternatives will be sufficient and have calculated the water supply figures demonstrating the “fit for purpose” nature of the intended roof water supply (refer to the statement and calculation summary provided by our consulting environmental engineer).</p> <p>The final choice of potable water supply is a matter for the purchasers of the allotments – either source will be satisfactory and conforming to district and regional planning requirements and rules.</p> <p>The choice of water source and disposal system will be made to suit the needs of the purchaser of the allotment from the combination of</p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
		<p>options available for dictated by desired water source (roof or domestic bore) and the selected sewerage disposal system from the options identified by our environmental engineer (which dictates the size of the drainage field required).</p> <p>Required separation distances and setbacks for bore water supply may relatively simply be achieved by adjusting location and/or depth of the bore source (for example taking water from a depth of 40 metres will reduce the minimum surface separation requirement from a septic tank drainage field to 20 metres instead of the 50 metre distance prescribed for a permitted activity).</p>
6	<p><i>REGIONAL PLANNING FRAMEWORK</i> <i>The application is contrary to the Regional planning framework.</i></p>	<p>The applicants do not accept this conclusion on the part of the submitter. The proposed land use is clearly contemplated by the CRPS and will not be repugnant to it.</p> <p>We note this submission’s “in principle” support for the subdivision proposal expressed at the beginning of the Ecan submission and consider that there is inconsistency with this portion of the submission.</p> <p><i>“Environment Canterbury supports in principal (sic) future rural residential development in this location, as it is identified in the draft Growth Management Strategy.”</i></p> <p>It is our view that the proposed development complies in all respects with CRPS 5.3.1 and 5.3.5. and note particularly that the proposed activity is discretionary in terms of the Timaru District Plan and the Council’s Section 95 determination of status under the provisions of the RMA.</p> <p>A fundamental principle guiding this proposal was that it should contribute to the co-ordinated pattern of development sought by the policy statement in that:</p> <ol style="list-style-type: none"> 1. The property directly adjoins the urban form and its infrastructure.

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
		<ol style="list-style-type: none"> 2. The layout of the proposed subdivision preserves access and the possibility of further rural subdivision in accordance with the aims of the Growth Strategy. 3. It conforms to the Growth Strategy which seeks to implement the regional policy objectives. 4. The layout is a <i>de facto</i> structure plan (as envisaged, and called for, in both the regional policy and by the Growth Strategy) and does not foreclose development options in the vicinity of urban areas.
7	<p><i>Regional Policy Statement Policy 5.3.1 Regional growth</i> <i>To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:</i> <i>(1) ensure that any</i> <i>(a)urban growth; and</i> <i>(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:</i> <i>Territorial authorities:</i> <i>Will:</i> <i>(2) Set out objectives, and policies, and may include methods in district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects.</i> <i>Principal reasons and explanation</i> <i>A consolidated form of urban and rural-residential development in and around existing cities, towns and villages is the pattern of development that will most efficiently and effectively achieve the relevant policies and objectives in the CRPS, particularly in relation to energy and infrastructure provision. Rural residential development is typified by clusters of small allotments usually in the size range of up to 2.0 hectares zoned principally for residential activity. Rural-residential development will need to be well planned and coordinated in order to minimise adverse effects on such</i></p>	<p>We have quite carefully and deliberately designed the subdivision so as to support, conform to, and not be frustrating of, the likely future requirements of the Growth Strategy being incorporated in the revised District Plan. The proposal is submitted under the existing planning provisions and we point to the Growth Strategy as being a clearly supported view of TDC as to the present and future needs and form of the Geraldine settlement.</p> <p>The Timaru District Council have clearly anticipated the appropriateness of the activity and locality for which we seek consent.</p> <p>We particularly note the universal support for the Geraldine portion of the Growth Strategy in the public submissions received in response to the public notification of that document.</p> <p>We also provide the following observations concerning the planning environment:</p> <ol style="list-style-type: none"> 1. The Timaru District Plan reached its intended 10 year lifetime mid-2015 2. The CRPS has been operative since 2013 3. The Resource Management Act requires that Councils review their District Plans at least every 10 years 4. The Growth Strategy closed for submissions on 12th May 2017 <ol style="list-style-type: none"> a. No submissions in opposition b. Hearing not yet held despite indication of June 2017 being

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
	<p><i>matters as: rural character and resources; rural infrastructure including the road network; and not foreclose development options in the vicinity of urban areas.</i></p>	<p>initially given and a revised “date” of first 2 weeks of November having now passed.</p> <p>The proposal clearly conforms to CRPS 5.3.1 as submitted in the application with the possible exception of Timaru District Council not having completed a rezoning of the locality as anticipated by that policy statement. That is a factor that is quite beyond our control and the proposed subdivision remains a discretionary activity in terms of the existing District Plan. The CRPS policy [5.3.1(2)] states that</p> <p><i>“Territorial authorities: Will: (2) Set out objectives, and policies, and may include methods in district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects” (emphasis added)</i></p> <p>The policy uses the word may and does not require the establishment of methods such as zoning. We must assume that such wording is deliberate and that a discretionary approach to subdivision will also be suitable to achieving the purpose of the CRPS. Again, the GMS constitutes a proposed district policy statement giving effect to the CRPS.</p> <p>The provision of rural living sites, within rural zoning, is also formally contemplated by existing Timaru District Council policy in 1.1.3(a):</p> <p><i>“Rural 1 Zone (General Rural) Explanation and Principal Reason</i></p> <p><i>The Rural 1 Zone includes most of the plains and downland areas with the exclusion of Class I and Class II land. This zone provides for a wide range of primary production activities and other forms of economic activity which are not considered likely to adversely effect physical resources elsewhere in the District (see Performance Standards in Rural 1 Zone Rules). Many activities such as residential use will be subject to servicing</i></p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
		<p><i>limitations. Subdivision for rural activities and rural living sites is more limited than it has been in the recent past. The intention is still to provide for a range of activities including rural lifestyle blocks. In some areas such as those close to Timaru the level of current subdivision is such that there will be very limited provision for more intensive subdivision (see General Rule 6.3). On the downlands there is limited capacity to supply more water through rural water supply schemes. Limitations on Rural Living Site subdivisions and residential uses are necessary on the Levels Plains in the immediate vicinity of the Richard Pearse Airport and Timaru International Raceway to help manage the adverse noise effects from those facilities (see Issue 1.4.1 in the Rural Zone provisions, Policy 5.2.2.1 for the Recreation Zones and Discretionary Activity 2.2 in the Recreation 3 Zone)."</i></p> <p>The policy statement expresses the need to restrict rural subdivision activity close to Timaru but does not express similar concerns in relation to Geraldine where there has been little rural living subdivision development and hence no cumulative effect that might compromise the integrity of the District Plan.</p>
8	<p><i>Regional Policy 5.3.5 - Servicing development for potable water, and sewage and stormwater disposal (Wider Region)</i> <i>Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:</i> <i>(1) avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health;</i> <i>Together these policies make it clear that rural residential development must be appropriately zoned and be able to be serviced in a timely and efficient manner. This application is not in an area currently zoned for rural residential development, and it is unclear how the services are going to be provided. An assurance" that the servicing will be planned and consented at a later date is not sufficient.</i></p>	<p>The application clearly indicated the available choices for the supply of potable water and disposal of sewerage and the constraints presented by Council infrastructure policy.</p> <p>Servicing requirements for potable water and sewerage disposal have been fully considered and the opinion of our engineering consultant has been provided confirming the feasibility of engineered solutions that will conform to planning requirements and satisfactorily mitigate adverse environmental effects.</p> <p>The Timaru District Plan Rule 6.3.12(3) (b) provides as follows in respect of performance standards for rural living sites in rural 1 zoning:</p> <p><i>"On land where there is a proven high degree of permeability (including most of the Plains) a site area of 1,000 square metres to 2 hectares will be required but discharges of sewage effluent are required to be treated by one of the following means:</i></p> <p>(iv) <i>A specifically engineered effluent disposal system; or</i></p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
		<p>(v) A package plant of approved design; or</p> <p>(vi) Any other approved alternative which meets the standards required by any rule of a Regional Plan.</p> <p><i>The provision of specifically designed effluent disposal systems will be the subject of a consent notice registered against the title...</i></p> <p>It is simply not practicable to obtain consents at this point as the final layouts and locations of buildings and suggested drainage fields may be altered to suit individual requirements of new owners.</p>
9	<p><i>The Land and Water Regional Plan Policy 4.14A also seeks to avoid the adverse effects from onsite disposal of domestic effluent and wastewater.</i></p> <p><i>The disposal of domestic effluent and wastewater shall be managed so as to avoid any adverse effect that is more than minimal on surface and ground waters.</i></p> <p><i>In addition to the current planning framework, the Healthy Catchments Project being undertaken by the Orari Temuka Opihi Pareora Zone Committee is focused on maintaining and where necessary improving the quality of ground and surface water. This includes managing nitrogen discharge from both rural and urban sources.</i></p>	<p>The property does not lie within a community water protection zone.</p> <p>We also note that the proposed use will likely result in a lesser adverse effect than would a permitted farming use for, say, grazing dairy cattle.</p> <p>It is particularly relevant to note that existing and permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>
10	<p>SITE SPECIFIC COMMENTS</p> <p><i>Environment Canterbury's preference would be for lots 4-9 to be provided with reticulated services as they are at the lower end of the size range for rural residential lots, and immediately adjacent to the existing urban edge. However, we understand that currently Timaru District Council's policy is not to provide reticulated services to rural</i></p>	<p>It was our preference to avoid any adverse effects that may accrue to as the result of potable and waste water supply by connection to Council infrastructure which is available in close proximity to the property. However, the Council have made their stance particularly clear</p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
	<p><i>residential lots. In this case, the management of the potential adverse effects of onsite servicing is the responsibility of Environment Canterbury, principally through the assessment of wastewater discharge consents. This means that it is important that the appropriate servicing is confirmed prior to the new lots being sought in this subdivision are created.</i></p> <p><i>Water Supply</i></p> <p><i>The consent application proposes four different options for water servicing: - extension of the existing town water supply - collection and storage of rainwater - shallow domestic bores, or connection to a rural water supply if the capacity is upgraded</i></p> <p><i>Confirming the water supply is important, because the choice of water supply will impact on the ability to discharge wastewater and stormwater on each lot. A shallow domestic bore may be a permitted activity. However, the placement of domestic bores on the smaller lots and the required setbacks from onsite wastewater systems are likely to make it difficult to achieve onsite discharge of wastewater and stormwater. Similarly, if a single 'community supply' bore was used, it may require a Community Drinking Water Protection Zone. This would impact on both future development options, and existing activities within the supply zone</i></p> <p><i>Discharge of Stormwater and Wastewater</i></p> <p><i>Stormwater discharge may meet the requirements for a permitted activity. Discharge consents will be required for onsite wastewater disposal for the six lots less than 4 ha. Our advice has been that consents are likely to be granted subject to there being sufficiently robust solutions for treatment, and adequate disposal areas and setbacks. However, as noted above, without a confirmed water supply, the application does not contain sufficient detail for it to be certain that consents can be granted.</i></p> <p><i>We note that the applicant already holds six consents for discharge of wastewater to land. These date from 2010, and were granted under the Natural Resources Regional Plan which applied at the time. They relate to an earlier subdivision application, in a different location on the underlying lot than the current proposal.</i></p>	<p>and we have, therefore, focused upon other solutions.</p> <p>Concerns regarding the compliance and sufficiency of the supply of potable water and the disposal of waste water have been specifically addressed and established as feasible by our consulting environmental engineer – refer to the attached report.</p> <p>Individual solutions for each site have been confirmed and will not require the establishment of a Community Drinking Water Protection Zone.</p> <p>The existing waste water consents are located on an area of the property (Lots 2 & 3) where the soil characteristics are essentially identical to the balance of the land.</p>

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
11	<p>CONCLUSION</p> <p><i>In the absence of appropriate planning provisions and the required details about water supply and discharge consents, it is difficult to be certain that all the lots being created are suitable for onsite servicing. Before this subdivision is granted, the water supply needs to be confirmed, as does the detail of the onsite servicing. We are happy to consider a joint process for the district and regional consents to ensure a good outcome.</i></p> <p><i>This application also raises wider issues than the servicing of these proposed lots. Given the proposal in the draft Growth Management Strategy for this area to transition from rural to rural residential, it is very important that sound planning is in place to guide this development. This includes making efficient and effective provision for servicing, whether it is reticulated, onsite, or a mix of both. If this application is granted in advance of that planning then the opportunity for coordinated planning across the site is lost, at least in part.</i></p> <p><i>In addition, it is likely there will be subsequent applications for more small rural residential lots, both in this area and potentially in other areas targeted in the Growth Management Strategy for future rural residential zoning. One of the goals of the draft Growth Management Strategy is to avoid rural residential areas developing in a piecemeal fashion, and we consider that Timaru District Council should continue to place weight on the existing rural zone objectives, policies and rules until such time as the appropriate zoning provisions and outline plan are in place for this land.</i></p>	<p>We note the submitter’s offer to work within a joint process to ensure a good outcome for the necessary consents.</p> <p>As covered elsewhere, in this response to the submission, care has been taken to ensure that future subdivision options, within the context of future rural residential zoning, have been preserved.</p> <p>Granting of the sought consent will not compromise future rural residential subdivision opportunities across the site.</p> <p>The matter of precedent has been dealt with in some detail in our submission to the hearing and we refer particularly to the leading case in this regard (<i>Dye v Auckland Regional Council [2001]</i>) which found that “<i>The granting of a resource consent has no precedent effect in the strict sense</i>”.</p> <p>This proposal will not contribute to piecemeal development of rural residential land use.</p>
12	<p><i>We seek the following decision from the territorial authority:</i></p> <p><i>Environment Canterbury requests that this consent is declined and that further subdivision is not approved until the Cascade Place area is rezoned rural residential and an outline development plan is available to facilitate the transition of the area from rural to rural residential.</i></p> <p><i>Or alternatively -</i></p> <p><i>Environment Canterbury requests that this consent is declined, and that further subdivision is not approved until an outline</i></p>	<p>The applicant has satisfactorily addressed each of the concerns posed by the submitter in establishing the feasibility of:</p> <ol style="list-style-type: none"> 1. a satisfactory supply of potable water and 2. the establishment of engineered, compliant onsite sewerage disposal that will satisfactorily mitigate any adverse effects upon ground water.

Appendix 4: Ecan Submission and Applicant Response

Issue	Submission	Applicants Response
	<p><i>development plan for Lot 1 DP 82810 is developed, to facilitate the transition from rural to rural residential.</i></p>	<p>Note that the draft subdivision plan, as submitted, constitutes a <i>de facto</i> structure plan for Lot 1 DP 82810 preserving access and possible future subdivision potential of the larger allotments in accordance with, and supporting of, the rural residential land use requirements of regional policy and the GMS proposed policy statement.</p> <p>The draft plan serves the purpose of a structure plan as it provides for access, on-site infrastructure and the most efficient use of the land in supporting future rural residential subdivision in accordance with the clearly signalled requirements such as allotment size.</p> <p>The submitter’s position appears to be that of requesting a delay in the granting of the consent which is not a treatment that is contemplated by the RMA.</p> <p>We do not see there is a need to delay the development of the applicant’s property.</p>

Appendix 5: Hearing Submission v1.1

Appendix 5: Group Submission and Applicant Response

Issue	Submission	Applicants Response
1	<p>Name of Submitter: <i>Notified Geraldine Residents Group affected by the Shirtcliff consent application</i></p> <p><i>This is a submission on an application, as per above, from:</i></p> <p><i>Ian and Lynne Lyttle 17 Cascade Place, Geraldine Alison and Grant Norton 47 Tancred St, Geraldine William Anderson 51 Tancred St, Geraldine Freerk and Anke Numan 11 Cascade Place, Geraldine Hilary Muir 16 Cascade Place, Geraldine Jack and Petra Vandersanden 52 Tancred Place, Geraldine Peter and Desiree McCaskill 50 Campbell St, Geraldine Gary and Judith Sheed 7 Cascade Place, Geraldine Ad and Anita Hendriks 540 Orari Station Rd, RD 22, Geraldine Joyce Lynn 9 Cascade Place, Geraldine</i></p>	<p>We note that none of the signatories, to this submission in opposition, responded to the call for public submissions when the Timaru District Growth Strategy was publicly notified in March 2017. The TDC's considered view of the present and future needs and form of the Geraldine settlement specifically dealing with the likely future use and zoning of the applicant's land for rural residential use are clearly signalled within that document.</p> <p>None of this group submitted in relation to the proposed land use (in relation to the publicly notified GMS) and clearly signalled rezoning of the applicant's. We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p> <p>We note that the submission period for the proposed policy statement (GMS) has now passed by a considerable margin and it seems that the Geraldine portion will be largely beyond challenge. It is clear that Council recognises the need to further provide for orderly growth of the Geraldine settlement in response to demand for increased supply of land to cater for a variety of lifestyle choices.</p> <p>We note that one of the parties to this submission (Mr & Mrs Sheed) have withdrawn their support after having ascertained that they were misled, by other parties, into believing that the proposal would result in a road immediately adjoining the Cascade Place boundary. Such confusion could easily have been clarified by enquiring from either the applicant or the Timaru District Council.</p> <p>We also note that one of the signatories (Hilary Muir) does not directly border the applicant's property and is not an "affected person" as identified by TDC.</p>
2	<p><i>Clause 2.6 Activity: We oppose this part of the application and submit that this application is inconsistent with the District Plan and should be declined.</i></p>	<p>The proposal is for a discretionary activity and is compliant with the District Plan with the exception of the performance standard as to minimum allotment size for the present rural zoning.</p> <p>The proposal conforms to the TDC planners' view as to the present and future needs and form of the</p>

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Issue	Submission	Applicants Response
		Geraldine settlement as a proposed policy statement in the Timaru District Growth Strategy.
3	<i>We further oppose this on the basis that this will set a precedent for future subdivision proposals that will be difficult to decline, again eating into valuable agricultural land.</i>	This matter has been fully addressed in the application and is also considered and acknowledged within the Timaru District Growth Strategy. TDC have assessed the effect as minor. The application conforms to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure. The application is in response to natural growth and demand for additional land to service the Geraldine settlement.
4	<i>Clause 2.7 Additional Resource consents: We oppose this part of the application and submit that the application is predictive and should not assume a Council planning position that has not been determined.</i>	<u>We do not assume a Council planning position</u> – we reference the Growth Strategy as being TDC’s view of the present and future form of the Geraldine settlement that is supportive of our intentions. The Growth Strategy public submission period has closed and the strategy now awaits a hearing and possible adoption as planning policy.
5	<i>Clause 2.8 Affected persons. We oppose this part of the application and submit that the applicant has discounted the view of affected parties and the views expounded by the applicant are not those shared by the neighbours who are affected by the proposed subdivision</i>	We have not discounted the views of affected persons but merely have formed a view that differs from some (not all) affected persons who have submitted both in support of, and opposition to, the proposal. The RMA requires us to develop an assessment of the adverse effects upon the environment and have done so. We have not discounted the views of the submitters as we simply did not have them. They are entitled to their view which may be different to the assessment which we arrived at in our consideration of the matters prescribed by the RMA. We stand by our original assessment of effects.
6	<i>Clause 2:10: Existing resource consents. We are neutral on this clause as the consent has been granted and the applicant has existing consent to subdivide. Should the applicant be advancing this clause as a reason for further subdivision, we oppose this as a basis for further subdivision. The applicant has not advanced any</i>	We believe that this application for consent is a more effective use of the land and permits the expansion of the Geraldine Settlement in accordance with the GMS and CRPS without placing undesirable further pressure on other productive land. We do not consider that this proposal will be to the detriment of neighbouring properties. We understand, from our enquiries, that quite the reverse might prove to be the case.

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Issue	Submission	Applicants Response
	<p><i>reason why this consent is not activated instead of creating further subdivisions to the detriment of neighbouring properties.</i></p>	
7	<p><i>Clause 2.12: Earthworks. We oppose this clause as the submitters are concerned about the impact of culvert installation on the flow of the stream and possible aggravation of flood risk. With the amount of debris from the applicants' trees, blockages of the culverts are a risk that could cause flooding to impact on the neighbours properties. We submit that bridges are required to mitigate this risk, should the application succeed.</i></p>	<p>Culverts will be specified and constructed to comply with the CRPS requirements. The risk of flooding has been addressed in the Flood Hazard Assessment attached to the application and this proposed subdivision will not increase that level of risk.</p> <p>The submitters will, by now, be aware that the rain event of 22nd July 2017 did not lead to any of the existing culverts on the property blocking or flooding. This is simply a risk that is negligible and not supported by recent events. The debris that did appear along the streambed and banks all appeared to have come from the submitters' properties. We have supplied photographs of a footbridge, timber debris, roofing iron and a pallet; none of which came from the applicant's property. We believe the source properties, for that debris, to have been primarily those of Messrs McCaskill and Anderson. It seems clear to the applicant that the stream would be better protected, from potential flooding, resulting from debris accumulation, if the neighbouring properties were to be more careful in avoiding compromise to the stream from inappropriate non-compliant structures or rubbish. We also note that Mr Anderson has done nothing to remove a tree that has fallen from his side of the stream to compromise our fencing and potentially the stream's flow.</p> <p>Bridges are an unnecessary response to a non-existent problem as the culverts have proven to be entirely satisfactory and not subject to damage from the stream in spite as has been recently demonstrated.</p>
8	<p><i>Clause 3.1 Access: We oppose all 3 versions of the plan that outline the positioning of the proposed subdivision. The submitters are disturbed that there are at least three versions of the maps that show the size and location of the proposed subdivision. Each version</i></p>	<p>We are not sure how the submitters have become confused as to the plan draft that is the subject of this application. The simple step of enquiring from the applicant or even the TDC would have resolved their confusion.</p> <p>There is no planned driveway along the mutual boundaries with Cascade Place residences.</p>

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Issue	Submission	Applicants Response
	<p><i>has the same date on it (June 2015). We particularly oppose the version of the plan showing a driveway along the boundaries of the properties of the Cascade Place residences as this would create an additional disturbance to their enjoyment of their properties. We oppose any driveway adjacent to our boundaries, especially as there is access currently by way of the applicants' access to their property. We further oppose the version of the plan with shows the smaller lots within close proximity to the existing residential neighbours.</i></p>	
9	<p><i>Clause 3.2: Water Supply. We oppose this part of the application and submit that the proposed subdivision does not entitle a possible purchaser of subdivided land to potable water from the Geraldine town water supply. Intended purchasers are not able to gain water from the Geraldine Downs water supply as it is committed. Possible purchasers would need to provide storage from roof water or take ground water. There is no evidence that this is possible or that the quality of the drinking water meets the drinking water standards</i></p>	<p>This appears to be a totally mistaken position. The application has been prepared with the use of stored roof water, bore water or future Te Moana supply as alternatives for potable supply. Our primary reliance upon roof water collection is a well-established method of potable water collection and storage that complies with planning provisions.</p> <p>TDC have made it abundantly clear that there will be no connection to urban supply.</p> <p>We have 3 potential sources of potable water available, for each individual allotment, that are achievable and sufficient to choose from:</p> <ol style="list-style-type: none"> 1. Roof water and storage tank 2. Bore water 3. Future Te Moana rural water scheme <p>The on-going management and safety of the self-sufficient potable water supply will be a matter for the owners of the allotments created by this application. The proposed supply arrangements are entirely compliant with TDC requirements.</p> <p>We do not seek connection to the Geraldine Downs supply.</p>
10	<p><i>3.3 Storm water. We oppose this part of the application. We submit that soak holes are not a satisfactory means of disposal in that the carriage of debris from</i></p>	<p>Storm water disposal will be subject to compliance with planning provisions as discussed in the application.</p>

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Issue	Submission	Applicants Response
	<p><i>house roofs may over time retard drainage from the soak holes and require significant earthworks and disturbance to rectify. We do not believe this is fair or in good faith to potential purchasers. We oppose this method of storm water disposal.</i></p>	<p>We note that the storage of roof water for potable supply will significantly mitigate the volume of storm water to be disposed of.</p>
<p>11</p>	<p><i>3.4 Sewerage: We oppose this part of the application on the following grounds. Most submitters are connected to the sewage system of Geraldine Township. This system provides a safe and reliable means of the disposal of human effluent. The contamination of the Havelock North Water supply has shown the risk of contaminating ground water and water supplies. We are aware that only well maintained effluent disposal system and treatment systems are reliable. We are aware too that those installed systems (septic tanks) for individual houses do not have the controls that town systems do, and that their risks are not controlled. We oppose the discharge of human effluent liquid into ground water due to the risk of nitrate and E coli contamination.</i></p>	<p>The matter of on-site sewerage disposal has been thoroughly dealt with in the application.</p> <p>The applicants already hold 6 waste water consents for the property and have pro-actively liaised with Ecan to be certain that additional required consents are likely to be granted ensuring compliance with planning requirements and mitigation of the adverse effects of waste water disposal on-site.</p> <p>We agree that the disposal of waste water to the Geraldine sewerage infrastructure would be more satisfactory but, in the absence of such connection being available, believe that the solution proposed by using modern technology provides the best mitigation and conforms to all planning requirements.</p> <p>Care has been taken to ensure that each of the smaller allotments has been laid out in such a way as to comply with required setbacks for drainage requirements servicing the notional building sites.</p> <p>The evidential statement provided by our engineer confirms that compliance with both the ECan Regional Rules (Rule 5.8) and the Building Code (G13) is readily achievable.</p> <p>The Havelock North example, involving animal faecal contamination of a community water supply, is an entirely different set of circumstances and has no relevance to this application.</p> <p>Continuing maintenance and compliance of on-site sewerage disposal systems is subject to monitoring by Ecan.</p> <p>It is particularly relevant to note that existing and permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p>

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Issue	Submission	Applicants Response
		<p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>
12	<p><i>4.2 Congruence with Canterbury Regional Plan and Policy; The submitters acknowledge that residential development should concentrate or be attached to existing urban areas, as long as the subdivision has access to the council services (submitters wording in [bold] italics). We oppose this application on the basis that residents in the proposed subdivision are unable to connect to existing water supplies of potable water, do not connect to existing storm water services and do not connect to existing sewerage systems.</i></p>	<p>We are pleased to note that the submitters acknowledge the existence of the CRPS and this application’s conformance to that policy.</p> <p>The submitters’ addition to the policy is of no relevance whatsoever as that wording is not included in either the actual policy statements or the GMS proposed policy statement.</p> <p>Our preference would be to connect to the urban infrastructure but this option is simply not available to us due to the TDC policy position. The RMA requires us to avoid, mitigate or remedy adverse effects to the extent possible or practical and this we have done in the application.</p>
13	<p><i>We dispute the applicants’ assertion that there is a shortage of suitable building sites in Geraldine. Anecdotally, there are over 70 sections available for building and the local retirement home is in the midst of a major building programme. As this programme progresses, it will attract residents of Geraldine and put their current homes on the market. Indeed two homes in the streets of the affected neighbours will be coming up for sale when the current residents move to the McKenzie Retirement Home. The Templar subdivision has many sections for sale, indicating supply is currently exceeding demand. The applicant has no firm</i></p>	<p>We have presented sound fact-based analysis and discussion of the rate of growth in the Geraldine settlement. Our analysis has been confirmed in correspondence with Statistics NZ officials.</p> <p>Further, TDC planners have accepted that Geraldine’s growth rate requires the provision of more suitably zoned land for expansion. This view is summarised in the Timaru District Growth Strategy analysis and recommendations for the Geraldine settlement. We note that public submissions to that strategy document (which have now closed) were not opposed to the conclusions reached for Geraldine.</p> <p>Our research does not support the submitters’ assertion that there are presently in excess of 70 sections available for building in the Geraldine settlement. We suggest that the submitters’ adduce sound quantitative evidence if they wish to dispute our</p>

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Issue	Submission	Applicants Response
	<p><i>evidence of the level of demand he has stated, and should be required to produce this independent evidence to support the application, rather than quoting unreliable anecdotes. It is the applicants' responsibility to produce this evidence to support their application</i></p>	<p>well-researched fact-based conclusions as to the true level of growth for Geraldine. We note that a search of the realestate.co.nz conducted on 24th July 2017 reveals no more than 20 Geraldine sections for sale the length of time on the market being a metric of such considerations as price, location, size and aspect.</p> <p>The local real estate agents have confirmed a shortage of suitable land and the applicants have already fielded strong enquiry for the sites that may be created by this application. This is also confirmed in writing (10th July 2017) by L.J. Hooker as is the enquiry for larger allotments than are presently available anywhere in Geraldine.</p> <p>The construction of the Geraldine Retirement Village has attracted a number of local and non-local retirees to its accommodation. The development manager for the Geraldine Retirement Village advises that there are presently 74 villas occupied, a further 20 sold (from a total of 136 when fully developed) with 65% of the residents having come from outside the Geraldine locality (Geraldine News 17th August 2017).</p> <p>We note that such retirement clustered living does not appeal to all and is merely one of a number of lifestyle choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p> <p>There remains appreciable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy.</p>
14	<p><i>We further submit against this proposed subdivision on the grounds that it will exclude the land identified in the application from future agriculture use. The soils of this proposed subdivision are very good agriculture soils (deep Mayfield silty loam) with a high productive capacity and a medium risk for nitrate leaching as described in the attached S-Map report. Taking these soils out of agriculture use</i></p>	<p>This matter has been fully addressed in the application and is also considered and acknowledged within the Timaru District Growth Strategy. TDC have assessed the effect as only minor (in the s95 notice). The application conforms to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure. The application is in response to natural growth and demand for additional land to service the Geraldine settlement.</p> <p>Reference to the district planning map reveals that, with the exception of the Geraldine Downs (zoned</p>

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Issue	Submission	Applicants Response
	<p><i>may expose higher N loss risk soils to intensification and increase N losses to water.</i></p>	<p>Rural R4A), the surrounding land to the Geraldine settlement is all Rural R2 zoning. The logical corollary, to that situation, is that growth must, of necessity, be accommodated upon R2 land if it is to be contiguous with the Geraldine settlement - as required in order to give effect to the CRPS via the GMS. Under that circumstance it seems both illogical and futile to seek to decline a resource consent application, accommodating of Geraldine’s demonstrated and accepted need for settlement expansion, on the basis that it will remove R2 land from production.</p>
15	<p><i>We further submit against the subdivision as we do not support the “fragmentation and sub economic” argument the applicants have advanced. Neighbouring farmers are likely to welcome an opportunity to purchase this land because of its agricultural value, and because it would reduce risk of urban encroachment that may impact on their farming business in the future.</i></p>	<p>The progressive fragmentation to become sub-economic is merely a statement of fact. It is incontrovertible that the property is a “shadow” of its former self having originally been established as the Raukapuka Run of some 20,000 acres in 1856.</p> <p>The submitter appears to be insisting that the property should be sold to the neighbour rather than permitting the property to be taken to its best and highest use – in this case by subdivision to accommodate growth in the Geraldine settlement.</p> <p>Such a position seems to be an entirely unreasonable approach resulting in the abrogation of private property rights.</p> <p>We note that the property was placed on the market several years ago and did not attract interest from the farming neighbour on that occasion.</p> <p>Urban encroachment upon farming land and activity has been occurring in New Zealand over its history – it is a natural consequence of population and economic growth. The applicant has been dealing with the consequences of that encroachment for a number of years. Impact upon a neighbour’s farming business is not a matter that we can or should be required to shelter a neighbour from. Their response should be to farm in accordance with regulation and best practice with a property boundary that is more easily managed than our present stream boundary.</p>
16	<p><i>We further do not believe that the proposed subdivision would not</i></p>	<p>This comment is incomprehensible to the reader (due to overuse of double negatives) and, accordingly, we</p>

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Issue	Submission	Applicants Response
	<p><i>impact on Geraldine house prices. Should it do so we would further object as it would affect the values of the houses we now own.</i></p>	<p>are unable to respond specifically except to say we do not consider that the proposed subdivision will be detrimental to neighbouring property values.</p> <p>Property values are not a relevant consideration to this resource consent application.</p>
17	<p><i>Clause 4.3. Compliance with the Timaru District Plan. We oppose this clause of the application and submit that the land is zoned R1 and R2, i.e. it is set aside for agricultural purposes and as such the application is part of a discretionary in terms of section D6.3.5 as it does not comply with the 40ha (R1) or 10ha (R2) land classifications. We do not support the gradual chipping away of rural land, especially outside of the current District Plan rules. While the applicant argues that the Timaru growth strategy allows for additional development, it is a strategy and not part of a District Plan and may indeed not become part of the District Plan, We believe the right decision of the Timaru District Council is to decline this application to be Timaru consistent with the current District Plan. Allowing this inconsistency only creates the precedence for other applicants to embark on a progressive process of rural subdivision to create uneconomic land parcels and later to engage in a similar process reflected in this application. The applicant has the ability to sell lots from the already approved subdivision and does not need to further affect the rights of neighbours to enjoy the views and current lifestyle and to retain the valuation of their land.</i></p>	<p>This matter has been fully addressed in the application and is also considered and acknowledged within the Timaru District Growth Strategy. TDC have assessed the effect as minor. The application conforms to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure. The application is in response to natural growth and demand for additional land to service the Geraldine settlement.</p> <p>We note that these submitters did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property. We therefore consider that this submission carries considerably less weight than might otherwise have been the case.</p> <p>We observe that the submitters’ dwelling is built upon previously rural land that we have farmed in the past – the evolution in settlement form is merely the natural consequence of growth in the Geraldine settlement population and extent. We have, ourselves, experienced the construction of urban housing upon what was previously a rural aspect to our own property in addition to the unexpected development of an intensive dairy farming operation on our own eastern boundary. Such changes are the natural consequence of economic growth and changing land use as land migrates to its best and highest use in response to market signals.</p> <p>Whilst we may have some sympathy for the minimal change in aspect that may be occasioned to the submitters by granting this consent, we stand by our original view that such a change exerts a “less than minor” adverse effect. It is absolutely clear that their house have not been sited upon their land in order to take significant advantage of the easterly aspect over</p>

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Issue	Submission	Applicants Response
		<p>our land from their living spaces. The houses have been oriented so as to direct all living spaces to the North and West. It is clear from the satellite imagery that it is predominantly service areas of the dwellings that are oriented to the east.</p>
18	<p><i>Clause 4.3.1.3 Indigenous flora and fauna. We oppose this clause as it is not an accurate statement. There are both eel and trout in the stream, although we recognise that trout are not indigenous. Pukeko are also present as are the occasional wood pigeon, white faced heron, wax eyes, tui and bellbird. We also submit that there are some remnants indigenous vegetation (Phormium tenax) that is valued by the local rununga, according to information supplied by one resident of small areas of indigenous vegetation that have been planted on the stream margin. Again, the applicant has failed to produce anything more than anecdotal assertions, which are not supported by their neighbours. It is the applicants' responsibility to produce hard and independent evidence of their statements.</i></p>	<p>We note that trout are not an indigenous species and also that presence of such larger fish species have not been apparent in our experience.</p> <p>We stand by our view that the only disturbance to the Raukapuka streambed will be that occasioned by the construction of 2 culvert crossings. The waterway and associated habitat is protected by the existing esplanade strip provision.</p> <p>We do not anticipate that the proposed subdivision will impose other than a minimal challenge to the stream habitat.</p> <p>We continue to regard our assessment of the adverse effects of the subdivision upon indigenous flora and fauna as of "less than minor" adverse effect as accurate.</p>
19	<p><i>Clause 5.1 Neighbouring residential properties (Reverse Sensitivity). We object to a number of the comments the applicants have made. Within these comments we submit that the applicant is falsely discounting the amenity value the neighbours gain from the rural outlook. We agree that the houses largely face to the north and west with service areas facing south. We submit and affirm that we purchased the houses or sections with the rural outlook being an important factor in the purchase</i></p>	<p>The applicants have, in their statutory assessment of adverse effects, endeavoured to present a holistic community-oriented or "greater good" view of the issues. It is accepted that individual parties may wish to present a personal view that differs from our assessment. To ascribe a level of deception, that does not exist, to our assessment of effects, is simply incorrect and emotive nonsense.</p> <p>We note that there are other neighbours that have chosen to either submit in support, withdraw their support from a submission made, or refrain from submitting indicating that the submitters' views on this issue (and the others) are certainly not shared by all.</p>

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Issue	Submission	Applicants Response
	<p><i>decision. We also submit and affirm that we do gain great value and enjoyment of the rural character of the outlook and we do use the south facing views from our properties for our enjoyment. Rural life, with the mix of farmed animals, new born lambs, introduced and native birds add value to our lives and make our homes a more satisfying place to live. Our enjoyment and value will be diminished should the subdivision be granted. The applicants do not have the right to assume what our values are and what we hold dear. The applicant falsely presents this assumed view in their application for this consent.</i></p>	<p>Support for our view as to orientation of neighbouring houses to the north and west away from the rural outlook is noted.</p> <p>We note that one of the signatories (Hilary Muir) does not directly border the applicant’s property.</p> <p>Reference to the aerial imagery below will demonstrate that the claim to enjoy rural views across the applicant’s property, from the submitters’ properties, is something of a stretch.</p> <p>We reaffirm our assessment of adverse effects as being “less than minor” and particularly in the circumstances applicable to these neighbouring properties.</p>
20	<p><i>For the record, the applicant has accused the residents of polluting the stream, causing animals to escape, damaging fences and clogging the stream from willow growth and other vegetation. Vexatious comments seeking to malign neighbours are not appropriate in a consent application and reflect badly on the person making such comments. Some of these comments clearly demonstrate the lack of adequate fencing which is a responsibility of the neighbours on both sides, according to the Fencing Act. The residents refute this and invite the applicant to retract this incorrect and vexatious allegation. The residents are concerned about the lack of protection of the Raukapuka Stream, where the banks and vegetation has been degraded over many years. We will suggest some conditions on the subdivision if it is unfortunately granted,</i></p>	<p>We reject this assertion as being incorrect and mischievous.</p> <p>It is our unfortunate experience that the stream boundary has been a source of difficulty accruing to us from the unfortunate and unthinking actions or negligence of others. It is merely a statement of fact concerning the difficulties associated with that boundary.</p> <p>The only occasions when animals have escaped have been entirely due to circumstances beyond the applicant’s control as described below:</p> <ul style="list-style-type: none"> • We have experienced gates connecting to Cascade Place (previously a paddock farmed with the applicant’s property) being left open by the thoughtless or malicious actions of others • Stream boundary fences being removed or compromised by new urban neighbours. • Trees from the urban margin of the stream falling onto the fences and allowing stock to escape. • Debris from neighbouring properties in the watercourse.

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Issue	Submission	Applicants Response
		<p>We do not resile from the comments we have made in support of this section of the application.</p> <p>The stream is protected from damage by heavy stock, such as cattle, by electric fencing.</p> <p>We suggest that the submitter provide evidence of degradation to the stream and its environment where it has been occasioned by actions of the applicant.</p> <p>The proposed subdivision will, in our estimation, be likely to reduce any fancied pressure upon the stream and the environment.</p>
21	<p><i>Clause 5.3: Summary of reverse sensitivity issues. We oppose this clause and submit that the applicant has incorrectly represented the views of the residents of neighbouring properties.</i></p>	<p>The submitters are perfectly at liberty to demonstrate their disagreement with the assessment we have arrived at and we remind them that, for the most part, they are presently living on land that was, only some 12 or so years ago, a paddock that was farmed by the applicant. We have accepted the inevitable creep of urban development as the Geraldine settlement has grown beyond its original town boundary and the consequential adverse changes that has imposed upon our own enjoyment of our property. Equally we have seen the arrival of intensive dairy farming upon our eastern boundary and have endeavoured to live with such unattractive aspects of that development such as noise and smoke pollution.</p>
22	<p><i>Section 6: Housing stock: Growth of the Geraldine locality</i> <i>We oppose the full extent of this section and submit that the anecdotal evidence presented fails the test of demonstrating the need for building up to 9 (or 12) additional semi-rural dwellings. Other anecdotal evidence and a search of the Trade me property site is show a number of sections for sale (estimated at over 70). There is a robust building programme at the retirement home which will empty existing residences and provide</i></p>	<p>We have presented sound fact-based analysis and discussion of the rate of growth in the Geraldine settlement. Our analysis has been confirmed in correspondence with Statistics NZ officials.</p> <p>Further, TDC planners have accepted that Geraldine’s growth rate requires the provision of more land to accommodate expansion. This view is summarised in the GMS analysis and its recommendations for the Geraldine settlement. We note that public submissions to that strategy document (which have now closed) were not opposed to the conclusions reached for Geraldine.</p> <p>Our research does not confirm the submitters’ assertion that there are presently in excess of 70</p>

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Issue	Submission	Applicants Response
	<p><i>options for people wishing to live in Geraldine.</i></p>	<p>sections available for building in the Geraldine settlement. We suggest that the submitters’ adduce sound quantitative evidence if they wish to dispute our well-researched fact-based conclusions as to the true level of growth for Geraldine. We note that a search of the realestate.co.nz conducted on 24th July 2017 reveals no more than 20 Geraldine sections for sale the length of time on the market being a metric of such considerations as price, location, size and aspect. This count is also supported in writing by LJ Hooker as recently as 10th July.</p> <p>The construction of the Geraldine Retirement Village has attracted a number of local and non-local retirees to its accommodation. The development manager for the Geraldine Retirement Village advises that there are presently 74 villas occupied, a further 20 sold (from a total of 136 when fully developed) with 65% of the residents having come from outside the Geraldine locality (Geraldine News 17th August 2017). We note that such retirement living does not appeal to all and is merely one of a number of lifestyle choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p> <p>There remains appreciable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy. The applicants have already fielded strong enquiry for the sites that may be created by this application with further confirmation of sound levels of demand from local real estate agents.</p>
23	<p><i>Decision Sought</i> <i>The affected residents group seek that the decision from the territorial authority “that the application be declined”.</i></p>	<p>We note that none of this group made a submission in response to the public notification and call for submissions to the Growth Strategy (which clearly indicated the change being considered for the subject property). We assume that their failure to submit indicated their neutrality to, or lack of concern with, the proposed development of the subject site.</p> <p>We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p>

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Issue	Submission	Applicants Response
24	<p><i>COVENANT CONDITIONS SOUGHT SHOULD THE CONSENT BE ALL OR IN PART GRANTED.</i></p>	
24a	<p><i>Promotion of indigenous biodiversity and protection of stream values in a semi-rural situation That for the proposed lots of the subdivision, and not on land owned by neighbours adjacent to the stream, the applicant fully fences both sides of the Raukapuka Stream in permanent 8 wire post and batten fencing where no permanent fence exists, to protect the esplanade strip and protect existing riparian margins from stock damage. This will allow the applicant or future owners to re-establish eco-sourced indigenous plants to develop a biodiversity corridor.</i></p> <p><i>Those future owners of the property be required to plant eco-sourced plants along the esplanade strip to provide for a biodiversity corridor and the re-establishment of indigenous biodiversity.</i></p> <p><i>Rationale.</i></p> <p><i>The applicants have commented on what they see as a lack of biodiversity in the stream and along the stream margins. Residents have confirmed the existence of eels in the stream and the presence of other fish and of native birds. Geraldine people have been active in promoting re-establishment of indigenous species in the town. It would be appropriate for the applicants to contribute towards this goal. Recognising that years of farming during and prior to the applicants' ownership of the property have been responsible for the loss of indigenous biodiversity along stream margin, it would</i></p>	<p>Unnecessary as the situation is governed by the Fencing Act. We also note that the true right bank of the stream has the original farm post and wire fence along it.</p> <p>Our experience is that the existing combination of wire fence and live electric fencing is perfectly adequate and less intrusive. This approach also allows sheep to lightly graze the stream bank as recommended in the Ecan Living Streams Handbook (p.17) for managing vegetation.</p> <p>Ready access is also required in order to maintain the streambed and this would be impossible in the event that the stream was fenced from either side by permanent 8 wire fencing.</p> <p>We note that the vegetation over the property is not indigenous in character and it would not be true to the property's heritage to dictate the planting of "eco-sourced" plants only.</p> <p>The stream is improving very satisfactorily as a result of the applicant's actions taken to remove willows and other blockages causing ponding in conjunction with the action taken to stop the upstream water races draining into the waterway.</p> <p>The flora present on the land is almost exclusively exotic in character with the only indigenous examples having been planted rather than occurring naturally. This is entirely consistent with its history as the original Raukapuka run from the earliest European settlement of the area. Under such a circumstance it seems that eco-sourcing would not be possible to either justify or appropriately establish.</p>

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Issue	Submission	Applicants Response
	<p><i>greatly enhance the value of the stream as an esplanade strip with this action</i></p>	
24b	<p><i>Maintenance of rural outlook for existing residents</i></p> <p><i>That purchasers of any property of the proposed subdivision that is adjacent to existing residents' property in Cascade Place, Tancred St and Campbell St be restricted to boundary fences that are either post and wire fences or solid fences no greater than 1.2m in height, where the fences may significantly affect the rural outlook of the existing residents.</i></p> <p><i>That purchasers of any property of the proposed subdivision that is adjacent to existing residents' property in Cascade Place, Tancred St and Campbell St must not plant trees that significantly affect the rural outlook of the existing residents.</i></p> <p><i>Rationale</i> <i>Existing residents of the submitting group have purchased their properties with the expectation of maintaining an ongoing and relatively unobstructed rural view to the South. The Applicant has falsely represented the values that the residents place on their rural views.</i></p>	<p>We consider that fences are unlikely to be a problem due to the minimal outlook available to these properties and the fact that many already have a solid wall or fence erected at the boundary. We are however, content to specify that all fences are to be transparent (post and wire or post and rail).</p> <p>We note that a number of the neighbouring boundary fences or walls exceed this suggested 1.2 metre restriction.</p> <p>The trees are an issue where we may be able to entertain a constructive proposal that is both effective and capable of enforcement.</p>
24c	<p><i>Minimising risk of impeded drainage of Raukapuka Stream</i></p> <p><i>That all stream road and footpath crossings that are included in the proposed subdivision be constructed of bridges that provide full clearance for the discharge of any flood waters.</i></p> <p><i>Rationale</i></p>	<p>This issue has been discussed above and rejected as unnecessary.</p> <p>We consider that this risk is considerably over-estimated and is a non-existent risk. The submitters will be aware that the significant rain event of 22nd July 2017 did not result in any of the existing culverts blocking or flooding surrounding land despite the flooding displacement of debris from the submitters' properties such as pieces of timber, a footbridge, roofing iron and a discarded pallet.</p>

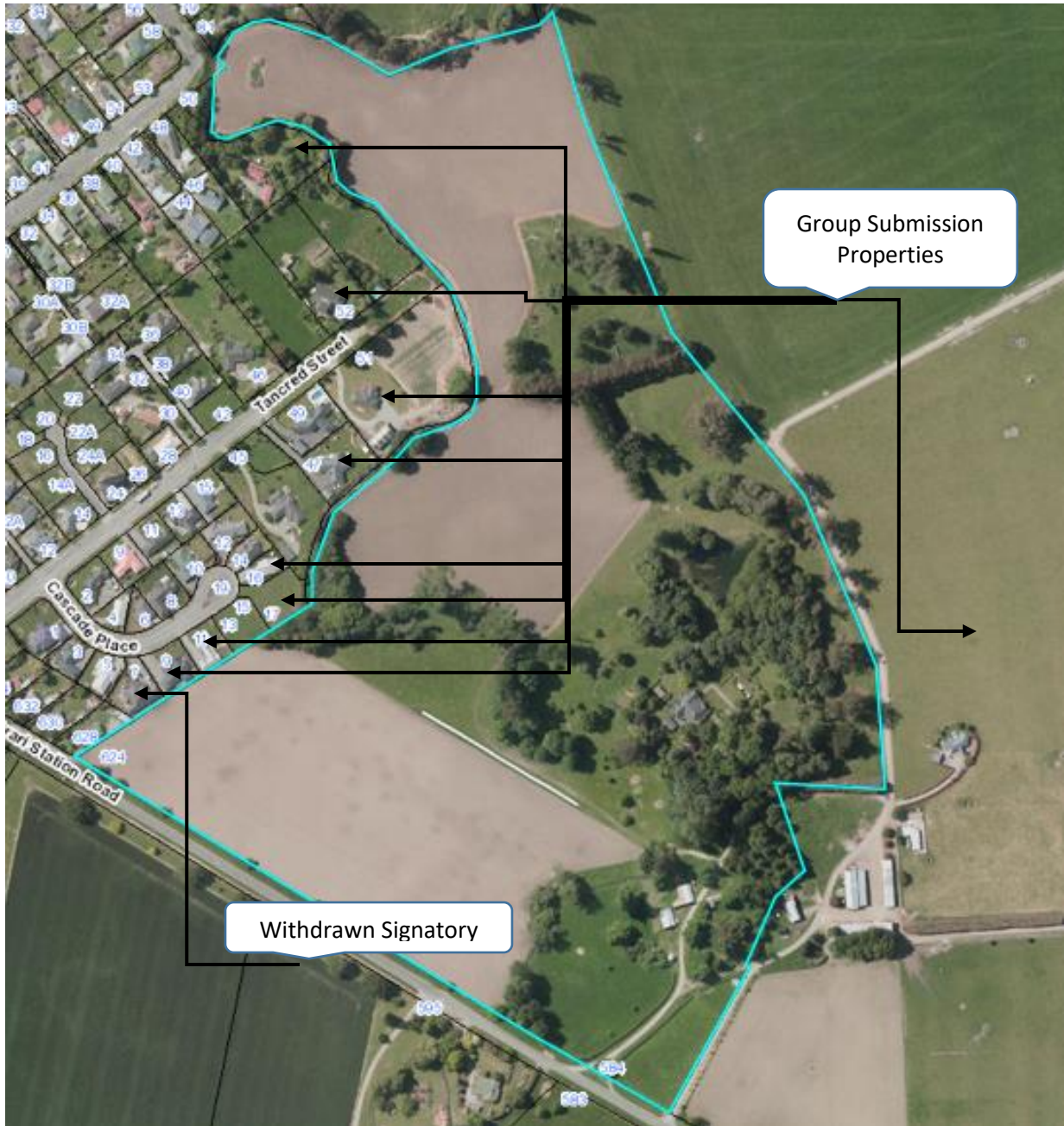
Appendix 5: Hearing Submission v1.1

Issue	Submission	Applicants Response
	<p><i>Currently Raukapuka Steam has no culverts in the reaches within the proposed subdivision. Culverts have a much increased risk of blockage, particularly with the extensive number of trees along the stream and likely loss of debris from the trees that the applicants have mentioned in their application. The only reliable way to reduce this risk is to either remove the trees or install bridges. We oppose the wholesale removal of the trees.</i></p>	
24d	<p><i>Minimising risk of damage to houses and structures from existing trees. That the applicants remove all dangerous trees or trees of significant nuisance to the property of residents that may impact on current or proposed residences.</i></p> <p><i>Rationale</i> <i>The Affected Residents Group supports the applicants' intention to remove dangerous trees in the application. The applicant has not listed those trees that pose a risk of damage or significant nuisance to existing residents.</i></p>	<p>We will continue to deal with dangerous trees as they are identified. We are not aware of any that pose a risk to neighbours.</p> <p>Obviously the trees predate the urban development by a considerable margin.</p>
24e	<p><i>Roading, kerbing and footpaths in Tancred St to fully meet Council Requirements</i> <i>That the applicant fully ensures the public access requirements for roading, kerbing, footpaths and associated services meets the current requirements of the Timaru District Council.</i></p> <p><i>Rationale</i> <i>With increased traffic by proposed future residents and traffic from possible construction companies on</i></p>	<p>We note that the end of Tancred Street is presently unsealed and unformed north of the 49 Tancred Street access way.</p> <p>We also note that the access we require is equivalent to that of a private driveway.</p> <p>We accept that we will be responsible for the extension and formation of a suitably specified surface from the existing end of Tancred Street's unsealed public road to give access to our property.</p> <p>There are other titles and potential for further subdivision (not owned by the applicant) of properties</p>

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Issue	Submission	Applicants Response
	<i>Tancred St and the possibility of further future subdivision in the applicants land, this section of road should be fully brought up to code without it being the responsibility of other ratepayers.</i>	already on the unsealed portion of Tancred Street that may dictate full road formation at a later date.

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Appendix 6: Hearing Submission v1.1

Appendix 6: Lyttle Submission and Applicant Response

Issue	Submission	Applicants Response
1	<i>Clause 2.6 Activity: We oppose this part of the application and submit that this application is inconsistent with the District Plan and should be declined. We further oppose this on the basis that this will set a precedent for future subdivision proposals that will be difficult to decline, again losing valuable agricultural land.</i>	<p>The proposal is for a discretionary activity and is compliant with the District Plan with the exception of the performance standard as to minimum allotment size for the present rural zoning. The proposal conforms to the TDC planners' view as to the present and future needs and form of the Geraldine settlement as proposed in the Timaru District Growth Strategy.</p> <p>We note that this submitter did not make a submission in response to the public notification and call for submissions to the GMS which clearly indicated the change being signalled for the subject property. We assume that their failure to submit indicated their neutrality to the proposed development of the subject site.</p> <p>We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p>
2	<i>Clause 2.7 Additional Resource consents: We oppose this part of the application as the Council planning position that has not been determined.</i>	<p>Additional resource consents are only required for on-site waste water disposal. We already hold 6 wastewater consents for the property.</p> <p>The GMS constitutes a proposed policy statement and, as such, provides a clear and view of the present and future needs and form of the Geraldine settlement.</p>
3	<i>Clause 2.8 Affected persons. We oppose this part of the application and submit that the applicant has discounted the the views of my wife and myself. These are not our views</i>	<p>The RMA requires us to develop an assessment of the adverse effects upon the environment. We have not discounted the views of the submitters as we simply did not have them. They are entitled to their view which may be different to the assessment which we arrived at in our consideration of the matters prescribed by the RMA. We stand by our original assessment of effects.</p>
4	<i>Clause 2:10: Existing resource consents. We are neutral on this clause as the consent has been granted and the applicant has existing consent to subdivide. Should the applicant be advancing this clause as a reason for further subdivision, we</i>	<p>The pre-existing subdivision consent does not prevent the applicant from seeking a different subdivision consent that better utilises the land and conforms more closely to the settlement form contained within the GMS. This proposal reflects a better outcome in terms of s5 & s7 of the RMA than would otherwise be the case.</p>

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Issue	Submission	Applicants Response
	<p><i>oppose this as a basis for further subdivision. The applicant has not advanced any reason why this consent is not activated instead of creating further subdivisions to the detriment of neighbouring properties.</i></p>	
5	<p><i>Clause 2.12: Earthworks. We strongly oppose this clause as the we have seen flooding resulting from blocked culverts and are concerned about blockages of proposed culverts installed and the increased risk of floods. With the amount of debris from the applicants' trees, blockages of the culverts are a risk that could cause flooding to impact on the neighbours properties. We submit that bridges are required to mitigate this risk, should the application succeed.</i></p>	<p>Culverts will be specified and constructed to comply with the CRPS requirements. The risk of flooding has been addressed in the Flood Hazard Assessment attached to the application and this proposed subdivision will not increase that level of risk.</p> <p>The submitter will, by now, be aware that the rain event of 22nd July 2017 did not lead to any of the existing culverts on the property blocking or flooding. This is simply a risk that is negligible and not supported by events.</p> <p>Bridges are an unnecessary response to a non-existent problem as the culverts have proven to be entirely satisfactory and not subject to damage from the stream in spate.</p> <p>Troublesome debris that appeared during the recent rain event was exclusively from the property of neighbours.</p>
6	<p><i>Clause 3.1 Access: We oppose all 3 versions of the plan that outline the positioning of the proposed subdivision. We are disturbed that there are at least three versions of the maps that show the size and location of the proposed subdivision. Each version has the same date on it (June 2015). We particularly oppose the version of the plan showing a driveway along the boundaries of the properties of the Cascade Place residences as this would create an additional disturbance to their enjoyment of their properties. We oppose any driveway adjacent to our boundaries, especially as there is access currently by way of the applicants' access to their property. We further oppose the version of the plan with shows the smaller lots</i></p>	<p>We are not sure how the submitter has become confused as to the plan draft that is the subject of this application. The simple step of enquiring from the applicant or even the TDC would have resolved their confusion.</p> <p>There is no planned driveway along the mutual boundaries with Cascade Place residences.</p>

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Issue	Submission	Applicants Response
	<i>within close proximity to the existing residential neighbours.</i>	
7	<p><i>Clause 3.2: Water Supply. We oppose this part of the application and submit that the proposed subdivision does not entitle a possible purchaser of subdivided land to potable water from the Geraldine town water supply. Intended purchasers are not able to gain water from the Geraldine Downs water supply as it is committed. Possible purchasers would need to provide storage from roof water or take ground water. There is no evidence that this is possible or that the quality of the drinking water meets the drinking water standards</i></p>	<p>This appears to be a totally mistaken position. The application has been prepared with the use of stored roof water, bore water or future Te Moana supply as alternatives for potable supply. Our primary reliance upon roof water collection is a well-established method of potable water collection and storage that complies with planning provisions.</p> <p>TDC have made it abundantly clear that there will be no connection to urban supply.</p> <p>We have 3 potential sources of potable water available, for each individual allotment, that are achievable and sufficient to choose from:</p> <ol style="list-style-type: none"> 4. Roof water and storage tank 5. Bore water 6. Future Te Moana rural water scheme <p>The on-going management and safety of the self-sufficient potable water supply will be a matter for the owners of the allotments created by this application. The proposed supply arrangements are entirely compliant with TDC requirements.</p> <p>We do not seek connection to the Geraldine Downs supply.</p>
8	<p><i>3.3 Storm water. We oppose this part of the application. Our new house has this method of stormwater disposal by soak holes and it is not a satisfactory means of disposal. Debris from trees falling onto the roof will over time retard drainage from the soak holes and require significant earthworks and disturbance to rectify. We do not believe this is fair or in good faith to potential purchasers. We oppose this method of storm water disposal.</i></p>	<p>The fact that the submitters' own storm water system is unsatisfactory is a matter for them to address with their supplier and is of no relevance to this application.</p> <p>Storm water disposal will be subject to compliance with planning provisions as discussed in the application.</p> <p>We note that the storage of roof water for potable supply will significantly mitigate the volume of storm water to be disposed of.</p>
9	<p><i>3.4 Sewerage: We oppose this part of the application on the following grounds. Most submitters are connected to the sewerage system of Geraldine Township. This system</i></p>	<p>The matter of on-site sewerage disposal has been thoroughly dealt with in the application.</p> <p>The applicants already hold 6 waste water consents for the property and have pro-actively liaised with Ecan to be certain that additional required consents</p>

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Issue	Submission	Applicants Response
	<p><i>provides a safe and reliable means of the disposal of human effluent. The contamination of the Havelock North Water supply has shown the risk of contaminating ground water and water supplies. We are aware that only well maintained effluent disposal system and treatment systems are reliable. We are aware too that those installed systems (septic tanks) for individual houses do not have the controls that town systems do, and that their risks are not controlled. We oppose the discharge of human effluent liquid into ground water due to the risk of nitrate and E coli contamination.</i></p>	<p>are likely to be granted ensuring compliance with planning requirements and mitigation of the adverse effects of waste water disposal on-site.</p> <p>We agree that the disposal of waste water to the Geraldine sewerage infrastructure would be more satisfactory but, in the absence of such connection being available, believe that the solution proposed by using modern technology provides the best mitigation and conforms to all planning requirements.</p> <p>Care has been taken to ensure that each of the smaller allotments has been laid out in such a way as to comply with required setbacks for drainage requirements servicing the notional building sites.</p> <p>The evidential statement provided by our engineer confirms that compliance with both the ECan Regional Rules (Rule 5.8) and the Building Code (G13) is readily achievable.</p> <p>The Havelock North example, involving animal faecal contamination of a community water supply, is an entirely different set of circumstances and has no relevance to this application.</p> <p>Continuing maintenance and compliance of on-site sewerage disposal systems is subject to monitoring by Ecan.</p> <p>It is particularly relevant to note that existing and permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>

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Issue	Submission	Applicants Response
10	<p><i>4.2 Congruence with Canterbury Regional Plan and Policy; The submitters acknowledge that residential development should concentrate or be attached to existing urban areas, “as long as the subdivision has access to the council services” (submitters wording in [bold]). We oppose this application on the basis that residents in the proposed subdivision are unable to connect to existing water supplies of potable water, do not connect to existing storm water services and do not connect to existing sewerage systems.</i></p>	<p>We are pleased to note that the submitters acknowledge the existence of the CRPS and this application’s conformance to that policy.</p> <p>The submitters’ addition to the policy is of no relevance whatsoever as that wording is not included in either the actual policy statements or the GMS proposed policy statement.</p> <p>Our preference would be to connect to the urban infrastructure but this option is simply not available to us due to the TDC policy position. The RMA requires us to avoid, mitigate or remedy adverse effects to the extent possible or practical and this we have done in the application.</p>
11	<p><i>We dispute the applicants’ assertion that there is a shortage of suitable building sites in Geraldine. Anecdotally, there are over 70 sections available for building and the local retirement home is in the midst of a major building programme. As this programme progresses, it will attract residents of Geraldine and put their current homes on the market. Indeed two homes in the streets of the affected neighbours will be coming up for sale when the current residents move to the McKenzie Retirement Home. The Templar subdivision has many sections for sale, indicating supply is currently exceeding demand. The applicant has no firm evidence of the level of demand he has stated, and should be required to produce this independent evidence to support the application, rather than quoting unreliable anecdotes. It is the applicants’ responsibility to produce this evidence to support their application</i></p>	<p>We have presented sound fact-based analysis and discussion of the rate of growth in the Geraldine settlement. Our analysis has been confirmed in correspondence with Statistics NZ officials.</p> <p>Further, TDC planners have accepted that Geraldine’s growth rate requires the provision of more suitably zoned land for expansion. This view is summarised in the Timaru District Growth Strategy analysis and recommendations for the Geraldine settlement. We note that public submissions to that strategy document (which have now closed) were not opposed to the conclusions reached for Geraldine.</p> <p>Our research does not support the submitters’ assertion that there are presently in excess of 70 sections available for building in the Geraldine settlement. We suggest that the submitters’ adduce sound quantitative evidence if they wish to dispute our well-researched fact-based conclusions as to the true level of growth for Geraldine. We note that a search of the realestate.co.nz conducted on 24th July 2017 reveals no more than 20 Geraldine sections for sale the length of time on the market being a metric of such considerations as price, location, size and aspect.</p>

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Issue	Submission	Applicants Response
		<p>The local real estate agents have confirmed a shortage of suitable land and the applicants have already fielded strong enquiry for the sites that may be created by this application. This is also confirmed in writing (10th July 2017) by L.J. Hooker as is the enquiry for larger allotments than are presently available anywhere in Geraldine.</p> <p>The construction of the Geraldine Retirement Village has attracted a number of local and non-local retirees to its accommodation. The development manager for the Geraldine Retirement Village advises that there are presently 74 villas occupied, a further 20 sold (from a total of 136 when fully developed) with 65% of the residents having come from outside the Geraldine locality (Geraldine News 17th August 2017).</p> <p>We note that such retirement clustered living does not appeal to all and is merely one of a number of lifestyle choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p> <p>There remains appreciable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy.</p> <p>At no point have we relied upon “unreliable anecdotes”.</p>
12	<p><i>We further submit against this proposed subdivision on the grounds that it will exclude the land identified in the application from future agriculture use. The soils of this proposed subdivision are very good agriculture soils (deep Mayfield silty loam) with a high productive capacity and a medium risk for nitrate leaching as described in the attached S-Map report. Taking these soils out of agriculture use may expose higher N loss risk soils to intensification and increase N losses to water.</i></p>	<p>This matter has been fully addressed in the application and is also considered and acknowledged within the Timaru District Growth Strategy. TDC have assessed the effect as only minor (in the s95 notice). The application conforms to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure. The application is in response to natural growth and demand for additional land to service the Geraldine settlement.</p> <p>Reference to the district planning map reveals that, with the exception of the Geraldine Downs (zoned Rural R4A), the surrounding land to the Geraldine settlement is all Rural R2 zoning. The logical corollary, to that situation, is that growth must, of</p>

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Issue	Submission	Applicants Response
		<p>necessity, be accommodated upon R2 land if it is to be contiguous with the Geraldine settlement - as required in order to give effect to the CRPS via the GMS. Under that circumstance it seems both illogical and futile to seek to decline a resource consent application, accommodating of Geraldine’s demonstrated and accepted need for settlement expansion, on the basis that it will remove R2 land from production.</p>
13	<p><i>We further submit against the subdivision as we do not support the “fragmentation and sub economic” argument the applicants have advanced. Neighbouring farmers are likely to welcome an opportunity to purchase this land because of its agricultural value, and because it would reduce risk of urban encroachment that may impact on their farming business in the future.</i></p>	<p>The progressive fragmentation to become sub-economic is merely a statement of fact. It is incontrovertible that the property is a “shadow” of its former self having originally been established as the Raukapuka Run of some 20,000 acres in 1856.</p> <p>The submitter appears to be insisting that the property should be sold to the neighbour rather than permitting the property to be taken to its best and highest use – in this case by subdivision to accommodate growth in the Geraldine settlement.</p> <p>Such a position seems to be an entirely unreasonable approach resulting in the abrogation of private property rights.</p> <p>We note that the property was placed on the market several years ago and did not attract an offer from the neighbour on that occasion.</p> <p>Urban encroachment upon farming land and activity has been occurring in New Zealand over its history – it is a natural consequence of population and economic growth. The applicant has been dealing with the consequences of that encroachment for a number of years. Impact upon a neighbour’s farming business is not a matter that we can or should be required to shelter a neighbour from. Their response should be to farm in accordance with regulation and best practice with a property boundary that is more easily managed than our present stream boundary.</p>
14	<p><i>We further do not believe that the proposed subdivision would not impact on Geraldine house prices. Should it do so we would further object as it would affect the values of the houses we now own.</i></p>	<p>This comment is incomprehensible to the reader (due to overuse of double negatives) and, accordingly, we are unable to respond specifically except to say we do not consider that the proposed subdivision will be detrimental to neighbouring property values.</p>

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Issue	Submission	Applicants Response
		Property values are not a relevant consideration to any resource consent application.
15	<p><i>Clause 4.3. Compliance with the Timaru District Plan. We oppose this clause of the application and submit that the land is zoned R1 and R2, i.e. it is set aside for agricultural purposes and as such the application is part of a discretionary in terms of section D6.3.5 as it does not comply with the 40ha (R1) or 10ha (R2) land classifications. We do not support the gradual chipping away of rural land, especially outside of the current District Plan rules. While the applicant argues that the Timaru growth strategy allows for additional development, it is a strategy and not part of a District Plan and may indeed not become part of the District Plan, We believe the right decision of the Timaru District Council is to decline this application to be Timaru consistent with the current District Plan. Allowing this inconsistency only creates the precedence for other applicants to embark on a progressive process of rural subdivision to create uneconomic land parcels and later to engage in a similar process reflected in this application. The applicant has the ability to sell lots from the already approved subdivision and does not need to further affect the rights of neighbours to enjoy the views and current lifestyle and to retain the valuation of their land.</i></p>	<p>This matter has been fully addressed in the application and is also considered and acknowledged within the Timaru District Growth Strategy. TDC have assessed the effect as minor. The application conforms to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure. The application is in response to natural growth and demand for additional land to service the Geraldine settlement.</p> <p>We note that these submitters did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property. We therefore consider that this submission carries considerably less weight than might otherwise have been the case.</p> <p>We observe that the submitters’ dwelling is built upon previously rural land that we have farmed in the past – the evolution in settlement form is merely the natural consequence of growth in the Geraldine settlement population and extent. We have, ourselves, experienced the construction of urban housing upon what was previously a rural aspect to our own property in addition to the unexpected development of an intensive dairy farming operation on our own eastern boundary. Such changes are the natural consequence of economic growth and changing land use as land migrates to its best and highest use in response to market signals.</p> <p>Whilst we may have some sympathy for the minimal change in aspect that may be occasioned to the submitter by granting this consent, we stand by our original view that such a change exerts a “less than minor” adverse effect. It is plain that their house has not been sited upon their land in order to take significant advantage of the easterly aspect over our land from their living spaces. The house has been oriented so as to direct all living spaces to the North and West. It is clear from the satellite imagery that it</p>

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Issue	Submission	Applicants Response
		<p>is predominantly service areas of the dwelling that are oriented to the east.</p>
16	<p><i>Clause 4.3.1.3 Indigenous flora and fauna. We oppose this clause as it is not an accurate statement. There are both eel and trout in the stream, although we recognise that trout are not indigenous. Pukeko are also present as are the occasional wood pigeon, white faced heron, wax eyes, tui and bellbird. The applicant has failed to produce anything more than anecdotal assertions, which are not supported by their neighbours. It is the applicants' responsibility to produce hard and independent evidence of their statements.</i></p>	<p>We note that trout are not an indigenous species and also that presence of such larger fish species have not been apparent in our experience.</p> <p>We stand by our view that the only disturbance to the Raukapuka streambed will be that occasioned by the construction of 2 culvert crossings. The waterway and associated habitat is protected by the existing esplanade strip provision.</p> <p>We do not anticipate that the proposed subdivision will impose other than a minimal challenge to the stream habitat.</p> <p>We continue to regard our assessment of the adverse effects of the subdivision upon indigenous flora and fauna as of “less than minor” adverse effect as accurate.</p>
17	<p><i>Clause 5.1 Neighbouring residential properties (Reverse Sensitivity). We object to a number of the comments the applicants have made. Within these comments we submit that the applicant is falsely discounting the amenity value we gain from the rural outlook. We agree that the houses largely face to the north and west with service areas facing south. We submit and affirm that we purchased the houses or sections with the rural outlook being an important factor in the purchase decision. We also submit and affirm that we do gain great value and enjoyment of the rural character of the outlook and we do use the south facing views from our properties for our enjoyment. Rural life, with the mix of farmed animals, new born lambs, introduced and native birds add value to our lives and make our homes a more satisfying place to live. Our enjoyment and value</i></p>	<p>The applicants have, in their statutory assessment of adverse effects, endeavoured to present a holistic community-oriented or “greater good” view of the issues. It is accepted that individual parties may wish to present a personal view that differs from our assessment. To ascribe a level of deception that simply does not exist, to our assessment of effects, is simply incorrect and emotive nonsense.</p> <p>We note that there are other neighbours that have chosen to either submit in support, withdraw their support from a submission made, or refrain from submitting indicating that the submitters’ views on this issue (and others) are certainly not shared by all. Support for our view as to orientation of neighbouring houses to the north and west away from the rural outlook is noted. Reference to the aerial imagery below will demonstrate that the claim to enjoy rural views across the applicant’s property, from the submitters’ property, is something of a stretch.</p> <p>We reaffirm our assessment of adverse effects as being “less than minor” and particularly in the</p>

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Issue	Submission	Applicants Response
	<p><i>will be diminished should the subdivision be granted. The applicants do not have the right to assume what our values are and what we hold dear. The applicant falsely represents our view in their application for this consent.</i></p> <p><i>Clause 5.3: Summary of reverse sensitivity issues. We oppose this clause and submit that the applicant has incorrectly represented the views of the residents of neighbouring properties.</i></p>	<p>circumstances applicable to this neighbouring property.</p>
18	<p><i>Section 6: Housing stock: Growth of the Geraldine locality</i></p> <p><i>We oppose the full extent of this section and submit that the anecdotal evidence presented fails the test of demonstrating the need for building up to 9 (or 12) additional semi-rural dwellings. Other anecdotal evidence and a search of the Trade me property site is show a number of sections for sale (estimated at over 70). There is a robust building programme at the retirement home which will empty existing residences and provide options for people wishing to live in Geraldine. In addition there are unsold sections in the new Templar subdivision.</i></p>	<p>We have presented sound fact-based analysis and discussion of the rate of growth in the Geraldine settlement. Our analysis has been confirmed in correspondence with Statistics NZ officials.</p> <p>Further, TDC planners have accepted that Geraldine’s growth rate requires the provision of more land to accommodate expansion. This view is summarised in the GMS analysis and its recommendations for the Geraldine settlement. We note that public submissions to that strategy document (which have now closed) were not opposed to the conclusions reached for Geraldine.</p> <p>Our research does not confirm the submitters’ assertion that there are presently in excess of 70 sections available for building in the Geraldine settlement. We suggest that the submitters’ adduce sound quantitative evidence if they wish to dispute our well-researched fact-based conclusions as to the true level of growth for Geraldine. We note that a search of the realestate.co.nz conducted on 24th July 2017 reveals no more than 20 Geraldine sections for sale the length of time on the market being a metric of such considerations as price, location, size and aspect. This count is also supported in writing by LJ Hooker as recently as 10th July.</p> <p>The construction of the Geraldine Retirement Village has attracted a number of local and non-local retirees to its accommodation. The development manager for the Geraldine Retirement Village</p>

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Issue	Submission	Applicants Response
		<p>advises that there are presently 74 villas occupied, a further 20 sold (from a total of 136 when fully developed) with 65% of the residents having come from outside the Geraldine locality (Geraldine News 17th August 2017). We note that such retirement living does not appeal to all and is merely one of a number of lifestyle choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p> <p>There remains appreciable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy. The applicants have already fielded strong enquiry for the sites that may be created by this application with further confirmation of sound levels of demand from local real estate agents.</p>
19	<p><i>We seek that the decision from the territorial authority be “that the application be declined”.</i></p>	<p>We note that this submitter did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property. We assume that their failure to submit indicated their neutrality to the proposed development of the subject site.</p> <p>We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p>
20	<p><i>Covenant conditions sought</i></p>	
20a	<p><i>Promotion of indigenous biodiversity and protection of stream values in a semi-rural situation That for the proposed lots of the subdivision, and not on land owned by neighbours adjacent to the stream, the applicant fully fences both sides of the Raukapuka Stream in permanent 8 wire post and batten fencing where no permanent fence exists, to protect the esplanade strip and protect existing riparian margins from stock damage. This will allow the applicant or future owners to re-establish eco-sourced</i></p>	<p>Unnecessary as the situation is governed by the Fencing Act. We also note that the true right bank of the stream has the original farm post and wire fence along it.</p> <p>Our experience is that the existing combination of wire fence and live electric fencing is perfectly adequate and less intrusive. This approach also allows sheep to lightly graze the stream bank as recommended in the Ecan Living Streams Handbook (p.17) for managing vegetation.</p> <p>Ready access is also required in order to maintain the streambed and this would be impossible in the event that the stream was fenced from either side by permanent 8 wire fencing.</p> <p>We note that the vegetation over the property is not</p>

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Issue	Submission	Applicants Response
	<p><i>indigenous plants to develop a biodiversity corridor.</i></p> <p><i>Those future owners of the property be required to plant eco-sourced plants along the esplanade strip to provide for a biodiversity corridor and the re-establishment of indigenous biodiversity.</i></p> <p>Rationale.</p> <p><i>The applicants have commented on what they see as a lack of biodiversity in the stream and along the stream margins. Residents have confirmed the existence of eels in the stream and the presence of other fish and of native birds. Geraldine people have been active in promoting re-establishment of indigenous species in the town. It would be appropriate for the applicants to contribute towards this goal. Recognising that years of farming during and prior to the applicants' ownership of the property have been responsible for the loss of indigenous biodiversity along stream margin, it would greatly enhance the value of the stream as an esplanade strip with this action</i></p>	<p>indigenous in character and it would not be true to the property's heritage to dictate the planting of "eco-sourced" plants only.</p> <p>The stream is recovering very satisfactorily as a result of the action taken to remove willows and other blockages causing ponding in conjunction with the action taken to stop the upstream water races draining into the waterway.</p> <p>We do not understand how a requirement to plant eco-sourced plants along the esplanade strip would serve a resource management purpose.</p>
20b	<p>Maintenance of rural outlook for existing residents</p> <p><i>That purchasers of any property of the proposed subdivision that is adjacent to existing residents' property in Cascade Place, Tancred St and Campbell St be restricted to boundary fences that are either post and wire fences or solid fences no greater than 1.2m in height, where the fences may significantly affect the rural outlook of the existing residents.</i></p>	<p>We consider that fences are unlikely to be a problem due to the minimal outlook available to these properties and the fact that many already have a solid wall or fence erected at the boundary.</p> <p>The trees are an issue where we may be able to entertain a constructive proposal that is both effective and capable of enforcement.</p>

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Issue	Submission	Applicants Response
	<p><i>That purchasers of any property of the proposed subdivision that is adjacent to existing residents' property in Cascade Place must not plant trees that significantly affect the rural outlook of the existing residents.</i></p> <p>Rationale</p> <p><i>Existing residents of the submitting group have purchased their properties with the expectation of maintaining an ongoing and relatively unobstructed rural view to the South. The Applicant has falsely represented the values that the residents place on their rural views.</i></p>	
20c	<p>Minimising risk of impeded drainage of Raukapuka Stream</p> <p><i>That all stream road and footpath crossings that are included in the proposed subdivision be constructed of bridges that provide full clearance for the discharge of any flood waters.</i></p> <p>Rationale</p> <p><i>Currently Raukapuka Steam has no culverts in the reaches within the proposed subdivision. Culverts have a much increased risk of blockage, particularly with the extensive number of trees along the stream and likely loss of debris from the trees that the applicants have mentioned in their application. The only reliable way to reduce this risk is to either remove the trees or install bridges. We oppose the wholesale removal of the trees.</i></p>	<p>This issue has been discussed above and rejected as unnecessary.</p> <p>We consider that this risk is considerably over-estimated and is a non-existent risk. The submitters will be aware that the significant rain event of 22nd July 2017 did not result in any of the existing culverts blocking or flooding surrounding land despite the flooding displacement of debris from the submitters' properties such as pieces of timber, a footbridge, roofing iron and a discarded pallet.</p>
20d	<p>Minimising risk of damage to houses and structures from existing trees.</p> <p><i>That the applicants remove all dangerous trees or trees of significant nuisance to the property of residents that may impact on current or proposed residences.</i></p>	<p>We will continue to deal with dangerous trees as they are identified. We are not aware of any that pose a risk to neighbours.</p> <p>Obviously the trees predate the urban development by a considerable margin.</p>

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Issue	Submission	Applicants Response
	<p>Rationale</p> <p><i>We support the applicants' intention to remove dangerous trees in the application. The applicant has not listed those trees that pose a risk of damage or significant nuisance to existing residents.</i></p>	



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Appendix 7: McCaskill Submission and Applicant Response

Issue	Submission	Applicants Response
1	<p><i>Clause 2.6 Activity: We oppose this part of the application and submit that this application is inconsistent with the current District Plan and should be declined. The land in the proposed subdivision is currently zoned as Rural 1 and 2. Our objection to any such change to allow for the proposed subdivision is that it would seriously impact on the current rural landscape values and environment. The land is agriculturally productive and there is potential for loss of this productivity if the land usage was to become residential.</i></p>	<p>The proposal is for a discretionary activity and is compliant with the District Plan with the exception of the performance standard as to minimum allotment size for the present rural zoning. The proposal conforms to the TDC planners' view as to the present and future needs and form of the Geraldine settlement as proposed in the Timaru District Growth Strategy.</p> <p>We note that this submitter did not make a submission in response to the public notification and call for submissions to the GMS which clearly indicated the change being signalled for the subject property. We assume that their failure to submit indicated their neutrality to the proposed development of the subject site.</p> <p>We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p>
2	<p><i>Clause 2.7 Additional Resource consents: We oppose this part of the application and submit that the application should not assume a Council planning position that has not yet been determined.</i></p>	<p>Additional resource consents are only required for on-site waste water disposal. We already hold 6 wastewater consents for the property.</p> <p>The GMS constitutes a proposed policy statement and, as such, provides a clear and view of the present and future needs and form of the Geraldine settlement.</p>
3	<p><i>Clause 2.9 Affected persons. We oppose this part of the application and submit that the applicant has discounted the view of affected parties and the views expounded by the applicant are not those shared by ourselves.</i></p>	<p>The RMA requires us to develop an assessment of the adverse effects upon the environment. We have not discounted the views of the submitters as we simply did not have them. They are entitled to their view which may be different to the assessment which we arrived at in our consideration of the matters prescribed by the RMA. We stand by our original assessment of effects as being particularly apposite in relation to the submitters' property.</p>
4	<p><i>Clause 2.10 Existing resource consents. The applicant has existing consent to subdivide. We would strenuously oppose any further subdivision applications.</i></p>	<p>The pre-existing subdivision consent does not prevent the applicant from seeking a different subdivision consent that better utilises the land and conforms more closely to the settlement form contained within the GMS. This proposal reflects a better outcome in terms of s5 & s7 of the RMA than</p>

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Issue	Submission	Applicants Response
		would otherwise be the case.
5	<i>Clause 3.1 Access: We oppose the possible proposed access to Lot 3 from Campbell Street as being impractical given the 3 metre height difference.</i>	<p>This access is being considered as an alternative to Tancred Street with the final decision being made in the light of engineering needs, cost and practicality considerations.</p> <p>The preferred access is Tancred Street as stated in the application.</p>
6	<i>Clause 3.4 Sewerage: We oppose the discharge of human effluent liquid into ground water due to the risk of nitrate and E.coli contamination of Ruakapuka Stream and ground water aquifers. We believe that should approval be given for sub-division, that all properties must be connected to the Geraldine Sewage treatment scheme.</i>	<p>The matter of on-site sewerage disposal has been thoroughly dealt with in the application.</p> <p>We agree that the most satisfactory mitigation of such an adverse effect would be to connect to the Geraldine infrastructure which would have the effect of largely avoiding any adverse effect. TDC have unfortunately adopted the policy stance that they will not provide such access beyond urban boundaries.</p> <p>The applicants already hold 6 waste water consents for the property and have pro-actively liaised with Ecan to be certain that additional required consents are likely to be granted ensuring compliance with planning requirements and mitigation of the adverse effects of waste water disposal on-site. Existing consent exists for the proposed Lot 3 which is immediately adjacent to the submitters' property.</p> <p>We agree that the disposal of waste water to the Geraldine sewerage infrastructure would be more satisfactory but, in the absence of such connection being available, believe that the solution proposed by using modern technology provides the best available method of mitigation and conforms to all planning requirements.</p> <p>Care has been taken to ensure that each of the smaller allotments has been laid out in such a way as to comply with required setbacks for drainage requirements servicing the notional building sites. The evidential statement provided by our environmental engineer confirms that compliance with both the ECan Regional Rules (Rule 5.8) and the Building Code (G13) is readily achievable. Continuing maintenance and compliance of on-site sewerage disposal systems is subject to monitoring by Ecan.</p>

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Issue	Submission	Applicants Response
		<p>It is particularly relevant to note that existing permitted as of right farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>It is particularly relevant to note that existing and permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>
7	<p><i>Clause 4.2 Congruence with Canterbury Regional Plan and Policy: We oppose this application on the basis that residents in the proposed subdivision are unable to connect to existing water supplies of potable water, does not connect to existing storm water services and does not connect to existing sewerage systems.</i></p>	<p>Our preference would be to connect to the urban infrastructure but this option is simply not available to us due to the TDC policy position. The RMA requires us to mitigate adverse effects to the extent possible or practical and we have done so.</p>
8	<p><i>We further submit against the subdivision as we do not support the “fragmentation and sub economic” argument the applicants have advanced. Neighbouring farmers are likely to welcome an opportunity to purchase this land because of its value, and because it would reduce risk of urban encroachment with possible impact on their farming business in the future.</i></p>	<p>The progressive fragmentation to become sub-economic is merely a statement of fact. It is incontrovertible that the property is a “shadow” of its former self having originally been established as the Raukapuka Run of some 20,000 acres in 1856.</p> <p>The submitter appears to be insisting that the property should be sold to the neighbour rather than permitting the property to be taken to its best and highest use – in this case by subdivision to accommodate growth in the Geraldine settlement.</p> <p>Such a position seems to be an entirely unreasonable approach resulting in the abrogation</p>

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Issue	Submission	Applicants Response
		<p>of private property rights.</p> <p>We note that the property was placed on the market several years ago and did not attract an offer from the neighbour on that occasion.</p> <p>Urban encroachment upon farming land and activity has been occurring in New Zealand over its history – it is a natural consequence of population and economic growth. The applicant has been dealing with the consequences of that encroachment for a number of years. Impact upon a neighbour’s farming business is not a matter that we can or should be required to shelter a neighbour from. Their response should be to farm in accordance with regulation and best practice with a property boundary that is more easily managed than our present stream boundary.</p>
9	<p><i>We further do not believe that the proposed subdivision would not impact on Geraldine house prices. Should it do so we would further object as it would affect the values of the properties we now own</i></p>	<p>This comment is incomprehensible to the reader (due to overuse of double negatives) and, accordingly, we are unable to respond specifically except to say we do not consider that the proposed subdivision will be detrimental to neighbouring property values.</p>
10	<p><i>Clause 4.3. Compliance with the Timaru District Plan. We oppose this clause of the application and submit that the land is zoned R1 and R2, i.e. it is set aside for agricultural purposes and as such the application is part of a discretionary in terms of section D6.3.5 as it does not comply with the 40ha (R1) or 10ha (R2) land classifications. We do not support the gradual erosion of rural land, and ribbon development, especially outside of the current District Plan rules. While the applicant argues that the Timaru Growth Strategy allows for additional development, it is a strategy and not part</i></p>	<p>This matter has been fully addressed in the application and is also considered and acknowledged within the Timaru District Growth Strategy. TDC have assessed the effect as minor. The application conforms to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure. The application is in response to natural growth and demand for additional land to service the Geraldine settlement.</p> <p>We note that these submitters did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property. We assume, therefore, that their failure to submit indicated their neutrality to the proposed development of the subject site. We therefore consider that this submission carries considerably less weight than might otherwise have been the case.</p>

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Issue	Submission	Applicants Response
	<p><i>of a District Plan and may indeed not become part of the District Plan. We believe the right decision of the Timaru District Council is to decline this application to allow the Timaru District Council to remain consistent with the current District Plan. The applicant has the ability to sell lots from the already approved subdivision and does not need to further affect the rights of bordering properties to enjoy the views and current lifestyle and to retain the valuation of their land.</i></p>	<p>We have, ourselves, experienced the construction of urban housing upon what was previously a rural aspect to our own property in addition to the unexpected development of an intensive dairy farming operation on our own eastern boundary. Such changes are the natural consequence of economic growth and changing land use as land migrates to its best and highest use in response to market signals.</p> <p>Whilst we may have some sympathy for the change in aspect that may be occasioned to the submitter by granting this consent, we stand by our original view that such a change exerts a “less than minor” adverse effect.</p> <p>It is plain that the house has not been sited upon their land in order to take significant advantage of the easterly aspect over our land. The house has been oriented so as to direct all living spaces to the North where a small portion of Lot 3 (an area that is too low-lying for development) is visible. It is clear from the satellite imagery that it is predominantly service areas of the dwelling that are oriented to the east and the heavily-treed boundary. The submitters’ house is not visible from the east.</p>
11	<p><i>Clause 4.3.2 Indigenous flora and fauna. We oppose this clause as it is not an accurate statement.</i></p> <p><i>The Raukapuka stream is a spring fed stream that originates from a spring east of the Main North road. The stream has only recently been returned to a higher water quality status (following the shutting off of the Orari stock race inflow). The stream supports a wide range of aquatic fauna including insect larvae, long-finned eels and trout (we recognise that trout are not indigenous)</i></p>	<p>We note that trout are not an indigenous species and also that presence of such larger fish species have not been apparent in our experience.</p> <p>We stand by our view that the only disturbance to the Raukapuka streambed will be that involved in the construction of 2 culvert crossings. The waterway and associated habitat is protected by the existing esplanade strip provision. We do not anticipate that the proposed subdivision will impose other than a minimal challenge to the stream habitat.</p> <p>We continue to regard our assessment of the adverse effects of the subdivision upon indigenous flora and fauna as of “less than minor” adverse effect as accurate.</p> <p>It is particularly relevant to note that existing and</p>

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Issue	Submission	Applicants Response
	<p><i>Pukeko are also present, as are the occasional wood pigeon, white faced heron, silver eyes, fantails, harrier hawks and bellbird. We also submit that there are some small areas of indigenous vegetation that have been planted by adjoining property owners on the stream margin, with the intention of enhancing the stream esplanade strip. Water quality is likely to be impacted by the proposed discharge of effluent and stormwater disposal to ground and the subsequent runoff or contamination of shallow aquifers that feed this stream.</i></p>	<p>permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>
12	<p><i>Clause 4.3.3 Natural Hazards: In March 1986, proposed Lot 3 was heavily inundated with flood waters from a breaching of the Orari River. If a house was to be built on any future subdivision, it would need to be sited well to the south of the site indicated on the application map.</i></p>	<p>This is incorrect refer to the FHA document.</p> <p>We note that the entirety of the Geraldine settlement (with the exception of the Downs) and environs lie on the Canterbury floodplain. The subject property and its neighbours lie at a very similar contour and all are naturally subject to the risk of flood.</p> <p>Ecan have provided a Flood Hazard Assessment which is included with the consent application in which this concern is addressed. Mitigation will be addressed at the time of any building consent being issued by specifying a minimum floor height as is common practice with all building consents in the district.</p>
13	<p>Clause 5.1 Neighbouring residential properties (Reverse Sensitivity): We oppose a number of the comments of this clause and submit that the applicant is falsely discounting the amenity value we gain from the rural outlook. We submit and affirm that when we purchased our section (50 Campbell Street) in 1984 the rural outlook was the</p>	<p>The applicants have, in their statutory assessment of adverse effects, endeavoured to present a holistic community-oriented or “greater good” rounded view of the issues. It is accepted that individual parties may wish to present a personal view that differs from our assessment. To ascribe a level of deception that simply does not exist, to our assessment of effects, is simply incorrect and emotive nonsense.</p> <p>Case law has established that there is no property in views and that to expect that there should be no</p>

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Issue	Submission	Applicants Response
	<p>most important factor in the purchase decision. At the time of purchase, the Rukapuka Stream was the natural boundary between the Geraldine Borough and the rural County. We also submit and affirm that we gain great value and enjoyment from the rural character of the outlook of our property. Rural life, with the mix of farmed animals, cropping, introduced and native birds add value to our lives and make our homes a most satisfying place to live. Our enjoyment and value will be diminished should the subdivision be granted. The applicants do not have the right to assume what our values are and what we hold dear. The applicant falsely presents this assumed view in their application.</p>	<p>change ever likely to occur to their historical view is quite unrealistic. We note that the statutory obligation to periodically review district planning provisions specifically contemplates change that is necessary to accommodate changing community circumstances and needs.</p> <p>We note that there are other neighbours that have chosen to either submit in support, withdraw their support from a submission made, or refrain from submitting indicating that the submitters' views on this issue (and others) are certainly not shared by all.</p> <p>Support for our view as to orientation of neighbouring houses to the north and west away from the rural outlook is noted. Reference to the aerial imagery below will demonstrate that the claim to enjoy rural views across the applicant's property, from the submitters' property, is something of a stretch. Further the submitter's view is of a low-lying area that is unlikely to be suitable for the siting of a dwelling as noted in the flood hazard assessment prepared by Ecan.</p> <p>We reaffirm our assessment of adverse effects as being "less than minor" (certainly no more than minor) and particularly apposite in the circumstances applicable to this neighbouring property.</p>
14	<p><i>The applicant has not maintained current fencing to acceptable standards, on occasions allowing animals to escape, damaging adjoining gardens.</i></p>	<p>We reject this assertion as being both incorrect and mischievous.</p> <p>The <u>only</u> occasions when animals have escaped have been entirely due to circumstances beyond the applicant's control as described below:</p> <ul style="list-style-type: none"> • We have experienced gates connecting to Cascade Place (previously a paddock farmed with the applicant's property) being left open by the thoughtless or malicious actions of others • Stream boundary fences being removed or compromised by new urban neighbours. • Trees from the urban margin of the stream falling onto the fences and allowing stock to

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Issue	Submission	Applicants Response
		<p>escape.</p> <p>This latter instance is the case with the submitter's property on one occasion when willow trees growing on their property fell and damaged the fence. It seems extraordinary to endeavour to blame us for an incident that was entirely due to their poorly maintained trees. We also note that on another recent occasion the submitter asked for permission for a contractor to access his trees from our property. This access was granted on the basis that the fence would be restored after being dismantled yet the fence was not reinstated as undertaken.</p>
15	<p><i>Clause 5.3. Summary of reverse sensitivity issues. We oppose this clause and submit that the applicant has incorrectly represented the views of the residents of neighbouring properties.</i></p>	<p>We stand by our assessment of these effects as being particularly apposite for the submitters' property.</p>
16	<p><i>Section 6 Housing stock: Growth of the Geraldine locality</i></p> <p><i>We oppose the full extent of this section and submit that the anecdotal evidence presented fails the test of demonstrating the need for building up to 9 additional semi-rural dwellings. Other anecdotal evidence and a search of the Trademe property site is show a number of sections for sale (estimated at over 70). There is a robust building programme at the MacKenzie Retirement Village which will empty existing residences and provide options for people wishing to live in Geraldine.</i></p>	<p>We have presented sound fact-based analysis and discussion of the rate of growth in the Geraldine settlement. Our analysis has been confirmed in correspondence with Statistics NZ officials.</p> <p>Further, TDC planners have accepted that Geraldine's growth rate requires the provision of more suitably zoned land for expansion. This view is summarised in the Timaru District Growth Strategy analysis and recommendations for the Geraldine settlement. We note that public submissions to that strategy document (which have now closed) were not opposed to the conclusions reached for Geraldine.</p> <p>Our research does not support the submitters' assertion that there are presently in excess of 70 sections available for building in the Geraldine settlement. We suggest that the submitters' adduce sound quantitative evidence if they wish to dispute our well-researched fact-based conclusions as to the true level of growth for Geraldine. We note that a search of the realestate.co.nz conducted on 24th July 2017 reveals no more than 20 Geraldine sections for sale the length of time on the market</p>

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Issue	Submission	Applicants Response
		<p>being a metric of such considerations as price, location, size and aspect. This count is also supported in writing by LJ Hooker as recently as 10th July.</p> <p>The construction of the Geraldine Retirement Village has attracted a number of local and non-local retirees to its accommodation. The development manager for the Geraldine Retirement Village advises that there are presently 74 villas occupied, a further 20 sold (from a total of 136 when fully developed) with 65% of the residents having come from outside the Geraldine locality (Geraldine News 17th August 2017).</p> <p>We note that such retirement living does not appeal to all and is merely one of a number of lifestyle choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p> <p>There remains appreciable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy.</p> <p>The applicants have already fielded strong enquiry for the sites that may be created by this application with further confirmation of sound levels of demand from local real estate agents.</p>
17	<i>We seek the decision from the territorial authority that the application be declined</i>	<p>We note that this submitter did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property. We assume that their failure to submit indicated their neutrality to the proposed development of the subject site.</p> <p>We therefore consider that this submission in opposition should be accorded considerably less weight than might otherwise have been the case.</p>

Northern aspect

Appendix 7: Hearing Submission v1.1



Appendix 8: Hearing Submission v1.1

Appendix 8: Norton Submission and Applicant Response

Issue	Submission	Applicant Response
1	<p><i>Clause 3.4 We oppose the subdivision because of risk from the proposed 9 sections septic tanks. These sections will be on flood prone land, with the risk of sewerage leaching into the stream at such times. We also see a risk of further subdivisions in the future which will compound this issue</i></p>	<p>The applicants already hold 6 waste water consents for the property.</p> <p>Care has been taken to ensure that each of the smaller allotments has been laid out in such a way as to comply with required setbacks for drainage requirements servicing the notional building sites.</p> <p>The evidential statement provided by our engineer confirms that compliance with both the ECan Regional Rules (Rule 5.8) and the Building Code (G13) is readily achievable and that any additional waste water consents will be readily available.</p> <p>The land is no more flood prone than the submitters' property being located on a similar height contour. In the event of a flood occurring the damage will be no more significant (and possibly much less so) than that occurring should the town sewerage infrastructure be overwhelmed by a significant flooding event. The town's sewerage ponds are likely to present a far greater risk of contamination during a flood event being located immediately adjacent to the Waihi river and at the 90 metre contour.</p> <p>Ecan have conducted a Flood Hazard Assessment for the property which is included in the application documentation.</p>
2	<p><i>Clause 4.3.1.3. We have seen Salmon, trout and Long Finned Eels in the stream. The Shirtcliff's indicated this was not the case in their newspaper article. These Eels are native to New Zealand and are in decline, listed at risk by The Department of Conservation. We oppose the subdivision for this reason also.</i></p>	<p>We note that trout and salmon are not indigenous species and also that the presence of such species have not been apparent in our experience.</p> <p>We did not write or seek a newspaper article – the content of the article refers solely to our assessment, contained in the application, that the property does not contain any areas of significant indigenous flora and fauna. We stand by that view.</p> <p>The only disturbance to the Raukapuka streambed will be that involved in the construction of 2 culvert crossings. The waterway is protected by the existing esplanade strip</p>

Appendix 8: Hearing Submission v1.1

Issue	Submission	Applicant Response
		<p>provision. We do not anticipate that the proposed subdivision will impose other than a minimal challenge to the stream habitat. We have found no evidence to suggest that eels (which thrive in the stream) will be threatened in any way at all.</p>
3	<p><i>Clause 5.1 We oppose this subdivision also because we purchased the 47 Tancred Street section 11 years ago, it's main attraction being the rural outlook. Prior to this purchase we had been heavily involved in farming and the rural outlook from the section was the major attraction towards purchase along with the fact the adjoining land behind the section was zoned rural. This indicated to us that the rural aspect would always be there. Our home has been designed to appreciate this view and the proposed subdivision will devalue our years of landscaping toward this rural outlook, and any future property sale.</i></p>	<p>We have assessed the effect of any loss of rural aspect as being “less than minor” (certainly no more than minor) in our opinion and we believe that this assessment is remains applicable to the submitters’ property.</p> <p>We observe that the submitters’ dwelling is built upon previously rural land that we have farmed in the past – the evolution in settlement form is merely the natural consequence of growth in the Geraldine settlement population and extent. We have, ourselves, experienced the construction of urban housing upon what was previously a rural aspect to our own property in addition to the unexpected development of an intensive dairy farming operation on our own eastern boundary. Such changes are the natural consequence of economic growth and changing land use as land migrates to its best and highest use in response to market signals.</p> <p>Whilst we may have some sympathy for the small change in aspect that may be occasioned to the submitter by the granting of this consent, we stand by our original view that such a change exerts a “less than minor” (certainly no more than minor) adverse effect. It is plain that the house has not been sited upon their land in order to take significant advantage of the easterly aspect over our land. The house has been oriented so as to direct all living spaces to the North and West. The satellite imagery shows it is predominantly service areas of the dwelling that are oriented to the east.</p> <p>The necessary corollary of the submission is that there should be no expectation of change in outlook ever. Such a position is entirely unrealistic and runs counter to the well-established position that there is no property in views and the statutory requirement that planning provisions are periodically formally reviewed in order to respond to changing community needs.</p> <p>We note that the large house built immediately to the northwest of the submitter’s property (and on the previous front lawn area) was built following their subdivision of the property in May 2006. Having</p>

Appendix 8: Hearing Submission v1.1

Issue	Submission	Applicant Response
		<p>significantly compromised the previous high level of residential amenity which they enjoyed to the northwest from their main living spaces, we find their argument to preserve the limited eastern outlook, to our detriment, rather less than compelling.</p>
4	<p><i>We seek that the territorial authority decline this subdivision application.</i></p>	<p>We note that these submitters did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property.</p> <p>We therefore consider that this submission should be accorded considerably less weight than might otherwise have been the case.</p>





Appendix 9: Hearing Submission v1.1

Appendix 9: Anderson Submission and Applicant Response

Issue	Submission	Applicants Response
1	<p><i>I appose Clause 2.6 Activity - The application is inconsistent with the Timaru Distrct Plan and should be declined.</i></p>	<p>The proposal is for a discretionary activity and is compliant with the District Plan with the exception of the performance standard as to minimum allotment size for the present rural zoning.</p> <p>The proposal conforms to the TDC planners' view as to the present and future needs and form of the Geraldine settlement as a proposed policy statement in the Timaru District Growth Strategy.</p>
2	<p><i>Affected Person - I appose this part of the application. The applicant has discounted the my views as being affected by the proposed subdivision - I strongly oppose the number of comments fasely made that I do not value my rural outlook.</i></p> <p><i>I purchase my land and built my home due to the rural out look my home is built to directly looking out to the south rural vista, My enjoyment and potentialy my property value will be greatly diminished should the subdivion be granted. I am a widower and live on my own, I find comfort and enjoyment with the Rural mix my property provides, the Applicant has never discussed this with me. I take exception to the applicant falsely presenting a different view to the Timaru District Council</i></p>	<p>We have assessed the effect of any loss of rural aspect as being "less than minor", and certainly no more than minor, and believe that this assessment is appropriate to the submitters' property.</p> <p>The applicants have, in their statutory assessment of adverse effects, endeavoured to present a holistic community-oriented or "greater good" view of the issues. It is accepted that individual parties may wish to present a personal view that differs from our assessment. To ascribe a level of deception that simply does not exist, to our assessment of effects, is simply incorrect and emotive nonsense.</p> <p>We note that there are other neighbours that have chosen to either submit in support, withdraw their support from a submission made, or refrain from submitting indicating that the submitters' views on this issue are certainly not shared by all.</p> <p>We observe that the submitter's dwelling is built upon previously rural land that we have farmed in the past – the evolution in settlement form is merely the natural consequence of growth in the Geraldine settlement population and extent. We have, ourselves, experienced the construction of urban housing upon what was previously a rural aspect to our own property in addition to the unexpected development of an intensive dairy farming operation on our own eastern boundary. Such changes are the natural consequence of economic growth and changing land use as land migrates to its best and highest use in response to market signals.</p> <p>Whilst we may have some sympathy for the relatively</p>

Appendix 9: Hearing Submission v1.1

Issue	Submission	Applicants Response
		<p>insignificant change in aspect that may be occasioned to the submitter by the granting of this consent, we stand by our original view that such a change exerts a “less than minor” adverse effect. It is absolutely clear that the house has not been sited upon their land in order to take significant advantage of the southerly (or easterly) aspect over our land – the submitter’s assertion is entirely and demonstrably incorrect. The house has been oriented so as to direct all living spaces to the North and West. It is clear from the satellite imagery that it is predominantly service areas of the dwelling that are oriented to the south and east.</p> <p>We also note that the submitter has erected a large shed between the house and any rural views to the south and east. The submitter’s property presents a particularly unattractive and untidy aspect to our property with the large shed and untidy junkyard along the mutual boundary. There is roofing iron and a pallet in the streambed that has, we believe come from this property. We also note the existence of a large burning heap of rubbish accumulated closely adjacent to the mutual stream boundary, within a clean burning zone and likely to be in breach of Ecan burning rules.</p> <p>The submitter has not presented any evidence to suggest that the proposed subdivision will devalue their property and property valuations are not a relevant matter for consideration in relation to a resource consent application. In any case, we doubt that our proposal will do other than enhance property values in the area.</p> <p>We also note that we are not obliged to discuss the consent proposal with affected parties and advise that several years ago, when we endeavoured to engage upon the issue with several of the neighbours (including this submitter) several years ago, our consultative approach was ignored.</p>
3	<p><i>I oppose the proposed access arrangements to access Lot 3 via Tancred Street, specifically to the formation of the road. It is incomprehensible that previous developers of Tancred Street have been required to complete the construction of the road to the</i></p>	<p>We note that the end of Tancred Street is presently unsealed and unformed north of the 49 Tancred Street access way.</p> <p>The submitter’s assertion that the end of Tancred Street is a high volume traffic thoroughfare does not seem to accord with reality.</p> <p>TDC have made a determination as to the requirements</p>

Appendix 9: Hearing Submission v1.1

Issue	Submission	Applicants Response
	<p><i>District Plan requirements yet it appears this application will only require a formed carriageway width of 3 meters, this is entirely unacceptable, my end of Tancred Street experiences a high volume in traffic every day often just from sight seers the development would attract further interest therefore increasing the use on the road, in addition the rubbish collection trucks would quickly destroy road when they turn there trucks. If the application is to be accepted, As a minimum I request the extension of Tancred Street have a minimum formed carriageway width of 7m as per the District Plan.</i></p>	<p>of this access being at a lesser standard than that sought by the submitter but that is significantly superior to the existing road surface. Any greater standard or seal extension to the existing roadway would be of benefit to this submitter and we suggest that Council should seek a contribution from him.</p> <p>We suggest that the submitter adduce evidence to support his claims.</p>
4	<p><i>I seek that the application be declined</i></p>	<p>We note that this submitter did not make a submission in response to the public notification and call for submissions to the GMS (which clearly indicated the change in land use being considered for the subject property). We assume that their failure to submit indicated their neutrality to, or lack of concern with, the proposed development of the subject site.</p> <p>We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p>

Appendix 9: Hearing Submission v1.1



Appendix 10: Hearing Submission v1.1

Appendix 10: Numan Submission and Applicant Response

Issue	Submission	Applicant Response
1	<i>We strongly object to resource consent being given for the rural residential subdivision of land immediately bordering the existing Geraldine urban boundary of Orari Station Road.</i>	<p>We note that these submitters did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change being considered for the subject property.</p> <p>We consider that this submission should consequently be accorded considerably less weight than might otherwise have been the case.</p>
2	<p><i>Two years ago we bought our property in 11 Cascade place. We liked the house but what really attracted us to this location was the rural outlook. We value the paddock bordering our property, at the rear of our home. We appreciate this open space fringed with trees. We enjoy watching the cows and sheep grazing and especially enjoy watching the lambs in spring. When we bought our property we were assured by our solicitor that Lot 1 DP 82810 was rated R1 and R2 on the Timaru District Plan and as such we understood that there were no subdivision entitlements for this site.</i></p> <p><i>So we were surprised to receive notification in the mail that Mr and Mrs Shirtcliff were seeking resource consent to subdivide lot 1 DP 82810 into 9 allotments. Mr. Shirtcliff states in his summary under heading "Resource Consent Act (2013) the Canterbury Regional Policy Statement, " It is considered that the proposed activity is of less than minor effect in terms of any criteria contained in the afore-mentioned governing document."</i></p>	<p>Whilst we may have some sympathy for the relatively insignificant change in aspect that may be occasioned by granting this consent, we stand by our original view that such a change exerts a "less than minor" adverse effect (certainly no more than minor) for this submitter. It is plain that the house has not been sited upon their land in order to take advantage of the easterly aspect over our land. The house has been oriented so as to direct all living spaces to the North and West. Only service areas of the dwelling border upon the mutual boundary (refer to pictures demonstrating the dwelling orientation).</p> <p>With respect to the solicitor's advice, we do not consider that the quality, accuracy or otherwise of that advice is a matter for consideration in relation to this application for consent to subdivide. It was common knowledge at that time that Council was considering options for accommodation of Geraldine's growth requirements.</p>
3	<i>We don't agree! Any change to the zoning of lot 1DP82810 will have a major effect. We will lose our rural aspect and we are concerned about</i>	We note that we do not seek a change in zoning.

Appendix 10: Hearing Submission v1.1

Issue	Submission	Applicant Response
	<p><i>the environmental affect to the rejuvenated waterway, trees and bird life. Therefore it will create an unwelcome environmental change to us personally as well as to the landscape.</i></p>	<p>It is well established that there is no property in views and the expansion of settlement onto adjacent rural land is a natural consequence of growth.</p> <p>It is quite clear from the District Plan that subdivision is a discretionary activity.</p> <p>We have assessed the effect of any loss of rural aspect as being “less than minor” in our opinion.</p> <p>We observe that the submitters’ dwelling is built upon previously rural land that we have farmed in the past – the evolution in settlement form is merely the natural consequence of growth in the Geraldine settlement population and extent. We have experienced the construction of urban housing upon what was previously a rural aspect to our own property in addition to the unexpected development of an intensive dairy farming operation on our own eastern boundary. Such changes are the natural consequence of economic growth and changing land use as land migrates to its best and highest use in response to market signals.</p> <p>Periodic review of the district planning instruments is a well understood requirement of local and regional planning authorities and clearly implies that change in land use will occur over time.</p> <p>The only disturbance to the Raukapuka streambed will be that involved in the construction of 2 culvert crossings. The waterway is protected by the existing esplanade strip provision.</p> <p>We note that the improvement to the habitat is largely due to our own efforts in removing, in conjunction with Ecan, the willows etc that were blocking the water flow and removal of the urban detritus (bottles, bra, balls polystyrene, rat bait station, plastic bags, building waste, pallet, roof iron, timber etc) that has found its way into the stream from time to time.</p> <p>We do not anticipate that the proposed subdivision will impose a challenge to the habitat.</p> <p>We fully anticipate that the stream will continue to improve provided all those property owners bordering</p>

Appendix 10: Hearing Submission v1.1

Issue	Submission	Applicant Response
		the stream respect the environment to a far greater extent than has been apparent hitherto.
4	<p><i>The claim that there is not enough residential land available in Geraldine is not true; there are a considerable number of sections available, some have been on the market for years!</i></p> <p>.</p>	<p>We have provided careful analysis and discussion of the statistics in arriving at the view that there is a shortage of new land for building which is supported by the experience of the local Geraldine real estate agents.</p> <p>We note that the proposed subdivision is intended to cater for those seeking a rural residential lifestyle rather than a more confined urban residential location. There remains considerable unmet demand for larger building sites, with free open space and within easy reach of Geraldine shopping, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy.</p> <p>There have always been a small number of properties on the market in Geraldine in the time we have lived here, with the length of time on the market being a metric of such considerations as price, location, size and condition.</p> <p>We suggest that the submitter provides a more thoughtful fact-based analysis that supports their view which, we consider, is demonstrably at odds with the facts that we have investigated and provided in our application.</p>
5	<p><i>With regards to future growth in Geraldine, it seems to me that most of the current and future growth is happening at the Geraldine McKenzie Lifestyle Village.</i></p>	<p>This may be the submitters' informally developed view of growth in the Geraldine settlement but note that such a view is not supported by either consideration of the relevant statistics or written opinion of local real estate agents.</p>
6	<p><i>Therefore we strongly object to any changes being requested to change the current rating from R1 and R2 to Rural Residential</i></p>	<p>We are not seeking a change in zoning from the present rural zoning. Any future change in zoning is a matter for the District Plan revision reflecting the Timaru District Growth Strategy.</p> <p>This is an application for resource consent.</p>

Appendix 10: Hearing Submission v1.1



Appendix 11: Hearing Submission v1.1

Appendix 11: Hendriks Submission and Applicant Response

Issue	Submission	Applicant Response
	<i>S100A request to appoint independent commissioner.</i>	We note that this submitter (the sole party to do so) has requested the appointment of an independent commissioner to determine the application.
1	<i>We do not support and oppose the subdivision as we believe the Geraldine Township is encroaching onto productive farming land. We believe the effects are significant and that its impact is more than minor</i>	<p>The application is in response to natural growth and demand for additional land to service the Geraldine settlement. Such expansion is a natural response to growth and has been occurring since Geraldine was established. The settlement is entirely surrounded by productive land (zoned R2) and the Geraldine Downs (zoned R4A). There is simply nowhere else for Geraldine to grow and the loss of this productive land must be considered in the light of s5 and s7 of the RMA.</p> <p>The proposed policy statement (the Timaru District GMS) has acknowledged the planning imperative to provide additional land and housing choice for urban and rural residential use in accommodating growth in the Geraldine settlement. This application assists in giving effect to CRPS policies as the land directly adjoins the urban settlement boundary and infrastructure.</p> <p>TDC have assessed the effect as minor in the s95 notice and the matter has been fully addressed within the resource consent application and supporting submission to the hearing.</p> <p>We note that these submitters did not make a submission in response to the public notification and call for submissions to the Growth Strategy which clearly indicated the change in use being considered for the subject property.</p> <p>We therefore consider that this submission should be accorded considerably less weight than might otherwise have been the case.</p>
2	<i>Reverse sensitivity and will be detrimental to our farming operation. Dairy is seen with poor light currently within society and believe that we will be unduly targeted by people who are not of an agricultural</i>	The conduct of the submitter's dairy farming operation is not a matter that should concern others except to the extent that it interferes with others' quiet enjoyment of their neighbouring

Appendix 11: Hearing Submission v1.1

	<p><i>background who will wish to change the rural operations that occur around them.</i></p>	<p>property. Matters such as restricting the noise associated with machinery operation are quite reasonable and ought to properly be controlled or restricted to appropriate hours of operation and volume.</p> <p>The submitter is under the obligation to comply with the applicable Regional and District Plan provisions together with such matters as animal health regulations.</p> <p>It is up to the submitter to farm properly and, in this way, to avoid possible nuisance complaints – it is not our responsibility to buffer farming practice from scrutiny.</p> <p>Again we consider that this matter should have been raised in connection with the public submission phase of the GMS as it was extraordinarily clear that the TDC’s recommended rezoning would potentially bring low density rural residential housing to their property boundary.</p> <p>We have directly addressed this issue with the submitter but have not been able to progress the matter beyond the offer to treat contained within our letter dated 29th August 2017.</p>
<p>3</p>	<p><i>The intention of this land at 584 Orari Station Rd was to always have a sufficient buffer between town and country and by intensifying development of the property the buffer is lost and opens the door for further development along with the potential for conflict.</i></p>	<p>This is an extraordinary assertion and is not borne out by consideration of the title and/or relevant District Plan provisions. The land is presently zoned Rural 1 & 2 and is presently subject only to those provisions.</p> <p>There is no other intention either express or implied that restricts the use to which the subject property may be put.</p>
<p>4</p>	<p><i>The land at 584 Orari Station is currently used for primary production with cropping and animal grazing occurring on it. The proposed subdivision does not comply with Timaru District Councils District Plan especially as a section of this land is specified as being R2 which in the district plan states as being “High quality and most versatile land. Limitations on the development of land in this zone aim to protect the versatility of this resource for future generations. The establishment of buildings in this zone and subdivision is limited because of the need to protect the versatility of land in this zone”. Splitting this section of land further and having lots</i></p>	<p>The proposal is for a discretionary activity and is compliant with the District Plan with the exception of the performance standard as to minimum allotment size for the present zoning. The land contains a mix of R1 and R2 zoning.</p> <p>The loss of productive soils has been addressed elsewhere and was assessed as minor by the TDC planner.</p>

Appendix 11: Hearing Submission v1.1

	<i>below 2.4Ha will take land out of primary production as stated in the Timaru District Councils Status report section 3.</i>	
5	<i>There is currently a subdivision consent 2012.841 which would split the land into two which has been consented and better fits with the aesthetics of Orari Station Rd.</i>	<p>The existing consent has no particular relevance to this application. We consider that the proposed use is entirely consistent with many of the small lifestyle properties already along Orari Station Road. The application has addressed this issue.</p> <p>This present application for subdivision consent represents a more efficient use of limited resource than would otherwise be the case were the existing consent to be implemented and, therefore, better achieves the purposes of the RMA.</p> <p>The need for new rural residential land, such as is proposed here, is entirely consistent with the future land use envisaged by the Timaru District Growth Strategy.</p>
6	<i>We also object to the subdivision not being connected to the Geraldine Township urban scheme for wastewater. As part of the Waihi River Catchment Group there is evidence that leaching of private wastewater onsite disposals from the Geraldine Township and surrounds are causing issues with the water quality of the Waihi River and aquifers. It is ludicrous to assume that the local and regional councils do not liaise with each other in relation to this and investigate the issues further.</i>	<p>We agree that TDC should provide water connections (waste and potable) to the land. However, the Council has made it abundantly clear that such connections will not be permitted and the matter is entirely beyond our ability to influence.</p> <p>Care has been taken to ensure that each of the smaller allotments has been laid out in such a way as to comply with required setbacks for drainage requirements servicing the notional building sites.</p> <p>The evidential statement provided by our engineer confirms that compliance with both the ECan Regional Rules (Rule 5.8) and the Building Code (G13) is readily achievable. We are required to mitigate and can do so within existing planning provisions and technology.</p> <p>It is particularly relevant to note that existing and permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we</p>

Appendix 11: Hearing Submission v1.1

		<p>would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>
7	<p><i>Currently occurring is a dynamic change of housing requirement in Geraldine with the local retirement home expanding their village and including private standalone units and homes which will impact on the available housing stock within the township. Currently there are 70 properties for sale in Geraldine and surrounds with some having been on the market for some time. In the Netherlands if a town is needing more housing the local council will purchase the land under Local Government act doing the subdividing, pocket the profit and put it back into the community. Which is certainly not the case here as the application for more housing is being requested by a member in the community. Prior to the current Senior planner being employed at Timaru District Council this land was not being looked at for future development and we had verbal confirmation from Peter Klosterman that it would not occur. One wonders if the council and planners are perhaps being influenced by the continual request of the applicant to push the subdivision application through and it is presumptuous to assume an outcome on the Timaru District Councils Growth Strategy Management Plan when the hearings have not been held.</i></p>	<p>Our research does not support the submitters' assertion that there are presently in excess of 70 sections available for building in the Geraldine settlement. We suggest that the submitters' adduce sound quantitative evidence if they wish to dispute our well-researched fact-based conclusions as to the true level of growth for Geraldine. We note that a search of the realestate.co.nz conducted on 24th July 2017 reveals no more than 20 Geraldine sections for sale the length of time on the market being a metric of such considerations as price, location, size and aspect.</p> <p>The local real estate agents have confirmed a shortage of suitable land and the applicants have already fielded strong enquiry for the sites that may be created by this application. This is also confirmed in writing (10th July 2017) by L.J. Hooker as is the enquiry for larger allotments than are presently available anywhere in Geraldine.</p> <p>The construction of the Geraldine Retirement Village has attracted a number of local and non-local retirees to its accommodation. The development manager for the Geraldine Retirement Village advises that there are presently 74 villas occupied, a further 20 sold (from a total of 136 when fully developed) with 65% of the residents having come from outside the Geraldine locality (Geraldine News 17th August 2017).</p> <p>We note that such retirement clustered living does not appeal to all and is merely one of a number of lifestyle or housing choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p>

Appendix 11: Hearing Submission v1.1

		<p>There remains appreciable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy.</p> <p>We note that such retirement living does not appeal to all and is merely one of a number of lifestyle choices that retirees may wish to pursue if they wish to live in the Geraldine settlement.</p> <p>There remains considerable unmet demand for larger building sites, with free open space, that will accommodate family households rather than retirees – it is this demonstrated market demand that we are seeking to satisfy.</p> <p>We note that time moves on – population increases, economic growth and changes in people’s expectations will naturally result in different sets of circumstances over time. Neither practice in the Netherlands nor a 15-year old undocumented opinion from a planner who is no longer employed at TDC seem to be of any import in the current context of a submission opposing this application.</p> <p>We further note that we have not continually sought to “push the subdivision application through” as alleged.</p> <p>We have not assumed the GMS is dictating this application – we have merely sought to introduce it as evidence of TDC planner’s view of the present and future needs and form of the Geraldine settlement. The GMS has status as a matter to which the consenting authority may have regard to and case law establishes that it has the effect of a proposed policy statement. This application is consistent with the planners’ view and proposed policy.</p> <p>We note that the Geraldine section received no submissions in opposition and will, therefore, be largely beyond challenge at the hearing for the GMS.</p>
8	<p><i>We also seek covenants put onto all land associated with the original title of 584 Orari Station Rd and any subsequent division of the property titles that will</i></p>	<p>This request represents a somewhat heavy-handed intrusion upon the private property rights associated with the subject property. Provided the</p>

Appendix 11: Hearing Submission v1.1

	<p><i>restrict any complaints being made about our farming activities</i></p>	<p>submitters conduct their activities in conformance with the various existing plan and regulatory requirements and are considerate of neighbours, there are unlikely to be compelling grounds upon which anyone could raise a complaint and expect to have such a complaint sustained.</p> <p>We note that there have been a number of occasions upon which we could have legitimately raised complaints about such issues as excessively early (from 4.30 am) morning loader machinery noise and smoke from rubbish fires on our mutual boundary (contravention of Ecan burning rules - less than 100 metres upwind and within 50 metres of our property and, on occasion, allowed to smoulder for up to a week) but have, hitherto, refrained from doing so.</p> <p>An improvement in the above behaviours by the submitter should satisfactorily obviate any grounds for complaint by present or future occupants of the subject property. This annoyance is largely due to the submitters having chosen to locate their calf sheds, feed storage and farm service buildings very close to the boundary with our house being close to that boundary and adversely impacted by their activities relatively frequently.</p> <p>Having said that, it may be possible to consider some sort of restriction as to reverse sensitivity complaints provided a mutually satisfactory arrangement is made that will, for example, ensure that</p> <ul style="list-style-type: none"> • noisy farming activities upon the part of the submitters are kept to reasonable hours • relocate the rubbish fire location away from a boundary that is close to neighbouring housing. <p>A blanket “no complaints” covenant would be fraught with difficulties as it would remove the ability of a covenanter to complain about new and genuine nuisance sources – e.g. excessive outrageous conduct or establishment of a different but more objectionable use such as an intensive chicken or pig farm. It may be sufficient</p>
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	<p>to have incoming owners formally acknowledge that they are purchasing a property that adjoins an established dairy farming operation. Such a provision would not be necessary for the original homestead property which predates the intensive dairy farm and associated calf rearing operation by more than 100 years.</p> <p>Relevant Sections of the RMA (1991) are reproduced below.</p> <p>16 Duty to avoid unreasonable noise</p> <p><i>(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.</i></p> <p><i>(2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).</i></p> <p>17 Duty to avoid, remedy, or mitigate adverse effects</p> <p><i>(1) Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with—</i></p> <p><i>(a) any of sections 10, 10A, 10B, and 20A; or</i></p> <p><i>(b) a national environmental standard, a rule, a resource consent, or a designation.</i></p> <p><i>(2) The duty referred to in subsection (1) is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty.</i></p> <p><i>(3) Notwithstanding subsection (2), an enforcement order or abatement notice may be made or served under Part 12 to—</i></p> <p><i>(a) require a person to cease, or prohibit a person from commencing, anything that, in the opinion of the Environment Court or an enforcement officer, is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment; or</i></p> <p><i>(b) require a person to do something that, in the opinion of the Environment Court or an enforcement officer, is necessary in order to avoid, remedy, or mitigate any actual or likely adverse effect on the environment caused by, or on behalf of, that person.</i></p> <p><i>(4) Subsection (3) is subject to section 319(2) (which specifies when an Environment Court shall not make an enforcement order).</i></p>
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Appendix 11: Hearing Submission v1.1

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Appendix 11: Hearing Submission v1.1

584 Orari Station Road
RD 22
GERALDINE 7992

29 August 2017

Ad & Anita Hendriks
540 Orari Station Road
RD 22
GERALDINE 7992

Dear Ad & Anita,

Re: Your submission re proposal to subdivide our property

Following on from my discussion with Ad this morning I would like to progress our resolution of the matters of concern to you.

In that meeting we discussed our concern about several matters that we seek your assistance in resolving and Ad explained your position.

These are:

1. The fire adjacent to the sheds that is immediately located at our mutual boundary. As you are now aware, today was the "last straw" for us due to the smoke filtering through the trees and into our house from the fire burning your calf shed waste. We note that the fire location is in contravention of the Ecan burning rules and has, in the past, also created an unpleasant nuisance for us. Ad has undertaken to extinguish the fire and to relocate the fire to a location that will not cause a nuisance to us.
2. Excessive machinery noise has, in the past, caused us concern with a particularly noisy tractor/front end loader operating on a concrete pad in the early morning. There have been a number of occasions when that noise, sometimes as early as 4.30am, has awoken us. Ad has undertaken to limit early morning noise as much as possible – an undertaking which we appreciate.

As I understand your position it is to seek a resolution to two matters of concern to you and that your support for the group submission is solely in relation to the extent that those two issues alone are encompassed within the group submission.

I understand the matters of concern to you are:

1. Connection to town infrastructure for sewerage disposal. We assure you that it has been our preference to make such a connection and have requested such a connection, from Council, on a number of occasions. Like you, we are distressed at the short-sighted attitude of Council, especially as connections are a relatively simple matter to implement. We are happy to undertake to you that, in the event of Council finally relenting on their position during the consent procedure, we will, where possible, make such connections. We have, however, obtained expert opinion from a suitably qualified engineer, confirming that the proposed allotments are able to, relatively simply, achieve compliance with the regional and district requirements mitigating the adverse effects of on-site waste water disposal.

Appendix 11: Hearing Submission v1.1

- II. Reverse sensitivity. As you will now understand from the above concerns (1 & 2) that we have expressed, we are reluctant to provide you with a blanket “no complaints” covenant as that would, for example, have meant that we were barred from raising the smoke nuisance/fire location issue with you.

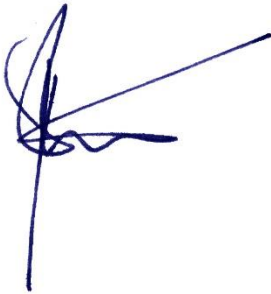
We suggest the following solution:

In return for your undertaking to control excessive early morning machinery noise and relocation of the calf shed fire heap, we will undertake to ensure that all future owners of the allotments, created by the subdivision, will formally acknowledge that they are acquiring a property that is in relatively close proximity to a working farm and that they will not be able to raise nuisance complaints over farm activity that is in compliance with the various district and regional planning provisions and regulations.

We trust that the above suggestion satisfactorily addresses your concerns and confirm that we are happy to agree a mutually agreeable wording with you.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink, consisting of a vertical line on the left, a horizontal line across the middle, and a long diagonal line extending upwards and to the right.

John & Rosemary Shirtcliff

Appendix 12: Hearing Submission v1.1

Appendix 12 Young Submission and Applicant Response

Issue	Submission	Applicants Response
1	<i>Not complying with TDC's own rules re Rural 1 not allowing subdivision as of right. Rural 2 can only sub divide if more than 10ha.</i>	The proposal is for a discretionary activity and is compliant with the District Plan with the exception of the performance standard as to minimum allotment size for the present rural zoning. The proposal conforms to the TDC planners' view as to the present and future needs and form of the Geraldine settlement as proposed in the Timaru District Growth Strategy.
2	<i>TDC District Plan Review. Draft Growth Management Strategy. Submissions made. Closed 12 May 2017, public hearings yet to be held. Long term plan - if redesignated as rural residential can it then be subdivided without consent? Rural residential designation only a proposal at this stage.</i>	<p>71 submissions were made to the Timaru District Growth Strategy with none in opposition to the intended future rezoning of the subject property. We have noted this submitters' strong expressed support for the focused approach to rural residential provision (Q5 response - Strongly Agree) that the GMS recommends for Geraldine and the applicant's property in particular.</p> <p>We are unable to offer a view as to the status of future subdivision consents, but presume that subdivision could become a controlled activity as opposed to being discretionary.</p> <p>Legal precedent establishes that the GMS has influential status of proposed policy statement.</p>
3	<i>Waste and sewerage water. Concerned about multiple discharges to ground in a confined area where potable water may be required from shallow water wells</i>	<p>The matter of on-site sewerage disposal has been thoroughly dealt with in the application. The applicants already hold 6 waste water consents for the property and have pro-actively liaised with Ecan to be certain that additional required consents are likely to be granted ensuring compliance with planning requirements and mitigation of the adverse effects of waste water disposal on-site.</p> <p>We agree that the disposal of waste water to the Geraldine sewerage infrastructure would be more satisfactory but, in the absence of such connection being available, believe that the solution proposed by using modern</p>

Appendix 12: Hearing Submission v1.1

Issue	Submission	Applicants Response
		<p>technology provides the best mitigation and conforms to all planning requirements.</p> <p>Care has been taken to ensure that each of the smaller allotments has been laid out in such a way as to comply with required setbacks for drainage requirements servicing the notional building sites.</p> <p>The evidential statement provided by our engineer confirms that compliance with both the ECan Regional Rules (Rule 5.8) and the Building Code (G13) is readily achievable.</p> <p>Continuing maintenance and compliance of on-site sewerage disposal systems is subject to monitoring by Ecan.</p> <p>It is particularly relevant to note that existing and permitted “as of right” farming activities are potentially more damaging to ground water than the proposed domestic systems.</p> <p>We understand that 1 cow will produce waste streams equivalent to that of 20 people and so by stocking, say, 40 dairy cows on the property we would be exposing the ground water to the waste water equivalent of approximately 800 people. (Source <i>Human versus Animals – Comparison of Waste Properties</i>, Fleming R. & Ford R. University of Guelph, 2001 available at: http://www.ridgetownc.uoguelph.ca/research/documents/fleming_huvsanim0107.pdf)</p>
4	<p><i>Water. Obtaining water from shallow wells. West of the Raukapuka Stream, water availability can be variable (Been a resident for 50 years) ie water level can rise or fall up to 6 metres in a 10m deep bore.</i></p>	<p>In the absence of connection to town supply, the application relies upon collection and storage of roof water or, alternatively, bore water. The possibility exists of future connection to the expanded Te Moana water scheme (originally scheduled for completion in 2017).</p> <p>The existing bore on the applicant’s property has not lowered appreciably or run dry in the 17 years we have owned the property.</p>

Appendix 12: Hearing Submission v1.1

Issue	Submission	Applicants Response
5	<i>Raukapuka Stream classified as a significant stream therefore needs protection. They claim no ecological significance or habitat.</i>	<p>The waterway and associated habitat is protected by the existing esplanade strip provision.</p> <p>We stand by our view that the only disturbance to the Raukapuka streambed will be minimal and that involved in the construction of 2 culvert crossings. CRPS allows such construction without need for consent as long as the appropriate rule is complied with.</p> <p>We do not anticipate that the proposed subdivision will impose other than a minimal challenge to the stream habitat as long as residents are considerate in their activities. There is likely to be significantly less stock pressure as a result of the subdivision as the property would no longer be used for winter dairy grazing.</p> <p>We continue to regard our assessment of the adverse effects of the subdivision upon indigenous flora and fauna as of “less than minor” adverse effect as accurate. This appears to agree with the planner’s opinion.</p>
6	<i>Scale of development out of character with area.</i>	<p>We note that the subdivision is immediately adjoining a heavily urbanised residential landscape and consider that the scale of the subdivision will be appropriate .</p>
7	<i>The applicants claim Orari Station Road well-constructed and sealed but no mention of narrowness or damage to edge of seal.</i>	<p>Uncertain as to the point being made here but note that the new access driveways will require a sealed section connecting to Orari Station Road’s sealed surface.</p>
8	<i>To mitigate light pollution request that all security lights and possible street lights be hooded</i>	<p>The GMS has been presented as avoiding the use of street lights and footpaths in any new rural residential zone to be created. We expect that these guidelines will apply to this consent should it be approved.</p> <p>Suitable consent conditions may minimise the effect of light spill from lights attached to new building.</p>
9	<i>Additional houses will increase chance of dog problems on surrounding farms.</i>	<p>We observe that the only dogs entering our property, on several occasions, over the past</p>

Appendix 12: Hearing Submission v1.1

Issue	Submission	Applicants Response
		17 years have been those from neighbouring rural properties and we have had no experiences of this nature for some 10 years. Responsible owners are able to minimise the risk of such occurrences and we do not expect that the possibility of such a problem will be any greater as a consequence of this proposal being successful.
10	<i>Consider height restrictions of any buildings</i>	Happy to consider practical building covenants that will assist any new buildings to be less obtrusive upon the environment.
11	<i>They state that all houses face away from the subdivision. Living over the road we look straight at it as does our cottage.</i>	We do not expect that the proposed subdivision will discernibly impact upon the submitters' property aspect. Their houses are located opposite the eastern extremity of the applicant's property and are already screened by the road, road traffic and trees planted at the road margin of their property and that of the applicant.



Appendix 13: Photographs

Appendix 13: Photographs

Road view West towards Geraldine urban edge



Appendix 13: Photographs

Numan Residence, 11 Cascade Place (opposed to loss of rural view)



Horrell Residence, 15 Cascade Place (Support)



Appendix 13: Photographs

Young Residences, 583 Orari Station Road (Opposed)



Appendix 13: Photographs

Lyttle Residence 17 Cascade Place (Opposed)



Appendix 13: Photographs

Van Sanden Residence 52 Tancred St (Opposed)



McCaskill Residence, 50 Campbell St (Opposed) Eastern house aspect



McCaskill Residence, 50 Campbell St (Opposed) Northern house aspect

Appendix 13: Photographs



Anderson, 51 Tancred St (Opposed) Northern aspect



Appendix 13: Photographs



Anderson Eastern aspect (note unconsented sheds)



Appendix 13: Photographs

Norton, 47 Tancred St (Opposed) Eastern aspect



Irvine , 45 Tancred St (Neutral) Eastern aspect



Appendix 13: Photographs

Muir, Cascade Place (Opposed does not directly border subject property)



Stream Environment (Illustrating debris from neighbouring properties)
Pallet



Appendix 13: Photographs



Roofing Iron



Appendix 13: Photographs

Bridge



Treefall



Appendix 13: Photographs

Timber



Road View leaving Geraldine on Orari Station Road



Appendix 13: Photographs

Typical rural living site integration with rural landscape



Appendix 13: Photographs



Appendix 14: S42A Report and Applicant Response

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
1	The application is contrary to a suite of Objectives and Policies of both the District Plan and the CRPS.	<p>This application must be considered “in the round” as a discretionary application. It is our position that the application does not offend either the district plan or the regional plan in the sense of being repugnant to them.</p> <p>We particularly note that the notion of being contrary to the objective and policies of the district plan (or regional) is a leg of the test that is specifically required under the provisions of s104D(2) for a resource application that is deemed to be a non-complying activity (refer <i>Gould v Rodney District Council A163/2003 [2003] NZEnvC 346</i>).</p> <p>In the district plan, Rule 6.3.5(i) provides that “Any subdivision which does not comply with one or more of the Performance Standards for subdivision, except as prescribed in Section 6.3.5A.” shall be a discretionary activity.</p> <p>It is therefore, for the consenting authority to determine to what extent such an issue should be given weight under s 104 as an “other matter”. That is to say the consenting authority may have regard to it (<i>Stirling v Christchurch City Council HC 2011</i>).</p> <p>The provision of additional rural living sites is an outcome that is presently specifically contemplated by the objectives and policies of the present district plan. The CRPS provides additional direction in the form of its policies which the TDC is required to give effect to.</p> <p>The GMS is a proposed policy statement by which TDC intends to give effect to the CRPS in respect to specifically providing for rural residential land use upon this land.</p> <p>Please note that Part D1_Rural Zones at 5 (p 63) rather paradoxically provides as follows:</p> <p><i>“PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE</i></p>

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
		<u><i>The Performance Standards provided for in the Rural 1 Zone shall also apply to the Rural 2 Zone.</i></u>
2	There is no consideration to the interrelationship and impact of the locational requirements of any dwelling to avoid flooding and those of the on-site service infrastructure, and whether one will impede the other.	<p>This is incorrect.</p> <p>The draft subdivision plan has been prepared showing notional building locations, setbacks and possible drainage arrangements. To further clarify we have provided a large scale drawing of a possible layout for Lots 4 – 8 clearly illustrating some building and drainage options.</p> <p>The flood hazard assessment prepared by Ecan has not raised any insurmountable difficulties that cannot be resolved by specifying an appropriate minimum floor height at time of building consent issuance. We understand that the general requirement is for 300mm - a fact which will be well known to TDC planners who have been involved in the approval of many building consents at a similar contour in and around the Geraldine locality.</p>
3	Servicing has not been confirmed prior to the proposed new lots being created.	<p>Consultation took place with Ecan prior to the notification process and in conjunction with the TDC planner (at their request). The opinion from Ecan was that technical solutions to the on-site disposal of waste water were feasible and we have since had this further and formally confirmed (following receipt of the submissions) by obtaining an independent opinion from an appropriately experienced engineer.</p> <p>The approach adopted is also entirely in concert with published TDC planning provisions for rural servicing. The same engineer has confirmed that potable water may be provided by either roof water collection or bore water.</p> <p>The proposed solutions are entirely in accord with TDC published planning rules and requirements for rural zoning and the guidelines published for rural residential use in the GMS.</p>
4	The lack of an overall strategy for the lands, which therefore creates uncertainty regarding the potential impacts of the development, servicing and sustainability	<p>We have carefully designed the subdivision so as to provide for the possible future efficient subdivision and use of the lands.</p> <p>We presume that this objection has arisen from the provisions of the GMS for a structure plan should the</p>

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
		<p>entire property be developed into rural residential use as envisaged by the proposed policy statement (GMS).</p> <p>The draft plan has, therefore, been prepared with a layout that will preserve access to all parts of the land and will, therefore, provide for any further subdivision in line with the proposed GMS policy statement and designation. The draft plan constitutes a <i>de facto</i> structure plan for the lands. Anything further, in terms of a structure plan, is unlikely to be useful as connection to Council infrastructure is not available and on-site potable water and properly mitigated waste disposal will be required (which we have clearly established as feasible). Apart from connection to the roading infrastructure, no other servicing issues are likely to arise other than provision of electricity supply to support a more intensive subdivision of Lot 2 which may require the extension of high voltage infrastructure (from our discussions with Alpine Energy).</p> <p>Sustainability of the lands is fully addressed in our discussion and submission in respect of RMA sections 5 & 7. It is also presumably addressed by compliance with the proposed policy statement (GMS) which has been developed in response to the perceived present and future needs of the Geraldine settlement, locality and population.</p> <p>Contrary to the planner's view we consider that this proposal provides certainty, rather than uncertainty, around potential impacts of the development, servicing and sustainability.</p>
5	<p>No information about earthworks has been provided with the application in relation to the creation of new accesses to Lots 2 and 3.</p>	<p>In the application we have addressed the matter of the proposed culverted stream crossings and note that these lots will require construction of an all-weather, unsealed access driveway which will require minimal surface excavation.</p> <p>Details of earthworks will be best dealt with at the time of building consent when locations of house and any necessary drainage will be known with greater certainty.</p>

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
6	<p>The effect of built form creates a change in the character and openness, which is not comparable to any permitted activities.</p>	<p>It is acknowledged that there will be a change in the character and openness of the land and have offered covenants which will mitigate such effects.</p> <p>It should be noted that the existing and immediately adjacent urban edge already intrudes upon the character of the land such that a few extra houses, at a much lesser density, will not appear to be out of place.</p> <p>We note that possible permitted activities include the planting of trees and construction of ancillary farm sheds which would, potentially, exert a similar effect upon rural amenity that would not require mitigation.</p> <p>Additionally, permitted creation of three further rural living sites, following implementation of the existing consent to subdivide, would be a distinct possibility (as discussed below in item 7).</p>
7	<p>There is no subdivision entitlement regarding the creation of rural living sites in the Rural 2 Zone; and therefore no anticipated increase in the density of allotments on the subject site.</p>	<p>Consent number 101.2012.841 provides for two allotments to be created from the title (N.B. this consent does not expire until September 2019). Both lots will be entitled to have one house on each of which one of those already exists.</p> <p>Rule 6.3.12 (Performance Standards for Subdivision in Rural 1 Zone) provides for subdivision of one new rural living site of between 1000m² and 2 Ha in area from a 10Ha block (refer Rule 6.3.12(2) and (3)).</p> <p>Thus, “as of right” permitted activity potentially allows the applicant to use the already approved subdivision to create 2 new rural living sites from the property if the existing consent were to be implemented.</p> <p>The applicant’s position is that the approval of the application for consent will be a more efficient use of the land presently zoned rural and will actively support both Ecan and the Council in policy to reduce pressure for further undesirable dispersed subdivision on other rural land.</p>

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
		Anticipation, that the proposed use will be appropriate, is provided by the proposed policy statement publicly notified as the GMS.
8	The scale of development is out of character with the anticipated level of built form to be found in this area and zone.	Addressed - Refer 7 above. Anticipation clearly exists in the form of the proposed policy statement – refer GMS.
9	The scale of development proposed will have an impact on the existing amenity of the area, with the effects created considered to be more than minor.	We have acknowledged that there will be an effect upon the existing amenity of the area, however, we clearly differ as to the likely impact of the proposed changes – refer to 6 above. Conditions are volunteered which we believe will mitigate any adverse effects accruing such that the effects upon rural amenity, when considered in the round, will be no more than minor. Built form will be below the heavily treed skyline and will sit comfortably and relatively sympathetically with the “hard” urban edge already in existence on the immediate boundary.
10	The creation of five rural living sites and four larger rural/residential sites will remove a substantial amount of this Rural 2 versatile land out of rural production.	We do not consider that this conclusion is supported by the evidence. We have considered the available statistics and have calculated that, if the entire property ceased to be productive it would represent a loss to productive land in the Timaru district of 0.013%. The Oxford dictionary defines “substantial”, used in this context, as “of considerable importance, size or worth”. We do not consider that that threshold has been achieved and refer to the planner’s original assessment of the loss of productive land as “minor” (s95 notice). The shift in assessment between the two documents seems inexplicable to the applicant. Reference to the zoning maps indicates that Geraldine is almost exclusively enclosed by Rural 2 land. It is impossible to imagine how contiguous growth in Geraldine (as demanded by the CRPS) can be accommodated without incurring some loss of productive land.

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
11	Granting of consent will create precedence issues.	<p>This consent, should it be granted, will not create precedent demanding that other subdivision proposals for rural land will be demanding of “like for like” treatment. The circumstances of this application are likely to be easily differentiable from any other application that may or may not arise.</p> <p>This application should be considered upon its individual and relatively unique circumstances without danger of creating difficult planning precedent.</p> <p>The issue of precedence has been fully addressed, and authorities provided, by reference to established case law in our submission to the hearing.</p>
12	Granting of consent will call into question the integrity of the District Plan.	<p>The existing district plan is now 2 years beyond its intended lifetime and is being reviewed. There is a clear proposed policy statement (GMS) which confirms the appropriateness of the intended land use for a rural residential style subdivision.</p> <p>The significant influence that may be exerted by a proposed policy statement is discussed in <i>North Shore City Council v Auckland Regional Council A86/96 [1996] NZEnvC 23; (1996)</i>.</p> <p>Under such circumstances it is difficult to support the contention that granting of consent to this proposal will call the integrity of the district plan into question.</p> <p>We note that rural living sites are explicitly contemplated by the plan and that we are seeking relief from a single performance standard only (that prescribing minimum allotment size). The proposal assists TDC by giving effect to CRPS policy within TDC constraints – the CRPS is a document which they are required observe and import to their planning documentation.</p> <p>Case law precedent has also addressed the matter of plan integrity quite robustly when, for example, in <i>Wilson v Whangarei District Council W020/2007 [2007] NZEnvC 77 (27 March 2007)</i> the court found at [43]:</p>

Appendix 14: S42A Report and Applicant Response

Issue	Reasons given by the planner for recommending refusal	Applicant response
		<i>"This is an argument that is, to be blunt, overused and it can rarely withstand scrutiny when it is measured against the provisions of the RMA..."</i>

Appendix 15: S42A Appendix and Applicant Response

Appendix 15: S42A Appendix and Applicant Response

A number of the assessments made by the planner make frequent play of aspects of the proposal being contrary to the objectives and policies of the district plan.

We consider that this is a largely inappropriate use of the term in the context of this application which is for a discretionary activity. The mere appearance of being inconsistent with aspects of the plan does not mean that a proposal is contrary in the sense of being repugnant to the plan. Being contrary to the objectives and policies of the plan is a leg of the test, reserved under RMA s104D, to be applied as the first test for consideration of a non-complying activity. In the context of a discretionary activity resource consent application, any such inconsistency is a matter to which the decision-maker **may** have regard under s104(1).

In *Wilson v Whangarei District Council W020/2007 [2007] NZEnvC 77* (27 March 2007) the court found, in relation to “contrary” assessment, at [43]:

“This is an argument that is, to be blunt, overused and it can rarely withstand scrutiny when it is measured against the provisions of the RMA...”

And in relation to discretionary activity:

“... Again the act specifically provides for the consideration of such a proposal. If so, they can and should be dealt with on their merits.”

Considered in the light of the proposed policy statement (the GMS), the policy and objectives assessment does not appear to us as an even-handed consideration of the proposal “in the round” with the express objective of achieving the purpose of the RMA. This application is a subdivision proposal for purposes which are contemplated by the existing planning provisions and at an increased density that is contemplated by the GMS. An increase in density is the only performance standard from which we are seeking relief in presenting this application for resource consent together with its strategies for avoiding, mitigating or remedying any adverse effects which may be occasioned to the environment.

RMA s5 sets out the RMA’s purpose “to promote the sustainable management of natural and physical resources” and defines “sustainable management” in the following terms:

*“...**sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being...”*

It is also noteworthy that there is inconsistency between a number of the objectives and policies with, for example, limited intensive rural subdivision being both contemplated and considered inconsistent by various policies (refer to discussion by the planner regarding Part D1 of the district plan below) and R1 Performance Standards being considered to apply to R2 zoning (D1 5).

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
<p>TIMARU DISTRICT PLAN - ASSESSMENT OF OBJECTIVES AND POLICIES</p>	<p>The proposed development is considered as a Discretionary Activity and has been assessed against the objectives and policies of the District Plan. A summary of the most pertinent objectives and policies are set out in italics below, followed by a brief assessment as to the consistency of the proposal with the objective/policy.</p>	
<p>Part B (1) Land Resources</p> <p>Objective 1 <i>Achieve the sustainability of the District's land resource by:</i></p> <ul style="list-style-type: none"> • <i><u>maintaining the life-supporting capacity of soils</u></i> • <i><u>preventing induced land degradation</u></i> • <i><u>restoring degraded land</u></i> • <i><u>managing the stock of versatile land for the greatest benefit to present and future generations</u></i> • <i><u>maintaining a representative range of natural ecosystems</u></i> <p>Policy 3 <i>To discourage development that would result in irreversible adverse effects on versatile soils unless it is for the overall benefit of the community including future generations. Such effects may include coverage, compaction or removal of versatile land.</i></p>	<p>There are some areas of the Timaru District where there is concern that the sustainability of the land resource is being undermined by land management that results in or contributes to the physical loss of the soil resource, e.g. rural subdivision. The objective above seeks to promote the sustainable use of land which is an important natural and physical resource and contributes to biodiversity.</p> <p>Approximately 12.7Ha of the subject site is located in the Rural 2 Zone, identified as versatile land with inherent qualities which enable a wide range of productive uses. The proposed subdivision of the land for rural residential purposes would create an irreversible effect on the versatile soil. This subdivision creates rural residential subdivision resulting in a net reduction in the area of the most versatile land in the district. This is therefore contrary to this Policy.</p>	<p>Ss 5 & 7 of the RMA do not contemplate that productive land is to be withheld from any other use and a balanced approach and assessment between competing land use imperatives is required to achieve the purposes of the Act. We consider that the purpose of the RMA will best be achieved by granting this consent application.</p> <p>The natural consequence of the granting of this consent will be the removal of a small amount of productive land from rural production. We say that some loss of productive land will be a necessary result of coping with the demands generated by a growing population throughout New Zealand and Geraldine in particular. The GMS has, of necessity, recognised this tension and has fully anticipated this outcome in proposing that the subject land be rezoned for rural residential use. Geraldine is entirely landlocked by R2 and R4A (Geraldine Downs) zoning. It is patently unrealistic to expect that the Geraldine settlement may expand in a way that gives effect to the CRPS and yet does not impinge upon R2 lands.</p> <p>By accommodating rural living sites immediately adjoining the Geraldine settlement, pressure for more</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
		dispersed subdivision will be reduced thereby preserving other more productive land and sites from subdivision and loss of productive land.
<p>Issue 4, Policy 4 <i>To use esplanade reserves and esplanade strips to protect and enhance river and coastal margins and to use access strips to provide access to and along natural surface waters and the coast, and to other areas of natural, cultural or heritage value. When evaluating whether a river or coastal margin should be given protection, the area shall satisfy one or more of the criteria listed in Policy 8 under Issue 1.</i></p>	<p>The Raukapuka Stream traverses the site in a north/south direction between Lots 1-3 and 4-9. This stream is identified as a significant stream by the District Plan with natural or habitat values attributed to it. As a result of a previous subdivision of the lands, there is an existing esplanade strip along the majority of the stream within the site's boundary. The width of the esplanade strip varies along its length, depending on the nature of the adjacent lands. This existing esplanade strip is considered appropriate to achieve the natural and habitat values for this portion of the Raukapuka Stream. The proposed subdivision is therefore considered to be consistent with this Policy.</p>	<p>Agreed.</p>
<p>Part B (4) Natural Hazards</p> <p>Objective 2 <i>The mitigation of the effects of flooding in floodable areas other than the most hazard prone locations.</i></p> <p>Policy 5 <i>To promote ways of mitigating the risks of flood hazard to those wishing to build in flood plains.</i></p>	<p>A large segment of eastern Geraldine is identified as being susceptible to flooding. The subject land is located in such an area. The applicant is aware of the flood risk, and is therefore encouraged to design and locate buildings on any new allotments so as to minimise the flood risk. This is consistent with the CRPS and will be a requirement of any future building consent process</p>	<p>Agreed</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
<p>Part B (8) Rooding</p> <p>Objective 3 <i>Minimise conflicts between land use and the rooding network, while still providing for mobility, and safe and efficient ingress and egress to roads.</i></p> <p>Policy 11 <i>To improve the capacity and safety of existing facilities through the use of appropriate traffic management techniques.</i></p> <p>Policy 13 <i>To reduce traffic speeds, thus improving perceived safety levels and reducing “intimidation” of residents by traffic.</i></p>	<p>The use of the rooding network may produce effects on adjacent land use activities. There is therefore a need to achieve a balance between providing a safe and efficient rooding network and avoiding or mitigating these potential effects. As a result of this development extra demand will be placed on Orari Station Road, and specifically on the demand for pedestrian linkages along the northern side of the road. As there is a potential issue of safety and efficiency it is considered that improvements to Orari Station Road should be made. With this in mind, Councils Land Transport Unit has recommended a footpath to be provided along the boundary of Lots 4 and 8, providing linkages to the residential area. This is considered a reasonable mitigation measure to ensure the effects of the possible increased traffic and pedestrian volumes are accommodated.</p> <p>It is considered that once the footpath is provided along the frontage of Lots 4 and 8, the proposal will be consistent with Objective 3. The applicant is contesting the provision of the footpath, thus if it is not provided, the application will not be consistent with this Objective and Policies.</p> <p>Due for the potential extension of the residential environment along Orari Station Road, it is recommended that a low cost traffic management tool can be implemented by moving the</p>	<p>This section of the assessment seeks that we construct a footpath to service the new allotments. This is an example of a matter which could well have been settled prior to the hearing had Council not refused to engage around the production of the S42A report - as envisaged by the Quality Planning best practice guidelines.</p> <p>We are puzzled by this matter. Rural zoning has no district plan rules requiring the construction of footpaths and the guidelines provided in support of the consultation for rural residential specifically rule out the provision of street lighting and footpaths.</p> <p>In the absence of further engagement we are of the view that the proposal fully complies with planning policy and rules in the absence of a footpath. The relatively small volume of foot traffic (6 to 10 per day at the most) presently copes very adequately with the present wide grass berm.</p> <p>Our contesting of the footpath requirement first arose when it was mooted that the footpath would be required extending for the full frontage of the property. It is clearly a matter that will require further discussion in the event that Council insist upon such a condition.</p> <p>It is desirable that the speed restriction be moved further to the east down Orari Station Road. We suggest that it would be more sensible to relocate the speed limit just to the east of the subject property thereby catering for possible future development and better calming of traffic heading into Geraldine.</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
	<p>50km speed sign along Orari Station Road to the boundary between Lots 2 and 9. This will create a more efficient and safer use of the road space, while also improving pedestrian safety. However, as stated in the report, this will require a change to the by-laws.</p>	
<p>Part B (9) Services and Infrastructure</p> <p>Objective 1(a) <i>Avoid, remedy, or mitigate the adverse effects of development, including servicing infrastructure, on the environment.</i></p> <p>Policy 1 <i>To ensure that the means of providing water to a site is established at the time of subdivision.</i></p>	<p>It is acknowledged that not all areas of the District can be supplied with potable or stock water. Some areas remain on private systems (usually independent for each property), but some means of supply for stock and domestic consumption needs to be identified. The proposed development has identified private means of servicing for water, wastewater and stormwater to the new allotments.</p> <p>The source of water for each allotment is proposed via private bores or rain water, although details of such provision have not been provided with the application. In terms of wastewater and stormwater disposal, consents will be required from ECan. In their submission ECan have alluded that the issuing of such consents is not certain at this stage. The consent holder will have to demonstrate that an appropriate engineering solution for each allotment is achievable. Due to the lack of information provided, compliance with the objective and policy cannot be determined.</p>	<p>In the original application we advised the various options for dealing with these issues and obtained Ecan’s advice that technical solutions in relation to waste water were feasible and acceptance in principle for the provision of on-site waste water disposal. It seems our error, if we have made one, may have been not to fully specify which of the available options our preferred solution was. We note that the alternatives we presented (roof water, bore supply and septic tank technology) all complied with existing planning requirements (both district and regional) where those solutions are specifically contemplated and entirely compliant. Connection to council infrastructure was precluded by Council’s restrictive policy position.</p> <p>We already hold 6 waste water consents for the land.</p> <p>We have now obtained a formal assessment from a suitably qualified engineer confirming that the proposed solutions are feasible for all allotments proposed.</p> <p>Refer to Appendix 2: Engineering Report re Water & Waste Water</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
<p>Part D1 – Rural Zones</p> <p>1.1 Land</p> <p>1.1.1 Issue, Objective 1.1.2 <i>Manage land in the District for the greatest benefit of present and future generations while <u>safeguarding the life-supporting capacity of soil and ecosystems and avoiding, remedying or mitigating any adverse environmental effects.</u></i></p> <p>1.1.1 Issue, Policy 1.1.3 <i>To provide for a range of land use activities in rural areas while <u>avoiding or mitigating the adverse environmental effects of these activities</u> by way of the following zones:</i></p> <p>(a) Rural 1 Zone (General Rural)</p> <p>(b) Rural 2 Zone (High Quality Land)</p>	<p>This objective seeks the sustainable management of the rural land resource. The rural zones have been identified to reflect the character and amenity of rural areas, with limited intensive subdivision being provided for. The subdivision of the subject property providing for rural-residential and rural lifestyle properties is directly contrary to the Policy relating to the Rural 2 Zone stating that ‘The establishment of buildings in this zone and subdivision is limited because of the need to protect the versatility of land in this zone’.</p>	<p>We remind that the property is a mix of R1 and R2 zoning. We also highlight the conundrum presented by needing to provide for growth of the Geraldine settlement which is effectively landlocked by R2 land.</p> <p>This proposal is calling for the decision-maker to make balanced decision to achieve the purpose of the RMA which will necessarily involve a trade-off between the wish to preserve productive capacity on the one hand and provide needed additional housing choice and availability on the other.</p> <p>Ss 5 & 7 of the RMA do not contemplate that productive land is to be withheld from any other use and a balanced approach and assessment between competing land use imperatives is required to achieve the purposes of the Act. We consider that the purpose of the RMA will best be achieved by granting this consent application.</p> <p>The natural consequence of the granting of this consent will be the removal of a small amount of productive land from rural production. We say that that will be a necessary result of coping with the demands generated by a growing population throughout New Zealand and Geraldine in particular. The GMS has, of necessity, recognised this tension and has fully anticipated this outcome in proposing that the subject land be rezoned for rural residential use. Geraldine is entirely landlocked by R2 and R4A (Geraldine Downs) zoning. It is patently unrealistic to expect that the Geraldine settlement may expand in a way that gives effect to the CRPS</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
		<p>and yet does not impinge upon R2 lands.</p> <p>By accommodating rural living sites immediately adjoining the Geraldine settlement, pressure for more dispersed subdivision will be reduced thereby preserving other more productive land and sites from subdivision and loss of productive land</p>
<p>Objective 5.2.1 – Location, design and function of development (Entire Region)</p> <p><i>Development is located and designed so that it functions in a way that:</i></p> <ol style="list-style-type: none"> 1. <i>achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region’s growth; and</i> 2. <i>enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:</i> <ol style="list-style-type: none"> a) <i>maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region...</i> e) <i>enables rural activities that support the rural environment including primary production;</i> f) <i>is compatible with, and will result in the continued safe, efficient and effective use of</i> 	<p>The rural-residential development proposed is located on the periphery of existing urban residential development, which achieves consolidation around existing urban areas. Conversely, it takes rural productive land out of use for future generations, on land that is zoned to support primary production. It is acknowledged there is a balance between the need to provide for growth and the retention of our primary production resource.</p> <p>In this case, it is considered that the loss of agricultural land to residential development does not provide for sustainable growth, as it is not being considered in the context of the entire district or even Geraldine. Although the applicant argues that this land has been identified in the Draft Growth Management Strategy (DGMS) as being suitable for rural-residential development, that decision has not yet been made. It is considered this application is premature pending the adoption of the GMS into the District plan Review. At that stage a strategic approach to the overall sustainable</p>	<p>We disagree. The planner’s approach and assessment does not constitute a balanced or well-rounded assessment of the proposal in terms of achieving the purposes of the RMA. We have analysed and discussed these issues in both our application and submission to the hearing.</p> <p>The proposal is entirely supportive of 5.2.1.1 in that it fully achieves that objective.</p> <p>The proposal also fully supports objective 5.2.2.2 in that it:</p> <ol style="list-style-type: none"> a) mitigates the no more than minor adverse effects to the natural environment... e) recognises the tension that exists between the proposed land use and that the need to support the rural environment and primary production f) Is immediately adjacent to and utilises, where permitted by Council policy, regionally significant infrastructure (roading network). <p>As we have elsewhere discussed and provided legal precedent for, the GMS has, of necessity, influence as a matter that the decision-maker may have regard to under s104(1).</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
<i>regionally significant infrastructure;</i>	development needs of the district will be agreed.	
Canterbury Regional Policy Statement (CRPS)		
CRPS – ASSESSMENT OF OBJECTIVES AND POLICIES	The CRPS was made operative on 15 January 2013. The purpose of the CRPS is to identify resource management issues facing the region and set out objectives, policies and methods to resolve those issues. Under section 104(1) of the Act, Council must have regard to the CRPS when considering an application for a resource consent. With this in mind, the following sections are considered relevant:	<p>Note that the CRPS has been operative since January 2013. It is now in excess of 4 years since becoming operative and the district plan has still not been formally reviewed and altered to give the required effect to regional planning directions that direct the rural residential policy provisions. The district plan reached its intended 10 year lifespan on 1st July 2015.</p> <p>The proposed policy statement (GMS) dealing with the issue was not formally notified until March 2017 (originally scheduled by Council for late 2015).</p> <p>In the absence of timely progress by Council we resolved to progress the matter by lodging this application for resource consent.</p>
<p>Objective 5.2.3 - Transport network (Wider Region)</p> <p><i>A safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport, which:</i></p> <ol style="list-style-type: none"> <i>1. <u>supports a consolidated and sustainable urban form;</u></i> <i>2. <u>avoids, remedies or mitigates the adverse effects of transport use and its provision;</u></i> <i>3. <u>provides an acceptable level of accessibility;</u> ...</i> 	The expansion of residential development into the rural area has the potential to place an increased demand on the transport network. To provide for sustainable transport modes, it is desirable to provide pedestrian options, for example in the form of a footpath. The provision of a footpath serving the new allotments would achieve these environmental objectives and provide opportunities for diverse modal choice.	<p>This section of the assessment seeks that we construct a footpath to service the new allotments. We presume that the request is made solely in relation to proposed lots 4 – 8 as referred to above. This is an example of a matter which could well have been settled prior to the hearing had Council not refused to engage around the production of the S42A report as envisaged by the Quality Planning best practice guidelines.</p> <p>We are puzzled by this matter. Rural zoning has no rules requiring the construction of footpaths and the guidelines provided in support of the consultation for rural residential specifically rule out the provision of street lighting and footpaths.</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
		In the absence of further engagement we are of the view that the proposal fully complies with planning policy and rules.
<p>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:</p> <ol style="list-style-type: none"> 1. ensure that any... <ol style="list-style-type: none"> a) ... 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;... 5. encourage high quality urban design, including the maintenance and enhancement of amenity values. 	<p>Whilst the proposed development is adjacent to existing urban form, it is not currently zoned for urban or rural residential land uses. Therefore, there is a limit to the provision of services to this site and the expected amenity values. Through the DGMS it is envisaged that sustainable growth can be managed and integrated with existing urban form, thus avoiding reverse sensitivity issues. Until such time as a comprehensive development plan for the lands can provide certainty for a planned, coordinated and sustainable approach to the development of these lands, this policy will not be achievable.</p> <p>Ecan have further submitted that this policy ‘...makes it clear that rural residential development must be appropriately zoned and be able to be serviced in a timely and efficient manner. This application is not in an area currently zoned for rural residential development, and it is unclear how the services are going to be provided. An "assurance" that the servicing will be planned and consented at a later date is not sufficient’. I concur with this submission</p>	<p>This policy makes it clear that rural residential development is to occur attached to existing urban areas. Plainly this proposal is congruent with that policy position and we fundamentally disagree with the assessment posited.</p> <p>The GMS guidelines and TDC’s policy position both make it clear that services will not be available outside the urban area to either rural or rural residential developments. It does not, under such a circumstance, seem sustainable for the planner to suggest that limited provision of services to the site provides an obstacle to the proposed land use.</p> <p>Expected amenity values can be managed by a combination of appropriate and agreed consent conditions and restrictive covenants. We have made it plain that we are content to establish the development in a way that meets the guidelines provided by the GMS in its presentation as a proposed policy statement.</p> <p>We have suggested how the issue of reverse sensitivity may be managed satisfactorily.</p> <p>With respect to Ecan’s submission, Policy 5.3.1 does not ‘...make(s) it clear that rural residential development must be appropriately zoned...’</p> <p>The actual wording of the Method detailed at section 2 and applicable to 5.3.1 is “Set out objectives, and policies, and may include methods in</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
		<p><i>district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects.”</i></p> <p>The use of the word may does not seem to instruct that a TLA must zone to enable the plan for rural residential land use. It may be a desirable method but the Council has not yet done so.</p>
<p>Policy 5.3.5 - Servicing development for potable water, and sewage and stormwater disposal (Wider Region)</p> <p>Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:</p> <ol style="list-style-type: none"> 1. avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and 2. requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness. 	<p>Assessment: At this time, no assurance has been given that the subject lands can be efficiently or effectively served for the collection, treatment and disposal of stormwater, or the provision of potable water. There is no outline development plan prepared for these lands or included in the current district plan which specifies the provision of public infrastructure.</p> <p>The CRPS requires developments to effectively manage the disposal and treatment of sewage and stormwater recognising the receiving environment and the limitations that may exist in terms of environmental quality and the receiving capacity of the environment. Servicing, including, the provision of potable water must be considered early in the development process. As the servicing of the allotments remains uncertain, it is considered that the proposed development is inappropriate at</p>	<p>In the original application we advised the various options for dealing with these issues and obtained Ecan’s advice that technical solutions in relation to waste water were feasible and acceptance in principle for the provision of on-site waste water disposal. It seems our error, if we have made one, may have been not to fully specify which of the available options our preferred solution was. We note that the alternatives we presented (roof water, bore supply and septic tank technology) all complied with existing planning requirements (both district and regional) where those solutions are specifically contemplated and entirely compliant. Connection to council infrastructure was precluded by Council’s restrictive policy position.</p> <p>We already hold 6 waste water consents for the land.</p> <p>We have now obtained a formal assessment from a suitably qualified engineer confirming that the proposed solutions are feasible for all allotments proposed.</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
	this time and contrary to this policy.	
<p>Policy 5.3.12 – Rural production (Wider Region)</p> <p>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:</p> <ol style="list-style-type: none"> 1. avoiding development, and/or fragmentation which; <ol style="list-style-type: none"> 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. ... 3. ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity. 	<p>The majority of the subject land has been classified as having high quality versatile soils, important for rural productive activities. This land is therefore considered to contribute to a range of productive uses and the rural economy. Should subdivision consent be granted as proposed, it is considered that options for the future use for rural productive purposes will be lost.</p> <p>In addition, there is no mitigation proposed to ensure reverse sensitivity effects do not occur between the existing rural area and the proposed rural residential area. Accordingly, the proposal is considered to be contrary to this policy.</p>	<p>We disagree. The effect of the removal of some of the subject land from production will be infinitesimal when considered in the entirety of the Canterbury resource (a maximum of 0.0013%) for productive land.</p> <p>The planner has advised that the R2 land area of the title extends to 12.7Ha. The total area of the title is 22.3Ha.</p> <p>Therefore, the proportion of the title that is R2 is 57% and narrowly constitutes a “majority of the subject land”.</p> <p>Ss 5 & 7 of the RMA do not contemplate that productive land is to be withheld from any other use and a balanced approach and assessment between competing land use imperatives is required to achieve the purposes of the Act. We consider that the purpose of the RMA will best be achieved by granting this consent application.</p> <p>The natural consequence of the granting of this consent will be the removal of a small amount of productive land from rural production. We say that that will be a necessary result of coping with the demands generated by a growing population throughout New Zealand and Geraldine in particular. The GMS has. Of necessity, recognised this tension and has fully anticipated this outcome in proposing that the subject land be rezoned for rural residential use. Geraldine is entirely landlocked by R2 and R4A (Geraldine Downs) zoning. It is patently unrealistic to expect that</p>

Appendix 15: S42A Appendix and Applicant Response

Policy	Planner Assessment	Applicant Response
		<p>the Geraldine settlement may expand in a way that gives effect to the CRPS and yet does not impinge upon R2 lands.</p> <p>By accommodating rural living sites immediately adjoining the Geraldine settlement, pressure for more dispersed subdivision will be reduced thereby preserving other more productive land and sites from subdivision and loss of productive land.</p> <p>Reverse sensitivity is not a concern for those smaller allotments (4 – 8) that are located immediately adjacent to the urban edge of Geraldine. Reverse sensitivity for those other allotments that are to be created may be simply mitigated by requiring the incoming owners of those lots immediately bordering the farm to formally acknowledge their proximity to an intensive dairying farm and undertaking not to exercise frivolous complaints against permitted activity that is conducted considerately and within existing restrictions applying to the R1 zone. A 20 metre setback from the farm boundary may also be a useful additional measure in reduction of reverse sensitivity.</p> <p>As we have argued elsewhere we consider that the proposal will satisfactorily mitigate and reduce potential for adverse effects upon ground water to a level well below that which might occur under existing permitted rural use. There will certainly be no “contribution to significant cumulative adverse effects on water quality and quantity”.</p>

Appendix 16: Irvine Submission and Applicant Response

Appendix 16: Irvine Submission and Applicant Response

Issue	Submission	Applicant Response
1	<p><i>Boundary</i></p> <p><i>As we have had previous issues on the boundary of our property, we would like consideration made to an agreeable solution regarding fencing to avoid animal/stock issues between our properties.</i></p>	<p>We presume that this concern refers to one occasion when several head of cattle escaped and got over the “give and take” fence that was the original stock boundary for the property on the submitter’s side of the stream.</p> <p>On that occasion the cattle had crossed the stream and crossed the fence where it had been filled over by an enthusiastic teenager constructing a BMX jump in the submitters’ backyard.</p> <p>The electric fencing on our side of the stream has since been reinforced and we are not aware of a continuing issue and it has not recurred even during heavy dairy cattle stocking for winter grazing in recent years.</p> <p>We expect that subdivision of the property will reduce stock pressure against boundaries. We are happy to engage in a discussion that would possibly settle boundary fencing issues provided all parties can agree a mutually satisfactory solution but note that stock have not been an issue for a considerable number of years now. Neither did stock escape into the paddock when it was farmed as part of this property prior to being developed into housing.</p> <p>We have previously suggested such a course of action to an urban neighbour who unilaterally removed a portion of the “give and take” fence but they chose not to pursue the opportunity we offered to relocate fencing in conjunction with all neighbours.</p>
2	<p><i>Further Subdivision</i></p> <p><i>We would be concerned if the land classification changed to allow further subdivision.</i></p>	<p>This is a concern that should, most appropriately have been raised when submissions were sought in response to the notification of the Growth Management Strategy. The GMS is clear proposed policy statement identifying the subject property for rural residential use.</p>

Appendix 16: Irvine Submission and Applicant Response

Issue	Submission	Applicant Response
3	<i>Planting We would like plantings to be respectful of current properties and waterways.</i>	We have proposed no action, in subdividing the property, which would compromise the stream habitat or neighbouring properties. Some very minor compromise to rural views from neighbouring properties only is envisaged as a result of this subdivision proposal.
4	<i>We respect the Shirtcliff's decision to subdivide their property, but consideration be given to our comments above.</i>	We are happy to be considerate of the submitters' concerns.
5	<i>We are neutral regarding the application, but would appreciate some consideration for an adjacent property.</i>	Agreed

Appendix 17: Burdon Submission and Applicant Response

Appendix 17: Burdon Submission and Applicant Response

Issue	Submission	Applicant Response
1	<i>Over all Sewerage & water, Footpath Section 3.2 & 3.4 Amenity Values</i>	
2	<i>I support the application</i>	Support for our proposal is noted and appreciated.
3	<i>I believe the application should be allowed to connect to the Geraldine water or Te Moana scheme and the sewerage scheme.</i>	We concur in relation to Lots 4 to 8 for sewerage and water supply elsewhere, however, it is a matter that is beyond our influence or control
4	<i>There is no need for the development of a footpath</i>	Agreed.
5	<i>Allow for the retention of the trees where possible retaining the historic nature of the homestead</i>	Agreed. We propose any other plantings be of species that will complement the existing and longstanding exotic tree plantings.

Appendix 18: Horrell Submission and Applicant Response

Appendix 18: Horrell Submission and Applicant Response

Issue	Submission	Applicant Response
1	<i>Over all</i>	
2	<i>I support the application</i>	Support for our proposal is noted and appreciated.
3	<i>Grant the application and allow connection to the Council services</i>	We concur in relation to Lots 4 to 8 for sewerage and water supply elsewhere, however, it is a matter that is beyond our influence or control

Appendix 19: Real Estate Agent Market summary

Appendix 19: Real Estate Agent Market Summary

10 July 2017

John and Rosemary Shirtcliff

Orari Station Road

GERALDINE

LJ Hooker

Geraldine

16 Talbot Street
Geraldine 7930
New Zealand
t 03 893 9775
f 03 893 0774
e geraldine@ljh.co.nz

Dear John and Rosemary

ORARI STATION ROAD SUBDIVISION:

Location: Superb location with mountain views. Close to the Town Boundary and 2kms to the shops. Close to Geraldine High School. Sunny aspect.

Land: A total of 22.22ha to be subdivided. 9 Lots being:

Lot 1	7.09ha
Lot 2	4.20ha
Lot 3	4.63ha
Lot 4	.5ha
Lot 5	.52ha
Lot 6	.69ha
Lot 7	.57ha
Lot 8	.57ha
Lot 9	3.45ha

The land is flat which is ideal for building most designs.

Currently on the Market:

Waitui Downs Subdivision: Has been on the market approximately 6 years and none have sold. These have beautiful mountain views. 3kms from the shops, slightly undulating.

Lot 1	1.795ha	Asking \$390,000
Lot 2	2.293ha	\$390,000
Lot 3	2.103ha	\$390,000
Lot 4	1.664ha	\$390,000
Lot 5	1.831ha	\$390,000

Templer Street Subdivision: These have been advertised for sale for approximately 3 years and none have sold. The owners have built their own home on one site.

Lot 1		
Lot 2	883sqm	Asking \$185,000
Lot 3	1078sqm	\$195,000
Lot 4	1086sqm	\$197,000
Lot 5	836sqm	\$185,000
Lot 6	838sqm	\$185,000

Talbot Street Sections: This subdivision is in 4 stages. Stages 1 & 2 sold out, Stage 3 now for sale as follows:

Lct 37	570sqm	Asking \$138,500
Lct 36	540sqm	\$138,500
Lct 35	705sqm	\$138,500
Lct 34	740sqm	\$138,500
Lct 33	790sqm	\$145,000
Lct 32	675sqm	\$145,000

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AJ Ramsay Real Estate Ltd MREINZ
Licensed Real Estate Agent REAA 2008

Appendix 19: Real Estate Agent Market summary

Lot 31	745sqm	\$145,000
Lot 30	820sqm	\$145,000
Lot 17	400sqm	\$130,000
Lot 16	750sqm	\$145,000

Therefore there are 20 sections for sale in 3 Geraldine Subdivisions currently. A further subdivision proposal which gained Council consent on Gresham Street was abandoned because of high development cost.

A new subdivision also on Gresham Street is probably going ahead and will contain 4 residential sections.

Market Values:

You need to meet the market because of your opposition but at the same time don't undersell because of your excellent location.

Values: If each lot had an independent water supply, power and telephone to the site boundary and the area to operate a septic tank, I estimate the following values (no fencing):

Lot 1 Will need a separate valuation
Lot 2 [REDACTED]
Lot 3 [REDACTED]
Lot 4 [REDACTED]
Lot 5 [REDACTED]
Lot 6 [REDACTED]
Lot 7 [REDACTED]
Lot 8 [REDACTED]
Lot 9 [REDACTED]

All suggested prices are inclusive of GST.

Marketing Plan:

- Signboard on Site
- In our Window
- Agent on site for Open Days
- Advertised in the Timaru Herald and Property Times
- On all our internet sites including "Globally"
- ½ page in Property Times when appropriate.

We already have a buyer who has registered his interest.

Our fees apply when the lot has sold:
\$500 plus 3.95% of the purchase price up to \$350,000+GST

I would be very interested to bring these sites to the market as I have with the Talbot Street ones where we have sold 11 so far and still going. Some buyers have indicated they would prefer a larger area of land. This is where I could market both subdivisions alongside each other successfully.

Regards



Noel Walker
LJ Hooker

Appendix 20: Photographic Impression Of Landscape Mitigation

Appendix 20: Lots 4 – 8 Landscape Mitigation by Planting (Photo impression)
Viewed from Orari Station Road

