



APPENDIX

IN RESPECT OF

RESOURCE CONSENT APPLICATION
101.2017.2

TABLE OF CONTENTS

1.0 SUMMARY OF SUBMISSIONS 3

2.0 TIMARU DISTRICT PLAN: ASSESSMENT OF OBJECTIVES AND POLICIES 8

3.0 CANTERBURY REGIONAL POLICY STATEMENT: ASSESSMENT OF
OBJECTIVES AND POLICIES 14

1.0 SUMMARY OF SUBMISSIONS

| Submitter | Address | Opinion | Summary | Decision Requested | Wish to be Heard |
|---------------------------|--------------------------------------|---------|--|--|------------------|
| Alan & Jill Young | Ashbury Farm, 583 Orari Station Road | Oppose | Not in accordance with Rural 1 & 2 Zone Rules; Draft Growth Management Strategy (DGMS) only a proposal at this stage; Concerned about multiple discharges to ground; concerned with obtaining water from shallow wells; Concerned with ecological values of Raukapuka Stream; Scale of development out of character; Deterioration of Orari Station Road; Concerned with light spill; Reverse sensitivity of domestic dogs on farms; Height of future buildings; Visibility of subdivision from surrounding areas. | Decline until Growth Management Strategy has been processed and completed. | Yes |
| Ross and Robyn Irvine | 45 Tancred Street | Neutral | Reverse sensitivity issues between residential and rural property boundaries; Concerned with possible future rezoning of land; Planting to take account of existing properties and waterway. | Consideration to be given to adjacent property. | No |
| Freerk & Anke Numan | 11 Cascade Place | Oppose | They enjoy their current rural outlook. Concerned about potential effect to the waterway, trees and bird life. | Retain zoning as Rural 1 and Rural 2. | Not stated |
| Peter & Desiree McCaskill | 50 Campbell Street | Oppose | Proposal would impact on the current rural landscape values and environment; loss of productive agricultural land; Access to Lot 3 from Campbell Street impractical; On-site wastewater disposal potential to contaminate Ruakapuka Stream; Does not support the | Decline the application. | Yes |

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| | | | argument that the land has become fragmented and sub-economic in production; Inconsistent with the District Plan; water quality of the Raukapuka Stream will be affected and associated ecology; Loss of rural outlook and amenity. | | |
| Ad & Anita Hendricks | 540 Orari Station Road | Oppose | Loss of productive land; Detrimental to farming operation – reverse sensitivity; Contrary to District Plan zoning; Private wastewater disposal will affect the water quality of adjoining rivers; Presumptuous to assume an outcome of the DGMS. | Decline the application. Requests covenants on all land associated with the original title of 584 Orari Station Road and any subsequent subdivision restricting any complaints being made about farming activities. | Not clear |
| Notified Geraldine Residents Group | 9, 11, 16 & 17 Cascade Place; 47, 51 & 52 Tancred Street; 50 Campbell Street; and 540 Orari Station Road | Oppose | Inconsistent with the District Plan; Will set a precedent for future subdivision proposals, resulting in a loss of agricultural land; Concerned about the impact of culvert installation on the flow of the stream and aggravation to flood risk; Opposed to smaller lots on boundary with Cascade Place; No evidence that drinking water available and to standard; Oppose the discharge of waste water to ground due to the risk of nitrate and E.coli contamination; Contrary to Canterbury Regional Policy Statement as no reticulated services available; Loss of the land from future agricultural use; Do not support the argument | Decline the application. Covenant conditions are sought should the consent be granted. | Not clear |

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| | | | that the land has become fragmented and sub-economic in production; Inconsistent with the District Plan; Water quality of the Raukapuka Stream will be affected and associated ecology; Loss of rural outlook and amenity. | | |
| Ian Lynne & Lyttle | 17 Cascade Place | Oppose | Inconsistent with the District Plan; Will set a precedent for future subdivision proposals, resulting in a loss of agricultural land; Concerned about the impact of culvert installation on the flow of the stream and aggravation to flood risk; Opposed to smaller lots on boundary with Cascade Place; No evidence that drinking water available and to standard; Oppose the discharge of waste water to ground due to the risk of nitrate and E.coli contamination; Contrary to Canterbury Regional Policy Statement as no reticulated services available; Loss of the land from future agricultural use; Do not support the argument that the land has become fragmented and sub-economic in production; Inconsistent with the District Plan; Water quality of the Raukapuka Stream will be affected and associated ecology; Loss of rural outlook and amenity. | Decline the application. Covenant conditions are sought should the consent be granted. | Not clear |

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| Alison & Grant Norton | 47 Tancred Street | Oppose | Oppose the discharge of waste water to ground and potential effects on streams; Effect on ecology in stream; Loss of rural outlook. | Decline the application. | No |
| William Anderson | 51 Tancred Street | Oppose | Inconsistent with the District Plan; Value rural outlook and loss will be detrimental. | Decline the application. | Not clear |
| Canterbury Regional Council (ECan) | N/A | Support in principal | <p>There is no clear servicing strategy for the lots being created, or for servicing the likely further subdivisions of the remaining larger lots, setting a dangerous precedent. This lack of servicing strategy has the potential to create difficult development pathways.</p> <p>Rural residential development must be appropriately zoned and serviced – neither of which occur here.</p> <p>Important that servicing is confirmed prior to subdivision being created. Water servicing is likely to make it difficult to discharge wastewater and stormwater on-site. Discharge of stormwater and wastewater will be subject to robust solutions for treatment, this is currently uncertain.</p> | Decline the application and that further subdivision is not approved until the land is rezoned rural residential and an outline development plan is available. | Yes |
| New Zealand Fire Service Commission (NZFS) | N/A | Oppose | The NZFS Commission considers that the future dwellings must be provided with an adequate firefighting water supply in accordance with SNZ PAS 4509:2008 in order to reduce the risk of fire. The NZFS Commission wishes to ensure that the subdivision and future land uses can adequately provide for the | Should consent be granted requests a consent notice be registered on the new certificate of titles regarding water supply being provided in accordance with NZFS Firefighting Water Supplies Code of Practice. | Yes |

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| | | | operational requirements of the NZFS to carry out their requirements in a safe, effective and efficient manner. | | |
| Lee Burdon | 73 Connolly Street | Support | The applicant should be allowed to connect to the reticulated services. There is no need for a footpath. | Grant the application and allow connection to Council services. Retain the trees where possible. | Yes |
| Brett & Melissa Horrell | 15 Cascade Place | Support | Supports the application | Grant the application and allow connection to Council services. | Yes |

2.0 TIMARU DISTRICT PLAN

2.1 TIMARU DISTRICT PLAN - ASSESSMENT OF OBJECTIVES AND POLICIES

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.

2.1.1 Part B (1) Land Resources

Objective 1

Achieve the sustainability of the District's land resource by:

- *maintaining the life-supporting capacity of soils*
- *preventing induced land degradation*
- *restoring degraded land*
- *managing the stock of versatile land for the greatest benefit to present and future generations*
- *maintaining a representative range of natural ecosystems*

Policy 3

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.

Assessment:

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.

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.

2.1.2 Part B (2) Natural Environment

Issue 4, Policy 4

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.

Assessment:

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.

2.1.3 Part B (4) Natural Hazards

Objective 2

The mitigation of the effects of flooding in floodable areas other than the most hazard prone locations.

Policy 5

To promote ways of mitigating the risks of flood hazard to those wishing to build in flood plains.

Assessment:

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.

2.1.4 Part B (8) Roothing

Objective 3

Minimise conflicts between land use and the roading network, while still providing for mobility, and safe and efficient ingress and egress to roads.

Policy 11

To improve the capacity and safety of existing facilities through the use of appropriate traffic management techniques.

Policy 13

To reduce traffic speeds, thus improving perceived safety levels and reducing "intimidation" of residents by traffic.

Assessment:

The use of the roading network may produce effects on adjacent land use activities. There is therefore a need to achieve a balance between providing a safe and efficient roading 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.

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.

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

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.

2.1.5 Part B (9) Services and Infrastructure

Objective 1(a)

Avoid, remedy, or mitigate the adverse effects of development, including servicing infrastructure, on the environment.

Policy 1

To ensure that the means of providing water to a site is established at the time of subdivision.

Assessment:

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.

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.

2.1.6 Part D1 – Rural Zones

1.1 Land

1.1.1 Issue, Objective 1.1.2

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.

1.1.1 Issue, Policy 1.1.3

To provide for a range of land use activities in rural areas while avoiding or mitigating the adverse environmental effects of these activities by way of the following zones:

- (a) *Rural 1 Zone (General Rural)*
- (b) *Rural 2 Zone (High Quality Land)*

Assessment:

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*'.

1.1 Land

1.1.5 Issue 2, Policy 1.1.7

(a) To avoid, remedy or mitigate the adverse effects of some land uses. Where a resource consent is required, consideration shall be give to:

- *the quality of adjacent water-bodies*
- *indigenous flora or fauna*
- *significant trees*
- *adjacent household units*
- *the roading network at access points*
- *soil cover*
- *noise*
- *soil integrity*
- *rural amenity*
- *riparian and in-stream habitat*
- *archaeological and other heritage issues*

(b) When evaluating any proposal, Council may choose to impose conditions to address adverse environmental effects.

Assessment:

Consideration of the relevant issues pertaining to this consent has been addressed in Section 7.3.3 Environmental Effects Assessment of this report, specifically those in bold text above, where it was concluded that the adverse effects of the proposed subdivision have not been satisfactorily mitigated.

1.2 Intensification of Development

1.2.1 Issue, Objective 1.2.2

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

1.2.1 Issue, Policy 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.

1.2.2 Issue, Policy 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...*
- (ii) Sufficient suitable land within the site for the disposal of effluent using a disposal system approved of by Council.*

Assessment:

The effects of this intensive rural development have been assessed in Section 7.3.3 of this report, with the consideration being that the effects are not being satisfactorily avoided, remedied or mitigated. Therefore the proposal is considered to be contrary to Objective 1.2.2 and Policy 1.2.3(1).

This objective and policies identify the need for servicing to be planned for, achieving an efficient use of physical resources. In this case, there is no reticulated infrastructure servicing the site. The applicant is therefore responsible for the provision of these services. For the disposal of stormwater and wastewater consent from ECan is required. It is not until the site specific engineering solutions have been investigated that confirmation of services will occur.

Policies 1.2.3 (1) and (2) enable people to realise their aspirations for rural living while limiting the adverse effects of intensive development and the adverse effects of dispersed and ad hoc subdivision. Where rural residential development becomes intensive the need for reticulated effluent disposal and other services increases as concerns arise over health issues and levels of service. The occupiers of rural residential sites frequently expect the servicing of rural sites at a level consistent with the servicing of urban allotments. The community has difficulty covering the cost of high quality services, such as reticulated sewage disposal, and urban standards of water supplies for populations at anything less than urban densities. For these reasons the proposal is considered contrary to this objective and policies.

1.4 Noise

1.4.1 Issue, Objective 1.4.2

Maintenance of a reasonably quiet rural environment while accommodating periodic intrusions.

1.4.1 Issue, Policy 1.4.3

To provide for a moderate maximum noise level while allowing for reasonable normal seasonal agricultural and forestry use e.g. harvesting machinery.

Assessment:

It is recognised that conflicts occur between rural residential development and agricultural activities regarding acceptable noise levels. The creation of rural residential allotments therefore needs to be considered in the context of the receiving environment. Lots 4-8 are clustered together and bounded by residential to the west, rural lifestyle to the west and north, and rural to the south. Lots 1-3 are bounded by rural activities to the east. To ensure there is no reverse sensitivity effects on the existing land uses to the west it is recommended that consent notices are attached to the certificate's of title for these lots to the effect that they cannot complain about the noise generated from agricultural activities.

1.6 Scenic and Landscape Values and Rural Amenity

1.6.1 Issue, Objective 1.6.2

Protect and enhance the character and amenity of the District's landscapes.

1.6.1 Issue, Policy 1.6.3

To encourage all land use to be sympathetic to retaining the rural landscape character and to consider the impact such development will have on views from public places e.g. state highways and major roads, and from neighbouring activities.

Assessment:

This objective and policy recognise the public expectation of low levels of development in rural areas. They seek to protect and enhance the open rural character and visual quality of rural areas in the District. The proposed subdivision of the land is directly contrary to this objective and policy in that the character and amenity of the area and the rural landscape character will be significantly altered and the ensuing built form will be plainly visible from Orari Station Road.

1.8 Roding

1.8.1 Issue, Objective 1.8.2

Maintain a high standard of roding in rural areas and require the safe and efficient provision of roding access from new rural allotments to the roding network.

1.8.1 Issue, Policy 1.8.3 (1)

To ensure road access is available to new rural allotments subject to compliance with performance standards which have regard to traffic safety and the efficiency of the roding network.

Assessment:

As discussed in Section 7.3.3 of this report, it is expected that the vehicle access to all new allotments is formed to Council standards. Additionally, the extension of the Tancred Street road formation is required for access to Lot 3; and the provision of a pedestrian footpath along Orari Station Road. These measures will ensure that the rural community is provided with a roding network of an adequate standard to provide access to rural areas of the District. Should these measures be accepted by the applicant, then consistency with the Objective and Policy will be achieved.

3.0 CANTERBURY REGIONAL POLICY STATEMENT

3.1 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:

3.1.1 Chapter 5 – Land-Use and Infrastructure

Objective 5.2.1 – Location, design and function of development (Entire Region)

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

1. *achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and*
2. *enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:*
 - a) *maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region...*
 - e) *enables rural activities that support the rural environment including primary production;*
 - f) *is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;*

Assessment:

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.

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 development needs of the district will be agreed.

Objective 5.2.3 - Transport network (Wider Region)

A safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport, which:

1. *supports a consolidated and sustainable urban form;*
2. *avoids, remedies or mitigates the adverse effects of transport use and its provision;*
3. *provides an acceptable level of accessibility; ...*

Assessment:

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.

Policy 5.3.1 – Regional growth (Wider Region)

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

1. ensure that any
 - a) ...
 - 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.

Assessment:

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.

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.

Policy 5.3.5 - Servicing development for potable water, and sewage and stormwater disposal (Wider Region)

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:

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.

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.

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 this time and contrary to this policy.

Policy 5.3.12 – Rural production (Wider Region)

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

1. avoiding development, and / or fragmentation which;
 - a) forecloses the ability to make appropriate use of that land for primary production; and / or
 - b) results in reverse sensitivity effects that limit or precludes primary production.
- ...
3. ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity.

Assessment:

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.

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.