

# PROPOSED ASHBURTON DISTRICT PLAN

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Section 9: Subdivision

Report No. 25

*Prepared by*

**Boffa Miskell Limited**

*For*

**Ashburton District Council**

October 2011

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## **1.0 INTRODUCTION**

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions received on Section 9: Subdivision (except the Rural subdivision standards in 9.9.1a)) of the proposed District Plan and to make recommendations on those submissions.
- 1.2 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this section of the proposed District Plan. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. It should also be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.3 This report has been prepared by Claire Kelly. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the proposed District Plan.

## **2.0 HOW TO READ THIS REPORT**

- 2.1 This report is structured as follows:
- Background to the plan section
  - Analysis of submissions, including recommendations and reasons
  - Errors and corrections
- 2.2 Appendices attached to this report include:
- Appendix One: Summary of Recommendations on Submissions and Further Submissions
  - Appendix Two: District Plan Amendments

## **3.0 BACKGROUND**

- 3.1 This report relates to Section 9: Subdivision of the proposed District Plan. Subdivision is an important activity within the District as it provides for growth through the subdivision of land for the purpose of residential, business and community activities as well as the sale of land. This section of the Plan manages that process, providing for a range of minimum allotment sizes across the zones as well as setting general and critical standards that manage for example, the servicing of allotments.
- 3.2 The subdivision of land creates a framework of property rights and land ownership which assists subsequent development as well as the provision of essential services such as roads, water supply, sewage disposal, energy, telecommunication, stormwater

and trade waste systems. It is an important factor in determining future land use and consequently in determining the character and amenity values of an area. As such, control over the subdivision process means that future growth and development and generally, the intensity of that development can be managed.

- 3.3 In the context of the Ashburton District, the minimum allotment sizes set in Section 9 of the Proposed District Plan are intended to guide residential development away from important agricultural areas and into existing settlements and identified areas of growth. Therefore, subdivision and the zoning of land work together to manage urban sprawl and the growth of residential and business areas. Subdivision can also facilitate public access to waterways and water bodies through the taking of esplanade reserves, the protection of development from natural hazards, provide for landscape planting and the protection of heritage values, significant trees and indigenous vegetation through the use of covenants.

#### **4.0 ANALYSIS OF SUBMISSIONS**

- 4.1 A range of submissions and further submissions were received on this section of the proposed District Plan. Consideration of these submissions has been undertaken by topic or issue with submitters grouped as appropriate. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide general discussion. My analysis of submissions below is generally in relation to broad issues or topics raised, with some specific relief sought being mentioned where necessary. Based on this analysis, included in Appendix One to this report are my specific recommendations on each submission point (accept, accept in part, or reject).
- 4.2 Some aspects of this section did not attract submissions and therefore these aspects of the District Plan have not been discussed below, and I recommend that they be accepted as notified.
- 4.3 This report does not include consideration of any submissions that seek to rezone land or where a change to the subdivision standards is related to the zoning of the land. This generally applies to ‘specific area’ submissions that seek to create new zones and subdivision standards for Waterton, Staverley, Alford Forest and Rakaia. Consequently, 29 submissions<sup>1</sup> will be analysed in the later report on the Planning Maps, when the zoning of the land and possible ‘specific area’ standards will be considered together.

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<sup>1</sup> Submission 67, Point 1: E B Sheehan; Submission 100, Point 1: Lorna and Alan Dent; Submission 114, Point 1:: Michael & Pauline Doody; Submission 117, Point 1: Bruce Gray; Submission 122, Point 3: Rakaia Community Association; Submission 145, Point 1:, John Gilbert Rollinson; Submission 165, Point 1: R A Hickman; Submission 171, Point 1: AN & P Scott; Submission 175, Point 1: Jennifer and Stephen Dynes (supported by a further submission from F76: A L Hart); Submission 183, points 2, 5, 6, 7 and 8: Francis H Williams; Submission 184, Point 1: Maureen Williams; Submission 195, Point 1: Jennifer Ann Deaborn; Submission 200, Point 1: Donald and Carol Williamson (opposed by a further submission from F44: New Zealand Transport Agency); Submission 204, Point 1: Heather Mary Schofield; Submission 217, Point 2: Bruce Kenneth McIlroy; Submission 232, Point 1: Alexia Jane Biggs; Submission 257, Point 2: John Van Der Kolk; Submission 274, Point 1: David Lavington Fisher; Submission 297, Point 3: Geoffrey Skerton; Submission 299, Point 1: Richard John Scott; Submission 343, Point 2: Ian and Deborah McCaw; Submission 370, Point 1: Martin M Dodson; Submission 515, Point 1: Helena M Patchett-Carter; Submission 565, Point 6: Errol and Jocelyn Syme; Submission 567, Points 5, 7, 8 and 9: MD & RIJ Foster Trust and C Foster Family Trust; Submission 568, Point 6: Barcoo Estate Limited; Submission 569, Point 7: Malcolm and Margaret McKay; Submission 606, Point 3: St Ita’s Guesthouse and Submission 644, Point 1: Kevin Boekholt.

- 4.4 Carr Group Investments Limited<sup>2</sup> seek to provide for a new Rural Zone known as Rural Business and that as a consequence the zone be recognised in the subdivision section of the Plan, in particular the minimum allotment size for Rural A should apply. I do not consider it appropriate to consider the rezoning of land in this report and defer such consideration and consequential amendments to the Plan to the later report on the Planning Maps.

### **Section 9: General Submissions**

- 4.5 Silver Fern Farms<sup>3</sup> generally support the proposed subdivision standards whereas DL & JL Williams and Nicoll Cooney Trustee Company Ltd<sup>4</sup>, and Mockford Investments Ltd<sup>5</sup>, support the proposed subdivision standards applicable to the Residential D and C Zones respectively, but I note that this support is linked to the rezoning of their land to Residential D and C. However, this support is acknowledged.
- 4.6 Transpower New Zealand<sup>6</sup> has made a general submission point that seeks to amend the Proposed Plan to give effect to the National Policy Statement on Electricity Transmission and the National Environmental Standard on Electricity Transmission Activities as well as ensuring the effective operation, maintenance, upgrading and development of the electricity transmission network are provided for.
- 4.7 I consider that in terms of the subdivision section, the relief sought by Transpower has generally been achieved through the provision of subdivision for utilities as a controlled activity. However I note that Transpower has sought further specific relief, which is discussed later in this report.
- 4.8 Anne Porter<sup>7</sup>, Greg and Elaine Brake<sup>8</sup> and Andrew and Toni Shearer<sup>9</sup> seek that all long drop toilets at Lake Clearwater be replaced by holding tanks by 2015. Further, the Brakes seek that should a building consent be sought for any site at Lake Clearwater before 2015, then it becomes a requirement to fill in any long-drop and install a holding tank.
- 4.9 Whilst I understand the submitter's concerns given the high quality of the environment at Lake Clearwater and its high usage during the summer months, I do not consider that the subdivision section of the District Plan is the most appropriate place to manage this issue. Lake Clearwater is owned and managed by the Council on behalf of the community and given that, it is unlikely to be subdivided. Therefore, standards in the Subdivision section of the Plan may never be enacted, and it would appear more appropriate to include any standard requiring the establishment of holding tanks in the Residential section of the Plan, where such a requirement could be linked to

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<sup>2</sup> Submission 596, Point 8. This is supported by three further submissions from F34: Ryal Bush Ltd; F35: HW Richardson Group Limited; F80: Federated Farmers and opposed by a further submission from F44: New Zealand Transport Agency.

<sup>3</sup> Submission 240, Point 61

<sup>4</sup> Submission 490, Points 2 and 3

<sup>5</sup> Submission 501, Points 2 and 3

<sup>6</sup> Submission 61, Point 1. Supported by two further submissions from F16: TrustPower Limited and F71: Electricity Ashburton Limited; and opposed by two further submissions from F75: Royal Forest and Bird and F80: Federated Farmers.

<sup>7</sup> Submission 264, Point 1

<sup>8</sup> Submission 374, Point 1

<sup>9</sup> Submission 579, Point 9

land/building development rather than subdivision. However, I suggest that given the nature of the relief sought and that the Brake's have sought that this be dealt with under the building consent process, that it would be appropriate for the Council to consider a policy/strategy that requires the installation of holding tanks by 2015 and that this be enforced under the Building Act or through the Long Term Community Council Plan (LTCCP), should the Council chose to fund or partly fund the replacement of long-drop toilets.

- 4.10 Four submitters<sup>10</sup> seek that the subdivision standards should be amended in a similar manner to that suggested for the Rural Zones insofar as they currently lack sufficient balance. The provisions should recognise the expansive and abundant rural resource throughout the District and that subdivision in parts of it will be appropriate in order to enable other needs to be met. This will be particularly relevant in proximity to villages such as Mayfield.
- 4.11 I understand that the Council is very concerned about protecting the important rural resource of the District but does recognise the need for some development in rural areas. I consider that this matter may be better addressed by consideration of the zoning of land in the later report on the Planning Maps. However, I would state that the rezoning of land or the provision for smaller allotments within the rural zones is unlikely to alter the majority of provisions including the objectives and policies in this section of the Plan as these are general rather than being tailored to specific areas. As such, it is anticipated that additional objectives and policies may be required should the Council concede that specific areas require specific standards for development and therefore the anticipated character of that area may differ from the existing Rural A and B Zones. Therefore, at this time I would recommend rejecting these submissions.
- 4.12 Ashburton District Council<sup>11</sup> seeks that references to external documents in the proposed District Plan should be made more explicit. This section references the following documents:
- Health (Drinking Water) Amendment Act 2007 on page 9-4;
  - Proposed Natural Resources Regional Plan on pages 9-5 and 9-22;
  - Ashburton Urban Stormwater Strategy on page 9-6;
  - Trade Wastes Bylaw on page 9-7;
  - Neighbourhood Open Space Strategy on page 9-8;
  - Historic Places Act 1993 on page 9-12;
  - Long Term Community Council Plan on page 9-20;
  - The Act on pages 9-22, 9-32, 9-40, and 9-47;
  - Resource Management Act 1991 on page 9-33;
  - New Zealand Standard 4404-2004 Land Development and Subdivision Engineering on page 9-25;
  - Code of Practice for Urban Land Subdivision on pages 9-29, 9-44 and 9-45;

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<sup>10</sup> Submission 568, Point 7: Barcoo Estates Limited; Submission 569, Point 10: Malcolm and Margaret McKay; Submission 571, Point 4: A B and LA Ford Family Trust; and Submission 572, Point 7: Malcolm Edwin McCormick.

<sup>11</sup> Submission 639, Point 75. This is supported by a further submission from F80: Federated Farmers.

- New Zealand Standard AS/NZS4819:2003 on page 9-30;
  - Local Government Act 1974 on page 9-30;
  - New Zealand Fire Service Code for fire fighting water supply SNZ PAS 4509:2008 on page 9-36;
  - NZS 4431 on page 9-43; and
- 4.13 The majority of references are clear and appropriate, however I recommend that the following references be amended, as follows, to ensure clarity and that a user of the Plan could find the document, if required:
- ~~Proposed~~ Natural Resources Regional Plan on pages 9-5 and 9-22;
  - Long Term Council Community ~~Council~~ Plan on page 9-20;
  - The Resource Management Act 1991 on pages 9-22, 9-32, 9-40, and 9-47;

## **9.2: Issues**

- 4.14 Transpower New Zealand<sup>12</sup> seeks to include text under 9.2.3 Servicing: Power/Electricity identifying the reverse sensitivity issue for high voltage transmission lines and recommending that developers of all new subdivisions in close proximity to high voltage transmission lines contact Transpower directly to discuss the potential impact of their proposal.
- 4.15 Whilst I appreciate the submitter's concerns, the Issues section of the Subdivision section is concerned with the ability and need to service future allotments, effects on amenity and character and subdivision design. Whilst the presence of high voltage transmission lines across a proposed subdivision does have the potential to adversely affect future development, there are provisions within the Zone sections of the Plan that set appropriate setbacks for development from such lines. However, I do consider that it is appropriate to consider this matter at the time of subdivision, as one of the purposes of the subdivision standards is to assess the appropriateness of the allotments for future development. It would seem irresponsible to allow a subdivision where the presence of transmission lines and required setbacks from such lines, rendered the land unfit for development. But, I do not believe it necessarily needs to be recorded as an Issue within the District, but note that this matter is discussed further in paragraph 4.48 below.
- 4.16 Electricity Ashburton Limited<sup>13</sup> seeks that the Council reconsiders the need for a specific rule to cover unused poles being left in-situ. Whilst the submission talks about the need for rules, the submitter actually refers to the text of Issue 9.2.3 Servicing: Power/Electricity p9-7. However, I consider that this matter has been addressed by the previous s42a report on Utilities, which discussed the submission and concluded that *'The insertion of this new rule was a deliberate decision by the Council to improve visual amenity and I understand it was based on historical problems in the District of poles remaining after undergrounding of lines. I consider that this is an appropriate rule to address effects, but consider that it could be clarified to allow for situations where the*

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<sup>12</sup> Submission 61, Point 26. This is supported by a further submission from F71: Electricity Ashburton Limited

<sup>13</sup> Submission 635, Point 7

*poles continue to be used for other purposes (e.g. supporting street lights) after the lines are removed.* I therefore recommend that the submission point be rejected, in so far as I do not consider it appropriate to include a rule in the subdivision section to deal with unused poles.

### **9.3: Objectives and Policies**

#### **Objective 9.1 and Policies 9.1A-O**

- 4.17 New Zealand Transport Agency (NZTA)<sup>14</sup> seeks to retain Objective 9.1 and Policies 9.1G and H. Federated Farmers<sup>15</sup> seek to retain Policy 9.1H and the Department of Conservation<sup>16</sup> seeks to retain Objective 9.1 and Policies 9.1C, E and F. This support is acknowledged.
- 4.18 Canterbury Regional Council<sup>17</sup> seeks to amend Policy 9.1E to read: ‘...whilst ~~minimising~~ avoiding risks associated with coastal erosion and inundation’. The policy is inconsistent with the Regional Coastal Environment Plan, Objective 9.1(a) which seeks to minimise the need for hazard protection works and avoid or mitigate the actual or potential effects of coastal hazards by locating use and development away from areas that are subject to coastal erosion and inundation.
- 4.19 In my opinion it would seem appropriate to be consistent with the Regional Coastal Environment Plan and that the avoidance of risks associated with coastal erosion and inundation is desirable. However, I recommend that the policy be reworded to read ‘seeking to avoid’ as whilst the Plan should set a benchmark that development should seek to achieve, it is unlikely that all effects could be avoided.
- 4.20 Ashburton District Council<sup>18</sup> seeks that Policy 9.1L is more strongly worded rather than just encouraging the retention of natural open waterways.
- 4.21 Whilst the preservation of natural systems is ecologically and environmentally more acceptable than piped networks, there are constraints on the use of waterways for the disposal of stormwater. The Council has produced the Ashburton Urban Stormwater Strategy and this sets an approach for sustainable water management in Ashburton for the next 25 years but does not contain preferred methods of disposal. This is a matter to be addressed in the District Plan which will be operative for 10 years, during which time methods of stormwater may change. Therefore, it would seem more appropriate to use the word ‘encourage’ as this provides for flexibility and innovation in methods of stormwater disposal. There is further discussion on this matter in paragraph 4.35 of this report.
- 4.22 The Department of Conservation<sup>19</sup> seeks to amend Policy 9.1M to encourage the protection of significant trees and areas of vegetation and wetlands through the use of resource consents as well as covenants. The submitter suggest that the policy fails to

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<sup>14</sup> Submission 582, Points 14 and 48

<sup>15</sup> Submission 553, Point 132

<sup>16</sup> Submission 638, Points 36 and 37

<sup>17</sup> Submission 637, Point 25

<sup>18</sup> Submission 639, Point 77. This is opposed by a further submission from F80: Federated Farmers.

<sup>19</sup> Submission 638, Point 38

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recognise the role resource consents play in such protection and therefore fails to adequately implement section 6 of the RMA 1991.

- 4.23 The policy refers to the method of protection rather than how the protection is achieved as this may be achieved in a number of ways, including but not limited to consents. I find that the policy meets s6 of the Resource Management Act 1991 as it recognises and provides for the protection of significant trees and areas of vegetation and wetlands and sets the mechanism for coastal, lake and river margin protection and access (i.e. esplanade reserves). Therefore I do not recommend that any change need to be made to the policy.
- 4.24 Federated Farmers<sup>20</sup> seek to rewrite Policy 9.1Q to clarify the apparent conflict in the sentence ‘measures taken in relation to the mitigation of natural hazards do not affect natural processes’.
- 4.25 I agree with Federated Farmers that measures, such as building stopbanks, taken to mitigate natural hazards can themselves affect natural processes such as flooding as well as, for example soil accretion and erosion; in that sense the policy could be seen as contradictory. Therefore, I recommend that the words ‘do not affect natural processes’ be removed from Policy 9.1Q as I consider that the policy is about ensuring the impact of the mitigation measure is not greater than that of the hazard rather than not affecting natural processes per se.

#### Objective 9.2 and Policies 9.2A-I

- 4.26 New Zealand Railways Corporation (Kiwirail)<sup>21</sup> seeks to retain Objective 9.2 and Policies 9.2C and D<sup>22</sup> as proposed. New Zealand Fire Service (NZFS)<sup>23</sup> strongly supports the inclusion of Policy 9.2C, which requires new allotments to connect to a reticulated water supply, where available and require that any water supply is of sufficient capacity and pressure for fire fighting requirements. This support is acknowledged.
- 4.27 NZTA<sup>24</sup> seeks to amend Objective 9.2 to remove reference to ‘land beyond the subdivided land’ as the submitter considers the objective has two focuses. The submitter considers that the first part of the objective contains wide enough meaning to include effects beyond the application site and that the concept would be better expressed as a policy. Consequently, NZTA<sup>25</sup> seeks to add a new policy as follows ‘Take into account the wider effects associated with the provision of infrastructure and the intended use of that infrastructure on the natural and physical environment beyond the site’.
- 4.28 I agree with NZTA that the words ‘and beyond the subdivided land’ seem superfluous as the objective seeks to manage ‘adverse effects on the environment’. I consider that the use of the word ‘environment’ suggests that the objective embraces a wider area than just ‘a site’. Furthermore, it is much clearer for both applicants and processing officers, if objectives and policies have a clear direction i.e. do not attempt to deal with

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<sup>20</sup> Submission 553, Point 133

<sup>21</sup> Submission 601, Point 26. This is supported by a further submission from F44: NZTA.

<sup>22</sup> Submission 601, Point 27

<sup>23</sup> Submission 54, Point 1

<sup>24</sup> Submission 582, Points 15 and 48

<sup>25</sup> Submission 582, Points 16 and 48

more than one concept. I therefore recommend that Objective 9.2 be amended by deleting the words 'beyond the subdivided site' as follows: *'To ensure the provision of the necessary services to subdivided allotments in anticipation of the likely use of land, while managing adverse effects on the environment and beyond the subdivided land.'*

- 4.29 Additionally, I do consider that the specific matter of managing the adverse effects of the provision of services beyond the site boundary should be subject to a separate policy. I therefore recommend a new policy, based upon the wording proposed by NZTA, be included along with explanation and reasons as follows *'Avoid, remedy or mitigate the adverse effects of the provision and use of infrastructure on the natural and physical environment beyond the subdivided land'*.
- 4.30 NZTA<sup>26</sup> seeks to amend Policy 9.2I to require the use of outline development plans where large areas of land are to be rezoned or redeveloped.
- 4.31 I have already discussed this matter in Report 16 on the Residential Section of the Plan, paragraphs 4.26-4.28 and made a recommendation in that report that a policy similar to Policy 9.2I be included in the Residential section. Consequently, I find it appropriate to retain Policy 9.2I as proposed, in that it encourages rather than requires the use of outline development plans. However, I do note that a consequential amendment is required to the Explanation and Reasons to ensure that the wording reflects the intention of the policy.
- 4.32 Kiwirail<sup>27</sup> seeks to add a new policy, Policy 9.2B to control access via road/rail level crossings to both new and expanded subdivisions as follows *'Encourage alternative accessways to road/rail level crossings to maintain the safe operation of the railway'*.
- 4.33 This matter is more appropriately addressed in relation to the Transport section of the Plan as it provides for safe and efficient access ways to subdivision and future development. I do note that Kiwirail has sought various amendments to the policies and standards of Section 10: Transport which address this concern. These were considered at the hearing on the Transport section in June 2011. I therefore do not find it appropriate to include such a policy in the Subdivision section of the Plan.
- 4.34 Ashburton District Council<sup>28</sup> seeks to amend the explanation and reasons for Policy 9.2D as it implies that natural waterways can be used for attenuation and treatment. Stormwater needs to be attenuated/treated before entering a waterway to avoid contamination of the waterway.
- 4.35 There appears to be some conflict with the relief sought for Policy 9.1L, which sought to require the retention of waterways to provide for the 'sustainable disposal, attenuation and treatment of stormwater' and the changes sought to the explanation and reasons for Policy 9.2D. I understand Policy 9.1L seeks to provide for the enhancement of natural waterways such as the planting of riparian margins to provide for the treatment of stormwater and essentially improve the quality of water in natural waterways. I agree that stormwater should be treated prior to entering a natural waterway and consequently, I recommend that the wording of the explanation and

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<sup>26</sup> Submission 582, Points 17 and 48

<sup>27</sup> Submission 601, Point 29

<sup>28</sup> Submission 639, Point 78

reasons for Policy 9.2D be amended to ensure it is clear that stormwater should be treated prior to entering a waterway.

*'Policy 9.2D: Stormwater needs to be attenuated, treated and disposed of, while considering adverse effects both within the subdivision and on the surrounding area. It is expected that the subdivider will provide stormwater attenuation and treatment within the proposed subdivision, ~~either through the use of methods such as~~ stormwater basins, and wetland areas. ~~and/or natural waterways.~~ In some instances, neighbouring subdivisions may choose to jointly deal with the disposal of stormwater and this can have positive effects such as a better designed system that has a higher attenuation rate and is able to treat stormwater to a higher standard. However, all stormwater systems must be designed to cope with demand created by the subdivision as well as extreme rain events that may result in flooding. Any system must not result in the inundation of neighbouring properties from surface flooding or the overtopping of waterways.*

#### Objective 9.3 and Policies 9.3A-d

4.36 NZTA<sup>29</sup> seeks to retain Objective 9.3 and Policy 9.3D. I acknowledge this support and recommend that the submission be accepted as no submissions in opposition were received.

#### 9.4: Anticipated Environmental Results

4.37 NZFS<sup>30</sup> strongly supports the Anticipated Environmental Result that provides for water supplies that are sufficient to meet potable and fire fighting needs. This support is acknowledged and I recommend the submission be accepted as no submissions opposed this part of Section 9 of the Plan.

#### 9.6: Reasons for Rules

4.38 Land Services Group Ltd<sup>31</sup> seeks to amend 9.6.7 Flooding and Overland Flow of Water by removing the sentence 'Areas known to be at risk...sustainable'. Ashburton District Council<sup>32</sup> seeks to amend Reasons for Rule 9.6.7 by adding additional wording as follows: 'The requirement for secondary flows to be managed in new subdivisions is to avoid ponding and the diversion of overland water, which can have adverse effects on future use of the site and adjacent land'.

4.39 Reason for Rule 9.6.7 provides the reasons underlying the rules to manage flood risk and the overland flow of water. However, as currently worded there is no explanation of the reasons for managing overland flows as the wording concentrates on the risk of flooding. I therefore agree with Ashburton District Council and recommend that additional wording be added to ensure that the Plan contains reasons for the standard managing overland flows. But, I do find that as worded the sentence is confusing, implying that areas at risk of flooding should be avoided and then discussing the requirement for minimum floor heights. However, inserting the word 'high' so that the sentence reads 'Areas known to be at high risk of flooding..' would provide greater

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<sup>29</sup> Submission 582, Point 18

<sup>30</sup> Submission 54, Point 2

<sup>31</sup> Submission 612, Point 7

<sup>32</sup> Submission 639, Point 79

clarity as these are the areas that should be avoided rather than all areas known to be at risk of flooding.

- 4.40 Ashburton District Council<sup>33</sup> seeks to amend Reason for Rules 9.6.8 Water Supply and 9.6.9 Sanitary Sewage Disposal to state that it has only adopted parts of the New Zealand Standard 4404: 2004 Land Development and Subdivision Engineering.
- 4.41 I agree that the Reasons for the Rules should reflect reality and recommend that the wording should be amended as proposed by the submitter for the purposes of clarity.

#### **‘9.6.810 Water Supply**

*To ensure that a safe and adequate supply of potable water is available, all allotments in or adjoining areas with Council reticulated water supplies will be required to connect to such supplies. The assessment matters enable the consideration of the adequacy of water supply provision on any subdivision for reasons of public health, convenience and efficient use of supply infrastructure. Council has adopted parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering, with some variations, and compliance with this standard will be treated as a minimum by the Council. The onus is on the developer to prove that adequate, potable water can be provided to any future development.*

#### **9.6.911 Sanitary Sewage Disposal**

*The subdivision rules on sanitary sewage collection, treatment and disposal complement the Canterbury Regional Council’s controls which have the purpose of protecting the quality of ground and surface water. In the settlement areas where Council reticulated collection, treatment and disposal systems are available the subdivision rules require that all lots be provided with a means of disposal, being a minimum diameter piped outfall connection to the Council system. Council has adopted parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering, with some variations, and compliance with this standard will be treated as a minimum by the Council. Because subdivisions in rural areas do not necessarily involve residential use and because there are few reticulated disposal systems, requirements for sanitary sewage disposal in other areas will be implemented through building consents.’*

- 4.42 Ashburton District Council<sup>34</sup> seeks to amend Reasons for Rule 9.6.10 Service Layout to ensure it is clear that the layout plan shows the proposed rather than the indicative layout and is not subject to change as the subdivision is developed, except where Regional Council requirements necessitate a change.
- 4.43 I do not agree that the Service Layout Plan should show the ‘proposed’ location of services and building platforms. Whilst it provides certainty to Council as to how allotments will be developed, it provides less flexibility for a future developer. The purpose of the Service Plan is to illustrate that the sites can be developed and not to determine final building platforms. The District Council only requires an ‘indication’ that proposed allotments are fit for purpose. I also consider that if the Layout Plan shows the proposed location of building platforms, then wording such as ‘the subdivision shall be in general accordance with the Service Layout Plan’ is likely to form a condition of consent, requiring a variation to conditions to alter the layout of the site.

<sup>33</sup> Submission 639, Points 83 and 84

<sup>34</sup> Submission 639, Points 81 supported by a further submission from F71: Electricity Ashburton Limited

This is an additional cost to the community, which I consider is unnecessary. Therefore I do not recommend any changes be made to Reasons for Rule 9.6.10.

- 4.44 Land Services Group Ltd<sup>35</sup> seeks to amend 9.6.13 Provision for Open Space and Recreation by replacing the last paragraph with ‘All contributions to the Council can be in land and /or cash and any land purchases for reserves negotiated with Council are to be in accordance with the requirements of the Resource Management Act 1991 and Council’s policy for land acquisition’.
- 4.45 I note that the wording as proposed by the submitter is only altered by the addition of a reference to the Resource Management Act 1991. Whilst no reasons are given for this change, I agree it is appropriate given that the process of calculating and the taking of reserves are done under this Act, indeed the method of calculation is set out under Critical Standard 9.9.9. I therefore recommend that Reasons for Rule 9.6.13 be amended to include reference to the Resource Management Act 1991.

***‘9.6.135 Provision for Open Space and Recreation***

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*Some contribution is also necessary to ensure that new open space areas can be developed to a useable state.*

*All contributions to the Council can be in land and/or cash and any land purchases for reserves negotiated with the Council are to be in accordance with the Resource Management Act 1991 and Council’s policy for land acquisition.*

**9.7: Rules**

- 4.46 Ashburton District Council<sup>36</sup> considers that changes may be required to the structure of rules to provide clarification and avoid any contradiction/confusion over the interpretation of rules. In this instance, I do not consider any changes are necessary.
- 4.47 New Zealand Transport Agency<sup>37</sup> seeks to retain Rule 9.7.4 and this support is acknowledged.
- 4.48 Transpower New Zealand<sup>38</sup> are concerned about the effects of subdivision on high voltage transmission lines and seek to:
- amend Rule 9.7.3 to reserve control over reverse sensitivity effects on high voltage transmission lines.
  - add a new provision to Rule 9.7.4 requiring that any subdivision that does not comply with General Standard (High Voltage Transmission Lines) shall require consent as a restricted discretionary activity.

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<sup>35</sup> Submission 612, Point 8

<sup>36</sup> Submission 639, Point 74. This is opposed by further submissions from F3: Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ; F5: Transpower New Zealand; F16: TrustPower Limited; and supported by further submissions from F65: Ashburton Licensing Trust; F71: Electricity Ashburton Limited; F80: Federated Farmers.

<sup>37</sup> Submission 582, Point 19

<sup>38</sup> Submission 61, Points 28, 30, 31, 32 and 33

- add a new General Standard (High Voltage Transmission Lines) which ensures that subdivisions within 32 metres of the centreline of high voltage transmission lines can be adequately controlled to protect against reverse sensitivity effects.
- amend Section 9.9.7 to identify that Transpower is a potentially affected party in respect of General Standards (High Voltage Transmission Lines). This could be achieved by adding new text along the following lines:

‘Consultation with Transpower New Zealand Limited will be important in the assessment of resource consent applications in relation to the following standards:

High Voltage Transmission Lines      General Standard (XX)

- amend Section 9.10 to include the Assessment Matters in Rule 7.11.5 – Setback from High Voltage Transmission Lines.

4.49 I understand Transpower’s concerns noting that high voltage transmission lines have the ability to render allotments unsuitable for development in the same manner as flood risk and the location of services. It would therefore seem appropriate to manage the effects of high voltage transmission lines in a similar manner by including a new matter for control under 9.7.3, a new general standard and assessment matters. I do not consider that a new provision is required under 9.7.4 as this already provides for subdivision within the Residential and Rural A and B Zones as a restricted discretionary activity. Therefore, I would recommend that non-compliance with the proposed general standard should remain a Discretionary Activity rather than specifically being provided for as a Restricted Discretionary Activity. I also find it appropriate that Transpower is identified as a party to consult with when assessing applications in relation to High Voltage Transmission Lines. This is consistent with the approach taken for Canterbury Regional Council in relation to flood risk and New Zealand Transport Agency in relation to transport matters, for example. These proposed provisions will also give effect to the National Environmental Standard on Electricity Transmission. I therefore recommend that a new matter of control, a new general standard, assessment matters be included in the proposed Plan and wording be added under 9.7.7 to specifically identify Transpower as an affected party. I consider that the wording proposed by Transpower is appropriate but would recommend a minor amendment to the matter for control under 9.7.3, as well as providing explanation and reasons for the proposed General Standard.

## [9.6 Reasons for Rules](#)

### [9.6.5 High Voltage Transmission Lines](#)

*The high-voltage transmission lines provide for the critically important distribution of electricity both within and across the District. However in doing so they also impose a corridor of constraint mainly within the rural areas and in order to maintain efficient and safe operation the transmission infrastructure has to be protected from adverse effects of nearby development including subdivision. These rules seek to ensure that any subdivision and future development near the transmission corridor does not adversely affect and is not adversely affected by the safe and efficient operation of the high-voltage transmission lines.*

## [9.7 Rules](#)

### 9.7.3 Controlled Activities

a) **Any subdivision** in the Open Space Zones, Business Zones or for utilities. Control is reserved over the following matters:

.....

- Effects on and of high voltage transmission lines
- Effects on historic heritage and on resources of significance to Takata Whenua, including waahi tapu sites and waihi taoka

### 9.7.7 Notification / Consultation / Notes

.....

Consultation with Transpower New Zealand Limited will be important in the assessment of resource consent applications in relation to the following standard:

High Voltage Transmission Lines General Standard 9.8.7

## 9.8 General Standards

### 9.8.6 High Voltage Transmission Lines

- a) No allotments created by subdivision, including balance titles, shall contain indicative building platforms within 32 metres either side of the centreline of any High-Voltage Transmission line as shown on the Planning Maps;
- b) Earthworks associated with the subdivision shall not occur within 12 metres from the outer edge of the visible foundation of any transmission support structure;
- c) Earthworks associated with the subdivision that are carried out within 32 metres either side of the centreline of a transmission line shall not reduce the existing clearance distances between the ground and high voltage transmission lines.

## 9.10 Assessment Matters

### 9.10.4 High Voltage Transmission Lines

- a) The location of building sites, platforms and works and whether they will inhibit the safe and efficient operation of the National Grid, or result in adverse effects on people's health and safety including:
- b) The ability for emergency maintenance and inspection of transmission lines, including support structures, and the minimizing of risk of injury or property damage from or to such lines;
- c) The extent to which any buildings, structures, construction activities, mobile plant or earthworks could affect transmission lines and support structures;
- d) The ability to comply with the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP: 34 2001);

- e) The nature and location of tree/vegetation planting near the transmission lines and support structures and the ability to comply with the Electricity (Hazards from Trees) Regulations 2003;
- f) The extent to which the proposal would constrain the operation needs of the national grid; and
- g) The outcome of any consultation with the line operator.

4.50 Several submitters seek a change to the status of subdivision, mainly that subdivision in the residential and rural areas be a controlled activity:

- Clark McLeod<sup>39</sup> seeks that subdivision be a permitted activity if it complies with the standards in the Plan.
- Quad Trust<sup>40</sup> opposes the requirement for subdivision to be considered as a restricted discretionary activity and the associated bullet point being the matter subject to discretion. The submitter seeks that subdivision be a controlled activity under section 9.7.3. In a similar submission, GS Holdings (2006) Ltd<sup>41</sup> seeks that subdivision be a controlled activity under section 9.7.3 with the associated bullet point included in the suite of controlled activities.
- MD and RIJ Foster Trust and C Foster Family Trust<sup>42</sup>, Barcoo Estate Limited<sup>43</sup> Malcolm and Margaret McKay<sup>44</sup>, A B and L A Ford Family Trust<sup>45</sup>, Malcolm Edwin McCormick<sup>46</sup>, Peter William and Elaine Mary McCormick<sup>47</sup> seek that subdivision within the Residential and Rural Zones be a controlled activity under Rules 9.7.3 and 9.7.4.

4.51 Subdivision has the potential to change the character of an area by providing for future development and activities, as well as requiring the establishment of services and infrastructure. In respect of subdivision, it is also difficult to pre-determine all associated effects arising from that activity and anticipate in advance the necessary standards for activities to be permitted. As such, I would consider it inappropriate to provide for subdivision as a permitted activity. It is important that the Council has the ability to assess applications to ensure they meet the intent of the underlying zone in terms of character and amenity, which can be affected by the size of allotments and road widths etc as well as having the ability to impose conditions to ensure services and access ways are established and to the correct standard.

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<sup>39</sup> Submission 91, Point 10

<sup>40</sup> Submission 162, Points 5 and 7

<sup>41</sup> Submission 399, Points 5 and 7

<sup>42</sup> Submission 567, Points 14, 15 and 18.

<sup>43</sup> Submission 568, Points 4 and 8

<sup>44</sup> Submission 569, Point 5. This is opposed by a further submission from F44: New Zealand Transport Agency.

<sup>45</sup> Submission 571, Point 2

<sup>46</sup> Submission 572, Point 5

<sup>47</sup> Submission 573, Points 1 and 3

- 4.52 However, subdivision could be provided for as a controlled activity in the rural and residential zones, as occurs under the operative District Plan. This would provide the Council with the opportunity to assess applications and impose conditions. It would as several submitters note, retain the ‘certainty’ in determining subdivision and all matters could be dealt with through the imposition of ‘suitable and reasonable’ conditions. However, I do not consider that applicants should be ‘certain’ of obtaining subdivision consent, after-all it is an activity that potentially has far-reaching consequences in terms of changing the character of an area. Furthermore, as a controlled or permitted activity, Council would not be able to decline an application and this has been determined as an issue by the Council. I also do not consider that the Council could impose ‘suitable and reasonable’ conditions to rectify issues such as design and layout as conditions would be difficult to word to ensure the desired outcome and the Council is not at liberty to fundamentally alter any application.
- 4.53 I therefore find it appropriate for the Council to retain the ability to decline subdivision applications especially where such an activity would adversely affect the character and/or amenity values of an area or create allotments that are not suitable for development. Yes, I agree that there is a cost to the applicant of applying for consent, even when the proposal meets all the standards, but there may be an even greater cost to the subdivider in creating an allotment that cannot be developed or one that is developed and becomes a hazard or liability to a future owner. I therefore recommend that subdivision remain as a restricted discretionary activity in the rural and residential zones, as this provides the Council with the ability to decline applications, if necessary.
- 4.54 Electricity Ashburton Limited<sup>48</sup> seeks to retain the right of subdivision for utilities as it existed in the Operative District Plan. The submitter states that ‘there is no right to subdivide for utility purposes’ and this is required to prevent unintentional delays. Furthermore, the list of matters of control is extensive.
- 4.55 Subdivision for utilities is a controlled activity under the Operative District Plan, with a reasonably extensive list of matters to which Council has reserved control, and has never been provided for as a permitted activity. The proposed District Plan also provides for the subdivision of utilities as a controlled activity and although the list of matters to which Council will have regard is extensive, many may not be applicable and would simply not be considered or quickly dealt with. As in the Operative Plan, utilities are not subject to a minimum allotment size and I find this to be appropriate. I also consider that the subdivision of utilities should be a controlled activity as Council needs to have the opportunity to impose conditions, where necessary but cannot decline any application. In my view that strikes a reasonable balance between providing for what are often highly valued or essential services for the community and maintaining sufficient control over the management of associated environmental effects.
- 4.56 Transpower New Zealand<sup>49</sup> seeks to amend Rule 9.7.3 to reserve control over the location of allotments as well as their size, dimensions and orientation. In their submission, Transpower state that whilst an Indicative Plan requires a building platform to be identified, it does not state that this needs to be shown in a ‘permitted or complying’ position. Nor is the position of any indicative building platform relative to transmission lines addressed in the Assessment Matters.

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<sup>48</sup> Submission 635, Point 8. This is opposed by a further submission F16: TrustPower Limited

<sup>49</sup> Submission 61, Point 27

- 4.57 I believe that Transpower are concerned about the location of building platforms adjacent to high voltage transmission lines, which has been addressed by the recommendation to include a new general standard and assessment matters. I do not therefore consider it appropriate or necessary to include the ‘location of allotments’ as a matter of control, and any non-compliance with development standards under the Zone rules would be dealt with by consent at the time of development.
- 4.58 Quad Trust<sup>50</sup> opposes the requirement that earthworks greater than 2,000m<sup>3</sup> on any subdivision in the residential zone are a full discretionary activity under Rule 9.7.5. The submitter requests that the earthworks quantum be increased to 5,000m<sup>3</sup> to be commensurate with the controlled activity requirement in Rule 9.7.3(b). GS Holdings (2006) Ltd<sup>51</sup> also seeks that the earthworks quantum be increased to 5,000m<sup>3</sup> to be commensurate with the controlled activity requirement in rule 9.7.3(b). The submitters consider that 2,000m<sup>3</sup> is not a significant volume taking into consideration that roading/access and foundation works often exceed this requirement even for small subdivisions.
- 4.59 Earthworks can produce dust and sediment run-off, which in a residential area have the potential to create adverse effects and therefore it is appropriate to manage large-scale earthworks through the consent process. Large-scale earthworks in a residential zone are considered to be in excess of 2,000m<sup>3</sup>, especially if it is stock-piled for a period of time and exposed to the elements, enabling it to be blown or sediment-laden run-off to drain, onto neighbouring properties. However, the submitters do not appear to be seeking a change to the status of the activity but an increase in the volume. I agree that the volume could be increased to 5,000m<sup>3</sup> given that the activity will be assessed as a Discretionary Activity, providing Council with the opportunity to consider a wide range of matters, decline applications and impose conditions. I therefore recommend that the volume of earthworks under Standard 9.8.6 be increased to 5,000m<sup>3</sup>. I note that this means that earthworks up to 5,000m<sup>3</sup> will be assessed as a controlled activity. I find this to be appropriate given the matters over which Council has reserved control.

## 9.8 General Standards

### 9.8.65 Earthworks

.....

*b) Earthworks in the Residential Zones shall not exceed 25,000m<sup>3</sup> per subdivision*

.....

- 4.60 The Department of Conservation seeks to amend 9.7.5 as outlined below:

#### 9.7.5 Discretionary Activities

e) Any subdivision in the Rural B Zone within 500m of Mean High Water Springs Line.

- 4.61 The submitter states that subdivision in the coastal environment is required to be addressed by section 6 of the Resource Management Act 1991 and the New Zealand

<sup>50</sup> Submission 162, Points 6 and 7

<sup>51</sup> Submission 399, Points 6 and 7. This is opposed by a further submission from F12: Department of Conservation

Coastal Policy Statement. I agree and considering that the Ashburton coastline is prone to erosion, subdivision should be carefully managed in the coastal area. I note that the Mean High Water Springs line is identified on the planning maps and therefore, I recommend that the activity be added under 9.7.5, but that the wording proposed by the submitter is amended for the purposes of clarity.

#### **9.7.5 Discretionary Activities**

a) .....

e) **Any subdivision in the Rural B Zone that includes land on or within 500 metres of the Mean High Water Springs line.**

4.62 Land Services Group Ltd<sup>52</sup> seeks to delete 9.7.6 (b) and replace with: ‘Any activity which is listed as a Discretionary Activity (except as in 9.7.5 a)) and which does not comply with any of the General and Critical Standards shall be a Non-Complying Activity.

4.63 Rule 9.7.5(a) provides for Controlled and Restricted Discretionary Activities that do not meet any of the General Standards as Discretionary Activities. Rule 9.7.6b) states that any Discretionary Activity which does not meet the General and Critical Standards shall be a Non-Complying Activity. Whilst, I do not consider that it makes any difference to the meaning of the rule and just adds words that are inconsistent with other similar rules in the Plan, if the Hearing Panel is so minded, 9.7.6b) could be reworded as proposed by the submitter, with a minor amendment to the wording for the purposes of clarity.

#### **‘9.7.5 Discretionary Activities**

a) **Any Activity** which is listed as a Controlled or Restricted Discretionary Activity, which does not comply with any of the General Standards (except 9.8.7) shall be a Discretionary Activity.’

4.64 N K Salter Surveying Ltd<sup>53</sup> seeks that bullet points 3 and 4 under the notes for Section 9.7 be deleted. Ashburton District Council<sup>54</sup> seeks to delete bullet point 3, p9-30 under Notes 9.7.7 and amend Note section 9.7.7 p9-29 to reflect that the Council has adopted parts of the New Zealand Standard 4404:2004 rather than a Code of Practice for Urban Land Subdivision.

4.65 I agree that bullet point 3 under Note section 9.7.7 is not relevant as there is no corresponding provision for building commitment in the proposed Plan. Further, I agree with N K Salter Surveying Ltd that bullet point 4 seems superfluous as it likely relates to bullet point three and if it does, then it should also be removed from the Plan. I therefore recommend that bullet points 3 and 4 be removed from the Plan.

- ~~‘Where an allotment is not being created after the erection of a residential unit, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 registered against the Certificate of Title, to the effect that any residential unit erected on the allotment shall be in accordance with the building consent issued at the time of the subdivision consent.~~

<sup>52</sup> Submission 612, Point 9

<sup>53</sup> Submission 522, Point 8

<sup>54</sup> Submission 639, Points 40 and 82

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- ~~*The rule shall not apply to the area identified by The Village Green Outline Development Plan.*~~

- 4.66 I also agree with Ashburton District Council that bullet point 1 should make it clear that the Code of Practice adopted by the Council includes parts of and variations to the New Zealand Standard 4404:2004. I therefore recommend the bullet point be amended as sought by the submitter.
- *The Council has adopted a Code of Practice for Urban Land Subdivision parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering with some variations (referred to as the Code of Practice). This Code is referred to in the assessment matters for resource consents, relates to engineering requirements and is not a part of the District Plan but may form condition of consent.*

### **Standards in General**

- 4.67 Ashburton Golf Club Inc<sup>55</sup> seeks to amend the General Standard and Critical Standards to provide for subdivision within the Ashburton Golf Club Outline Development Plan.
- 4.68 I have already discussed this matter in Report 16 on the Residential section at paragraphs 4.93 to 4.95, noting that a change is sought to the zoning of the land and subdivision consent for the area proposed to be subject to the outline development plan was declined by a commissioner in June 2011. In the circumstances, I consider it would be inappropriate to incorporate specific provisions relating to Ashburton Golf Club in the Plan. I therefore do not recommend that any amendments are made to the Plan to provide for subdivision within the proposed Ashburton Golf Club Outline Development Plan.
- 4.69 Canterbury Regional Council<sup>56</sup> is concerned that the Plan does not require outline development plans when multiple-lot subdivisions are proposed, and that this should be provided for as it would give effect to Objective 5 and Policy 7 of the operative Canterbury Regional Policy Statement (CRPS). The submitter seeks the inclusion of a rule that requires outline development plans to show roads, land set aside for community facilities, parks and recreation, land to be set aside for business activities, distribution of different residential densities, land required for stormwater treatment, retention and drainage paths, land reserved or set aside for environmental or landscape protection, land set aside for any other reason and the reasons for its protection and pedestrian walkways, cycle paths and bus routes.
- 4.70 I note that it is not the intention of the Plan to require the use of outline development plans. There is nothing within the Resource Management Act 1991 or the operative CRPS that requires subdivision applications to be accompanied by an outline development plan. Outline Development Plans are usually associated with plan changes, which are processed in accordance with Schedule 1 of the Act and not through any process identified in the District Plan. Notwithstanding that many of these matters identified by the Regional Council are considered as part of the subdivision process through the General and Critical Standards and other relevant sections such as Transport. As a matter of note, subdivisions do not change the zoning

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<sup>55</sup> Submission 636, Points 8, 9, 10, 11 (opposed by a further submission from F44: New Zealand Transport Agency) and 12

<sup>56</sup> Submission 637, Point 27. This is supported by a further submission from F44: New Zealand Transport Agency.

of the land, so an outline development plan need not show land set aside for business activities as the underlying zoning should reflect this or it would be considered through a resource consent process or plan change. I therefore do not recommend that a rule be included in the subdivision section requiring multiple-lot subdivisions to produce an outline development plan. However, I do note that Policy 9.21 encourages the use of outline development plans where large areas of land are to be rezoned or redeveloped, and I find this to be sufficient and appropriate.

- 4.71 Canterbury District Health Board<sup>57</sup> seeks that the Council should develop and mitigate stringent standards for design, construction, and maintenance of on-site sewerage disposal systems. Council should consider connecting new rural-residential units to existing sewerage systems where possible.
- 4.72 The District Plan seeks to ensure that all allotments can connect to a reticulated system or are able to contain an on-site disposal system. However, in terms of standards for disposal and treatment and discharge consents, the disposal of sewerage is a Regional Council matter and the Canterbury Natural Resources Regional Plan provides greater detail as to acceptable systems and standards.
- 4.73 I do note that the Plan seeks to ensure that all allotments of less than 1 hectare in area in the Residential D Zone (rural-residential) are connected to a reticulated system. However, where allotments are large in size or are some distance from the urban boundary, the cost of reticulation can be very high. Generally, where servicing is extended to these areas, it is undertaken by the Council who carries the cost until such time as land is subdivided and financial contributions are paid. However, the extension of services to the existing and proposed Residential D Zone is a matter to be considered under the Long Term Community Council Plan as it requires commitment of funds. I therefore do not recommend including any standards in the Plan to enforce the connection of Residential D allotments to existing sewerage systems.
- 4.74 Canterbury District Health Board<sup>58</sup> seek that the Council continue to provide for parks, open spaces and recreational needs throughout the District and the taking of development contributions to provide such facilities. I concur with the sentiment of this submission and note that the Council will, through standards in the Plan continue to provide for open space and take financial and land contributions.

### **9.8: General Standards**

- 4.75 Transpower New Zealand<sup>59</sup> seeks to retain General Standard 9.8.7 which requires subdivision and/or development within the Aquatic Park Outline Development Plan areas to be in accordance with the Outline Development Plan in Appendix 7-1. A submission from Lake Hood Extension Project-Joint Venture<sup>60</sup> seeks that the Aquatic Park Zone be specifically exempted from the provisions of the subdivision section and the rules and policies of the Aquatic Park Zone apply.

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<sup>57</sup> Submission 574, Point 3

<sup>58</sup> Submission 574, Point 5

<sup>59</sup> Submission 61, Point 29

<sup>60</sup> Submission 327, Point 15

- 4.76 I do not agree with the submission from Lake Hood Extension Project-Joint Venture as the rules of the Aquatic Park Zone do not provide for the subdivision of land, they are clearly only related to the development of future activities. Even Zone Standard 7.10.3 Services refers to the 'relevant standards specified in Section 9 of the District Plan'. This alone means that reference must be made to this section to find the standards which development must comply with, and therefore the Aquatic Park Zone cannot be exempted from the provisions of the subdivision section. Neither do I consider it appropriate to move all the subdivision standards associated with the Aquatic Park into the Aquatic Park Zone section, as this would be inconsistent with the approach taken for all other zone sections in the Plan. I therefore recommend that the subdivision standards for the Aquatic Park Zone remain in Section 9. The policies of the Aquatic Park Zone would continue to apply at the time of subdivision as they provide guidance to the intended character and amenity values of the zone. The Aquatic Park Zone and Subdivision sections therefore work in unison with each other and I recommend that the Aquatic Park Zone is not exempted from the provisions of the subdivision section.
- 4.77 Electricity Ashburton<sup>61</sup> supports the inclusion of 9.8.3c). The Department of Conservation<sup>62</sup> supports Standard 9.8.6. This support is acknowledged.
- 4.78 N K Salter Surveying Ltd<sup>63</sup> seeks Standards 9.8.1 and 9.8.4 are combined and renumbered accordingly. I agree and recommend that Standards 9.8.1 and 9.8.4 are combined for the purposes of clarity as I do not see the need to separate discussion of the provision of esplanades and the vesting of the land.
- 4.79 The Department of Conservation<sup>64</sup> seeks to delete standard 9.8.1a) as Section 237(2) of the RMA under which this provision is written, relates solely to the bed of a river and not the coastal marine area. Therefore there is no statutory basis to reserve the presumption in section 237A(i)(b) that the land vests in the Crown. The Standard as proposed would also be contrary to and redundant given section 246(3) of the RMA.
- 4.80 I agree with the submitter, as The Resource Management Act 1991 states under 237A Vesting of land in common marine and coastal area or bed of lake or river:
- (1) Where a survey plan is submitted to a territorial authority in accordance with [section 223](#), and any part of the allotment being subdivided is the bed of a river or lake or is within the coastal marine area, the survey plan shall—*
- (a) show as vesting in the territorial authority—*
- (i) such part of the allotment as forms part of the bed of a river or lake and adjoins an esplanade reserve shown as vesting in the territorial authority; or*
- (ii) such part of the allotment as forms part of the bed of a river or lake and is required to be so vested as a condition of a resource consent:*
- (b) show any part of the allotment that is in the coastal marine area as part of the common marine and coastal area'.*

This states that any part of the subdivision that is coastal marine area should be shown as part of the common marine and coastal area and not vested in the Crown or

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<sup>61</sup> Submission 635, Point 9

<sup>62</sup> Submission 638, Point 42

<sup>63</sup> Submission 522, Point 9

<sup>64</sup> Submission 638, Point 40

territorial authority. As stated by the submitter it is only under section 246(3) 'deposit of plans for survey for reclamation' when esplanade reserve is vested in the Crown. I therefore recommend that General Standard 9.8.1a) is amended to reflect section 237A of the Act.

4.81 The Department of Conservation<sup>65</sup> also seeks to rewrite Standard 9.8.4d) as follows:

#### 9.8.4 Esplanade Provision

Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 metres or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 metres in width shall be set aside, except that:

d) In the Rural Zones, esplanade reserves shall ~~only~~ be taken ~~along the following rivers:~~ in the following circumstances:

- ~~• the tributaries of any of the Ashburton high country lakes;~~
- ~~• the Potts and Cameron Rivers, Lake Stream, and the outlet stream from Lake Clearwater;~~
- ~~• the South Ashburton above Hakatere Heron Road;~~
- ~~• North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) – Rural C Zone only;~~
- ~~• Stour River (Mata Kou), Stoney Creak and Woolshed Creek;~~
- ~~• Hinds River (Hekeao) – Rural C Zone only~~
- Rural C Zone
- Places where there known and/or potential public access demands
- Where there are potential linkages with esplanade reserves, marginal strips or other protected areas;
- Group 1 or 2 Sites of Significant Nature Conservation Value

4.82 The submitter is concerned that limiting the taking of reserves to specific waterways in the Rural Zones will not necessarily protect or provide appropriate access or natural character protection in places where it is appropriate for those values to be managed or protected.

4.83 I understand the submitter's concerns and whilst this list of rivers is within the operative District Plan, it seems quite random and confined to the Rural C Zone, where subdivision is expected to be relatively infrequent. I understand that the desire to take esplanade reserves by the Council needs to be balanced against the costs of maintenance and the intended level of use by the public. However, the amended provisions suggested by the submitter are in my opinion too vague and create uncertainty for subdividers, for example who or how would it be decided that 'there was a known or potential demand for public access' along a river? I do not intend to make a recommendation on this matter, at this stage but would suggest to the hearing

<sup>65</sup> Submission 638, Point 41. This is opposed by a further submission from F80: Federated Farmers.

panel that consideration be given to the taking of esplanade reserves along all rivers in the Rural C Zone given the high natural character of the zone, its importance as a recreational area and biodiversity values. I would also suggest adopting bullet points two and three of the submitter's suggested amendments as assessment matters. However, I would recommend that bullet point 4 is deleted entirely as there is potentially a conflict between the reasons for Sites of Significant Nature Conservation Value (ASCV's) and the purpose of esplanade reserves, namely the issue of access. ASCV's are created for the purpose of protecting indigenous biodiversity whereas esplanade reserves often have a dual role of providing access to waterways whilst also providing the protection and enhancement of riparian margins. It would be inappropriate to specifically provide for ASCV's to be included in esplanade reserves as public access may be detrimental to the values that are intended to be protected.

General Standards 9.8.1 and 9.8.4 as amended by the submissions from N K Salter Surveying Ltd and the Department of Conservation:

### *9.8 General Standards*

#### *9.8.1 Esplanade Reserves or Strips*

*a) All esplanade reserves shall be vested with the Council, and*

*~~b) All land in coastal marine areas shall vest in the Crown with the Minister of Conservation's consent, or if consent not given, in the Council.~~*

*e) Where an esplanade reserve is to be vested according to rules below, any adjoining bed of river owned by the applicant shall also be vested in the Council.*

*dii) Where an esplanade strip is to be created, the adjoining bed of the river shall not be vested in the Council.*

*b) All land in the coastal marine area shall be shown on a survey plan as part of the common marine and coastal areas.*

*d) Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 metres or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 metres in width shall be set aside, except that:*

*i) No esplanade reserve shall be provided along the banks of any canal or the margin of the artificial lake within the Aquatic Park Zone.*

*ii) Esplanade reserves of 5 metres shall be taken along Wakanui / Mill Creek and Carters Creek regardless of their width.*

*iii) In the Rural C Zone, esplanade reserves of 20 metres in width shall be vested in the Council regardless of the size of allotment being created.*

*iv) In the Rural Zones, esplanade reserves shall only be taken along the following rivers:*

*• the tributaries of any of the Ashburton high country lakes;*

*• the Potts and Cameron Rivers, Lake Stream, and the outlet stream from Lake Clearwater;*

- ~~• the South Ashburton above Hakatere Heron Road;~~
- ~~• North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) – Rural C Zone only;~~
- ~~• Stour River (Mata Kou), Stoney Creak and Woolshed Creek;~~
- ~~• Hinds River (Hekeao) – Rural C Zone only~~

v) Where section 236 (land previously set aside or reserved) of the Act applies to land comprised in the subdivision, and an esplanade reserve is required in accordance with the Rule above, and the width that was previously set aside is less than 20 metres, or the width has been diminished by erosion or avulsion, then additional land shall be vested making the esplanade reserve not less than 20 metres in width.

vi) Notwithstanding i) and ii) above, where a subdivision is:

- for a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
- for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
- solely due to land being acquired or created for a road designation, public utility or reserve;

Section 230 of the Act shall not apply to the subdivision consent, and no esplanade reserve is required.

vii) At the time of subdivision whenever any subdivision occurs on land adjoining the two existing waterways shown on the Trevors Road ODP, provision for an esplanade reserve shall be created in accordance with section 232-235 of the Act.

.....

#### **9.8.4 Esplanade Provision**

~~Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 metres or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 metres in width shall be set aside, except that:~~

~~a) No esplanade reserve shall be provided along the banks of any canal or the margin of the artificial lake within the Aquatic Park Zone.~~

~~b) Esplanade reserves of 5 metres shall be taken along Wakanui / Mill Creek and Carters Creek regardless of their width.~~

~~c) In the Rural C Zone, esplanade reserves of 20 metres in width shall be vested in the Council regardless of the size of allotment being created.~~

~~d) In the Rural Zones, esplanade reserves shall only be taken along the following rivers:~~

- ~~• the tributaries of any of the Ashburton high country lakes;~~
- ~~• the Potts and Cameron Rivers, Lake Stream, and the outlet stream from Lake Clearwater;~~
- ~~• the South Ashburton above Hakatere Heron Road;~~
- ~~• North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) – Rural C Zone only;~~
- ~~• Stour River (Mata Kou), Stoney Creak and Woolshed Creek;~~
- ~~• Hinds River (Hekeao) – Rural C Zone only~~

~~e) All esplanade reserves shall be vested with the Council.~~

~~f) Where section 236 (land previously set aside or reserved) of the Act applies to land comprised in the subdivision, and an esplanade reserve is required in accordance with the Rule above, and the width that was previously set aside is less than 20 metres, or the width has been diminished by erosion or avulsion, then additional land shall be vested making the esplanade reserve not less than 20 metres in width.~~

~~g) Notwithstanding a) and b) above, where a subdivision is:~~

- ~~• for a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;~~
- ~~• for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or~~
- ~~• solely due to land being acquired or created for a road designation, public utility or reserve;~~

~~Section 230 of the Act shall not apply to the subdivision consent, and no esplanade reserve is required.~~

~~h) At the time of subdivision whenever any subdivision occurs on land adjoining the two existing waterways shown on the Trevors Road ODP, provision for an esplanade reserve shall be created in accordance with section 232-235 of the Act.~~

## 9.10 Assessment Matters

### 9.10.2 Esplanade Provision

a) The purposes for the creation of esplanade reserves set out in Section 229 of the Resource Management Act 1991, and the provisions of Section 6 of the Resource Management Act 1991.

.....

d) Whether the esplanade reserve is within a place where there are known and/or potential public access demands

~~e) The extent of the public's ability to obtain access to and along the margin of the water body.~~

- ef) The extent that recreational use will be assisted or hindered.*
- fg) The compatibility of the proposed reserve or strip with physical characteristics of the land.*
- gh) The extent to which the natural character and visual quality of the area will be preserved.*
- hi) The extent to which natural hazards will be mitigated.*
- ij) The future use and purpose of any existing building that would otherwise encroach on, or be within a reserve.*
- jk) The extent to which the purpose of the reserve or strip could be achieved through some other means such as conservation covenants or consent notices.*
- kl) The extent to which an esplanade reserve will assist in facilitating accessibility for Takata Whenua to waahi tapu or waahi taoka.*
- m) Whether there are potential linkages with existing esplanade reserves, marginal strips or other protected areas.*

4.84 Land Services Group Ltd<sup>66</sup> seeks that Council considers the compensation costs associated with the requirement for Esplanade Reserves in Standard 9.8.4c) as while the survey costs associated with Esplanade Reserves can be high, the compensation costs for loss of farming potential from the resultant fragmentation of land parcels with limited access options can be very high.

4.85 On this matter, I am guided by the provisions of the Act. I note that Section 237E of the Act 1991 does not provide for the payment of compensation where allotments of less than 4 hectares are created and an esplanade of 20 metres in width is taken, However, where a reserve of greater than 20 metres in width is required, the Council shall pay compensation for any land beyond the 20 metres. Section 237F provides for the payment of compensation for the taking of any esplanade reserve where allotments of 4 hectares or more are created. I therefore consider that the matter of compensation is dealt with by the Act and do not recommend that these provisions are transferred into the District Plan.

4.86 N K Salter Surveying Ltd<sup>67</sup> seeks that the word ‘vacant’ is deleted in clause 9.8.3 d) and Critical Standard 9.9.1c) as it provides for an inconsistency in the Standard: ‘there shall be no minimum allotment dimension in any zone for vacant shares of fee simple titles.....provided that building(s) erected or to be erected..’

4.87 I understand the submitter’s confusion and note that the Reasons for the Rules states that the standard provides for ‘situations where the remaining vacant area may now be smaller than the new minimum subdivision standards for allotment in Residential Zones’ The word ‘vacant’ is important to understanding the rule but I agree that an allotment cannot be vacant if it has a building on it. I therefore consider it more

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<sup>66</sup> Submission 612, Point 10

<sup>67</sup> Submission 522, Point 10

appropriate to remove the words ‘erected or’ with reference to buildings, so that the standard reads ‘c) *Notwithstanding the provisions of Rule 10a above, there shall be no minimum allotment areas in any zone, for vacant shares of fee simple titles over which there was/were existing cross lease(s) or for unit titles where a proposed unit development plan had been granted subdivision consent, at the date of notification of the Proposed District Plan, provided that building(s) ~~erected or~~ to be erected on the respective cross lease or unit title comply with all relevant rules applicable within the zone.*’

- 4.88 N K Salter Surveying Ltd<sup>68</sup> seeks to reword Standard 9.8.9 and suggests several alternatives for the wording of the rule. The submitter is concerned that the wording of the rule implies that if one 1500m<sup>2</sup> lot is subdivided off an existing 8ha title, the 1500m<sup>2</sup> lot would be subject to the rule as well as the balance 7.85ha title. This would prevent a staged development and require a one-off subdivision of the whole title into 1500m<sup>2</sup> lots.
- 4.89 I agree that the wording of the rule is confusing and the use of terminology is not consistent with that of the intent of the Outline Development Plan or Critical Standard 9.9.1. I therefore recommend that the standard be reworded as suggested by the submitter:

*c) ~~No further subdivision of allotments of less than 1500m<sup>2</sup> net area shall be created within the lower density area of Residential C zone shown on the Lochhead Outline Development Plan shall occur until the earlier of the 1st January 2020 or when every existing allotment in that Residential zone has a dwelling erected upon it. The erection of a dwelling shall be in accordance with the definition “erection of a building” in the District Plan. To give effect to this restriction a A consent notice pursuant to section 221 of the Resource Management Act 1991 shall be prepared and registered to give effect to this restriction of those titles created within the Residential C zone in accordance with the Land Transfer Act 1952: against any titles of less than 3000m<sup>2</sup> created in the lower density area of the Residential C Zone within the Lochhead Outline Development Plan.~~*

### **9.9: Critical Standards**

- 4.90 Bradfords Management Limited<sup>69</sup> and Electricity Ashburton Limited<sup>70</sup> seek to retain Standard 9.9.1(b) as proposed. This support is acknowledged.
- 4.91 Two submissions from N K Salter Surveying Ltd<sup>71</sup> that seeks to number the table on page 9-34 and Federated Farmers<sup>72</sup> that seeks to clarify references to ‘rules 2-4 below’ under Critical Standard 9.9.1(a) are administrative amendments.
- 4.92 I agree that the table under Critical Standard 9.9.1 should be labelled as ‘Table 9-1’ and Critical Standard 9.9.1a) should be amended to remove the reference to ‘Rules 2-4’ for the purposes of clarity as there are no Rules numbered 2, 3 or 4.

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<sup>68</sup> Submission 522, Point 11. This is opposed by a further submission from F44: New Zealand Transport Agency.

<sup>69</sup> Submission 557, Points 11 and 14

<sup>70</sup> Submission 635, Point 10

<sup>71</sup> Submission 522, Point 29

<sup>72</sup> Submission 553, Point 135

- 4.93 Land Services Group Ltd<sup>73</sup> seeks to remove the words ‘including balance titles’ from 9.9.1(a). The submitter states that it should not be possible to obtain balance Computer Freehold Registers under current cadastral survey requirements.
- 4.94 The rule does not necessarily relate to obtaining Computer Freehold Registers but seeks to ensure that allotments created are an appropriate size depending on the relevant zone. The Council does not want subdivisions to create small allotments that cannot be used for any purpose. In any case, I imagine that the balance allotment would retain the existing certificate of title and therefore recommend that the rule is retained as proposed.
- 4.95 N K Salter Surveying Ltd<sup>74</sup> seeks to include proposed boundaries in Appendix 1-2 and delete 9.9.1d) or if ‘nominated site boundary’ means something different to ‘proposed site boundary’ include a definition of nominated site boundary. Otherwise replace ‘nominated’ with ‘proposed’.
- 4.96 This matter was considered within the Definitions report, which without making a recommendation did suggest that the word ‘proposed’ would be preferable to deleting the rule and including the matter in Appendix 1-2. I agree with this suggestion and recommend that for the purposes of clarity and understanding that the wording of Standard 9.9.1d) be amended to refer to ‘proposed boundaries’.

### *‘9.9 Critical Standards*

#### *9.9.1 Allotment Size*

.....

*d) All subdivision consent applications shall show ~~nominated~~ proposed site boundaries at the time of application.*

- 4.97 Davis Ogilvie & Partners Ltd<sup>75</sup> seek to delete ‘or are of such a shape that a dwelling would not meet the setback requirement rules of the relevant zone’ from Critical Standard 9.9.2(a), bullet point four.
- 4.98 The purpose of the standard is to limit the number of non-compliant allotments by ensuring that the initial allotment can contain a dwelling that meets the zone standards. Whilst, I consider that most applicants would choose to subdivide land into useable allotments, I can understand that the Council wishes to ensure that this happens. I consider that there is the possibility of creating small non-complying allotments such as triangles in the corner of subdivisions that can never be used for any purpose. I therefore consider that the standard should remain as worded.
- 4.99 Land Services Group Ltd<sup>76</sup> seeks to delete bullet point three from Critical Standard 9.9.2. The submitter appears to consider that because of the District’s strict allotment size standard, that the bullet point is unnecessary.

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<sup>73</sup> Submission 61, Point 11

<sup>74</sup> Submission 522, Point 12

<sup>75</sup> Submission 645, Point 2

<sup>76</sup> Submission 612, Point 14

- 4.100 The submitter does not provide any reasoning for this submission point and I fail to see how adoption of the proposed allotment size standard, removes the need ‘for each resultant allotment which does not meet the minimum area standard, there shall be an existing, initial allotment’. As such, I do not recommend that bullet point three be deleted.
- 4.101 Land Services Group Ltd<sup>77</sup> seek to replace the wording of paragraph 1 of 9.9.2(a) with ‘Notwithstanding Rule 9.9.1 above, where there are two separately saleable existing allotments, which have separate Computer Freehold Registers, any adjustment of boundaries shall be such that..’
- 4.102 This relates to other amendments sought by the submitter that seek to replace the use of the words ‘certificate of title’ with ‘Computer Freehold Register’. This matter has been addressed within the report on Definitions, which states ‘... that while the term “certificate of title” is incorrect (with paper certificates of title having been replaced by computer registers since 2002 in New Zealand) the term “title” is still commonly used and remains correct and in common use. My recommendation would be to remove any reference to “certificate of title” and replace it with “title (computer register)” as this is both correct and potentially easier for the public to understand’. I agree with this recommendation and recommend that Standard 9.9.2(a) be amended to read ‘*Notwithstanding Rule 9.9.1 above, where there are two separately saleable existing allotments, which have separate titles (Computer Registers), any adjustment of boundaries shall be such that...*’
- 4.103 Land Services Group Ltd<sup>78</sup> seeks to redraft Critical Standard 9.9.3 Flooding and Overland Flow of Water. The submitter suggests that the rule appears to assume all subdivision in floodable areas occurs for residential purposes. This is patently not the case in the Rural, Commercial or Industrial zones of the District, and it should not be the intent of the Plan to make non-residential subdivision a non-complying activity in floodable areas.
- 4.104 Firstly, the standard does not presume that all subdivision is for residential purposes, it is intended to apply to all subdivision. Secondly, the submitter fails to provide any reasons as to why subdivision for non-residential activities should not be non-complying or how the standard should be amended. The standard is intended to ensure that applicants provide a report from the Regional Council, so that flood risk on specific properties can be assessed. If there is no risk, then the standard does not apply. Where a risk of the site being inundated in a 1 in 200 year flood exists, it is appropriate that the Council considers the risk to life and property. Those risks are not confined to only residential properties, and business and industrial developments represent considerable investment in property and equipment as well as being places where people spend a large majority of their time on an average working day. Therefore, there is still a risk to people in business, industrial and even rural areas and I consider it is appropriate that Council assesses that risk as part of any consent application. I also suggest it is appropriate that breaching the standard be assessed as a non-complying activity given that it provides Council with the ability to consider any relevant matter and assess the application against the objectives and policies of the Plan. Such status also reflects the significance of adverse effects, and the consequences flooding can

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<sup>77</sup> Submission 612, Point 13

<sup>78</sup> Submission 612, Point 15

have for life and property. The status of the activity should therefore reflect the level of potential risk to people as well as property, which may be very high. I recommend that the Critical Standard remains in the Plan as proposed.

4.105 New Zealand Fire Service<sup>79</sup>(NZFS) supports Critical Standards 9.9.4a) and b) but seeks that 9.9.7c) is reworded to refer to 'Fire Fighting Water Supplies', SNZ PAS 4509:2008 and 'any subsequent amendments'. I note that the submitter thinks that there are two critical standards that deal with this matter but there is only one: Critical Standard 9.9.4. As such, it would appear from NZFS submission that amendments are sought to the wording of 9.9.4c).

4.106 I agree that the Standard should be reworded to refer to Fire Fighting Water Supplies as this is the name of the Code of Practice and the Standard should reflect this for the purposes of clarity and understanding. However, it is not appropriate to refer to 'any subsequent amendments' as external documents must be referred to in the Plan by name, so they are clear and can be found. As such, I recommend that the Standard is only amended to refer to the correct name of the Code of Practice and that the submission is accepted in part.

#### *'9.9.4 Water Supply*

.....

*c) All new allotments, in all zones shall be provided with an individual high pressure fire fighting water supply in accordance with New Zealand Fire Service Code of Practice for ~~fire fighting water supplied~~ Fire Fighting Water Supplies, SNZ PAS 4509:2008.'*

4.107 N K Salter Surveying Ltd<sup>80</sup> seeks that the requirement that fire fighting supplies be provided to all new allotments in all zones be reconsidered. In particular the need to provide fire fighting water sources to Residential D and Rural allotments. The submitter<sup>81</sup> also seeks to replace the words 'an individual high pressure water supply' with 'a fire fighting water supply'. Electricity Ashburton Limited<sup>82</sup> seeks to add exclusion for 'access, roads, utilities or reserves' to Standard 9.9.4 c) as per 9.9.4 a) and b). Land Services Group Ltd<sup>83</sup> seek to redraft Critical Standard 9.9.4 Water Supply as the submitter considers that the rule appears to assume all subdivision occurs for residential, commercial or industrial purposes. This is patently not the case in the Rural Zones, where most allotments will not require high pressure fire fighting water supplies.

4.108 I have already discussed this matter in the s42a report on the Residential section, paragraph 4.74, to the extent that the standard providing for a fire fighting water supply should be in the Subdivision section of the Plan. I acknowledge that much of the Residential D zone and the majority of the Rural Zones do not have a reticulated water supply. As such, it would appear appropriate to provide for fire fighting supplies from a source other than 'an individual high pressure water supply'. In addition, all subdivision

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<sup>79</sup> Submission 54, Point 3

<sup>80</sup> Submission 522, Points 13 and 14. This is opposed by a further submission from F59: New Zealand Fire Service.

<sup>81</sup> Submission 522, Point 15. This is opposed by a further submission from F59: New Zealand Fire Service.

<sup>82</sup> Submission 635, Point 11

<sup>83</sup> Submission 612, Point 16

requires consent and therefore Council has the opportunity to assess proposed provision of fire fighting supplies against the requirements of the standard. I do note that SNZ PAS 4509:2008 provides for alternative fire fighting water supplies, recognising that not all properties have a high pressure reticulated water supply.

- 4.109 However, I do not consider that the standard assumes that all subdivision occurs for residential, commercial or industrial purposes. The Standard is intended to ensure that all allotments can fight a fire should one occur and this is provided for through compliance with SNZ PAS 4509:2008. Where that cannot be achieved, it is appropriate that the application is assessed to limit risk to future activities on newly created sites. Although, I acknowledge that fire is generally a more significant risk when allotments are intended to contain buildings.
- 4.110 In conclusion, I recommend that the Standard is amended to reflect the relief sought by N K Salter Surveying Ltd and that ‘an individual high pressure water supply’ is amended to read ‘a fire fighting water supply’ to reflect that alternatives to a high pressure supply are provided for under SNZ PAS 4509:2008. Furthermore, I do consider it appropriate to exclude some allotments from having to apply with the Standard as it is unlikely that they would contain buildings or that water would be used to extinguish a fire. In this manner, I recommend that Critical Standard 9.9.4c) excludes allotments for access, roads and utilities. I do not however recommend excluding reserves or open space zones as these may contain buildings especially related to sports and community activities.

#### **‘9.9.4 Water Supply**

.....

*c) All new allotments, other than allotments for access, roads and utilities, in all zones shall be provided with ~~an individual high pressure~~ fire fighting water supply in accordance with New Zealand Fire Service Code of Practice for ~~fire fighting water supplied~~ Fire Fighting Water Supplies, SNZ PAS 4509:2008.’*

- 4.111 Quad Trust<sup>84</sup> and GS Holdings (2006) Ltd<sup>85</sup> seek to amend Critical Standard 9.9.6(a) Indicative Plans because non-compliance becomes a non-complying activity and the intent of the standard is covered by 9.7.3 (a). N K Salter Surveying Ltd<sup>86</sup> seeks to delete Standard 9.9.6 Indicative Plans and include the list of matters to be shown on such a plan in Appendix 1.2 or replace the standard with amended wording. Ashburton District Council<sup>87</sup> seeks to amend Critical Standard 9.9.6 Indicative Plan by ensuring it is clear that the requirement only applies to non-reticulated areas and that the Plan must show ‘proposed’ building platforms etc.
- 4.112 I agree with Quad Trust and GS Holdings (2006) Ltd that within a residential zone, the location of a building is limited due to the requirements for setbacks, recession lines and building coverage. I also agree with Ashburton District Council that the Standard should be amended to ensure it is clear that it only relates to non-reticulated areas. I

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<sup>84</sup> Submission 162, Points 3 and 4

<sup>85</sup> Submission 399, Points 2, 3 and 4

<sup>86</sup> Submission 522, Point 16

<sup>87</sup> Submission 639, Point 80

also recommend that the Standard should continue to require that the ‘indicative’ rather than ‘proposed’ location of building platforms etc be shown. This ensures that the Council can be certain that the allotment can be serviced but provides some flexibility to future developers. Sewage disposal and the supply of water are essentially regional council concerns but I consider that it is appropriate that the Council is assured that allotments can be serviced. Final assessment and approval of any on-site services will be made by the regional council and appropriate conditions attached to discharge and take consents. Furthermore, monitoring of such consents to ensure compliance will also be a regional council matter.

- 4.113 With regard to the concern about developers not knowing the location of building platforms within a subdivision, I believe that the Council should reasonably expect some assurance that future development can occur on non-reticulated sites and essential services can be provided. I understand that it is the Council’s intention to prevent the creation of allotments that cannot be developed due to Regional Council requirements for separation distances between wells and septic tanks, for example. Whilst there are standards that deal with connections to essential services such as water supply, and it is a matter to which Council has reserved its discretion under 9.7.3a), this can just mean that the applicant states that the allotment is of sufficient size to contain a residential unit, well and septic tank. It is not until these are illustrated on a plan that it becomes clear that the area where each can be placed is either limited or not possible. The intent of the Standard is to avoid this occurring. Therefore, I do not consider that the intent of the Standard is met by Rule 9.7.3a) and any application would only become non-complying if the Indicative Plan is not provided, which may suggest an issue that the Council needs to address. Therefore, it is appropriate that it be provided for as a Critical Standard. Furthermore, providing for an indicative plan within Appendix 1-2 does not allow consideration of the matter as part of any application. I therefore recommend that Standard 9.9.6 be amended to ensure it only applies to non-reticulated areas and secondary flow paths are included for consideration.

#### *‘9.9.6 Indicative Plan*

*a) All new subdivisions in areas not serviced by a reticulated water and/or sewerage system shall provide to Council a plan showing the indicative location of building platforms, stormwater treatment and disposal areas (including secondary flow paths), and wastewater treatment and disposal areas.’*

- 4.114 N K Salter Surveying Ltd<sup>88</sup> seeks to reword Standard 9.9.7 (b) to make it clear what is expected as the submitter considers that the words ‘provided with the ability to connect’ is unclear. They question whether this just means supplying a letter from the relevant authorities and if so, the standard should state that. In the case of telecommunications systems, should this specify a fixed-line system?
- 4.115 I acknowledge that the Standard is unclear as it appears to be more than the provision of a letter from an electricity supply that it can be achieved but is less than actually connecting the allotment to a supply. I suggest that it is the Council’s intention that the developer provides an electrical supply to the boundary of each property that future development can connect to. I also consider that each allotment should be provided with the ability to connect to a fixed line telecommunication network. As

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<sup>88</sup> Submission 522, Point 17

such, I recommend that the wording of the proposed standard be amended to reflect this.

### *‘9.9.7 Energy Supply and Telecommunications*

.....

*b) All new allotments in the Residential D Zone, other than allotments for access, roads, utilities or reserves, shall ~~be provided with the ability have to connect to an electrical supply system at the boundary of the net area of the allotment, and to a fixed-line telecommunication system.~~*

- 4.116 Federated Farmers<sup>89</sup> seek to exempt sterile poplar species such as Lombardy from the list of trees under 9.9.8(b). The Department of Conservation<sup>90</sup> seeks to amend Critical Standard 9.9.8 to include Rowan, Ash and Holly trees to the list of species that shall not be planted.
- 4.117 Federated Farmers do not provide any reasons for exempting sterile poplar species from the standard whereas the Department of Conservation seeks to ensure that the Plan is consistent with Environment Canterbury’s Regional Pest Management Strategy (RPMS). I therefore recommend that Rowan, Ash and Holly are added to the list of trees that should not be planted to ensure consistency with the RPMS but that poplar species remain as there appears to be no reason to remove them. I invite Federated Farmers to address this matter further at the hearing but do note that the standard does not apply in the Rural Zones where poplars may be planted for shelterbelt purposes.
- 4.118 Ashburton District Council<sup>91</sup> seeks to amend Critical Standard 9.9.8 to ensure that trees are planted no more than 50 metres apart, should be capable of reaching a minimum height of 6 metres and by removing bullet point 1 (Trees shall be planted adjacent to the kerb) and adding the following bullet points:
- Trees shall be planted with root barriers of at least 1.5m in depth
  - Trees should be planted away from any existing or proposed services within the footpath.
- 4.119 Electricity Ashburton Limited<sup>92</sup> seeks to restrict tree species to those that do not mature to heights in excess of 8 metres and to de-emphasise the desire to plant new trees of substantial size in the road reserve. The submitter also seeks to add a new standard to ensure that any new tree is not planted within 3 metres of any existing utility<sup>93</sup>.
- 4.120 David H Robertson<sup>94</sup> notes that Council policy has set footpaths adjacent to the kerb, therefore trees need to be set closer to boundaries for safety and visibility issues, and to minimise tree root issues.

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<sup>89</sup> Submission 553, Point 137

<sup>90</sup> Submission 638, Point 28. This is opposed by a further submission from F80: Federated Farmers

<sup>91</sup> Submission 639, Point 85. This is supported by a further submission from F71: Electricity Ashburton Limited.

<sup>92</sup> Submission 635, Points 13 and 23

<sup>93</sup> Submission 635, Point 12

<sup>94</sup> Submission 238, Point 1. This is supported by a further submission from F71: Electricity Ashburton Limited

- 4.121 I understand that given the existing character of many of Ashburton’s District’s streets, the Council intends to encourage the planting of trees in road reserves. I understand that the Council policy is for trees to be planted away from the kerb as leaves may block the drainage system or damage nearby utilities within the carriageway. I accept this as trees planted adjacent to kerbs can also be a nuisance when the roadside is used for parking and trees can prevent the opening of car doors and having the footpath next to the kerb can avoid those issues. I also accept that this may mean planting trees where utilities may be located under the footpath and as such care should be taken to ensure that roots do not become entangled with these. I also understand that the use of root barriers to be an appropriate method of controlling this. Having considered these matters, I recommend that bullet point one be removed as this will provide greater flexibility to the Council over where trees are planted. I also recommend that the two bullet points proposed by Ashburton District Council are added to ensure that roots do not damage utilities and footpaths. This may address concerns from Electricity Ashburton regarding the planting of large trees in the road reserve. However, bullet point two should be amended to remove the reference to proposed utilities as I am unsure how an applicant can be certain of where future utilities may be located.
- 4.122 With regard to the spacing and height of trees, Electricity Ashburton has sought to limit the tree species to those that do not mature to greater than 8 metres in height. The Council considers that trees should be capable of reaching a minimum height of 6 metres, although no specific reasons are given for this. Electricity Ashburton considers that larger trees, which generally have more extensive root systems, may damage utilities and footpaths. As such, there may well be merit in limiting the height of trees to 8 metres especially also considering the potential for large trees to shade footpaths and the height of surrounding buildings generally being a maximum of 8 metres in Residential Zones and up to 16 metres in Business Zones. I therefore recommend that bullet point two be amended to read ‘At maturity, trees shall be a maximum height of 8 metres.’
- 4.123 The amendment sought to the wording of the standard in terms of the spacing of trees is one of clarity. I therefore recommend that the wording be amended in accordance with the relief sought by Ashburton District Council.

#### **‘9.9.8 Roads**

a) *All new roads shall be vested with the Council on subdivision.*

b) *All road reserves in the Residential and Business Zones, to be vested with Council, shall be planted with one tree ~~per~~ no more than 50 metres apart:*

- ~~*Trees shall be planted adjacent to the kerb.*~~
- *At maturity, trees shall be capable of reaching a minimum a maximum height of 8 metres.*
- *Trees shall be a minimum height of 1 metre at the time of planting.*
- *Trees shall be planted with root barriers of at least 1.5 metres in depth*
- *Trees should be planted away from any existing services within the footpath.*
- *Trees of the following species shall not be planted:*

<i>Lodgepole pine</i>	<i>Pinus contorta</i>
<i>Scots Pine</i>	<i>Pinus sylvestris</i>
<i>Corsican Pine</i>	<i>Pinus nigra</i>
<i>Dwarf mountain pine</i>	<i>Pinus uncinata</i>
<i>Mountain Pine</i>	<i>Pinus mugo</i>
<i>Douglas fir</i>	<i>Pseudotsuga menziesii</i>
<i>All poplars</i>	<i>Salicaceae species</i>
<u>Rowan</u>	<u><i>Sorbus aucuparia</i></u>
<u>Ash</u>	<u><i>Fraxinus excelsior</i></u>
<u>Holly</u>	<u><i>Rex aquifolium</i></u>

### **9.10: Assessment Matters**

- 4.124 Ashburton District Council<sup>95</sup> seeks to amend Assessment Matters 9.10.6 and 9.10.10 to refer to ‘attenuation devices’ rather than ‘retention basins’ as this would provide flexibility in the type of stormwater management that could be provided in a subdivision.
- 4.125 I agree with the submitter and consider it appropriate to provide for less specific methods of stormwater management to enable the best or most sustainable method to be used. As such, I recommend that the assessment matters be amended to refer to ‘attenuation devices’.

#### **‘9.10.68 Natural Hazards and Flooding and Overland Flow of Water**

....

c) *In relation to inundation from any source:*

- *the effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;*
- *any proposed drainage to protect surrounding properties;*
- *the adequacy of existing outfalls and any need for upgrading;*
- *any need for ~~retention basins~~ attenuation devices to regulate the rate and volume of surface run-off;*
- *the adequacy of proposed floor levels and building location to avoid loss of life and/or property damage from inundation.*

....

#### **9.10.102 Stormwater Collection and Disposal**

.....

- g) *Any necessity to provide an onsite ~~retention basin~~ attenuation device to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and*

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<sup>95</sup> Submission 639, Points 89 and 90. Point 90 is opposed by a further submission from F80: Federated Farmers

*where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place.*

.....'

- 4.126 New Zealand Fire Service<sup>96</sup> supports the inclusion of Assessment Matters 9.10.7(c) and (d). This support is acknowledged and as no other submitters have sought changes to these matters, I recommend that the submission be accepted.
- 4.127 Ashburton District Council<sup>97</sup> seeks to amend Assessment Matter 9.10.7 by including additional wording under matter g) to take account of the likely use of water by the subdivision and potential land use activity permitted on the land, and delete matters h) and i).
- 4.128 I agree that matters h) and i) are repetitive and replicate the matters in f) and g) being the need to upgrade water supply systems as a result of a proposed subdivision and the contribution to that cost by the subdivider. I also generally agree with the wording proposed to be added to matter g) which takes into consideration the amount of water that may be used. However, I recommend that the assessment matter is reworded for the purposes of grammar and clarity.

#### **9.10.7 Water Supply**

.....

- g) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increasing pipe sizes leading to the subdivision in existing or new streets, or providing new headworks and new pumping units, taking account of the likely volume of water to be used by the subdivision and the potential land use activities that could be permitted on the land.*
- h) Where it is necessary to upgrade the reticulated water supply system in order to cater for the subdivision, any costs to be borne by the subdivider, calculated on the cost of supplying the increase in demand as a result of the additional allotments.*
- i) Whether, because of increased demand that the potential land users may impose upon the system, an upgrading contribution should be made towards a programmed plan for installation of new headworks and pumping units, and the extent of any contribution taking account of the likely use of water by the subdivision and the potential land use activities that could be permitted on the land.*

.....

- 4.129 Ashburton District Council<sup>98</sup> seeks to amend Assessment Matter 9.10.8 to refer to private rising mains connecting 'to a gravity system/outfall'. I recommend that the assessment matter be amended as proposed because it will provide a clear description of individual pump connections.

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<sup>96</sup> Submission 54, Point 4

<sup>97</sup> Submission 639, Point 87

<sup>98</sup> Submission 639, Point 88

***'9.10.810 Sanitary Sewage Collection, Treatment and Disposal***

....

- d) *Where it is not possible to provide a reticulated system with a gravity outfall, the feasibility of individual pump connections with their private rising mains to a gravity system/outfall, or new pumping stations, complete pressure, or vacuum systems.'*

4.130 New Zealand Railways Corporation<sup>99</sup> seeks to add the following clause into Assessment Matter 9.10.10: 'Where stormwater disposal connects with an adjoining landowner's stormwater reticulation, whether the consent of the downstream landowners has been obtained'. The submitter is concerned that the retention of open, natural waterway systems will encourage proposed subdivision developments to discharge stormwater into the railway drainage reticulation.

4.131 Whilst I understand the submitter's concerns, as the disposal of stormwater into an open drainage channel, swale or stream/river has the potential to create flooding further downstream; I have a problem with the proposed wording of the assessment matter as it is very 'open'. It would appear to require the 'downstream' landowners approval, whether there are adverse effects or not and, I question whether the submitter envisages obtaining the written approval of all landowners along the subject stream/water way. However, I do consider it appropriate to consider effects on downstream properties when it is proposed to dispose of water in a natural waterway or swale. As such, I recommend that a more generic assessment matter be included to address this relevant and valid concern.

***'9.10.102 Stormwater Collection and Disposal***

.....

- g) *Any necessity to provide an onsite ~~retention basin~~ attenuation device to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place.*
- h) *Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects.*
- i) *Where stormwater disposal is into an open waterway or channel, any potential adverse effects such as flooding on downstream properties, and whether the owners written approval has been obtained.*

4.132 Ashburton District Council<sup>100</sup> seeks to amend Assessment Matter 9.10.6 to include reference to 'groundwater tests' and 'base levels'. This assessment matter provides for the assessment of contaminated sites when considering flooding and overland flows. I consider this to be appropriate and recommend that assessment matter 9.10.6f) is amended to reflect the relief sought by Ashburton District Council as it will ensure that ground water tests and base levels are considered when assessing applications.

***'9.10.68 Natural Hazards and Flooding and Overland Flow of Water***

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<sup>99</sup> Submission 601, Point 28

<sup>100</sup> Submission 639, Point 86

....

- f) *In relation to contaminated sites, any soil tests, ground water tests, establishing base levels, suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.*

4.133 However, Canterbury Regional Council<sup>101</sup> seeks to include a new provision 9.10.16 Contaminated Sites' to read: '

*- whether Preliminary Environmental Site Investigation(s) <sup>(1)</sup> have been undertaken to identify any past or existing land uses which may have contributed to site contamination (2) and the outcome of those investigation(s).*

*– whether Detailed Environmental Site Investigation(s) have been undertaken where site contamination <sup>(2)</sup> potentially exists.*

*– Any remediation and/or mitigation measures proposed or undertaken to address identified site contamination.*

*– Whether or not subdivision, development or land use should be restricted on any part of the site as a result of site contamination.*

<sup>1</sup>. *Preliminary and Detailed Environmental Site Investigations must be undertaken in a manner consistent with the Ministry for the Environment Contaminated Land Management Guideline No.5, February 2004, MfE Number 497.*

<sup>2</sup>. *Potentially contaminating land uses include, but are not limited to those presented on the Ministry for the Environment Contaminated Land Management Guidelines-Schedule A, Hazardous Activities and Industries List 9HAIL), January 2004.*

4.134 The Regional Council is concerned that where contaminated sites exist, subdivision or subsequent activities, may inadvertently produce environmental hazards, through the disturbance or use of contaminated sites. In order to mitigate the risk, a further assessment matter should be included in the Plan to provide for an enquiry into site contamination and if present, to ensure that any risks and proposed mitigation measures are appropriate. Such an approach is considered to give effect to Policy 3 from Chapter 18 of the Canterbury Regional Policy Statement. Although I think the submitter intended the reference to be to Chapter 17 of the Proposed Canterbury Regional Policy Statement. The further submitters oppose the Matter as it is not consistent with the National Environmental Standard for Assessing and Managing Contamination in Soils (NES), for example the Matter should refer to contaminated land and not sites, it is not necessary to undertake investigations on all sites that may have been used by a potentially contaminating activity and the management of sites is a potential management method.

4.135 Given that the District Plan must give effect to any National Environmental Standard, I consider that specific standards to manage contaminated land should be included in the Plan. I have suggested text below, taken directly from the proposed NES, to manage this matter at the time of subdivision. On a cautionary note, the NES had not been

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<sup>101</sup> Submission 637, Point 26. This is opposed by further submissions from F3: Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ and F5: Transpower New Zealand

gazetted at the time of finalising this report, therefore the provisions provided below should be considered as interim and subject to change. However, it is unlikely that the NES will be withdrawn or fundamentally altered given that it has been through a public process.

- 4.136 Furthermore, the NES applies to all development and not just subdivision and it may be timely to give consideration to a new District Wide section in the Plan for Contaminated Land. In my opinion, the rules, standards and assessment matters would be very similar to those stated below, and the NES provides a directive objective and policy framework that could be transferred into the Plan. Therefore, the provisions in the Subdivision section may be removed and placed within a distinct section. This would not require a variation as there is no ability to amend the standards to make them less stringent and in any case the NES, once it has been gazetted, automatically overrides any existing rules that relate to the effects of soil contamination on human health in the operative District Plan. It also applies to new designations as well as applications for resource consents.

## 9.6 Reasons for Rules

### 9.6.6 Contaminated Land

The National Environmental Standard for assessing and managing contaminants in soil (NES) was gazetted on ?? 2011. The District Plan must give effect to the NES and therefore a standard in the Plan seeks to manage the subdivision and development of contaminated sites as the disturbance of contaminated soil has the potential to create adverse effects on people's health as well as rendering some sites unusable. The standard therefore provides for the assessment of land prior to development to protect both the applicant's investment and future owner's health and wellbeing. In Ashburton District, there may not be a significant number of contaminated sites and the standard provides for this by creating a three-tier approach to assessing sites – identification of potentially contaminated sites, preliminary investigations and detailed site investigations. If the site is not initially identified as potentially being contaminated, then no further investigation is required.

## 9.8 General Standards

### 9.8.7 Contaminated Land

This rule does not apply where the subdivision is not associated with a change in use or a disturbance of the ground.

a) If the site(s) subject to subdivision:

- is/are listed on the district or regional council land-use information register as being potentially affected or affected by soil contaminants, and/or
- is/are known to be associated with a current or historic industry or activity listed on the Hazardous Activities and Industries List (HAIL" held by the Ministry of the Environment)and/or
- exhibit(s) any other evidence of the land being affected by contaminants

a preliminary site inspection shall be undertaken by a suitable qualified and experienced person.

A report, prepared in accordance with Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Land in New Zealand, shall be provided to the Council detailing whether the site requires further investigation. This report can be in the form of historical photos showing that the location of a sheep dip is remote from the land being developed.

b) If the land is determined as likely to have contaminants in the soil or there is insufficient information to confirm whether the risk to human health is acceptable or not, a detailed site investigation shall be carried out by an experienced and qualified practitioner.

This investigation, assessment and analysis must be undertaken by a qualified and experienced practitioner in accordance with Contaminated Land Management Guidelines No. 5 (MfE, 2004b).

A report shall be provided to Council that must include:

- Site investigation reports (preliminary and detailed)
- remedial action plan – where the applicant proposes to remove or reduce the contaminant mass to below soil guideline values (SGVs) that define the concentrations at which the risk to human health
- management and monitoring plan – where the applicant proposes to cap, contain or manage the contamination to prevent or minimise exposure.

The development of remedial action plans and management and monitoring plans should be undertaken by a qualified and experienced practitioner and prepared in accordance with Contaminated Land Management Guidelines No. 1 (MfE, 2003a).

#### 9.10.5 Contaminated Land

- The nature and extent of the contamination
- The risk posed by contaminants to public health and safety
- The methods to address the risk posed by contaminants to public health and safety
- The approach to the remediation, containment and/or ongoing management of the contaminated land and the mitigation measures.

## **5.0 ERRORS / CORRECTIONS**

4.137 In reviewing this chapter, it has been identified that there is a minor typographical error that should be corrected at this time.

Critical Standard 9.9.1c) refers to Rule 10a and it should read Standard 9.9.1a)

4.138 As this is a minor correction, I recommend that it be amended as part of the decisions on this section.

## **6.0 STATUTORY CONSIDERATIONS**

4.139 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations above are both effective and efficient and will ensure that the methods contained in this section are the most appropriate method for achieving the objectives of the Plan. I consider that this section of the Plan is appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

## **7.0 RECOMMENDATIONS**

4.140 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, this section of the proposed District Plan should be accepted.

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S54	New Zealand Fire Service (NZFS)	1	Strongly supports the inclusion of Policy 9.2c as it is appropriate for this policy to require new allotments to connect to a reticulated water supply, where this is available, and to require that any water supply is of sufficient capacity and pressure for fire fighting requirements.	Accept Para 4.26
S54	New Zealand Fire Service (NZFS)	2	Strongly supports Anticipated Environment Result "Water supplies which are sufficient in volume, quality and pressure to meet potable and fire-fighting needs" remain unamended in the District Plan".	Accept Para 4.37
S54	New Zealand Fire Service (NZFS)	3	The inclusion of Critical Standards 9.9.4 (a) and 9.9.4(c) are strongly supported, however the following minor amendments are proposed to Critical Standard 9.9.7 (c): All new allotments in all zones shall be provided with an individual high pressure water supply in accordance with the New Zealand Fire Code of Practice for <del>fire fighting water supply</del> <u>Fire Fighting Water Supplies</u> SNZ PAS 4509:2008, and any subsequent amendments.	Accept in Part Paras 4.105 and 4.106
S54	New Zealand Fire Service (NZFS)	4	Strongly supports the inclusion of Assessment Matters 9.10.7(c) and 9.10.7(d).	Accept Para 4.126, 4.127 and 4.128

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S61	Transpower New Zealand	1	<p>Amend the Proposed Plan to make all required changes, including those specific submissions detailed below, to ensure:</p> <ul style="list-style-type: none"> <li>- that the NPSET and NESETA is given effect to</li> <li>- the sustainable management of the National Grid as a physical resource</li> <li>- Appropriate provision for the on-going operation and maintenance of the network, including ensuring that lines can be accessed</li> <li>- that the existing network can be upgraded in order to meet growth in energy demand</li> <li>- the protection of the existing network from issues of reverse sensitivity and the effects of others activities</li> <li>- the protection of neighbouring activities from the effects of the National Grid; and</li> <li>-appropriate provision to facilitate planning and development of new lines.</li> </ul> <p>Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.</p>	Accept in Part Para 4.6 and 4.7
F16	TrustPower Limited	1	Support	Accept in Part
F71	Electricity Ashburton Limited	1	Support	Accept in Part
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	1	Oppose	Accept in Part
F80	Federated Farmers	1	Oppose	Accept in Part

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S61	Transpower New Zealand	26	<p>Amend Section 9.2 Issues, Power/Electricity Section to include text identifying the reverse sensitivity issue for high voltage transmission lines and recommending that developers of all new subdivisions in close proximity to high voltage transmission lines to contact Transpower directly to discuss the potential impact of their proposals. This could be achieved by adding the following new text to the Section on Power/Electricity:</p> <p>High Voltage Electricity Lines Subdivision and associated land development and building activities near high voltage transmission lines has the potential to generate adverse effects on those lines. The high-voltage transmission lines form a major asset and may act as a constraint to subdivision and associated development. This asset must be protected from activities that could impact on the on-going function of the lines. Likewise activities in the surrounding area must be protected from reverse sensitivity type concerns from the on-going use and upkeep of lines.</p> <p>It is important that the location and scale of regionally significant infrastructure should be taken into account at an early stage, when changes are more likely to be made in response to identified issues. Accordingly, developers of all new subdivisions are advised to contact Transpower New Zealand Limited directly to discuss the potential impacts of their proposal.</p>	Accept in Part Para 4.14 and 4.15
F71	<i>Electricity Ashburton Limited</i>	26	<i>Support</i>	<i>Accept in Part</i>
S61	Transpower New Zealand	27	Amend 9.7.3 to reserve control over the location of allotments as well as their size, dimensions and orientation.	Reject Para 4.56 and 4.57
S61	Transpower New Zealand	28	Amend Rule 9.7.3 to also reserve control over Reverse sensitivity effects on high voltage transmission lines or text similar to that effect.	Accept in Part Paras 4.48 and 4.49
S61	Transpower New Zealand	29	Retain General Standard 9.8.7 which requires subdivision and/or development within the Aquatic Park Outline Development Plan areas to be in accordance with the Outline Development Plan in Appendix 7-1.	Accept Paras 4.75 and 4.76

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S61	Transpower New Zealand	30	Add a new provision to Rule 9.7.4 requiring that any subdivision that does not comply with General Standard (High Voltage Transmission Lines) shall require consent as restricted discretionary activity.	Reject Paras 4.48 and 4.49
S61	Transpower New Zealand	31	Add a new General Standard (High Voltage Transmission Lines) which ensures that subdivisions within 32m of the centreline of high voltage transmission lines can be adequately controlled to protect against reverse sensitivity effects. This could be achieved by adding a new General Standard (High Voltage Transmission Lines) along the following lines (or text to similar effect):  <b><u>XX High Voltage Transmission Lines</u></b> <u>a) No allotments created by subdivision, including balance titles, shall contain indicative building platforms within 32m either side of the centreline of a transmission line;</u> <u>b) Earthworks associated with the subdivision shall not occur within 12 metres from the outer edge of the visible foundation of any transmission support structure;</u> <u>c) Earthworks associated with the subdivision that are carried out within 32m either side of the centreline of a transmission line shall not reduce the existing clearance distances between the ground and high voltage transmission lines.</u>	Accept Paras 4.48 and 4.49
S61	Transpower New Zealand	32	Amend Section 9.7.7 - Notification/Consultation/Notes (Subdivision Chapter) to identify that Transpower is a potentially affected party in respect of General Standards (High Voltage Transmission Lines). This could be achieved by adding new text along the following lines:  <u>Consultation with Transpower New Zealand Limited will be important in the assessment of resource consent applications in relation to the following standards:</u> <u>High Voltage Transmission Lines    General Standard (XX)</u>	Accept Paras 4.48 and 4.49
S61	Transpower New Zealand	33	Amend Section 9.10 to include the Assessment Matters in Rule 7.11.5 - Setback from High Voltage Transmission Lines.	Accept Paras 4.48 and 4.49

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S67	E B Sheehan	1	That the Council will not only let common sense prevail but move in a positive way to help the residents of the Settlement to develop this area for the benefit of the whole district.	Defer to later report on Planning Maps Para 4.3
S91	Clark McLeod	10	Subdivision to be a permitted activity if it complies with the standards in the Plan.	Reject Para 4.51
S100	Lorna and Alan Dent	1	Seek an exemption from the 50 hectare rule for all the existing (historical) small sites in the Staverley area down to 2 hectares and a return to the existing rule in the current plan.	Defer to later report on Planning Maps Para 4.3
S114	Michael and Pauline Doody	1	Object to zone changing and want to retain ability to build on 5 acre blocks in the Rakaia Settlement.	Defer to later report on Planning Maps Para 4.3
S117	Bruce Gray	1	Seek an exemption from the 50 hectare rule for existing small sites in the Staveley area down to 2 hectares and return to existing rules in the current plan.	Defer to later report on Planning Maps Para 4.3
S122	Coniston Water Limited	1	Rezone Lots 8 and 9 DP311232, Farm Road to Residential D with a minimum site size of 4,000m <sup>2</sup> .	Defer to later report on Planning Maps Para 4.3
S143	Rakaia Community Association	3	Not to rezone the area known as the Rakaia Settlement, encompassing Normandy Road to the north, Ulundi Road to the south and Wolseley Road to the west as Rural A with its restrictions.	Defer to later report on Planning Maps Para 4.3
S145	John Gilbert Rollinson	1	Maintain zoning of 90 Bridge Street as proposed in the District Plan.	Defer to later report on Planning Maps Para 4.3
S162	Quad Trust	3	That the relevant subdivision rules, objectives and policies, and assessment matters for Residential C Zone with the exception of Rule 9.9.1 (d) and 9.9.6(a) are adopted as proposed.	Accept in part Paras 4.46 to 4.134
S162	Quad Trust	4	Critical standard 9.9.6(a) is opposed because non-compliance with this rule becomes a non-complying activity. The intent of the rule, we consider, is covered by 9.7.3(a) Controlled Activities.	Accept in part Paras 4.111, 4.112 and 4.113

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S162	Quad Trust	5	We oppose the requirement for subdivision applications to be considered as restricted discretionary activities and the associated bullet point being the matter the subject to discretion. We consider that the subdivision should be a controlled activity under section 9.7.3 with the associated bullet point included in the suite of controlled activities.	Reject Para 4.52
S162	Quad Trust	6	We oppose the requirement that earthworks greater than 2000m <sup>3</sup> on any subdivision in the residential zone be considered a full discretionary activity under Rule 9.7.5 Discretionary Activities. We request that the earthworks quantum be increased to 5000m <sup>3</sup> to be commensurate with the controlled activity requirement in rule 9.7.3(b).	Accept Para 4.59
S162	Quad Trust	7	(a) .....  (b) That the subdivision standards be amended and/or rejected as stated above; and  (c) Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan, that may be required to give effect to this submission.	Accept in part
S165	R A Hickman	1	Oppose the proposed District Plan applying to the Rakaia Settlement.	Defer to later report on Planning Maps Para 4.3
S171	A N and P Scott	1	Provide for residential units on sites within the Waterton area (including our land) as a permitted activity. Without limiting the generality of the relief sought: Amend Planning Map R84 by rezoning Waterton (including our land) as Residential D or C; or Amend Planning Map R84 by introducing a 'Waterton overlay' (including over our land) over Waterton and amend Rule 3.10.1 to provide for residential units on sites greater than 2,000m <sup>2</sup> within the overlay.	Defer to later report on Planning Maps Para 4.3
S175	Jennifer and Stephen Dynes	1	The Council should designate the Rakaia Settlement as a Special Zone where residential development is allowed on any property of 2 hectares. For properties under 2 hectares, the right to seek resource consent to build a residential dwelling.	Defer to later report on Planning Maps Para 4.3

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
F76	AL Hart	1	Support	
S183	Francis H Williams	2	Council is obliged by its own reasoning to allow dwellings to be erected on the existing lots in the Rakaia Village Settlement and issue certificate of title to the lots that do not have certificates of title.	Defer to later report on Planning Maps Para 4.3
S183	Francis H Williams	5	Reinstate the Plan that was implemented in the 1870's of one house per section in the Rakaia Village Settlement bounded by Baker, Normandy, Wolsley and Ulindi Roads. Council is obliged to allow the issuing of more certificates of title for those sections that have been combined under one certificate of title so that each section can have its own certificate of title.	Defer to later report on Planning Maps Para 4.3
S183	Francis H Williams	6	The Rakaia Township needs to expand in a controlled way, the Rural A land west of the west town belt bounded by Normandy, Baker and Hardy Roads should be progressively zoned for more dense residential occupation.	Defer to later report on Planning Maps Para 4.3
S183	Francis H Williams	7	As there is no threat to the environment from this treated waste water, Council should allow houses to be built on all sections in the Rakaia Village Settlement as surveyed in 1880.	Defer to later report on Planning Maps Para 4.3
S183	Francis H Williams	8	All that land in the Rakaia Village Settlement known as SOD Town surveyed by JE Pickett in April 1880: these existing sections be a minimum area for a dwelling commencing with and including Section 29 Block IV in numerical order and including Section 47 Block IV. Section 48 Block IV be reinstated as a public road or right of way to service Sections 36, 37 and 38 Block IV. Council will need to reestablish a communal well to service these sections.	Defer to later report on Planning Maps Para 4.3
S184	Maureen Williams	1	That the decision be made to allow a dwelling to be built as of right on any section, surveyed in the 1880's regardless of size, in 'Sod Town' and the Rakaia Village Settlement locality.	Defer to later report on Planning Maps Para 4.3
S195	Jennifer Ann Deaborn	1	No change to current District Plan provisions in Staveley for rural density.	Defer to later report on Planning Maps Para 4.3
S200	Donald and Carol Williamson	1	All land owned by us in this block to be included in Residential D Zone and make provision for sewer and water to come to our boundary when developing blocks on town side of us.	Defer to later report on Planning Maps. Also refer to Rural: General

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
				report: 20 for discussion on servicing. Para 4.3
F44	New Zealand Transport Agency	1	Oppose	
S204	Heather Mary Schofield	1	That the Staveley area is uniquely valuable regarding tourism opportunities and for this reason, I ask for an exemption from the 50 hectare rule for all existing small sites.	Defer to later report on Planning Maps Para 4.3
S217	Bruce Kenneth McIlroy	2	Create 2ha blocks in the Racecourse Road/Farm Road/Alford Forest Road block without resource consent for 1 dwelling per block.	Defer to later report on Planning Maps Para 4.3
S232	Alexia Jane Biggs	1	If the proposed plan goes ahead, the Council should look at each area for its own merit. Rakaia and Chertsey are in totally different graphic areas as being 45 minutes from Christchurch and 10-15 minutes from Ashburton; these areas will have growth in the future, and should be allowed to grow.	Defer to later report on Planning Maps Para 4.3
S238	David H Robertson	1	Council policy has set footpaths adjacent to kerb. Trees need to be set closer to boundary for safety and visibility issues and, to minimise tree root issues.	Accept Para 4.120 and 4.121
F71	Electricity Ashburton Limited	1	Support	Accept
S240	Silver Fern Farms	61	No change required to Section 9.	Accept in Part Para 4.5
S257	John Van Der Kolk	2	Make inside Burrowers Road, Thompsons Track, Wolesley Road and Normandy Road area a special zone allowing development as of right on 5 acres or less.	Defer to later report on Planning Maps Para 4.3
S264	Anne Porter	1	That all long drop toilets at Lake Clearwater be replaced by holding tanks by 2015.	Accept in Part Paras 4.8 and 4.9
S274	David Lavington Fisher	1	Remain in Rural A as in current District Plan.	Defer to later report on Planning Maps Para 4.3

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S297	Geoffrey Skerten	3	The Rakaia Settlement should have a change of zoning or special clauses or both like a number of other development areas in the District.	Defer to later report on Planning Maps Para 4.3
S299	Richard John Scott	1	Provide for residential sites within the Waterton area as a permitted activity.	Defer to later report on Planning Maps Para 4.3
S327	Lake Hood Extension Project - Joint Venture	15	The APZ be specifically exempted from the provisions of subdivision section and the rules and policies of the APZ to apply.	Reject Paras 4.75 and 4.76
S343	Ian and Deborah McCaw	2	That more weight be given to the location between Lake Hood and Tinwald it being the best place for subdivision to be allowed to continue. If it is to be zoned Rural B, that this area because of its location between Lake Hood and Tinwald be given dispensation to subdivide to 8 hectare blocks given that intensive farming will be more difficult in this changing environment.	Defer to later report on Planning Maps Accept Para 4.3
S370	Martin M Dodson	1	To allow 1-2 hectare blocks around these smaller rural townships and villages.	Defer to later report on Planning Maps Accept Para 4.3
S374	Greg and Elaine Brake	1	Adopt a proposal which will enforce the installation of holding tanks to all toilets/bachs for blackwater as compulsory by 2015 and should a building consent be sought for any site at Lake Clearwater before 2015, then it becomes a requirement to fill in any long-drop and install a holding tank.	Accept in Part Paras 4.8 and 4.9
S399	GS Holdings (2006) Ltd	2	That the relevant Subdivision rules, objectives and policies and assessment matters for the Residential C Zone are supported.	Accept in Part Paras 4.46 to 4.134
S399	GS Holdings (2006) Ltd	3	Amend Rules 9.9.1(d) and 9.9.6(a).	Accept in Part Paras 4.111, 4.112 and 4.113
S399	GS Holdings (2006) Ltd	4	That the subdivision standard 9.9.6(a) Indicative Plan is opposed because non compliance with this rule becomes a non-complying activity. The intent of this rule we consider is covered by 9.7.3(a) Controlled Activities.	Accept in Part Paras 4.111, 4.112 and 4.113

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S399	GS Holdings (2006) Ltd	5	That subdivision application be a controlled activity under section 9.7.3 with the associated bullet point included in the suite of controlled activities.	Reject Para 4.52
S399	GS Holdings (2006) Ltd	6	That the earthworks quantum be increased to 5000m <sup>3</sup> to be commensurate with the controlled activity requirement in rule 9.7.3 (b).	Accept Para 4.59
F12	Department of Conservation	6	<i>Oppose</i>	<i>Reject</i>
S399	GS Holdings (2006) Ltd	7	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan that may be required to give effect to this submission.	Accept in Part
S490	DL & JL Williams	2	That the Residential D Zone rules, objectives and policies, standards, reasons for rules and assessment matters and the subsequent subdivision standards applicable to the Residential D Zone be accepted and approved.	Accept in Part Para 4.5
S490	DL & JL Williams	3	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan, that may be required to give effect to this submission.	Accept in Part Para 4.5
S477	David Wyse Smith	5	I would like to see Residential C standards similar to the Township Zone imposed. Revis site standard 4.9.1 to match 9.9.1.	Refer to the s42a report on the Residential section
S501	Mockford Investments Ltd	2	That the Residential C Zone rules, objectives and policies, reasons for standards, zone standards and assessment matters and subsequent subdivision standards be supported.	Accept in Part Para 4.5
S501	Mockford Investments Ltd	3	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan, that may be required to give effect to this submission.	Accept in Part Para 4.5
S515	Helena M Patchett-Carter	1	Rakaia Settlement to allow for building on any title over 4,000m <sup>2</sup> with septic tank and adequate water supply.	Defer to later report on Planning Maps
S522	N K Salter Surveying Ltd	8	Delete bullet points 3 and 4 under the notes for Section 9.7.	Accept Para 4.65
S522	N K Salter Surveying Ltd	9	Combine Section 9.8.1 and 9.8.4 and renumber accordingly.	Accept Para 4.78

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S522	N K Salter Surveying Ltd	10	Delete the word 'vacant' in clause d of 9.8.3.	Reject Paras 4.86 and 4.87
S522	N K Salter Surveying Ltd	11	<p>Reconsider the wording of Rule 9.8.9. A suggested wording is to replace No further allotments within....with "No allotments of less than 1500m2 net area shall be created within.." and</p> <p>Either</p> <p>a. delete the last sentence relating to registration of a consent notice pursuant to section 221.</p> <p>Or, if Council wishes to retain the requirement for a section 221 notice but accepts my submission that it need not apply to all lots, a suggested wording is:</p> <p>b. To give effect to this restriction a consent notice pursuant to section 221 of the Resource Management Act 1991 shall be prepared and registered in accordance with the Land Transfer Act 1952 against any titles of less than 3000m2 created in the lower density area of the Residential C Zone within the Lochhead Trust Outline Development Plan.</p> <p>Or, if Council wishes to retain the 221 notice and rejects my submission that it need not apply to all lots then the suggested wording would become:</p> <p>c. To give effect to this restriction a consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be prepared and registered in accordance with the Land Transfer Act 1952 against any titles of less than 3000m2 created in the lower density of the Residential C Zone within the Lochhead Outline Development Plan.</p>	Accept in Part Paras 4.88 and 4.89
F44	New Zealand Transport Agency	11	Oppose	Accept in Part

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S522	N K Salter Surveying Ltd	12	Include proposed boundaries in the list in Appendix 1-2 and delete rule 9.9.1, or  If nominated site boundary means something different to proposed site boundary, include a definition of nominated site boundary. Otherwise replace "nominated" with "proposed".	Accept in Part Paras 4.95 and 4.96
S522	N K Salter Surveying Ltd	13	Reconsider the requirement that fire fighting supply be provided to all new allotments in all zones.	Accept in Part Paras 4.107, 4.108, 4.109 and 4.110
<i>F59</i>	<i>New Zealand Fire Service (NZFS)</i>	<i>13</i>	<i>Oppose</i>	Accept in Part
S522	N K Salter Surveying Ltd	14	Remove Residential D and rural lots from the need to provide a fire fighting water source in the subdivision rules but if still deemed necessary, to include it in the relevant zone rules so that it can be addressed in conjunction with a building consent.	Reject Paras 4.107, 4.108, 4.109 and 4.110
<i>F59</i>	<i>New Zealand Fire Service (NZFS)</i>	<i>14</i>	<i>Oppose</i>	<i>Accept</i>
S522	N K Salter Surveying Ltd	15	Replace the words "an individual high pressure water supply" with "a fire fighting" water supply.	Accept Paras 4.107, 4.108, 4.109 and 4.110
<i>F59</i>	<i>New Zealand Fire Service (NZFS)</i>	<i>15</i>	<i>Oppose</i>	<i>Reject</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S522	N K Salter Surveying Ltd	16	<p>Include the following list in Appendix 1.2 and delete Rule 9.9.6 in its entirety or</p> <p>Delete the proposed rule 9.9.6 Indicative Plans and replace it with:</p> <p><u>All applications for a subdivision consent shall include a plan showing the following details:</u></p> <p><u>building platforms where less than the whole site is suitable as a building site due to topography, natural hazards, location of heritage items.</u></p> <p><u>stormwater treatment and disposal areas where new areas are being created by the subdivision other than onsite swales and soakpits</u></p> <p><u>wastewater treatment and disposal areas including sites for pumping stations where new areas are being created by the subdivision other than onsite septic tanks.</u></p>	Reject Paras 4.111, 4.112 and 4.113
S522	N K Salter Surveying Ltd	17	Reword Rule 9.9.7 b) to make it clear what is expected.	Accept Paras 4.114 and 4.115
S522	N K Salter Surveying Ltd	25	Consider renaming zones to remove verbose descriptions.	Refer to report on the Residential section
S522	N K Salter Surveying Ltd	28	Reconsider the way these zone descriptions are worded with a view to having a consistent description throughout the Plan.	Refer to report on the Residential section
S522	N K Salter Surveying Ltd	29	Number the table on page 9-34 and any others that are not currently numbered.	Accept Paras 4.91 and 4.92
S553	Federated Farmers of New Zealand	132	Retain Policy 9.1H as proposed.	Accept Para 4.17
S553	Federated Farmers of New Zealand	133	Rewrite Policy 9.1Q to clarify the apparent conflict of "measures taken in relation to the mitigation of natural hazards do not affect natural proceses". Surely a certain consequence, as rivercontrol work prevents flooding.	Accept Paras 4.24 and 4.25

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S553	Federated Farmers of New Zealand	135	Clarify reference to 'rules 2-4 below' under General Standard 9.9.1(a).	Accept Paras 4.91 and 4.92
S553	Federated Farmers of New Zealand	137	Exempt sterile poplar species such as Lombardy from the list of trees under 9.9.8 b).	Reject Para 4.117
S557	Bradfords Management Limited	11	Retain Standard 9.9.1(b) Allotment Sizes as proposed.	Accept Para 4.90
S557	Bradfords Management Limited	14	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan that may be required to give effect to this submission.	Accept Para 4.90
S565	Errol and Jocelyn Syme	6	Amend the rural provisions or include new provisions to: .....  The Anticipated Environmental Results and Methods need amendment or additions in order to better recognise historic subdivision and existing expectations of landowners in respect of dwelling densities. They should expressly provide for one dwelling per allotment and for subdivision at lower densities where that is appropriate having regard to the proximity of land to villages and the character of the surrounding environment. .....	Reject Para 4.10 and 4.11
S567	MD & RIJ Foster Trust and C Foster Family Trust	5	Create a special Highbank zone for the entire Highbank Area after Residential D at section 4.8 and in particular:  (i) Amend 4.8.2(f) to allow arable farming in the Highbank Area to continue.  (ii) Amending Section 4.9 and in particular Section 4.9.1 to impose a residential density of 1ha on the Highbank Area and incorporate reference to a Highbank outline development plan.	Defer to later report on Planning Maps Para 4.3

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S567	MD & RIJ Foster Trust and C Foster Family Trust	7	In the alternative but without prejudice to the above, establish a Highbank Area special zone for the area coloured orange on the plan attached and numbered 2 (Plan 2) and apply the same relief as that requested in submission points 1-6 above.	Defer to later report on Planning Maps Para 4.3
S567	MD & RIJ Foster Trust and C Foster Family Trust	8	In the alternative but without prejudice to the above, establish a Rural A (Highbank) Zone for the area coloured orange on Plan 2 with the following relief:  (a) Amendment of the Proposed Plan to recognise the Rural A (High bank) Zone, in particular: (i) Deletion of Rule 3.10.1 or Amendment of Section 3.10.1 to allow a residential density of 2 ha in the Rural A (Highbank) zone; (ii) Amendment of Section 9.9.1 (a) to allow a minimum net allotment area of 4 ha in the Rural A (Highbank) zone.	Defer to later report on Planning Maps Para 4.3
S567	MD & RIJ Foster Trust and C Foster Family Trust	9	Amendment of relevant rules contained in the Proposed Plan to support the particular changes requested in submission point 8 above.	Defer to later report on Planning Maps Para 4.3
S567	MD & RIJ Foster Trust and C Foster Family Trust	14	Amendment of Rule 9.7.3 so that subdivision within the Residential and Rural Zones is a controlled activity.	Reject Para 4.52
S567	MD & RIJ Foster Trust and C Foster Family Trust	15	Amendment of Rule 9.7.4 so that subdivision within the Residential and Rural Zones is a controlled activity.	Reject Para 4.52
S567	MD & RIJ Foster Trust and C Foster Family Trust	18	The submitter seeks all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised in this submission.	Reject Para 4.52

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S568	Barcoo Estate Limited	4	Amendment of Rules 9.7.3 and 9.7.4 so that subdivision within the Residential D and Rural A and B Zones is a controlled activity; and  In the event the Submitter's rezoning request is declined, amendment of Rule 9.9.1 so that subdivision is allowed down to a minimum net allotment area of 8 hectares on the land subject of this submission or alternatively throughout the Rural A and B zones.	Reject Para 4.52
S568	Barcoo Estate Limited	6	The Residential Zone provisions should be amended to recognise that the Plan creates a large "gap" between the Residential D densities and the Rural A densities. It is therefore reasonable to expect that the Residential D zone will not be developed to its full potential in order to meet the varying needs of people and the communities. Sufficient land is therefore required in this zone to cater for the range of lifestyle options that must be enabled. This will satisfy the Plan's aspirations to provide for diversity in housing types and to meet the various lifestyle preferences.	Defer to later report on Planning Maps Para 4.3
S568	Barcoo Estate Limited	7	The subdivision provisions referred to in this submission should be amended in a similar way to that suggested for the Rural Zones insofar as they currently lack sufficient balance. The provisions should recognise the expansive and abundant rural resource throughout the District and that subdivision in parts of it will be appropriate in order to enable other needs to be met. This will be particularly so close to villages such as Mayfield.	Reject Paras 4.10 and 4.11
S568	Barcoo Estate Limited	8	The Submitter seeks all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised in this submission.	Reject
S569	Malcolm and Margaret McKay	5	Amendment of Rules 9.7.3 and 9.7.4 so that subdivision within the Residential and Rural Zones is a controlled activity.	Reject Para 4.52
F44	New Zealand Transport Agency	5	<i>Oppose</i>	<i>Accept</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S569	Malcolm and Margaret McKay	7	Amend the rural provisions or include new provisions to: .....  The Anticipated Environmental Results and Methods need amendment or additions in order to better recognise historic subdivision and existing expectations of landowners in respect of dwelling densities. They should expressly provide for one dwelling per allotment and for subdivision at lower densities where that is appropriate having regard to the proximity of land to villages and the character of the surrounding environment. .....	Reject Para 4.10 and 4.11
S569	Malcolm and Margaret McKay	10	The subdivision provisions referred to in this submission should be amended in a similar way to that suggested for the Rural Zones insofar as they currently lack sufficient balance. The provisions should recognise the expansive and abundant rural resource throughout the District and that subdivision in parts of it will be appropriate in order to enable other needs to be met. This will be particularly so close to villages such as Mayfield.	Reject Paras 4.10 and 4.11
S569	Malcolm and Margaret McKay	11	The Submitter seeks all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised in this submission.	Reject
S571	A B and L A Ford Family Trust	4	The subdivision provisions referred to in this submission should be amended in a similar way to that suggested for the Rural Zones insofar as they currently lack sufficient balance. The provisions should recognise the expansive and abundant rural resource throughout the District and that subdivision in parts of it will be appropriate in order to enable other needs to be met. This will be particularly so close to townships such as Rakaia.	Reject Paras 4.10 and 4.11
S571	A B and L A Ford Family Trust	5	The Submitter seeks all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised in this submission	Reject
S571	A B and L A Ford Family Trust	2	Amendment of Rules 9.73 and 9.74 so that Subdivision within the Rural A Zone is a controlled activity.	Reject Para 4.52
S572	Malcolm Edwin McCormick	5	Amendment of Rules 9.7.3 and 9.7.4 so that subdivision within the Rural A and B Zones is a controlled activity.	Reject Para 4.52

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S572	Malcolm Edwin McCormick	7	The subdivision provisions referred to in this submission should be amended in a similar way to that suggested for the Rural Zones insofar as they currently lack sufficient balance. The provisions should recognise the expansive and abundant rural resource throughout the District and that subdivision in parts of it will be appropriate in order to enable other needs to be met. This will be particularly so close to townships such as Ashburton.	Reject Paras 4.10 and 4.11
S572	Malcolm Edwin McCormick	9	The Submitters seek all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised in this submission.	Reject
S573	Peter William and Elaine Mary McCormick	1	The amendment of Rules 9.7.3 and 9.7.4 so that subdivision within the Residential and Rural Zones is a controlled activity.	Reject Para 4.52
S573	Peter William and Elaine Mary McCormick	3	The Submitter seeks all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised in this submission.	Reject
S574	Canterbury District Health Board	3	Council should develop and mitigate stringent standards for design, construction, and maintenance of onsite sewerage disposal systems.  Council should consider connecting new rural residential units to existing sewerage systems where possible.	Reject Paras 4.72 and 4.73
S574	Canterbury District Health Board	5	Continue to provide for parks, open spaces and recreational needs throughout the District and the taking of development contributions to provide such facilities.	Accept Para 4.74
S579	Andrew and Toni Shearer	9	Although it is not currently included in the Proposed District Plan, the submitters would like the Council to consider making it a requirement for hut holders at Lake Clearwater to eventually fill in existing long drops and replace them with either a holding tank sewerage system or composting toilet (or some other suitable alternative). This could be required either by a particular date (to allow people to financially prepare for it) or could be triggered by an application for a building consent for works anything other than a minor nature. This will ensure that long drops are gradually removed from the sites which will reduce any health hazards and minimise the risks to the water	Accept in Part Paras 4.8 and 4.9

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			quality in the area.	
P	New Zealand Transport Agency	14	Retain Objective 9.1 and Policies 9.1G and H.	Accept Para 4.17
S582	New Zealand Transport Agency	15	Amend Objective 9.2 as follows:  To ensure the provision of necessary services to subdivided allotments in anticipation of the likely use of land, while managing adverse effects on the environment. <del>and beyond the subdivided land.</del>	Accept Paras 4.27 and 4.27
S582	New Zealand Transport Agency	16	Add new policy to Objective 9.2 as follows:  <u>Take into account the wider effects associated with the provision of infrastructure and the intended use of that infrastructure on the natural and physical environment beyond the site.</u>	Accept in Part Para 4.28
S582	New Zealand Transport Agency	17	Amend Policy 9.2I as follows:  <del>Require</del> Encourage the use of outline development plans where large areas of land are to be rezoned or redeveloped, whether by Council or a developer, to identify key transport linkages including cycling and walking, and provide a level of certainty for the community as to connections to the local road network, layout, location and area of open space.	Reject Paras 4.30 and 4.31
S582	New Zealand Transport Agency	18	Retain Objective 9.3 and Policy 9.3D.	Accept Para 4.36

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S582	New Zealand Transport Agency	19	Retain Rule 9.7.4.	Accept Para 4.47
S582	New Zealand Transport Agency	48	And any consequential amendments are made to give effect to the relief sought.	Accept in Part
S596	Carr Group Investments Limited	8	<p>Alternatively: Provide a new Rural Zone on Lot 1 DP 41616 and RS 38439 being RB (Rural Business Zone) and include the following provisions:</p> <p>Add reference to the Rural Business Zone throughout the District Plan to all of the appropriate cross reference standards including but not limited to subdivision, transport, signs.</p> <p>All other provisions be as for the Rural Zone, other than Subdivision which should have size limitation as for Rural A zone.</p> <p>And any other consequential amendments necessary to give effect to the above and any other possible means of achieving the above outcomes.</p>	Defer to report on the Planning Maps Para 4.3
<i>F34</i>	<i>Ryal Bush Ltd</i>	<i>8</i>	<i>Support</i>	<i>Deferred</i>
<i>F35</i>	<i>HW Richardson Group Limited</i>	<i>8</i>	<i>Support</i>	<i>Deferred</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>	<i>8</i>	<i>Oppose</i>	<i>Deferred</i>
<i>F80</i>	<i>Federated Farmers</i>	<i>8</i>	<i>Support</i>	<i>Deferred</i>
S596	Carr Group Investments Limited	10	And any other consequential amendments necessary to give effect to the above and any other possible means of achieving the above outcomes.	Defer to report on the Planning Maps Para 4.3
<i>F44</i>	<i>New Zealand Transport</i>	<i>10</i>	<i>Oppose</i>	<i>Deferred</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	<i>Agency</i>			
S601	New Zealand Railways Corporation (KiwiRail)	26	Council retains Objective 9.2 as proposed.	Accept in Part Paras 4.27 and 4.27
<i>F44</i>	<i>New Zealand Transport Agency</i>	<i>26</i>	<i>Support</i>	<i>Accept in Part</i>
S601	New Zealand Railways Corporation (KiwiRail)	27	Council retains Policies 9.2C and D as proposed.	Accept Para 4.26
S601	New Zealand Railways Corporation (KiwiRail)	28	That the following or similar clause or to be added into Section 9.10.10. <u>Where stormwater disposal connects with an adjoining landowners stormwater reticulation, whether the consent of the downstream landowners has been obtained.</u>	Accept in Part Paras 4.130 and 4.131
S601	New Zealand Railways Corporation (KiwiRail)	29	That the Council adds a new policy, new Policy 9.2B, in Objective 9.2 to control access via road/rail level crossings to both new and expanded subdivision. <u>Encourage alternative accessways to road/rail level crossings to maintain the safe operation of the railway.</u>	Reject Paras 4.32 and 4.33
S606	St Ita's Guesthouse	3	That the Rakaia Settlement deserves a Special Zone allowing residential development as of right on any property over 2 hectares, and for those properties smaller than 2 hectares having the right to seek resource consent for a dwelling to be built.	Defer to later report on Planning Maps Para 4.3
S612	Land Services Group Ltd	7	9.6.7 Flooding and Overland Flow of Water  Remove the sentence "Areas known to be at risk ... sustainable."	Reject Paras 4.38 and 4.39

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S612	Land Services Group Ltd	8	9.6.13 Provision for Open Space and Recreation Delete the last paragraph, and replace with;  <u>All contributions to the Council can be in land and/or cash and any land purchases for reserves negotiated with Council are to be in accordance with the requirements of the Resource Management Act 1991 and Council's policy for land acquisition.</u>	Accept Paras 4.44 and 4.45
S612	Land Services Group Ltd	9	9.7.6 Non-Complying Activities Delete the content of b), and replace with;  Any Activity which is listed as a Discretionary Activity ( <u>except as in 9.7.5 a)</u> ) and which does not comply with any of the General and Critical Standards shall be a Non-Complying Activity.	Accept Paras 0 and 4.63
S612	Land Services Group Ltd	10	That Council considers the compensation costs associated with the requirement for Esplanade Reserves in item 9.8.4 c).	Reject Paras 4.84 and 4.85
S612	Land Services Group Ltd	11	9.9.1 Allotment Size  Remove the words "including balance title," from a).	Reject Paras 4.93 and 4.94
S612	Land Services Group Ltd	13	Delete the first paragraph of 9.9.2 a), and replace with;  <u>Notwithstanding Rule 9.9.1 above, where there are two separately saleable existing allotments, which have separate Computer Freehold Registers, any adjustment of boundaries shall be such that:....</u>	Accept in Part Paras 4.101 and 4.102
S612	Land Services Group Ltd	14	Delete the third bullet point from 9.9.3.	Reject Para 4.99 and 4.100
S612	Land Services Group Ltd	15	Redraft Standard 9.9.3 Flooding and Overland Flow of Water.	Reject Paras 4.103 and 4.104
S612	Land Services Group Ltd	16	Redraft Standard 9.9.4 Water Supply.	Accept in Part Paras 4.107, 4.108, 4.109 and 4.110

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S635	Electricity Ashburton Limited	7	Reconsider the need for a specific rule to cover unused poles being left insitu.	Reject Para 4.16
S635	Electricity Ashburton Limited	8	Retain the right of subdivision for utilities as it existed in the Operative District Plan.	Reject Para 4.55
<i>F16</i>	<i>TrustPower Limited</i>	<i>8</i>	<i>Oppose</i>	<i>Accept</i>
S635	Electricity Ashburton Limited	9	Include 9.8.3 c): an enabling General Standard.	Accept Para 4.77
S635	Electricity Ashburton Limited	10	Include 9.9.1 b): an enabling Critical Standard.	Accept Para 4.90
S635	Electricity Ashburton Limited	11	Add an exclusion for "access, roads, utilities or reserves" to Standard 9.9.4c) as per 9.9.4a) and b)	Accept in Part Paras 4.107, 4.108, 4.109 and 4.110
S635	Electricity Ashburton Limited	12	Add a standard that ensures any new tree is not within 3m of any existing utility.	Accept in Part Para 4.120
S635	Electricity Ashburton Limited	13	Restrict tree species to those that do not mature to heights in excess of 8m.	Accept Para 4.122
S635	Electricity Ashburton Limited	23	De-emphasise the desire to plant new trees of substantial size in the road reserve.	Reject Para 4.121

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S636	Ashburton Golf Club Inc	8	<p>That subdivision General Standard 9.8.3 (a) be amended so that 16m x 18m allotment dimensions apply to the subdivision of lots within the Ashburton Golf Club Outline Development Plan. The amended General Standard could be amended so that it reads:</p> <p>a) The dimensions of allotments created by subdivision in Residential C and D Zones and in the Higher-density Residential, Residential and Rural-Residential Areas of the Aquatic Park Zone, shall be such that the net area of each allotment can accommodate a rectangle of the minimum dimensions specified below:</p> <p>....</p> <p><u>That part of the Residential D Zone subject to the Ashburton 16.18m Golf Club Outline Development Plan.</u></p> <p>.....</p>	Reject Para 4.67 and 4.68
S636	Ashburton Golf Club Inc	9	<p>That General Standard 9.8.5(a) be amended so that the lots created within the Ashburton Golf Club Outline Development Plan are exempt, so that the General Standard reads:</p> <p>a) All allotments less than 1 hectare in area in the Ashburton Residential D Zone shall be connected to and served by the public wastewater reticulation and treatment system.</p> <p><u>Except</u></p> <ul style="list-style-type: none"> <li>• <u>All lots created in accordance with Golf Club Outline Development Plan.</u></li> </ul> <p>There may, however, be other methods of achieving the stated relief.</p>	Reject Para 4.67 and 4.68

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation										
S636	Ashburton Golf Club Inc	10	<p>That a new General Standard is inserted after 9.8.12 to allow subdivision and residential development in accordance with The Ashburton Golf Club Outline Development Plan in Appendix 4-7. The new General Standard could be worded as follows:</p> <p><u>9.8.13 The Ashburton Golf Club Outline Development Plan</u></p> <p><u>a) Any subdivision and/or development within The Ashburton Golf Club Outline Development Plan shall be in accordance with the Outline Development in Appendix 4-7.</u></p> <p>There may, however, be other methods of achieving the stated relief.</p>	Reject Para 4.67 and 4.68										
S636	Ashburton Golf Club Inc	11	<p>That Critical Zone Standard 9.9.1 provide a minimum lot size of 600m<sup>2</sup> and a minimum average lot of 900m<sup>2</sup> for subdivision development in the Ashburton Golf Club Outline Development Plan, so that the table in 9.9.1 reads:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Zone</th> <th style="text-align: right;">Minimum Net Allotment Area</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td></td> </tr> <tr> <td><u>Residential D (residential lots 2 -29</u></td> <td style="text-align: right;"><u>600m<sup>2</sup></u></td> </tr> <tr> <td><u>in The Ashburton Golf Club Outline</u></td> <td style="text-align: right;"><u>(and a minimum average net site</u></td> </tr> <tr> <td><u>Development Plan).</u></td> <td style="text-align: right;"><u>area of 900m<sup>2</sup>)</u></td> </tr> </tbody> </table> <p>There may, however, be other methods of achieving the stated relief.</p>	Zone	Minimum Net Allotment Area	.....		<u>Residential D (residential lots 2 -29</u>	<u>600m<sup>2</sup></u>	<u>in The Ashburton Golf Club Outline</u>	<u>(and a minimum average net site</u>	<u>Development Plan).</u>	<u>area of 900m<sup>2</sup>)</u>	Reject Para 4.67 and 4.68
Zone	Minimum Net Allotment Area													
.....														
<u>Residential D (residential lots 2 -29</u>	<u>600m<sup>2</sup></u>													
<u>in The Ashburton Golf Club Outline</u>	<u>(and a minimum average net site</u>													
<u>Development Plan).</u>	<u>area of 900m<sup>2</sup>)</u>													
F44	New Zealand Transport Agency	11	Oppose	Accept										

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S636	Ashburton Golf Club Inc	12	<p>That General Standard 9.9.5(a) be amended so that the lots created within the Ashburton Golf Club Outline Development Plan are exempt, so that the General Standard reads:</p> <p>9.9.5 Sanitary Sewage Disposal a) All new allotments, other than allotments for access, roads, utilities or reserves, in the Residential and Business Zones of Ashburton, Methven and Rakaia, shall be provided with a piped sewage outfall for disposing of sanitary sewage to a reticulated system, laid at least 600mm into the net area of the allotment.</p> <p><u>Except:</u> • <u>All lots created in accordance with Golf Club Outline Development Plan.</u></p>	Reject Para 4.67 and 4.68
S637	Canterbury Regional Council	25	<p>Amend Policy 9.1 E to read:</p> <p>Protect the coastal environment by ensuring that subdivisions are suitably designed and located to avoid effects on amenity values and its open, natural and spacious character, whilst <u>avoiding</u> risks associated with coastal erosion and inundation</p> <p>And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.</p>	Accept Paras 4.18 and 4.19

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S637	Canterbury Regional Council	26	<p>Amend the Assessment Matters by including a new provision "9.10.16 Contaminated Sites" to read:</p> <ul style="list-style-type: none"> <li>- <u>Whether Preliminary Environmental Site Investigation(s)<sup>1</sup> have been undertaken to identify any past or existing land uses which may have contributed to site contamination<sup>2</sup> and the outcome of those investigation(s).</u></li> <li>- <u>Whether Detailed Environmental Site Investigation(s) have been undertaken where site contamination<sup>2</sup> potentially exists.</u></li> <li>- <u>Any remediation and/or mitigation measures proposed or undertaken to address identified site contamination.</u></li> <li>- <u>Whether or not subdivision, development or land use should be restricted on any part of the site as a result of site contamination.</u></li> </ul> <p><u>And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.</u></p> <p><sup>1</sup> <u>Preliminary and Detailed Environmental Site Investigations must be undertaken in a manner consistent with the Ministry for the Environment Contaminated Land Management Guideline No.5, February 2004, ME number 497.</u></p> <p><sup>2</sup> <u>Potentially contaminating land uses include, but are not limited to those presented on the Ministry for the Environment Contaminated Land Management Guidelines Schedule A, Hazardous Activities and Industries List (HAIL), January 2004</u></p>	Accept in Part Paras 4.133, 4.134, 4.134
F3	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	26	Oppose	Reject

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
<i>F5</i>	<i>Transpower New Zealand</i>	<i>26</i>	<i>Oppose</i>	<i>Reject</i>
<i>S637</i>	<i>Canterbury Regional Council</i>	<i>27</i>	<p>That the requirement to prepare Outline Development Plans for all multiple-lot subdivisions is established through the District Plan Rules.</p> <p>This Rule should include the following matters:                      "Outline Development Plans shall show proposed land uses, including:                      (i) principal through roads, connection and integration with the surrounding road network and trunk infrastructure,                      (ii) any land to be set aside for community facilities,                      (iii) parks and land required for recreation,                      (iv) any land to be set aside for business activities,                      (v) the distribution of different residential densities,                      (vi) land required for stormwater treatment, retention and drainage paths,                      (vii) land reserved or otherwise set aside from development for environmental or landscape protection,                      (viii) land reserved or otherwise set aside from development for any other reason, and the reasons for its protection from development, and                      (ix) pedestrian walkways, cycle ways, bus routes both within and adjoining the area to be developed".</p> <p>And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.</p>	<i>Reject</i> Paras 4.69 and 4.70
<i>F44</i>	<i>New Zealand Transport Agency</i>	<i>27</i>	<i>Support</i>	<i>Reject</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S638	Department of Conservation	28	Amend standard 9.9.8 to include the Rowan, Ash and Holly trees to the list of species that shall not be planted. The standard should read as follows:  Trees of the following species shall not be planted: ..... <u>Rowan</u> <u>Sorbus aucuparia</u> <u>Ash</u> <u>Fraxinus excelsior</u> <u>Holly</u> <u>Rex aguifolium</u>	Accept Para 4.117
F80	Federated Farmers	28	Oppose	Reject
S638	Department of Conservation	36	Retain the wording of Objective 9.1 in its current form.	Accept Para 4.17
S638	Department of Conservation	37	Retain the wording of Policies 9.1C, E and F in their current form.	Accept in Part Paras 4.18 and 4.19
S638	Department of Conservation	38	Amend Policy 9.1M as outlined below:  Encourage the protection of significant trees and areas of vegetation and wetlands, through the use of covenants <u>and resource consents</u> , and take esplanade reserves, to provide public access to rivers, streams, and lakes, protection of riparian margins and water quality, access for maintenance of waterways, and limited flood protection for adjoining properties.	Reject Paras 4.22 and 4.23
S638	Department of Conservation	39	Amend 9.7.5 as outlined below:  a) Any Activity which is listed as a Controlled or Restricted Discretionary Activity, which does not comply with any of the General Standards shall be a Discretionary Activity. .....  e) <u>Any subdivision in the Rural B Zone within 500m of Mean High Water springs line.</u>	Accept in Part Paras 4.60 and 4.61

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S638	Department of Conservation	40	Delete Standard 9.8.1a).	Accept in Part Paras 4.79 and 4.80
S638	Department of Conservation	41	Rewrite 9.8.4 d) to read:  d) In the Rural Zones, esplanade reserves shall only be taken <del>along the following rivers</del> in the following circumstances: <ul style="list-style-type: none"> <li>- the tributaries of any the Ashburton high country lakes</li> <li>- the Potts and Cameron Rivers, Lake Stream and the outlet stream from Lake Clearwater;</li> <li>- the South Ashburton River above Hakatere Heron Road;</li> <li>- North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) Rural C Only</li> <li>- Stour River (Mata Kou), Stoney Creek and Woolshed Creek</li> <li>- Hinds River (Hekeao) Rural C only;</li> <li>• Rural C Zone</li> <li>• Places where there are known and/or potential public access demands</li> <li>• Where there are potential linkages with esplanade reserves, marginal strips or other protected areas</li> <li>• Group 1 or 2 Sites of Significant Conservation Value.</li> </ul>	No recommendation made Paras 4.81, 4.82 and 4.82
F80	Federated Farmers	41	Oppose	No recommendation made
S638	Department of Conservation	42	Retain Standard 9.8.6 in its current form.	Accept in Part Para 4.58 and 4.59
S639	Ashburton District Council	40	Amend Notes under 9.7.7, Bullet 2, p9-30 as follows:  <del>Where an allotment is not being created after the erection of a residential unit, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 registered against the Certificate of Title, to the effect that any residential unit erected on the allotment shall be in accordance with the building consent issued at the time of the subdivision consent.</del>	Accept Para 4.66

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	74	Changes may be required to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion over the interpretation of rules.	Reject Para 4.46
F3	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	74	Oppose	Accept
F5	Transpower New Zealand	74	Oppose	Accept
F16	TrustPower Limited	74	Oppose	Accept
F65	Ashburton Licensing Trust	74	Support	Reject
F71	Electricity Ashburton Limited	74	Support	Reject
F80	Federated Farmers	74	Support	Reject
S639	Ashburton District Council	75	References to external documents in the Proposed District Plan should be made more explicit.	Accept Paras 4.12 and 4.13
F80	Federated Farmers	75	Support	Accept
S639	Ashburton District Council	77	Amend Policy 9.1L as follows:  Policy 9.1L - <del>Ensure</del> Encourage the retention and encourage improvements (i.e. planting) of natural open waterways to provide for the sustainable disposal, attenuation and treatment of stormwater.	Reject Paras 4.20 and 4.21
F80	Federated Farmers	77	Oppose	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	78	Amend the following clause:  Policy 9.2D (Explanation and Reasons), p9-17, 2nd sentence:  ... It is expected that the subdivider will provide stormwater attenuation and treatment within the proposed subdivision, <del>either</del> through the use of <u>methods such as stormwater basins, and wetland areas. and/or natural waterways.</u>	Accept Paras 4.34 and 4.35
S639	Ashburton District Council	79	Amend the following clause:  9.6.7 Flooding and Overland Flow of Water (Reasons for Rules)  Potential for river break-outs, overland flows and stormwater ponding... <u>The requirement for secondary flows to be managed in new subdivisions is to avoid ponding and the diversion of overland water, which can have adverse effects on future use of the site and adjacent land.</u>	Accept Paras 4.38 and 4.39
S639	Ashburton District Council	80	Amend the following clause:  Rule 9.9.6 Indicative Plan  a) All new subdivisions <u>in areas not serviced by a reticulated water and/or sewerage system</u> shall provide to Council a plan showing the indicative location of <u>proposed</u> building platforms, stormwater treatment and disposal areas <u>(including secondary flow paths)</u> , and wastewater treatment and disposal areas.	Accept in Part Paras 4.111, 4.112 and 4.113

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	81	<p>Amend the following clause:</p> <p>9.6.10 Service Layout (Reasons for rule) p9-25</p> <p>To prevent subdivision of unserviceable allotments and purchase of allotments by people who subsequently find that they cannot connect to essential services. <u>The subdivision shall be in general accordance with the layout/locations shown on the Indicative plan except where ECAN requirements necessitate a change to the plan.</u> <del>will be indicative only and subject to change as the subdivision is developed.</del></p>	Accept in Part Paras 4.42 and 4.43
F71	<i>Electricity Ashburton Limited</i>	81	<i>Support</i>	<i>Accept in Part</i>
S639	Ashburton District Council	82	<p>Amend the following clause:</p> <p>Note, Section 9.7.7, p9-29</p> <p>The Council has adopted a Code of Practice for Urban Land Subdivision <u>parts of</u> New Zealand Standard 4404:2004 Land Development and Subdivision Engineering <u>with some variations</u> (referred to as the Code of Practice). This Code is referred to in the assessment matters for resource consents, relates to engineering requirements and is not a part of the District Plan but may form condition of consent.</p>	Accept Paras 4.64, 4.65 and 4.66
S639	Ashburton District Council	83	<p>Amend the following clause:</p> <p>Section 9.6.8 (Reasons for Rules), p9-25 Council has adopted <u>parts of</u> New Zealand Standard 4404:2004 Land Development and Subdivision Engineering <u>with some variations</u>, and compliance with this standard will be treated as a minimum by the Council.</p>	Accept Paras 4.40 and 4.41

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	84	Amend the following clause:  Section 9.6.9 (Reasons for Rules), p9-25  Council has adopted <u>parts of</u> New Zealand Standard 4404:2004 Land Development and Subdivision Engineering <u>with some variations</u> , and compliance with this standard will be treated as a minimum by the Council.	Accept in Part Paras 4.40 and 4.41
S639	Ashburton District Council	85	Amend Clause 9.9.8 as follows:  9.9.8 Roads a) All new roads shall be vested with the Council on subdivision.  b) All road reserves in the Residential and Business Zones, to be vested with Council, shall be planted with one tree <u>no more than per</u> 50 metres <u>apart</u> :  • <del>Trees shall be planted adjacent to the kerb.</del>  • Trees shall be capable of reaching a minimum height of <u>6</u> 8 metres.  • Trees shall be a minimum height of 1 metre at the time of planting.  • <u>Trees shall be planted with root barriers of at least 1.5 m in depth.</u>  • <u>Trees should be planted away from any existing or proposed services within the footpath.</u>	Accept in Part Paras 4.121, 4.122 and 4.123
F71	<i>Electricity Ashburton Limited</i>	85	<i>Support</i>	<i>Accept in Part</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	86	<p>Amend the following clause:</p> <p>Assessment Matter 9.10.6, p9-43</p> <p>f) In relation to contaminated sites, any soil tests, <u>ground water tests</u>, establishing <u>base levels</u>, suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.</p>	Accept Para 4.132
S639	Ashburton District Council	87	<p>Assessment Matter 9.10.7, p9-43</p> <p>.....</p> <p>g) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increasing pipe sizes leading to the subdivision in existing or new streets, or providing new headworks and new pumping units, <u>taking account of the likely use of water by the subdivision and the potential land use activities that could be permitted on the land.</u></p> <p>h) <del>Where it is necessary to upgrade the reticulated water supply system in order to cater for the subdivision, any costs to be borne by the subdivider, calculated on the cost of supplying the increase in demand as a result of the additional allotments.</del></p> <p>i) <del>Whether, because of increased demand that the potential land users may impose upon the system, an upgrading contribution should be made towards a programmed plan for installation of new headworks and pumping units, and the extent of any contribution taking account of the likely use of water by the subdivision and the potential land use activities that could be permitted on the land.</del></p>	Accept in Part Paras 4.127 and 4.128

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	88	Amend the following clause:  Assessment matter 9.10.8 p 9-44  d) Where it is not possible to provide a reticulated system with a gravity outfall, the feasibility of individual pump connections with their private rising mains <u>to a gravity system/outfall</u> , or new pumping stations, complete pressure, or vacuum systems.	Accept Para 4.129
S639	Ashburton District Council	89	Amend the following clause:  Assessment matter 9.10.6, p9-42  c) In relation to inundation from any source:  .....  • any need for <del>retention basins</del> <u>attenuation devices</u> to regulate the rate and volume of surface run-off;  .....	Accept Paras 4.124 and 4.125
S639	Ashburton District Council	90	Amend the following clause:  Assessment matter 9.10.10 p9-46  g) Any necessity to provide an onsite <del>retention basin</del> <u>attenuation devise</u> to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place.	Accept Paras 4.124 and 4.125
F80	Federated Farmers	90	Oppose	Reject

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 25  
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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S644	Kevin Boekholt	1	Not rezone land on Anzac Lane, Methven as Residential C allowing subdivision to 360m <sup>2</sup> .	Defer to later report on Planning Maps Para 4.3
S645	Davis Ogilvie & Partners Ltd	2	Delete from Rule 9.9.2(a) clause (iv): 'or are of such a shape that a dwelling would not meet the setback requirement rules of the relevant zone.'	Reject Paras 4.97 and 4.98

## APPENDIX TWO: DISTRICT PLAN AMENDMENTS

### 9.2 Issues

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#### 9.2.3 Servicing

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##### Stormwater

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The other main issues are that Council currently does not have any discharge consents and relies on existing use rights. The requirements under the ~~Proposed~~ Natural Resources Regional Plan (PNRRP) could potentially have a major impact on stormwater activity, and it is expected that additional costs will be incurred complying with future consent conditions. Furthermore, the Canterbury Regional Council's management of rural drains and waterways which flow through urban areas, such as Carters Creek and Lagmhor Creek in Tinwald may affect the Council's ability to use these as stormwater drains.

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### 9.3 Objectives and Policies

Attention is drawn to the Zone Objectives and Policies which may apply in addition to any relevant Subdivision Objectives and Policies. These provide guidance on the existing and intended character and amenity values of the zones.

Rural	(Refer Section 3)
Residential	(Refer Section 4)
Business	(Refer Section 5)
Aquatic Park	(Refer Section 7)

#### Objective 9.1: Effects of Subdivision and Development

To ensure that subdivision and associated development maintains and enhances amenity, character, and natural and visual qualities of the environment, while enabling the effective and efficient use of land

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#### Policy 9.1E

Protect the coastal environment by ensuring subdivisions are suitably designed and located to avoid effects on amenity values and its open, natural and spacious character, whilst ~~minimising~~ seeking to avoid any risks associated with coastal erosion and inundation.

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#### Policy 9.1Q

Ensure that any measures taken in relation to the mitigation of natural hazards do not adversely affect the character and amenity values of an area, ~~do not affect natural processes~~ and do not cause in themselves further remediation works to be undertaken.

### Explanation and Reasons

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#### Objective 9.2: Providing for Servicing of Subdivisions

To ensure the provision of the necessary services to subdivided allotments in anticipation of the likely use of land, while managing adverse effects on the environment ~~and beyond the subdivided land~~.

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#### **Policy 9.2H**

Avoid, remedy or mitigate the adverse effects of the provision and use of infrastructure on the natural and physical environment beyond the subdivided land.

#### **Policy 9.2HJ**

Ensure that any subdivision in the Ashburton Business Estate (Business E Zone) is developed in accordance with the Outline Development Plan and a Structure Plan for the area to ensure the internal layout of the business estate achieves comprehensive, connected and co-ordinated development and traffic movement from the Estate uses appropriate connections to the wider transport network.

#### **Policy 9.2H**

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#### **Explanation and Reasons**

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Policy 9.2D: Stormwater needs to be attenuated, treated and disposed of, while considering adverse effects both within the subdivision and on the surrounding area. It is expected that the subdivider will provide stormwater attenuation and treatment within the proposed subdivision, ~~either through the use of methods such as stormwater basins, and wetland areas, and/or natural waterways~~. In some instances, neighbouring subdivisions may choose to jointly deal with the disposal of stormwater and this can have positive effects such as a better designed system that has a higher attenuation rate and is able to treat stormwater to a higher standard. However, all stormwater systems must be designed to cope with demand created by the subdivision as well as extreme rain events that may result in flooding. Any system must not result in the inundation of neighbouring properties from surface flooding or the overtopping of waterways.

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Policy 9.2H: The provision of infrastructure to newly subdivided land has the potential to create adverse effects beyond the boundaries of that land. The Council recognises that not all effects can be avoided but considers that they should be managed to ensure that the physical and natural environment are not adversely affected or that appropriate mitigation occurs.

Policy 9.2HJ: For large land areas being developed, such as the Ashburton Business Estate, it is appropriate to require a comprehensive structure plan. Such structure plan(s) can assist in avoiding ad hoc or uncoordinated development, managing adverse effects on the surrounding environment and ensuring that a higher level of internal amenity within the business estate is delivered.

Policy 9.2IJ: Council considers it appropriate that applicants are encouraged to provide outline development plans ~~required for all where large areas of land are proposed to be rezoned or redeveloped~~ future rezoning of land or deferred zonings whether for residential or business activities. The Council, however considers that outline development plans are not necessary for infill subdivision.

Outline development plans provide some certainty to the community, Council and future developers as to road layout, connections to existing roads, stormwater design and other features such as pedestrian walkways.

### **Objective 9.3: Sustaining Infrastructure Development** **Explanation and Reasons**

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The provision of services within a subdivision is a cost recoverable from the sale of allotments and where a subdivision also creates a demand for upgrading services outside of the subdivision, the Council is justified in recovering some of the costs attributable to the subdivision itself. As such, financial contributions for water supplies, waste water, and roads will be taken under the Long Term ~~Council~~ Community Council Plan (LTCCP).

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## **9.6 Reasons for Rules**

### **9.6.2 Esplanade Provision**

The Resource Management Act 1991 (Section 229 onwards) contains specific provisions which place an onus on the Council to make provision for esplanade reserves along all lakes, rivers and the coast when subdivision is undertaken. This provision is partly to enable the public to gain access to these areas for recreation and general enjoyment and also to assist in the protection of the natural character and values of these areas. Furthermore, esplanade reserves provide for access to waterways for maintenance purposes as well as providing some flood protection to adjoining properties.

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### **9.6.3 Sanitary Sewage Disposal in Residential D Zone (Ashburton)**

This rule seeks to ensure that all allotments less than 1 hectare in area in the Residential D Zone at Ashburton (Kapuka) shall connect to and be served by the public wastewater reticulation and treatment system

This is intended to ensure the protection of groundwater and the health of the community. Requirements under the ~~Proposed~~ Natural Resources Regional Plan of the Canterbury Regional Council also mean that allotments of 1 hectare or less are unlikely to be large enough to contain a septic tank, and comply with separation distances from tanks or wells on adjoining properties.

### **9.6.5 High Voltage Transmission Lines**

The high-voltage transmission lines provide for the critically important distribution of electricity both within and across the District. However in doing so they also impose a corridor of constraint mainly within the rural areas and in order to maintain efficient and safe operation the transmission infrastructure has to be protected from adverse effects of nearby development including subdivision. These rules seek to ensure that any subdivision and future development near the transmission corridor does not adversely affect and is not adversely affected by the safe and efficient operation of the high-voltage transmission lines.

### **9.6.6 Contaminated Land**

The National Environmental Standard for assessing and managing contaminants in soil (NES) was gazetted on ?? 2011. The District Plan must give effect to the NES and therefore a standard in the Plan seeks to manage the subdivision and development of contaminated sites as the disturbance of contaminated soil has the potential to create adverse effects on people's health as well as rendering

some sites unusable. The standard therefore provides for the assessment of land prior to development to protect both the applicant’s investment and future owner’s health and wellbeing. In Ashburton District, there may not be a significant number of contaminated sites and the standard provides for this by creating a three-tier approach to assessing sites – identification of potentially contaminated sites, preliminary investigations and detailed site investigations. If the site is not initially identified as potentially being contaminated, then no further investigation is required.

#### **9.6.57 Outline Development Plans**

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#### **9.6.68 Allotment Sizes and Boundary Adjustments**

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#### **9.6.79 Flooding and Overland Flow of Water**

Potential for river break-outs, overland flows and stormwater ponding can affect dwellings and infrastructure risking injury, death or loss of assets. Areas known to be at high risk of flooding should be avoided for subdivision as the subsequent development of that land would not be sustainable. Requirements for minimum floor heights above calculated flood water depths on buildings are ensured through zone based rules, but do not remove the need to avoid high risk areas. The requirement for secondary flows to be managed in new subdivisions is to avoid ponding and the diversion of overland water, which can have adverse effects on future use of the site and adjacent land.

#### **9.6.810 Water Supply**

To ensure that a safe and adequate supply of potable water is available, all allotments in or adjoining areas with Council reticulated water supplies will be required to connect to such supplies. The assessment matters enable the consideration of the adequacy of water supply provision on any subdivision for reasons of public health, convenience and efficient use of supply infrastructure. Council has adopted parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering, with some variations, and compliance with this standard will be treated as a minimum by the Council. The onus is on the developer to prove that adequate, potable water can be provided to any future development.

#### **9.6.911 Sanitary Sewage Disposal**

The subdivision rules on sanitary sewage collection, treatment and disposal complement the Canterbury Regional Council’s controls which have the purpose of protecting the quality of ground and surface water. In the settlement areas where Council reticulated collection, treatment and disposal systems are available the subdivision rules require that all lots be provided with a means of disposal, being a minimum diameter piped outfall connection to the Council system. Council has adopted parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering, with some variations, and compliance with this standard will be treated as a minimum by the Council. Because subdivisions in rural areas do not necessarily involve residential use and because there are few reticulated disposal systems, requirements for sanitary sewage disposal in other areas will be implemented through building consents.

#### **9.6.102 Service Layout**

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#### **9.6.143 Energy Supply and Telecommunications**

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### 9.6.124 Energy Supply and Telecommunications

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### 9.6.135 Provision for Open Space and Recreation

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Some contribution is also necessary to ensure that new open space areas can be developed to a useable state.

All contributions to the Council can be in land and/or cash and any land purchases for reserves negotiated with the Council are to be in accordance with the Resource Management Act 1991 and Council's policy for land acquisition.

### 9.6.146 Ashburton Business Estate

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## 9.7 Rules – Subdivision

### 9.7.1 District Wide Rules

Attention is drawn to the following District-Wide Rules which may apply in addition to any relevant Zone Rules. If any one or more of the District-Wide Rules apply, the activity may require consent in respect of those rules.

Transport	(Refer Chapter 10)
Noise	(Refer Chapter 11)
Heritage Values and Protected Trees	(Refer Chapter 12)
Signs	(Refer Chapter 13)
Utilities, Energy and Designations	(Refer Chapter 14)
Relocated Buildings and Temporary Activities	(Refer Chapter 15)
Hazardous Substances	(Refer Chapter 16)
Definitions	(Refer Chapter 17)

### 9.7.3 Controlled Activities

a) **Any subdivision** in the Open Space Zones, Business Zones or for utilities. Control is reserved over the following matters:

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- Effects on and of high voltage transmission lines
- Effects on historic heritage and on resources of significance to Takata Whenua, including waahi tapu sites and waihi taoka

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### 9.7.4 Restricted Discretionary Activities

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### 9.7.5 Discretionary Activities

- a) **Any Activity** which is listed as a Controlled or Restricted Discretionary Activity, which does not comply with any of the General Standards (except 9.8.7) shall be a Discretionary Activity.
- b) **Any Subdivision** in the Rural C Zone.
- c) **Any subdivision** of any site within all zones, which contains a Heritage Item listed as Group A or B in Appendix 12-1 and shown on the Planning Maps.
- d) **Any subdivision** within areas identified as High Hazard flood risk.
- e) **Any subdivision in the Rural B Zone that includes land on or within 500 metres of the Mean High Water Springs line.**

### 9.7.6 Non-Complying Activities

- a) **Any Activity** which is listed as a Controlled or Restricted Discretionary and which does not comply with any of the Critical Standards shall be a Non-Complying Activity.
- b) **Any Activity** which is listed as a Discretionary Activity (excluding 9.7.5a)) and which does not comply with any of the General and Critical Standards shall be a Non-Complying Activity.

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### 9.7.7 Notification / Consultation / Notes

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Consultation with Transpower New Zealand Limited will be important in the assessment of resource consent applications in relation to the following standard:

High Voltage Transmission Lines

General Standard 9.8.7

#### Notes:

- ~~The Council has adopted a Code of Practice for Urban Land Subdivision parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering with some variations (referred to as the Code of Practice). This Code is referred to in the assessment matters for resource consents, relates to engineering requirements and is not a part of the District Plan but may form condition of consent.~~
- The creation of new boundaries as a result of a subdivision may result in an existing building not complying with all of the relevant Site and Zone Standards for the particular Zone in which the land is located. In such a case, there is also a requirement for resource consent to be obtained for a land use activity, in respect of the standards that the building does not comply with.
- ~~Where an allotment is not being created after the erection of a residential unit, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 registered against the Certificate of Title, to the effect that any residential unit erected on the allotment shall be in accordance with the building consent issued at the time of the subdivision consent.~~
- ~~The rule shall not apply to the area identified by The Village Green Outline Development Plan.~~

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## 9.8 General Standards

### 9.8.1 Esplanade Reserves or Strips

- a) All esplanade reserves shall be vested with the Council, and
- b) All land in coastal marine areas shall vest in the Crown with the Minister of Conservation's consent, or if consent not given, in the Council.
- ei) Where an esplanade reserve is to be vested according to rules below, any adjoining bed of river owned by the applicant shall also be vested in the Council.
- ej) Where an esplanade strip is to be created, the adjoining bed of the river shall not be vested in the Council.
- b) All land in the coastal marine area shall be shown on a survey plan as part of the common marine and coastal areas.
- d) Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 metres or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 metres in width shall be set aside, except that:
- i) No esplanade reserve shall be provided along the banks of any canal or the margin of the artificial lake within the Aquatic Park Zone.
- ii) Esplanade reserves of 5 metres shall be taken along Wakanui / Mill Creek and Carters Creek regardless of their width.
- iii) In the Rural C Zone, esplanade reserves of 20 metres in width shall be vested in the Council regardless of the size of allotment being created.
- iv) In the Rural Zones, esplanade reserves shall only be taken along the following rivers:
- ~~the tributaries of any of the Ashburton high country lakes;~~
  - ~~the Potts and Cameron Rivers, Lake Stream, and the outlet stream from Lake Clearwater;~~
  - ~~the South Ashburton above Hakatere Heron Road;~~
  - ~~North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) – Rural C Zone only;~~
  - ~~Stour River (Mata Kou), Stoney Creak and Woolshed Creek;~~
  - ~~Hinds River (Hekeao) – Rural C Zone only~~
- v) Where section 236 (land previously set aside or reserved) of the Act applies to land comprised in the subdivision, and an esplanade reserve is required in accordance with the Rule above, and the width that was previously set aside is less than 20 metres, or the width has been

diminished by erosion or avulsion, then additional land shall be vested making the esplanade reserve not less than 20 metres in width.

vi) Notwithstanding i) and ii) above, where a subdivision is:

- for a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
- for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
- solely due to land being acquired or created for a road designation, public utility or reserve;

Section 230 of the Act shall not apply to the subdivision consent, and no esplanade reserve is required.

vii) At the time of subdivision whenever any subdivision occurs on land adjoining the two existing waterways shown on the Trevors Road ODP, provision for an esplanade reserve shall be created in accordance with section 232-235 of the Act.

## 9.8.2 Property Numbering and Street Naming

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## 9.8.3 Allotment Dimensions

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d) Notwithstanding the above, there shall be no minimum allotment dimensions in any zone, for vacant shares of fee simple titles over which there was/were existing cross lease(s) or for unit titles where a proposed unit development plan had been granted subdivision consent, at the date of notification of the Proposed District Plan, provided that building(s) ~~erected or~~ to be erected on the respective cross lease or unit title comply with all relevant rules applicable within the zone.

## 9.8.4 Esplanade Provision

~~Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 metres or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 metres in width shall be set aside, except that:~~

~~a) No esplanade reserve shall be provided along the banks of any canal or the margin of the artificial lake within the Aquatic Park Zone.~~

~~b) Esplanade reserves of 5 metres shall be taken along Wakanui / Mill Creek and Carters Creek regardless of their width.~~

~~c) In the Rural C Zone, esplanade reserves of 20 metres in width shall be vested in the Council regardless of the size of allotment being created.~~

~~d) In the Rural Zones, esplanade reserves shall only be taken along the following rivers:~~

- ~~the tributaries of any of the Ashburton high country lakes;~~

- the Potts and Cameron Rivers, Lake Stream, and the outlet stream from Lake Clearwater;
- the South Ashburton above Hakatere Heron Road;
- North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) – Rural C Zone only;
- Stour River (Mata Kou), Stoney Creak and Woolshed Creek;
- Hinds River (Hekeao) – Rural C Zone only

e) All esplanade reserves shall be vested with the Council.

f) Where section 236 (land previously set aside or reserved) of the Act applies to land comprised in the subdivision, and an esplanade reserve is required in accordance with the Rule above, and the width that was previously set aside is less than 20 metres, or the width has been diminished by erosion or avulsion, then additional land shall be vested making the esplanade reserve not less than 20 metres in width.

g) Notwithstanding a) and b) above, where a subdivision is:

- for a minor adjustment to an existing cross lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
- for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
- solely due to land being acquired or created for a road designation, public utility or reserve;

Section 230 of the Act shall not apply to the subdivision consent, and no esplanade reserve is required.

h) At the time of subdivision whenever any subdivision occurs on land adjoining the two existing waterways shown on the Trevors Road ODP, provision for an esplanade reserve shall be created in accordance with section 232-235 of the Act.

#### **9.8.54 Sanitary Sewage Disposal**

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#### **9.8.65 Earthworks**

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b) Earthworks in the Residential Zones shall not exceed 25,000m<sup>3</sup> per subdivision

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#### **9.8.6 High Voltage Transmission Lines**

- d) No allotments created by subdivision, including balance titles, shall contain indicative building platforms within 32 metres either side of the centreline of any High-Voltage Transmission line as shown on the Planning Maps;

- e) Earthworks associated with the subdivision shall not occur within 12 metres from the outer edge of the visible foundation of any transmission support structure;
- f) Earthworks associated with the subdivision that are carried out within 32 metres either side of the centreline of a transmission line shall not reduce the existing clearance distances between the ground and high voltage transmission lines.

### 9.8.8 Contaminated Land

This rule does not apply where the subdivision is not associated with a change in use or a disturbance of the ground.

- c) If the site(s) subject to subdivision:
  - is/are listed on the district or regional council land-use information register as being potentially affected or affected by soil contaminants, and/or
  - is/are known to be associated with a current or historic industry or activity listed on the Hazardous Activities and Industries List (HAIL” held by the Ministry of the Environment)and/or
  - exhibit(s) any other evidence of the land being affected by contaminants

a preliminary site inspection shall be undertaken by a suitable qualified and experienced person.

A report, prepared in accordance with Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Land in New Zealand, shall be provided to the Council detailing whether the site requires further investigation. This report can be in the form of historical photos showing that the location of a sheep dip is remote from the land being developed.

- d) If the land is determined as likely to have contaminants in the soil or there is insufficient information to confirm whether the risk to human health is acceptable or not, a detailed site investigation shall be carried out by an experienced and qualified practitioner.

This investigation, assessment and analysis must be undertaken by a qualified and experienced practitioner in accordance with *Contaminated Land Management Guidelines No. 5* (MfE, 2004b).

A report shall be provided to Council that must include:

- Site investigation reports (preliminary and detailed)
- remedial action plan – where the applicant proposes to remove or reduce the contaminant mass to below soil guideline values (SGVs) that define the concentrations at which the risk to human health
- management and monitoring plan – where the applicant proposes to cap, contain or manage the contamination to prevent or minimise exposure.

The development of remedial action plans and management and monitoring plans should be undertaken by a qualified and experienced practitioner and prepared in accordance with Contaminated Land Management Guidelines No. 1 (MfE, 2003a).

### **9.8.78 Aquatic Park Zone Outline Development Plan**

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### **9.8.89 Racecourse Avenue Outline Development Plan**

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### **9.8.910 Lochhead Outline Development Plan**

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- c) ~~No further subdivision of allotments of less than 1500m<sup>2</sup> net area shall be created within the lower density area of Residential C zone shown on the Lochhead Outline Development Plan shall occur until the earlier of the 1st January 2020 or when every existing allotment in that Residential zone has a dwelling erected upon it. The erection of a dwelling shall be in accordance with the definition “erection of a building” in the District Plan. To give effect to this restriction a A consent notice pursuant to section 221 of the Resource Management Act 1991 shall be prepared and registered to give effect to this restriction of those titles created within the Residential C zone in accordance with the Land Transfer Act 1952- against any titles of less than 3000m<sup>2</sup> created in the lower density area of the Residential C Zone within the Lochhead Outline Development Plan.~~

### **9.8.101 Trevors Road Outline Development Plan**

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### **9.8.142 Redmond Outline Development Plan**

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### **9.8.123 The Village Green Outline Development Plan**

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## **9.9 Critical Standards**

### **9.9.1 Allotment Size**

- a) No allotments created by subdivision, including balance titles, shall have a net area less than the minimum specified for each zone below, except as provided for in clauses b, c and d ~~and Rules 2-4 below:~~

#### **Table 9-1**

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- b) There is no minimum allotment size in the Residential A, Business or Open Space zones, or the Commercial Area of the Aquatic Park Zone, or in any zone for access, utilities, roads or reserves.
- c) Notwithstanding the provisions of ~~Rule 10a~~ Critical Standard 9.9.1a) above, there shall be no minimum allotment areas in any zone, for vacant shares of fee simple titles over which there was/were existing cross lease(s) or for unit titles where a proposed unit development plan had been granted subdivision consent, at the date of notification of the Proposed District Plan,

provided that building(s) ~~erected or~~ to be erected on the respective cross lease or unit title comply with all relevant rules applicable within the zone.

- d) All subdivision consent applications shall show ~~nominated~~ proposed site boundaries at the time of application.

### 9.9.2 Boundary Adjustments

- a) Notwithstanding Rule 9.9.1 above, where there are two or more separately saleable existing allotments, which have separate ~~certificates of title~~ (Computer Registers), any adjustment of boundaries shall be such that:

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### 9.9.3 Flooding and Overland Flow of Water

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### 9.9.4 Water Supply

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- c) All new allotments, other than allotments for access, roads and utilities, in all zones shall be provided with an ~~individual high pressure fire fighting~~ water supply in accordance with New Zealand Fire Service Code of Practice for ~~fire fighting water supplies~~ Fire Fighting Water Supplies, SNZ PAS 4509:2008.

### 9.9.5 Sanitary Sewage Disposal

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### 9.9.6 Indicative Plan

- a) All new subdivisions in areas not serviced by a reticulated water and/or sewerage system shall provide to Council a plan showing the indicative location of building platforms, stormwater treatment and disposal areas (including secondary flow paths), and wastewater treatment and disposal areas.

### 9.9.7 Energy Supply and Telecommunications

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- b) All new allotments in the Residential D Zone, other than allotments for access, roads, utilities or reserves, shall ~~be provided with the ability have~~ to connect to an electrical supply system at the boundary of the net area of the allotment, and ~~to a~~ fixed-line telecommunication system.

### 9.9.8 Roads

- a) All new roads shall be vested with the Council on subdivision.
- b) All road reserves in the Residential and Business Zones, to be vested with Council, shall be planted with one tree ~~per~~ no more than 50 metres apart:
- ~~Trees shall be planted adjacent to the kerb.~~
  - At maturity, trees shall be capable of reaching a minimum a maximum height of 8 metres.

- Trees shall be a minimum height of 1 metre at the time of planting.
- Trees shall be planted with root barriers of at least 1.5 metres in depth
- Trees should be planted away from any existing services within the footpath.
- Trees of the following species shall not be planted:

Lodgepole pine	<i>Pinus contorta</i>
Scots Pine	<i>Pinus sylvestris</i>
Corsican Pine	<i>Pinus nigra</i>
Dwarf mountain pine	<i>Pinus uncinata</i>
Mountain Pine	<i>Pinus mugo</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
All poplars	<i>Salicaceae species</i>
<u>Rowan</u>	<u><i>Sorbus aucuparia</i></u>
<u>Ash</u>	<u><i>Fraxinus excelsior</i></u>
<u>Holly</u>	<u><i>Rex aquifolium</i></u>

### 9.9.9 Open Space and Recreation

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### 9.9.10 Aquatic Park Zone

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### 9.9.11 Ashburton Business Estate (Business E Zone)

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### 9.9.12 The Village Green Outline Development Plan

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### 9.9.13 The Village Green Outline Development Plan: Management of Open Space/Farmland Area

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## 9.10 Assessment Matters

While the assessment matters are provided under headings relating to specific site and zone standards, all assessment matters will be considered as part of each subdivision consent application:

### 9.10.1 Allotment Dimensions and Size

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### 9.10.2 Esplanade Provision

a) The purposes for the creation of esplanade reserves set out in Section 229 of the Resource Management Act 1991, and the provisions of Section 6 of the Resource Management Act 1991.

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d) Whether the esplanade reserve is within a place where there are known and/or potential public access demands

- de) The extent of the public’s ability to obtain access to and along the margin of the water body.
- ef) The extent that recreational use will be assisted or hindered.
- fg) The compatibility of the proposed reserve or strip with physical characteristics of the land.
- gh) The extent to which the natural character and visual quality of the area will be preserved.
- hi) The extent to which natural hazards will be mitigated.
- ij) The future use and purpose of any existing building that would otherwise encroach on, or be within a reserve.
- jk) The extent to which the purpose of the reserve or strip could be achieved through some other means such as conservation covenants or consent notices.
- kl) The extent to which an esplanade reserve will assist in facilitating accessibility for Takata Whenua to waahi tapu or waahi taoka.
- m) Whether there are potential linkages with existing esplanade reserves, marginal strips or other protected areas.

### 9.10.3 Earthworks

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### 9.10.4 High Voltage Transmission Lines

- a) The location of building sites, platforms and works and whether they will inhibit the safe and efficient operation of the National Grid, or result in adverse effects on people’s health and safety including:
- b) The ability for emergency maintenance and inspection of transmission lines, including support structures, and the minimizing of risk of injury or property damage from or to such lines;
- c) The extent to which any buildings, structures, construction activities, mobile plant or earthworks could affect transmission lines and support structures;
- d) The ability to comply with the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP: 34 2001);
- e) The nature and location of tree/vegetation planting near the transmission lines and support structures and the ability to comply with the Electricity (Hazards from Trees) Regulations 2003;
- f) The extent to which the proposal would constrain the operation needs of the national grid; and
- g) The outcome of any consultation with the line operator.

### 9.10.5 Contaminated Land

- a) The nature and extent of the contamination
- b) The risk posed by contaminants to public health and safety
- c) The methods to address the risk posed by contaminants to public health and safety
- d) The approach to the remediation, containment and/or ongoing management of the contaminated land and the mitigation measures.

#### 9.10.46 Outline Development Plans

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#### 9.10.57 Vegetation Protection

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#### 9.10.68 Natural Hazards and Flooding and Overland Flow of Water

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- c) In relation to inundation from any source:
  - the effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - any proposed drainage to protect surrounding properties;
  - the adequacy of existing outfalls and any need for upgrading;
  - any need for ~~retention basins~~ attenuation devices to regulate the rate and volume of surface run-off;
  - the adequacy of proposed floor levels and building location to avoid loss of life and/or property damage from inundation.
- d) In relation to erosion, falling debris, subsidence or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's ~~Certificates of Title~~ (Computer Registers).
- e) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the ~~Certificates of Title~~ (Computer Registers).
- f) In relation to contaminated sites, any soil tests, ground water tests, establishing base levels, suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.

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#### 9.10.79 Water Supply

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- g) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increasing pipe sizes leading to the subdivision in existing or new streets, or providing new headworks and new pumping units, taking account of the likely volume of water to be used by the subdivision and the potential land use activities that could be permitted on the land.
- ~~h) Where it is necessary to upgrade the reticulated water supply system in order to cater for the subdivision, any costs to be borne by the subdivider, calculated on the cost of supplying the increase in demand as a result of the additional allotments.~~
- ~~i) Whether, because of increased demand that the potential land users may impose upon the system, an upgrading contribution should be made towards a programmed plan for installation of new headworks and pumping units, and the extent of any contribution taking account of the likely use of water by the subdivision and the potential land use activities that could be permitted on the land.~~

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#### **9.10.810 Sanitary Sewage Collection, Treatment and Disposal**

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- d) Where it is not possible to provide a reticulated system with a gravity outfall, the feasibility of individual pump connections with their private rising mains to a gravity system/outfall, or new pumping stations, complete pressure, or vacuum systems.

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#### **9.10.911 Trade Waste Disposal**

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#### **9.10.102 Stormwater Collection and Disposal**

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- g) Any necessity to provide an onsite ~~retention basin~~ attenuation device to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place.
- h) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects.
- i) Where stormwater disposal is into an open waterway or channel, any potential adverse effects such as flooding on downstream properties, and whether the owners written approval has been obtained.
- ij) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.
- jk) Where it is not possible to dispose of stormwater by way of gravity pipelines, due to topography, the adequacy of alternative pumping systems.

kl) Where stormwater disposal cannot be obtained by gravity outfall, the necessity for land to be filled against the fall of the land, solely to obtain such an outfall, and whether it is practical to provide easements through adjoining owners' land to other frontage outfall systems.

lm) Where any proposed subdivision in any zone is to be connected to a stormwater disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the stormwater disposal system. Such financial contribution shall not exceed the extent to which the stormwater disposal system serves or is intended to serve the subdivision.

mn) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes.

#### **9.10.143 Energy Supply and Telecommunications**

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#### **9.10.124 Land, Contributions, and/or Facilities for Open Space And Recreation**

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#### **9.10.135 Easements**

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#### **9.10.146 Building Location**

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#### **9.10.157 Ashburton Business Estate**

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