

FURTHER SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN (TTPP)

1.0 FURTHER SUBMITTER DETAILS

Further Submitter Name: Cashmere Bay Dairy Ltd

Address for Service: C/- Davis Ogilvie & Partners Ltd
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Richmond 7020
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Contact Details: Henry Raymond
Director
Cashmere Bay Dairy Ltd
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Further Submitter Qualifier: A person who has an interest in the proposal that is greater than the interest the public has.

Qualifying Reason: Cashmere Bay Dairy Ltd (CBDL) own land at Te Kinga that is directly affected by the submissions discussed in our further submission.

We do wish to speak to this further submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

2.0 FURTHER SUBMISSION – BULLER DISTRICT COUNCIL – S538

Submission Point: S538.553
Support/Oppose: Support in part.

Reason:

CBDL have a current subdivision application in progress for their land at Te Kinga. The application has been significantly delayed by issues around available capacity in the Te Kinga reticulated wastewater system. The proposed amendment to Rule SETZ – R1 facilitating consideration of system capacity

would avoid similar delays for developers and/or owners wishing to build residential dwellings in small settlements in future.

Decision Sought:

Accept the proposed amendment to Rule SETZ – R1.2, and update Rule SETZ – R1.3 to accommodate the change:

*“Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater **or there is insufficient capacity**; on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.”*

3.0 FURTHER SUBMISSION – CHRIS J COLL SURVEYING LTD – S566

Submission Point:	S566.592
Support/Oppose:	Support

Reason:

CBDL have a current subdivision application in progress for their land at Te Kinga. The application has been significantly delayed by issues around available capacity in the Te Kinga reticulated wastewater system. The proposed amendment to Rule SETZ – R1 facilitating consideration of system capacity would avoid similar delays for developers and/or owners wishing to build residential dwellings in small settlements in future.

Decision Sought:

Accept the proposed amendment to Rule SETZ – R1.2, and update Rule SETZ – R1.3 to accommodate the change:

*“Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater **or there is insufficient capacity**; on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.”*

4.0 FURTHER SUBMISSION – DAVID ELLERM – S581

Submission Point:	S581.015
Support/Oppose:	Support

Reason:

CBDL supports the submitter's point that a broad-brush approach has been used to inform the notified Flood Plain Overlay. CBDL agrees that further consultation is therefore required with residents to better inform the extent and location of the Overlay, given the lack of an evidential basis for its application over large general areas of land in the Te Kinga settlement.

CBDL supports the removal of the Flood Plain overlay from the settlement area of Te Kinga settlement. Proposed Rule SUB – R13(2) requires that subdivision applications for land in the Flood Plain overlay are “accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced practitioner”. CBDL agree that the precautionary approach taken by the TTPP in imposing the Flood Plain overlay is unnecessary, as an assessment of natural hazards at subdivision stage is already required by s106 Resource Management Act 1991.

Decision Sought:

Remove the Flood Plain overlay from Te Kinga settlement.

Submission Point:	S581.017
Support/Oppose:	Oppose

Reason:

The Council sewage pump station (on the assumption that this is what “sewage collection tanks” refers to) is not located within the Lake Tsunami overlay so Policy NH – P9 is not applicable.

Decision Sought:

Retain Policy NH – P9 as notified.

Submission Point:	S581.022
Support/Oppose:	Oppose

Reason:

CBDL support Council’s power to allow future expansion of the reticulated wastewater treatment system at Te Kinga as and when the settlement grows, subject to appropriate engineering design. CBDL notes that this system was constructed as a joint venture between Council and Ngāi Tahu. Creating a prohibited activity rule requires convincing evidence to support it, and this has not been provided. Retaining the ability for Council to expand their infrastructure to cater for growth in the Te Kinga Settlement Zone is in accordance with the purpose of the Resource Management Act 1991; that is, enabling communities to provide for their social and economic wellbeing, and to meet the needs of future generations.

Decision Sought:

Retain Policy SASM - P11 as written, and do not create any new rule prohibiting expansion of the wastewater system at Te Kinga.

Submission Point:	S581.046
Support/Oppose:	Oppose

Reason:

The amended policy proposed suggests a specific minimum area for “land-based treatment,” which is significantly larger than the proposed TTPP anticipates. Rule SETZ – R1 allows a minimum net site area of 1000m² for residential units with onsite servicing; the submitter requests 4000m². Furthermore,

the policy amendment requested by the submitter is more in the nature of a rule or standard than a policy. CBDL consider that Policy SUB – P2(i) as notified is worded appropriately.

Decision Sought:

Reject this submission point in its entirety.

Submission Point:	S581.052
Support/Oppose:	Oppose

Reason:

Part of CBDL’s land (Lot 3 DP 3834 and Lot 1 DP 3323) have been included in the submitter’s proposed “Character Area” but CBDL were not consulted about this. CBDL do not support the creation of a special “Character Area” at Te Kinga, and submit that the objectives, policies, and rules for the proposed Settlement Zone are fit for purpose and suitable for Te Kinga (subject to the matters raised in CBDL’s submission S461). CBDL consider that the area does not have such a significantly unique character to justify the creation of a special set of rules. The submitter also has not provided any evidence supporting his request that the area should be included within a new “Character Area.” It would therefore be highly inappropriate to classify the area as one which requires additional protection and/or development constraints.

The standard SUB – S12 proposed appears to impose broad policy-style standards, including requiring the approval of a third-party, undefined “Character Committee”. The list of assessment criteria does not include any measurable standards against which a subdivision consent application could be assessed.

Decision Sought:

Reject this submission point in its entirety.

Submission Point:	S581.054
Support/Oppose:	Oppose

Reason:

The submitter’s suggested urban-style development standard amendment to RURZ – P11 is incompatible with the desired character for Rural zones. CBDL submit that the creation of subdivisions with sealed roads, pedestrian/cycle ways, fire hydrants and street lighting is directly contrary to the low-density rural character and amenity that is anticipated within the Rural zones and will therefore not achieve the purpose of the Resource Management Act 1991.

Decision Sought:

Reject this submission point in its entirety.

Submission Point: S581.056
Support/Oppose: Oppose

Reason:

The rule sought is superfluous because onsite wastewater discharges are already adequately controlled by other regulatory bodies including but not limited to Regional Council discharge rules (Rule 79, Regional Land and Water Plan), and engineering standards such as NZS4404:2010. Discharge of contaminants into the environment is primarily a Regional Council function under s30 Resource Management Act 1991 and are not to be governed under a District Plan. Furthermore, the submitter is proposing that the rule requires information to be provided under the Building Act 2004 (“...a *building permit application must be accompanied by...*”). This is outside the scope of a District Plan prepared under the Resource Management Act 1991.

Decision Sought:

Reject this submission point in its entirety.

Submission Points: S581.057
Support/Oppose: Oppose

Reason:

CBDL do not consider that the building height rule as proposed for the Settlement zone should be reduced. The maximum building height as notified is consistent with the previous District Plans and is therefore consistent with the scale of development already present and/or anticipated within the Settlement Zone.

Buildings in the Settlement zone must also comply with recession plane requirements under Rule SETZ – R2.6, which will avoid shading effects on neighbours.

Decision Sought:

Reject this submission point in its entirety.

Submission Point: S581.058
Support/Oppose: Oppose

Reason:

CBDL do not consider that the site coverage rules as proposed for the Settlement zone should be reduced. 40% site coverage, as notified, still retains a dominance of open space over the built environment but allows owners to utilise their land as they see fit. The proposed rule is consistent with the operative Grey District Plan rule.

Decision Sought:

Reject this submission point in its entirety.

Submission Point: S581.062
Support/Oppose: Oppose

Reason:

As discussed under S851.052 above, CBDL opposes the creation of a “Character Area” at Te Kinga, and accordingly this proposed matter of control should not be included in the TTPP.

Decision Sought:

Reject this submission point in its entirety.

Submission Point: S581.064
Support/Oppose: Oppose

Reason:

As discussed under S581.052 above, CBDL opposes the creation of a “Character Area” at Te Kinga, and accordingly the proposed spatial layer and development rules requested by the submitter should not be included in the TTPP.

Decision Sought:

Reject this submission point in its entirety.

Submission Point: S581.065
Support/Oppose: Oppose

Reason:

There is no provision under the National Planning Standards for a new “Groundwater Source Protection Zone” to be included in this Plan as requested by the submitter. No scientific evidence has been provided that ground water flows towards this privately-owned bore, and water supply sources are already adequately protected by Regional Council requirements (e.g., Rule 79, Regional Land and Water Plan) and the National Environmental Standard for Sources of Drinking Water. This submission point is therefore considered to be out of scope of what can be included/regulated by the TTPP under the Resource Management Act 1991 and is also outside the regulatory function prescribed to a territorial authority under s31 Resource Management Act 1991.

Decision Sought:

Reject this submission point in its entirety.

5.0 CONCLUSION

Thank you for the opportunity to present this further submission on the proposed Te Tai o Poutini Plan.

Signed:

On behalf of CASHMERE BAY DAIRY LTD

A handwritten signature in blue ink, consisting of a stylized, cursive name followed by a long horizontal line extending to the right.

PAULINE HADFIELD

DAVIS OGILVIE & PARTNERS LTD

Senior Planner, Assoc.NZPI