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**NOTICE OF REQUIREMENT**  
**PURSUANT TO SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991**

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**TO: WAIMAKARIRI DISTRICT COUNCIL**

Hurunui District Council (HDC) is a Requiring Authority pursuant to section 167 of the Resource Management Act 1991 (RMA).

HDC gives notice of its requirement for a designation for a public work. This is to be a new designation for an existing pump station.

1. The site to which the requirement applies is as follows:

**Address: 510 Loburn Whiterock Road, Loburn**

**Legal Description: Easement Area marked A on DP 471115 over Lot 1 DP 10448**

**Designation Area: 55m<sup>2</sup>**

2. The location of the site and the extent of the proposed designation are shown on the Plan contained in Appendix One in the attached report that forms part of this Notice.
3. The nature of the proposed work is detailed in the attached report that forms part of this Notice.
4. The effect that the proposal will have on the environment and the ways in which any adverse effects will be mitigated are detailed in the attached report that forms part of this Notice.
5. Alternative sites have been considered to the extent discussed in the attached report that forms part of this Notice.
6. The attached report describes why the designation is reasonably necessary for achieving the objectives of the Requiring Authority.
7. No parties are considered likely to be affected given the proposed designation is for an existing activity. Consultation with the landowner was undertaken prior to the construction of the pumphouse and a copy of this is labelled as Appendix Two in the attached report that forms part of this Notice. Further consultation is ongoing, and a further update will be provided prior to the District Plan hearing.



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17 December 2020

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## **HURUNUI DISTRICT COUNCIL**

### **NOTICE OF REQUIREMENT FOR DESIGNATION**

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#### **1. BACKGROUND AND REASONS**

Hurunui District Council (HDC) is a network utility operator, as defined under s166 of the Resource Management Act 1991 (RMA), as it undertakes the distribution of water for supply.

Section 168(2) of the RMA provides that a requiring authority may at any time, give notice to a territorial authority of its requirement for a designation for a project or work. The Waimakariri District Council, as part of their District Plan review, have invited HDC to give notice of any Notices of Requirement for new designations. A designation is effectively a spot zoning and limits which provisions of the Waimakariri District Plan that apply.

HDC are responsible for supplying water to Hurunui District Council residents. HDC have an agreement with Waimakariri District Council to supply water to the Ashley, Loburn and Sefton parts of their district. The customers to the Ashley Rural scheme (south) pay the water portion of the rates directly to HDC.

As part of its water supply network HDC have a number of existing designations within the Hurunui and Waimakariri District Plans. This site is not currently included as a designation and this Notice proposes to rectify that. No works are proposed with this Notice. HDC consider that designations provide a more certain long-term planning regime.

The project pertaining to this proposed designation is therefore not a new project, but the designation of an existing pumphouse. HDC's objectives for this project are:

- To provide a reliable and safe water supply to the Ashley Rural Water Scheme
- To provide water treatment if required
- To enable flexibility of design and development without compromising health and safety or environmental outcomes.

A site plan showing the existing pumphouse is included in Appendix One.

#### **2. DESCRIPTION OF THE SITE AND SURROUNDING ENVIRONMENT**

The pumphouse is located within easement area marked A on DP 471115 over Lot 1 DP 10448. The site is located at the junction of Chapel Road and Loburn Whiterock Road. The pumphouse is located at the very eastern corner of the site as indicated in Figure 1 below.

The site is fully fenced and there is a hard stand area adjacent to the pumphouse. Now the pump station is constructed, the proposed public work is limited to the operation, maintenance or upgrade of the pump station.

The surrounding properties are all large rural and rural lifestyle blocks and zoned Rural in the Waimakariri District Plan.



Figure 1: Location of site

### 3. PROPOSAL

#### Proposal Outline

The proposed designation is for an existing pumphouse. A site plan is included as Appendix One. No new works are currently proposed with this Notice. Should this Notice be confirmed, and future works be proposed, these will be addressed as required via the Outline Development Plan process.

#### Access

Limited access to the pumphouse is required. The site is visited most weeks for a routine inspection. The site is also visited on demand, as required, to fix network issues.

The pumphouse is accessed via Loburn Whiterock Road. It is possible to park within the road reserve adjacent to the pumphouse when access is required.

#### Landscaping and fencing

The easement area is currently fenced on all sides. While the pumphouse is visible from the road, the building is consistent with a small shed which is anticipated in the rural zone.



Figure 2: Pumphouse as viewed from Loburn Whiterock Road

#### Ongoing Works

The designation regime of the RMA recognises that sites and activities subject to a confirmed Notice of Requirement may continue to change and develop in response to demand and/or changed circumstances. Although, no further development of this site is proposed in the near future, any such works will be considered by the Council via the Outline Plan process of the RMA. Section 176A of the

RMA places a statutory duty on Requiring Authorities to submit Outline Plans to territorial authorities for projects or works proposed on designated sites.

#### **4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

The relevant effects that may result from the proposed designation include:

- Noise
- Parking and access
- Visual
- Social wellbeing

##### Noise

There are no effects associated with construction noise as the pumphouse is already located on the site. In terms of operational noise, there will be no change from existing levels. Should any development be proposed in future that might increase the noise generated on site, this would need to be addressed as part of the Outline Plan process.

##### Parking and access

There is a metalled space located within the road reserve adjacent to the pumphouse which provides for easy and safe access to the pumphouse. The area provides ample space for the vehicle to park safely and not intrude on other road users.

##### Visual

The visual effects of the pumphouse already exist on the site. Should any further development be proposed in the future, any additional visual effects resulting from this will be addressed as part of the Outline Plan process.

##### Social wellbeing

The pumphouse provides a safe and reliable water supply to property owners within the Ashley Rural Water Scheme. Having a fit-for-purpose drinking water supply is a priority for HDC and for our ratepayers. The provision of this supports the social wellbeing of the community.

##### Effects conclusion

The nature and scale of activities and buildings on the site are well established. Any future development of the site that might increase the scale of effects would need to be considered through an outline plan process. It is considered that the creation of this designation will have no adverse environment effects additional to what may already exist and therefore it is not considered necessary to require any conditions be attached to the designation.

#### **5. POLICY FRAMEWORK**

The following objectives and policies are considered relevant to this Notice.

##### ***Chapter 11 – Utilities and Traffic Management***

***Objective 11.1.1 – Utilities that maintain or enhance the community’s social, economic and cultural wellbeing, and its health and safety.***

*Policy 11.1.1.1 – A utility should:*

- a) *contribute to a safe environment;*
- b) *maintain or enhance public health;*
- c) *promote efficient use of resources and efficient development of the utility, so that resources are conserved and used in a sustainable manner;*
- d) *have regard to cross boundary issues where the utility or the service provided by the utility crosses the territorial boundary;*
- e) *where it is necessary to service new development, be paid for by the developer, or as a condition of consent for the development; and*
- f) *maintain and enhance social wellbeing.*

**Objective 11.2.1 – Adverse effects on the environment caused by the provision, use, maintenance and upgrading of utilities are avoided, remedied or mitigated.**

*Policy 11.2.1.1 – Avoid, remedy or mitigate adverse environmental effects created by the provision, use, maintenance and upgrading of utilities by:*

- a) *meeting environmental standards set by the Plan;*
- b) *having regard to the particular amenity or character of the area in which it is placed;*
- c) *integration with, and co-siting of, existing utilities where they are accessible and are, or can be, expanded to manage any additional loading and where such loading is technically and operationally feasible;*
- d) *meeting accepted design standards;*
- e) *[...];*
- f) *encouraging new utility services in residential areas to be placed underground, in consultation with utility operators;*
- g) *encouraging the under grounding of utilities as they are installed and upgraded in areas where the visual and amenity impact of overhead reticulation is significant, provided that under grounding is technically and operationally feasible;*
- h) *protection of areas of outstanding landscape, or areas of significant indigenous vegetation or significant habitat of indigenous fauna; [...].*

## **Chapter 14 – Rural Zones**

**Objective 14.1.1 – Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:**

- a) ***the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;***
- b) ***separation between dwellinghouses to maintain privacy and a sense of openness;***
- c) ***a dwellinghouse clustered with ancillary buildings and structures on the same site;***
- d) ***farm buildings and structures close to lot boundaries including roads;***
- e) ***generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;***
- f) ***clean air – but with some significant short term and/or seasonal smells associated with farming activities; and***
- g) ***limited signage in the Rural Zone.***

*Policy 14.1.1.2 – Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.*

The District is dependent on the efficient provision of utilities and services to maintain people's health and safety and to support economic, social and cultural activities. It is accepted that allowance should be made for such facilities provided this is balanced against the need to mitigate any adverse effects. The pumphouse is an existing utility that provides a reliable water supply to the local community. The pumphouse is a small building and is consistent with other buildings found in the rural zone.

Overall, it is concluded that this proposal is consistent with the objectives and policies of the District Plan.

## **6. OTHER PLANS**

There are no National Policy Statements that are relevant to this application. The Canterbury Regional Policy Statement (RPS) provides a strong emphasis on enabling the provision of regionally significant infrastructure, which includes potable water supply.

### ***Objective 5.2.2 – Integration of land-use and regionally significant infrastructure (Wider Region)***

*In relation to the integration of land use and regionally significant infrastructure:*

1. *To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.*
2. *To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:*
  - a. *development does not result in adverse effects on the operation, use and development of regionally significant*
  - b. *adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.*
  - c. *there is increased sustainability, efficiency and liveability.*

### ***Policy 5.3.2 – Development conditions (Wider Region)***

*To enable development including regionally significant infrastructure which:*

1. *ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose:*
  - a. *existing or consented regionally significant infrastructure;*
  - b. *options for accommodating the consolidated growth and development of existing urban areas;*
  - c. *the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;*
  - d. *the protection of sources of water for community supplies;*
  - e. *significant natural and physical resources;*
2. *avoid or mitigate:*
  - a. *natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;*
  - b. *reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;*

*and*
3. *integrate with:*

- a. *the efficient and effective provision, maintenance or upgrade of infrastructure; and*
- b. *transport networks, connections and modes so as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.*

*Policy 5.3.6 – Sewerage, stormwater and potable water infrastructure (Wider Region)*

*Within the wider region:*

1. *Avoid development which constrains the on-going ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used.*
2. *Enable sewerage, stormwater and potable water infrastructure to be developed and used, provided that, as a result of its location and design:*
  - a. *the adverse effects on significant natural and physical resources are avoided, or where this is not practicable, mitigated; and*
  - b. *other adverse effects on the environment are appropriately controlled.*
3. *Discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1.*

*Policy 5.3.9 – Regionally significant infrastructure (Wider Region)*

*In relation to regionally significant infrastructure (including transport hubs):*

1. *avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;*
2. *provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and*
3. *provide for the expansion of existing infrastructure and development of new infrastructure, while:*
  - a. *recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;*
  - b. *avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and*
  - c. *when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.*

The RPS enables the development and operation of regionally significant infrastructure provided any adverse effects are remedied or mitigated as fully as practicable. The Notice is considered to be consistent with the objectives and policies of the RPS as the Notice supports the efficient and effective provision, maintenance or upgrade of infrastructure.

## **7. ALTERNATIVES**

Section 171(1)(b) of the RMA requires the Territorial Authority to consider “(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if— (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or (ii) it is likely that the work will have a significant adverse effect on the environment.”

HDC holds an easement over the land to which this Notice relates. There is therefore sufficient interest in the and subject to the designation proposed. In addition, the preceding effects assessment has concluded that the nature of any actual or potential adverse effects will be less than minor. As such, it is not necessary to consider alternative sites, routes or methods of undertaking the work. Moreover, it is noted that the pumphouse already exists at this location. The Notice relates to formally designating this use, rather than undertaking a new work or project. Designations are a mechanism used throughout the District to ensure its interests in infrastructure assets are adequately protected.

## **8. REASONABLENESS**

Section 171(1)(c) of the RMA requires the Territorial Authority to consider “(c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*” In this case the work has already occurred and this Notice of Requirement relates to seeking a designation in relation to the existing activity.

HDC have an agreement with Waimakariri District Council to supply water to the Ashley, Loburn and Sefton parts of their district. The customers to the Ashley Rural scheme (south) pay the water portion of the rates directly to HDC. It is considered that the designation, as a planning tool, is reasonably necessary to assist HDC in achieving our objective to provide a safe and reliable water supply to the Rural Ashley Water Scheme. Failure to supply safe drinking water has serious potential impacts on public health through water-borne diseases.

The alternatives to designation are:

Reliance on operative District Plan rules; or

Resource consent.

The current activity is permitted by the operative District Plan rules. Under these rules any potential further development of the easement area is also likely to be permitted. However, this is not guaranteed to protect HDC in the medium to long term where rules might change. While it is also noted that the activity would have existing use rights to continue if the Plan rules were to change, these only remain so long as the effects of the activity remain similar in character, intensity and scale. The plan rules and the consenting process therefore do not provide a long-term planning tool to deal effectively and efficiently with the ongoing operation of the site.

Consequently, it is considered that the designation better meets the sustainable management purposes of the RMA and is reasonably necessary to achieve the objectives of the Requiring Authority.

## **9. CONSULTATION**

HDC sought written approval from the owners of the site in 2013 when the pumphouse was located on the property. A copy of this agreement is included as Appendix Two.

The property has subsequently changed hands and Council is working with the new owners to obtain their written approval to support this designation. An update on the status of this will be provided prior to the hearing of the Proposed District Plan.

## **10. CONCLUSION**

The proposed designation will provide a planning tool to enable long term provision of safe and reliable drinking water to this area. Preceding assessments have confirmed the negligible effects associated with this activity. In particular, given the designation is sought for an established activity the effects already exist within this environment.



The use of the designation as a planning tool is considered reasonably necessary to achieve HDC's objectives. The designation is considered consistent with the purpose and principles of the RMA and should proceed.

#### **11. ATTACHED INFORMATION**

Hurunui District Council attaches the following information:

1. Appendix One: Location of the site and the extent of the proposed designation
2. Appendix Two: Approval from landowners