

Before the Hearing Panel
Appointed by the Waimakariri District Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Waimakariri District Plan

Hearing Stream 12: Rezoning

MacRae Land Company Limited

Submission Number: 409

Further Submission Number: 113

Evidence of Terri Anne Winder

5 March 2024

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Introduction

- 1 My name is Terri Anne Winder.
- 2 I have completed a Bachelor of Business Studies (Massey University) and Master of Resource and Environmental Planning (Massey University).
- 3 I am employed by Planz Consultants Limited, a Christchurch based resource management consulting company, and have held this position since late April 2024.
- 4 I have approximately five years experience as a Resource Management Planner, and I am an Intermediate Member of the New Zealand Planning Institute, and a member of the Resource Management Law Association of New Zealand Inc.
- 5 My previous work experience includes working as a Planning Consultant for Town Planning Group and a Resource Management Planner for Eliot Sinclair with the former largely land use planning and the latter more focused on subdivision and regional planning. Prior to planning, my background varies across the Real Estate and Commercial Construction Industries.

Code of Conduct for Expert Witnesses

- 6 While this is not a hearing before the Environment Court, in preparing my evidence, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 7 I have prepared planning evidence in relation to the relief sought by MacRae Land Company Limited (**the Submitter**), seeking amendments to the Mill Road Development Area provisions (**MILL provisions**) in the proposed Waimakariri District Plan (**PWDP**). The changes sought relate to land owned by the Submitter located at Mill Road, Ohoka¹ (**the Site**).
- 8 My evidence addresses:
 - (a) Site description and background, including PC17 outcome.
 - (b) Amendments sought to MILL provisions in the PWDP by the Submitter, including an explanation, reasoning, and supporting evidence.

¹ Lot 4 DP 380990 (5.23 hectares); Lot 12 DP 380990 (4.94 hectares); Lot 200 DP 558754 (2.05 hectares).

- (c) Retention of the provision for a road over Lot 200.
 - (d) The s32AA planning assessment, with a particular focus on the Subdivision, Residential Zone, and Large Lot Residential Zone objectives and policies of the PWDP.
 - (e) Conclusions
- 9 In preparing this evidence I have reviewed and considered the below:
- (a) the Submitter's submission on the PWDP (**the Submission**);
 - (b) the Submitter's further submission on the PWDP (**the Further Submission**);
 - (c) Ngaire Wilkinsons submission on the PWDP (**the Submission #23.1**);
 - (d) Laurie and Pamela Richards submission on the PWDP (**the Submission #289.1**);
 - (e) Reece Macdonald submission on the PWDP (**the Submission #308**);
 - (f) Transport evidence prepared by Mr Andy Carr, dated 5 March 2024 (**the Transport Evidence**);
 - (g) Landscape evidence prepared by Mr Jeremy Head, dated 5 March 2024 (**the Landscape Evidence**).

Executive Summary

- 10 Amendments are proposed to the MILL provisions relating to reducing minimum allotment sizes, removing the street character requirements, and providing a new Local Road off Threlkelds Road. The provision for Lot 200 as a Local Road is maintained.
- 11 These amendments are supported from a planning perspective as they do not alter the density of the Site and the ODP area, nor the minimum allotment average. They are also supported from a landscape and visual impact perspective as per the Landscape Assessment.
- 12 The retention of the Lot 200 as Local Road is necessary given that Kintyre Lane is unable to become a public road due to the current legal impediments. The Threlkelds Road route would therefore provide a valuable alternative to facilitate development particularly on the eastern side of the ODP area and is supported from a transportation perspective if it complies with the Transport Standards as per the Transport Assessment.

- 13 The objectives and provisions of the PWDP enable the development of the Site and the ODP area in a manner that upholds sustainable management and the proposed amendments will continue to achieve the outcomes sought by the overarching objective and policy framework.
- 14 The benefits of the amendments outweigh the costs.
- 15 In summary, the amendments to the MILL provisions are the most appropriate way to achieve the objectives of the PWDP, having regard to other reasonably practicable options for facilitating development across the Site, while also enabling a more efficient use of land within the ODP area.

Site Description and PC17 Background

- 16 The Site is located on Mill Road, Ohoka, as depicted in the submission and in **Figure 1**, and legally described as:
 - (a) Lot 4 DP 380990 (5.23 hectares) (also known as 38 Kintyre Lane);
 - (b) Lot 12 DP 380990 (4.94 hectares) (also known as 21 Kintyre Lane); and
 - (c) At the time of the submission, Lot 200 DP 558754 (2.05 hectares). This has now been further subdivided into an access lot (Lot 200 DP 564728, 3382m²) and four new residential lots, being 406, 408, 410, 412, and 412A Mill Road (Lots 3 – 6 DP 564728) ranging from 4196 to 4310m². These new lots have now been sold to third party purchasers.

Figure 1 Location of the Site indicated by red boundaries (From the Submission)



- 17 The ODP area is located in the north east of Ohoka, and is bounded by Mill Road to the south. Areas of Large Lot Residential Zone land are located to the west, being the well-established Keetley Place development, and the under-development Bagrie Block, and to the south west across Mill Road. A small area of Settlement Zone and the Ohoka Domain are located further to the south west along Mill Road, while all remaining land surrounding the ODP area is zoned Rural Lifestyle.

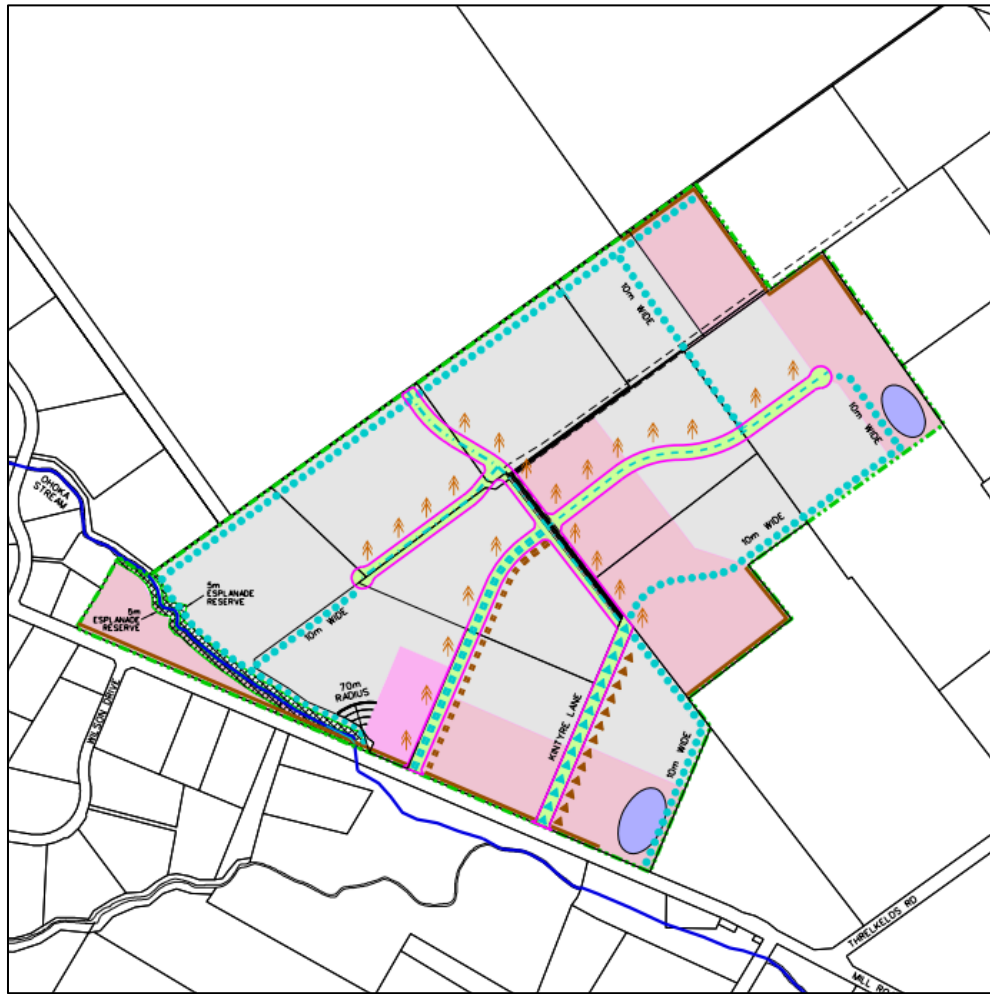
- 18 The current development pattern across the ODP area largely reflects the subdivision that occurred prior to PC17, and comprises paddocks and several established dwellings with associated amenity plantings and outbuildings. Additional subdivision has occurred adjacent to the Mill Road frontage as described above, and dwellings have been constructed within 408, 410 and 412 Mill Road. The Site is otherwise largely formed by pasture paddocks with well-established, dense shelter belts.
- 19 The Transport Evidence describes the adjacent transport network and will not be traversed, except to note the following.
- (a) 406 to 412 Mill Road and 21 Kintyre Lane of the Site can be accessed from Mill Road via a private access allotment (Lot 200 / 412A Mill Road); and
 - (b) 406 Mill Road and 21 and 38 Kintyre Lane of the Site can be accessed from Mill Road, along Kintyre Lane, via a right-of-way.
- 20 Under the PWDP, the Site is zoned Large Lot Residential and subject to the Mill Road Development Outline Development Plan (**the Mill Road ODP**).
- 21 The Mill Road ODP resulted from Plan Change 17 (**PC17**). By way of background, the Waimakariri District Council (**the WDC**) approved PC17 which rezoned 80.8ha of land situated at Mill Road and Threlkeld Road, Ohoka (**the ODP Area**) from Rural to Residential 4A. The decision was appealed to the Environment Court (**the EC**), and the rezoning was ultimately confirmed by consent order.
- 22 As a result of the EC decision, the ODP area was rezoned from Rural to Residential 4A subject to generally complying with the District Plan Map 160 (**Figure 2**) and the following outcomes.
- (a) A maximum of 81 residential allotments.
 - (b) Minimum allotment sizes of 1ha for Density Area A and 4,000m² for Density Area B, and the average area of all allotments shall not be less than 5,000m².
 - (c) Any allotment adjoining Mill Road to have a minimum 50m road frontage.
 - (d) There shall be no increase in the number of allotments with vehicle access onto Kintyre Lane unless and until it is vested as a public road.
 - (e) There shall be only one public road connecting to Mill Road.
 - (f) Provision shall be made for a road connection to the land to the north in the location shown on District Plan Map 160.
 - (g) Any application for subdivision consent shall include a table that identifies the minimum finished floor level required to achieve 300mm above a 0.5%

AEP flood for each new residential allotment. Such finished floor levels shall be secured by way of consent notice on the subsequent Certificates of Title.

- (h) All stormwater generated from the site shall be directed into and pass through one of the stormwater attenuation and water quality treatment systems prior to discharge from the site.
- (i) All roads are exempt from complying with the parking lane requirements in Table 30.1².
- (j) Any fence erected within any road or internal site boundary setback shall be limited to a maximum height of 1.2m; post and wire or post and rail fences; and be at least 50% transparent.
- (k) Any gate structure or wing walls shall be limited to a maximum height of 1.8m; gates shall be at least 50% transparent and constructed in timber. Wing walls shall be constructed in either: timber, stone or plastered masonry, and if painted shall be finished in hues of grey, green or brown with a reflectivity value of no more than 37%.
- (l) There shall be no fixed outdoor lighting within any road or internal boundary setback.
- (m) Within a 10m setback from the marked boundaries a minimum of one tree shall be planted for every 20m of the relevant allotment boundary. Such trees may be grouped within each allotment adjacent to the marked boundary.
- (n) Any hedge of more than 5m in length along any lot boundary shall not exceed 1.5m in height.
- (o) Trees required in accordance with (d) above shall:
 - (i) comprise a mix of large high amenity trees that reflect and complement species found in Ohoka, from the following tree list: ...
- (p) No structures or dwellinghouses are permitted within Area C shown within the MILL provisions.

² Table 30.1 of the Operative Waimakariri District Plan.

Figure 2 Mill Road, Ohoka Outline Development Plan (From District Plan Map 160)



MILL Provisions Amendments

23 The Submitter proposes the following amendments to the MILL provisions.

- (a) Replace Density Area A located within the centre of the ODP area, specifically over 38 Kintyre Lane, with Density Area B.
 - (i) This amendment would enable allotments within the centre of the ODP area to be a minimum size of 2,500m² (as discussed further below), rather than 1ha. It does this in a manner that upholds the rural character at the Large Lot Residential Zone and Rural Zone interface and enables more efficient land use, thereby reflecting sustainable management.
 - (ii) This amendment is supported from a landscape and visual impact perspective for the reasons detailed within the Landscape Assessment.
- (b) The minimum allotment size for Density Area B is reduced from 4,000m² to 2,500m². No changes are proposed to the maximum number of allotments

(81) or minimum allotment size for Density Area A (1ha) or the minimum average allotment size (5,000m²).

- (i) This amendment will encourage a greater range of allotment typology to be provide on the Site and within the ODP area in response to community demands in a manner that is consistent with the minimum allotment area for the Large Lot Residential Zone generally (Table SUB-1), and other nearby subdivisions, including the Bagrie development approved by Plan Change 21, without altering overall density.
- (ii) This amendment is supported from a landscape and visual impact perspective for the reasons detailed within the Landscape Assessment.
- (iii) For the reasons detailed within the Landscape Assessment, this amendment continues to be consistent with Objectives SUB-01, RESZ-01, RESZ-02, RESZ-03, RESZ-05, and LLRZ-O1 and supporting policies. Specifically, through the amendment, the development of the Site and the ODP area will foster an integrated pattern of land use, development, and urban form that provides for anticipated land use and density in a manner that achieves the identified future character, form, and function of the Large Lot Residential Zone, without undermining the perimeter rural character.
- (iv) Enabling smaller allotment sizes within the centre of the ODP area may increase the potential for development across the ODP area (which is in multiple ownership) exceeding the maximum of 81 allotments within the PC17 or not achieving a minimum 5,000m² average allotment size. Therefore, this amendment requires careful consideration and management. However, the potential for non-compliance could be managed through a resource consent process as discussed next.
- (v) Any subdivision within the ODP area will require a subdivision consent.
 - (A) Pursuant to Rule SUB-R2 of the PWDP, a subdivision within the ODP area is a Controlled Activity if it complies with the MILL provisions, as well as the relevant activity specific and subdivision standards. In assessing the subdivision application, the Waimakariri District Council would consider the subdivision matters of control.
 - (B) The subdivision matters of control and discretion within the PWDP include:

- (1) SUB-MCD2 (9) - The extent to which subdivision subject to an ODP... (b) will not undermine or inhibit the future development of identified new development areas.
 - (C) Therefore, when processing a subdivision consent application for the Site or any other land parcels within the ODP area, the Waimakariri District Council will consider whether it will undermine the future subdivision of any other land parcels within the ODP area or the maximum density or minimum average allotment area provisions.
 - (D) Consequentially, if a landowner applied for a subdivision consent to subdivide in a way which would likely result in more than 81 residential allotments being provided within the ODP area, then the Waimakariri District Council have the ability to consider the effects of that likely exceedance. It is also recognised that it is possible that not all landowners within the ODP area will choose to develop their land to the maximum densities or at all.
- (c) Remove "character street with landscaping & planting provisions" from the MILL provisions.
- (i) This amendment is proposed because the PWDP and MILL provisions do not stipulate the requirements to comply with this rule. For example, there are no requirements about the number, size / height, or type of plants / trees to be planted along the road.
 - (ii) This amendment is supported from a landscape and visual impact perspective for the reasons detailed within the Landscaping Assessment.
- (d) Provide a new Local Road with potential primary pedestrian & cycle route connecting from the rear of the ODP area through 53 Threlkelds Road to Threlkelds Road as roughly illustrated within **Figure 3** overleaf.
- (i) This amendment enables the ODP area, including the Site to be better accessed and serviced by transport infrastructure.
 - (ii) This amendment will impact land outside of the ODP area, being the southern half of 53 Threlkelds Road owned by New Zealand Trustee Services (Management) Limited, Madelene Angela Godfrey and Wayne Upton Willoughby Godfrey. However, the northern half of 53 Threlkelds Road is included within the ODP area.

- (iii) The use of the southern half of 53 Threlkelds Road to provide the new Local Road to the ODP area will require approval from the respective landowners, and this will be addressed separately from the process.
- (iv) This amendment is supported from a transportation perspective for the reasons detailed within the Transport Assessment.

Figure 3 Indicatively location of proposed Local Road connecting from Threlkelds Road to the ODP area (red boundaries) indicated by orange dashed line (Modified from Canterbury Maps)



Lot 200 Local Road

- 24 Submission #308 sought to delete the potential Character Street and Primary Pedestrian and Cycle Route if Kintyre Lane is not formed from DEV-MILL-APP1 (that is, the road in the location of Lot 200), and to amend DEV-MILL-BFS2 to require provision for a road connection to the lands to the north in the location identified on DEV-MILL-APP1 "only in the event that Kintyre Lane is formed as a Public Road". Within the Further Submission, the Submitter opposed this amendment as the ownership of Kintyre Lane currently prevents this lane from being formed as a Public Road or being used to access any new allotments. Therefore, as stated within the Further Submission, the amendment sought with the Submission #308 will prevent further development across the majority of the Mill Road Development Area.
- 25 Therefore, while Kintyre Lane is formed and provides physical access to some properties within the ODP area, it has ownership and property rights issues which impede it from becoming a public road.
- 26 Accordingly, the provision of a Local Road in place of Lot 200 of the Site must be maintained for the development of the Site and the ODP area to comply with the MILL provisions summarised within sub paragraphs (d) to (f) of paragraph 22 above and its map. This provision must also be maintained to provide legal and physical

access to all allotments which form the Site given that no additional allotments can be accessed from Kintyre Lane.

27 The Lot 200 Local Road can then be the public road connecting to Mill Road.

Section 32AA Planning Assessment

28 A Section 32AA (of the RMA) assessment has been undertaken and is attached as **Appendix 1**. In summary:

- (a) The submission did not seek to alter the relevant objectives of the PWDP.
- (b) The amendments to the MILL provisions will continue to give effect to the provisions of the PWDP, especially given that the maximum 81 allotment and minimum average allotment size requirements are maintained. Environmental effects will be managed by the subdivision and residential matters of discretion of the PWDP.
- (c) Given the impediment with Kintyre Lane becoming a public road, as well as legal access issues to the Site and other land within the ODP area via Kintyre Lane, Lot 200 is the only other access option off Mill Road that could be developed as a public road to serve the future allotments. To provide the ODP area with an additional access point off Threlkelds Road seems most logical, is supported from a transportation perspective, and fosters compact and coordinated urban form.
- (d) Overall, the benefits outweigh the costs. Specifically, more variety can be provided in allotment size to address demand, without undermining the density and minimum average allotment size standards. Additionally, retaining Lot 200 as Local Road and providing a new road off Threlkelds Road enables the ODP area to be appropriately served from a transportation perspective and development of the ODP area to proceed in accordance with the transport standards of the MILL provisions given the limitations of Kintyre Lane.
- (e) The risk of not acting on the amendments to the MILL provisions are low as the Site and the ODP area could continue to be developed generally in accordance with the MILL provisions.

Conclusion

29 I am satisfied from a planning perspective that the amendments to the MILL provisions are the most appropriate way to achieve the overarching objectives of the PDP and provide a positive outcome for the Site and the ODP area.

Dated 5 March 2024

Terri Anne Winder

Appendix 1 – Section 32AA Planning Assessment

- 1 As set out in Section 32AA of the Resource Management Act (**RMA**), a further evaluation is required for any changes that have been made to, or are proposed for, the proposal (in this case the PWDP) since the evaluation report for the proposal was completed; must be undertaken in accordance with section 32(1) to (4); and must be undertaken at a level of detail that corresponds to the scale and significance of the changes.
- 2 The following assessment evaluates the request to amend the MILL provisions in the PWDP to guide development of the Site and the ODP area.

S32(1)(a) – The extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act

- 3 The submission did not seek to alter the relevant objectives of the PWDP.

S32(1)(b) – Whether the provisions in the proposal are the most appropriate way to achieve the objectives

- 4 The provisions of the PWDP relevant to the amendments are repeated below.
- 5 The subdivision policies are as follows:
 - (a) SUB-P1 - Enable subdivision that:
 - (i) within Residential Zones, incorporates best practice urban design, access to open space, and CPTED principles; ...
 - (ii) supports the character, amenity values, form and function for the relevant zone.
 - (b) SUB-P2 - Ensure that allotment layout, size and dimensions:
 - (i) in Residential Zones:
 - (A) enables a variety of allotment sizes to cater for different housing types and densities to meet housing needs; ...
 - (c) SUB-P3 - Ensure that subdivision design:
 - (i) maximises solar gain, including through:
 - (A) road and block layout; and
 - (B) allotment size, dimension, layout and orientation;
 - (ii) in Residential Zones, ... supports walking, cycling and public transport; and

- (iii) recognises the need to maintain the design capacity of infrastructure within the public network and avoid causing flooding of downstream properties.
- (d) SUB-P4 - Achieve integration and connectivity by ensuring:
- (i) in urban environments that there is effective integration of subdivision patterns and multi-modal transport connections within new development and to existing development;
 - (ii) subdivision on the boundaries between new and existing development is managed to:
 - (iii) avoid or mitigate significant adverse effects, including reverse sensitivity effects, through the use of setbacks, landscaping to achieve screening, and other methods; and
 - (iv) continuation of transport and pedestrian or cycle linkages.
- (e) SUB-P5 - Provide for a variety of site sizes within Residential Zones, while achieving minimum residential site sizes that are no smaller than specified for the zone.
- (f) SUB-P7 - Ensure that subdivision is in accordance with the fixed or flexible elements of any relevant ODP.
- (g) SUB-P8 - Achieve integrated and comprehensive infrastructure with subdivision by ensuring:
- (i) upgrade of existing infrastructure where the benefit is solely for the subdivision and subsequent development, or otherwise provide for cost-sharing or other arrangements for any upgrade, such as financial contributions, that are proportional to the benefit received;
 - (ii) adequate infrastructure provision and capacity to service the scale and nature of anticipated land uses, including:
 - (A) wastewater disposal that will maintain public health and minimise adverse effects on the environment, while discouraging small-scale standalone community facilities;
 - (B) water supply;
 - (C) stormwater management;
 - (D) phone, internet and broadband connectivity can be achieved, with new lines being underground in urban environments, except within the Special Purpose Zone (Kāinga Nohoanga);

- (E) electricity supply, with new lines being underground in new urban environments except within the Special Purpose Zone (Kāinga Nohoanga);
 - (iii) where reticulated wastewater disposal is available, that any new site is to be provided with a means of connection to the system; and
 - (iv) where a reticulated wastewater system is not available, ensure that onsite treatment systems will be installed.
- 6 The subdivision rules and standards of the PWDP relevant to the amendment are as follows:
- (a) A subdivision activity in all zones is a Controlled Activity pursuant to Rule SUB-R2 subject to complying with the subdivision standards.
 - (b) Standard SUB-S1 - All allotments created shall comply with Table SUB-1.
 - (i) Zone: Large lot residential zone
 - (ii) Minimum allotment size: 2,500m² with a minimum average of 5,000m² for allotments within the subdivision
 - (iii) Internal square: n/a
 - (iv) Frontage (excluding rear lots): n/a
 - (c) Standard SUB-S4 - Any subdivision shall comply with the relevant ODP and rules for the ODP, as set out in the Development Areas Chapter of the District Plan.
 - (d) Standard SUB-S5 - Any allotment created shall have legal and physical access to a legal road.
 - (e) Non-compliance with the above standards requires subdivision consent for a Discretionary Activity pursuant to the relevant standard. Except a non-compliance with Standards SUB-S1 and SUB-S5 requires resource consent for a Non-Complying Activity.
- 7 The subdivision matters of control and discretion relevant to the amendment are as follows:
- (a) SUB-MCD1 Allotment area and dimensions
 - (i) The extent to which allotment area and dimensions enables activities to take place in accordance with the function, role and character of the zone.

- (ii) Area and dimensions of allotments for access, utilities, reserves and roads.
 - (iii) Area and dimensions of allotments created for conservation, restoration or enhancement or for any notable tree or historic heritage item with heritage values, and any significant indigenous vegetation or significant habitat of indigenous fauna, or wāhi taonga.
 - (iv) Any effect that the balance area of a residential subdivision will have on the achievement of any required minimum net household density.
- (b) SUB-MCD2 Subdivision design
- (i) The extent to which design and construction of roads, service lanes, and accessways will provide legal and physical access that is safe and efficient.
 - (ii) The extent to which the proposal complies with any relevant ODP or concept plan. Where a proposal does not comply with an ODP or concept plan, the extent to which the proposal achieves the same, or better urban design and environmental outcomes, than provided through the ODP or concept plan.
 - (iii) The extent to which allotments provide for solar orientation of buildings to achieve passive solar gain.
 - (iv) Design of the subdivision and any mitigation of reverse sensitivity effects on infrastructure.
 - (v) The provision and location of walkways and cycleways, the extent to which they are separated from roads and connected to the transport network. ...
 - (viii) The extent to which areas of significant indigenous vegetation or significant habitats of indigenous fauna, the natural character of freshwater bodies, springs, watercourses, notable trees, historic heritage items, or wāhi taonga are protected and their values maintained.
 - (ix) The extent to which subdivision subject to an ODP:
 - (x) provides for the protection of routes for future roads, and other public features of the subdivision, from being built on; and
 - (xi) will not undermine or inhibit the future development of identified new development areas.

- (c) SUB-MCD3 Property access
 - (i) The extent to which the subdivision makes provision for:
 - (ii) the location, design, lighting, alignment and pattern of roads in relation to allotments;
 - (iii) the provision of access;
 - (iv) the location, design, and provision of vehicle crossings in particular, taking into account infrastructure and street trees in the roading corridor;
 - (v) the location and design of footpaths and cycleways including their convenience, safety and separation from roads by visual and/or physical means; and
 - (vi) road reserves and links to future subdivision on adjoining land.
- (d) SUB-MCD10 Reverse sensitivity
 - (i) Any need to provide a separation distance for any residential unit or minor residential unit from existing activities, and any need to ensure that subsequent owners are aware of potential reverse sensitivity issues from locating near lawfully established rural activities, including but not limited to intensive farming.

8 The residential zone policies relevant to the amendment are as follows:

- (a) Policy RESZ-P12 - Use and development of land subject to an ODP shall:
 - (i) be in accordance with the development requirements and fixed and flexible elements in the relevant ODP, or otherwise delivers equivalent or better outcomes while achieving an efficient, effective and consolidated urban form, except relation to any interim use and development addressed in (3);
 - (ii) ensure that development:
 - (A) contributes to a strong sense of place, and a coherent, functional and safe neighbourhood;
 - (B) contributes to residential areas that comprise a diversity of housing types;
 - (C) retains and supports the relationship to, and where possible enhances, recreational, historic heritage and ecological features and values; and

- (D) achieves a high level of visual and landscape amenity;
 - (iii) interim use and development of land subject to an ODP shall not compromise the timely implementation of, or outcomes sought by, the ODP.
- 9 The Large Lot Residential Zone policies relevant to the amendment are as follows:
- (a) Policy LLRZ-P1 - Maintain the qualities and character of the Large Lot Residential Zone by:
 - (i) achieving a low density residential environment with a built form dominated by detached residential units, which other than minor residential units, are established on their own separate sites;
 - (ii) managing the scale and location of buildings so as to maintain a sense of openness and space between buildings on adjoining sites and ensuring that open space predominates over built form on each site;
 - (iii) ensuring the built form for all activities is consistent with the low density residential character of the zone; and
 - (iv) retaining the open character and outlook from sites to rural areas through managing boundary fencing including the style of fencing, their height and visual permeability.
 - (b) Policy LLRZ-P3 - Minimise reverse sensitivity effects within the Large Lot Residential Zone or on an existing activity in an adjacent zone by:
 - (i) requiring new activities minimise the potential for reverse sensitivity effects to occur on activities anticipated in the zone; and
 - (ii) requiring separation distances between new activities in the Large Lot Residential Zone and existing activities in adjacent zones.
- 10 The Large Lot Residential Zone rules and standards relevant to the amendment are as follows:
- (a) Standard LLRZ-BFS1 - Site density shall be a maximum of:
 - (i) one residential unit per 5,000m² of net site area or
 - (ii) one residential unit on any site less than 5,000m².
 - (b) Non-compliance with Standard LLRZ-BFS1 requires land use consent for a Non-Complying Activity.

11 The matters of discretion for all residential zones relevant to the amendment include the following:

(a) RES-MD2 Residential design principles

(i) Context and character:

(A) The extent to which the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features.

(B) The relevant considerations are the extent to which the development:

(1) includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as building dimensions, forms, setback and alignments, and secondarily materials, design features and tree plantings; and

(2) retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including existing historic heritage items, Sites of Ngāi Tahu Cultural Significance shown on the planning map, site contours and mature trees. ...

(v) Access, parking and servicing:

(A) The extent to which the development provides for good access and integration of space for parking and servicing.

(B) The relevant considerations are the extent to which the development:

(1) integrates access in a way that is safe for all users, and offers convenient access for pedestrians to the street, any nearby parks or other public recreation spaces;

(2) provides for parking areas and garages in a way that does not dominate the development, particularly when viewed from the street or other public open spaces; and

(3) provides for suitable storage and service spaces which are conveniently accessible, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces. ...

(vi) Safety:

- (A) The extent to which the development incorporates CPTED principles as required to achieve a safe, secure environment.
- (B) The relevant considerations are the extent to which the development:
 - (1) provides for views over, and passive surveillance of, adjacent public and publicly accessible spaces;
 - (2) clearly demarcates boundaries of public and private space;
 - (3) makes pedestrian entrances and routes readily recognisable; and
 - (4) provides for good visibility with clear sightlines and effective lighting.

(b) RES-MD4 Traffic generation

- (i) The extent to which the traffic generated is appropriate to the residential character, amenity, safety and efficient functioning of the access and road network taking into account: ...
 - (A) in the case of the safe and efficient functioning of the road network:
 - (1) any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity;
 - (2) adverse effects of the proposed traffic generation on activities in the surrounding living environment;
 - (3) consistency of levels of traffic congestion or reduction in levels of traffic safety with the classification of the adjoining road;
 - (4) the variance in the rate of vehicle movements throughout the week and coincidence of peak times with peak traffic movements on the wider network; and
 - (5) the location of the proposed access points in terms of road and intersection efficiency and safety, and the adequacy of existing or alternative access points.

- 12 The amendments to the MILL provisions will continue to give effect to the abovementioned provisions of the PWDP by:
- (a) Given the impediments preventing Kintyre Lane becoming a public road, and connection through the Bagrie Block being beyond the control of the Mill Road ODP landowners, retaining Lot 200 as the location for a Local Road connection is necessary to facilitate future subdivision of the ODP area. in accordance with the MILL provisions (SUB-O2).
 - (b) The new Local Road connecting to Threlkelds Road enables the sustainable development of the Site and the ODP area by providing an additional public road access which only involves one other property, being 53 Threlkelds Road which is partly within the ODP area, and its landowner (RESZ-O2).
 - (c) Retaining Lot 200 as Local Road, plus providing a new Local Road connection to Threlkelds Road, will foster a well-connected, accessible, safe, and efficient transport system for all transport modes (SUB-O2).
 - (d) Enables the Site and ODP area to be developed to provide for the anticipated residential land use and density (i.e., 81 allotments maximum) in a manner that will easily integrate with the developing receiving environment (SUB-O1).
 - (e) While some allotments may be smaller in size than is currently provided for, these are consistent with the lot sizes of the LLRZ generally and the MILL provisions and consenting process will ensure that the allotments will be suitably shaped, sized, and orientated to accommodate the future dwelling and outdoor living spaces and provide a quality residential environment, including benefiting from solar gain (SUB-O1[1], RESZ-O3, and LLRZ-O1).
 - (f) With respect to SUB-O1[1-2] and LLRZ-O1, the future character and amenity of the ODP area and the existing character and amenity at the interface with the adjacent Rural Lifestyle Zone will not be undermined. This is because there will be no physical difference than what is currently enabled by the MILL provisions with the only change being the distribution of the landscape elements as discussed within the Landscape Assessment.
 - (g) The larger allotments on the periphery will soften the transition from rural properties to the smaller allotments within the ODP area. The MILL provisions relating to boundary setbacks and tree planting along allotment boundaries will be retained unmodified. These aspects will also reduce the risk of reverse sensitivity issues and maintain the difference between the rural and large lot residential zones (RESZ-O3).

- (h) The amendments will provide for a more efficient use of the land within the ODP area and better promote sustainable residential growth (RESZ-O1 and RESZ-O2).
- (i) Providing a new Local Road connection to Threlkelds Road and retaining Lot 200 Local Road will assist the future subdivision of the ODP area to be in accordance with the MILL provisions given the impediments preventing Kintyre Lane becoming a public road (SUB-P7 and SUB-MCD2).
- (j) With regards to SUB-P1[1], SUB-P4[2], SUB-S5, SUB-MCD2, and SUB-MCD3, retaining Lot 200 as Local Road, plus providing a new Local Road connection to Threlkelds Road enables all future allotments of the Site to obtain legal and physical access. It also reflects good urban design through accessible and convenient movement and connections, including pedestrian or cycle linkages, between the Site and ODP area to the wider surrounds. Lastly, Lot 200 Local Road plus a new Local Road to Threlkelds Road provide transport infrastructure to adequately accommodate the travel movements of the future development of the Site and the ODP area for its anticipated residential use (SUB-P8).
- (k) The risk of reverse sensitivity issues on the adjacent transport network will continue to be minimised through the retention of boundary setbacks, and tree planting along allotment boundaries (SUB-P1[2] and SUB-MCD10).
- (l) Enables the Site and ODP area to be developed to provide for the anticipated residential land use and density (i.e., 81 allotments maximum), albeit with an increased range in allotment sizes including some smaller allotments, in a manner that will easily integrate with the developing receiving environment (SUB-P1).
- (m) While some allotments may be smaller in size than what the MILL provisions currently specify, they will be at least 2,500m² with a minimum average of 5,000m² as required by SUB-S1. Therefore, the amendments foster a variety of allotment sizes to be provided within the ODP area in a manner that is consistent with that anticipated for the Large Lot Residential Zone and that already developed within the locality (SUB-P5 and SUB-S1).
- (n) The MILL provisions and consenting process will ensure that the allotments will be suitably shaped, sized, and orientated to accommodate the future dwelling and outdoor living spaces and provide a quality residential environment, including benefiting from solar gain (SUB-P2 and SUB-MCD1).
- (o) With respect to SUB-P1[5], SUB-P4[2], SUB-MCD10, LLRZ-P1, and LLRZ-P3, the larger allotments on the periphery will soften the transition from rural properties to the smaller allotments within the ODP area. The MILL provisions relating to boundary setbacks and tree planting along allotment

boundaries will be retained unmodified. These aspects will also reduce the risk of reverse sensitivity issues.

- (p) With respect to RESZ-P12 and SUB-S4, as previously mentioned, any development of the Site and the ODP area is impeded from being in accordance with the MILL provisions given the legal access issues of Kintyre Lane preventing it from becoming a public road. Therefore, the retention of Lot 200 as Local Road plus a new Local Road connection to Threlkelds Road is an equivalent, if not better, outcome than the MILL provisions as all future allotments will be able to obtain legal and physical access in a manner that supports efficient, effective, and consolidated urban form. Also, the travel movements will be split over Mill and Threlkelds Roads, rather than all travel occurring along Mill Road.
- (q) The amended allotment sizes will contribute to providing a diverse allotment typology within the Site and the ODP area while still maintaining a low density environment. For this reason, in conjunction with retaining the maximum density and minimum average allotment size provisions, the amendments will ensure any development of the Site and the ODP area achieves an equivalent, if not better, outcome than the MILL provisions through a more efficient and effective urban form (RESZ-P12 and LLRZ-P1).

s32(1)(b)(i) – Identifying other reasonably practicable options for achieving the objectives

- 13 Given the impediment with Kintyre Lane becoming a public road, as well as legal access issues to the Site and other land within the ODP area via Kintyre Lane, Lot 200 Local Road is the only other access option off Mill Road that could be developed as a public road to serve the future allotments. A further access is anticipated through the Bagrie Block, however formation of this access is beyond the control of the Mill Road ODP landowners. To provide the ODP area with an additional access point, the available options are via Threlkelds Road or Main Drain Road. Access via Threlkelds Road could be via 53 Threlkelds Road which only involves one landowner, with that landowner already having some of their property subject to the MILL provisions. Access via Main Drain Road would be via at least three different properties (e.g., 71, 73, and 97a Threlkelds Road), all of which are owned by separate individuals. However, an additional access to the ODP area via Threlkelds Road seems most logical, is supported from a transportation perspective, and fosters compact and coordinated urban form.

s32(1)(b)(ii) – Assessing the efficiency and effectiveness of the provisions in achieving the objectives

- 14 Section 32(1)(b)(i) is informed by reference to s32(2)(a-c), which states that assessment of the efficiency and effectiveness of provisions needs to:

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

15 With respect to the benefits, the following is noted.

(a) Environmental:

- (i) Enabling a broader range of allotment sizes to better enable development to meet the needs and preferences of future residents, in a manner that is consistent with the minimum allotment size for the Large Lot Residential Zone and nearby subdivision developments. Therefore, the amended allotment size will not be contrary to the surrounding environment, nor out of character with the mixed rural-residential locality.
- (ii) The allotments will be appropriately sized and shaped through the MILL provisions and subdivision standards (including the abovementioned amendments), with the boundary setback and tree planting along allotment boundaries managing amenity effects and to reduce reverse sensitivity issues.
- (iii) The environmental impacts of the amendments to the allotment sizes and removal of the street character on the environment are supported from a landscape and visual impact perspective as per the Landscape Assessment. The removal of the street character provides greater certainty regarding the MILL provisions by removing vague character streets notation.
- (iv) The amendments will better facilitate development (and corresponding provision of large lot residential capacity) through provision of access alternatives. The environmental impacts of a new road off Threlkelds Road to serve the ODP area is supported from a transportation perspective as per the Transport Assessment.

(b) Social:

- (i) The unmodified MILL provisions, as well as the Subdivision and Large Lot Residential Zone standards will manage the effects of development within the Site and the ODP area on the amenity of surrounding zones. For example, the boundary setbacks and tree planting along allotment boundaries.
 - (c) Cultural:
 - (i) There are no identifiable cultural benefits.
- 16 With respect to the costs, the following is noted.
- (a) Economic:
 - (i) Resource consents impose financial and time costs when triggered.
 - (ii) A breach of the subdivision standards and MILL provisions, as well as the Large Lot Residential Zone density standard will result in the requirement for at least a discretionary activity consent. This results in some degree of uncertainty of the process and whether the cost of seeking resource consent for this matter is worth it as Council have the ability to decline the consent.
 - (b) Social:
 - (i) There are no anticipated social costs from the amendments, given that the changes are discreet and distinct to the ODP area and MILL provisions.
 - (c) Cultural:
 - (i) There are no identifiable cultural costs.
- 17 Overall, the benefits outweigh the costs. Specifically, more variety can be provided in allotment size to address demand, without undermining the density and minimum average allotment size standards. Additionally, retaining Lot 200 as Local Road and providing a new road off Threlkelds Road enables the ODP area to be appropriately served from a transportation perspective and development of the ODP area to proceed in accordance with the transport standards of the MILL provisions given the limitations of Kintyre Lane. The amendments are an appropriate way to achieve the Subdivision, Residential Zone, and Large Lot Residential Zone objectives of the PWDP with environmental effects managed by the subdivision and residential matters of discretion of the PWDP.
- 18 The risk of not acting on the amendments to the MILL provisions are low as the Site and the ODP area could continue to be developed generally in accordance with the MILL provisions.

