

WAIMAKARIRI DISTRICT PLAN

PRIVATE PLAN CHANGE 29

SUMMERSET VILLAGES (RANGIORA) LIMITED 104 TOWNSEND ROAD, RANGIORA

DECISION

October 2020

RESOURCE MANAGEMENT ACT 1991

WAIMAKARIRI DISTRICT COUNCIL

WAIMAKARIRI DISTRICT PLAN

PROPOSED DISTRICT PLAN CHANGE NUMBER 29

BY

SUMMERSET VILLAGES (RANGIORA) LIMITED

TO

**REZONE 13.96 HECTARES OF LAND LOCATED ON SOUTH BELT ROAD, RANGIORA
FROM RESIDENTIAL 4B TO RESIDENTIAL 2 WITH PROVISIONS FOR A RETIREMENT
VILLAGE**

Decision by

Commissioner Matt Bonis

Hearings held on 18 September 2020

OCTOBER 2020

Appearances:

Council:

Ms Samantha Kealey (Council Planner)

Mr Bill Rice (Council Asset Manager – Transportation)

Mr Kalley Simpson (Council Asset Manager – Water Services)

Applicant:

Mr Daniel Minhinnick (Legal Counsel)

Mr Aaron Smail (Corporate)

Mr Mark Georgeson (Transportation)

Mr James Bentley (Landscape and Visual)

Ms Stephanie Styles (Planning Consultant)

Submitters

For McAlpines Ltd and McAlpines Timber (McAlpines)

- Ms Meg Buddle (Legal Counsel)
- Mr John Duncan (Corporate)
- Mr William Reeves (Acoustic)

Ms Beth Tavui (Resident, 102 South Belt, Rangiora)

Ms Mandy Scott (Resident, 104 South Belt, Rangiora)

Ms Sally Shackleton and Mr Steven Boyd (110A South Belt, Rangiora)

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1.0 Introduction

- [1] In December 2019, pursuant to section 73(2) of the RMA, Summerset Villages (Rangiora) Ltd (**the Proponent**) requested a change to the Waimakariri District Plan (**the Plan**).
- [2] Pursuant to clause 25(2)(b) of Part 2 to Schedule 1 of the RMA the Waimakariri District Council (**WDC or the Council**) has accepted that request which means that the plan change (now called **Private Plan Change 29 – PC29**) remains a private plan change with Council administering the process of notifying it and conducting a hearing of submissions on it.
- [3] The plan change seeks to rezone a 13.96 hectare site located on the south western edge of Rangiora Township fronting South Belt and Townsend Road, as referenced as 104 Townsend Road in the plan change request and evidence.
- [4] The subject site, as zoned Residential 4B has statutory recognition as an ‘existing urban area’ in Chapter 6 of the Canterbury Regional Policy Statement (**CRPS**).
- [5] The plan change seeks application of a Residential 2 zone, which in conjunction with additional provisions facilitating development of a retirement village would greatly increase residential density. The proposal does not involve any changes to objectives and policies, and fundamentally seeks to utilise the operative Residential 2 standards.
- [6] The plan change inserts an Outline Development Plan (**ODP**) to guide development, a definition for ‘Retirement Village’ in conjunction with specific urban design provisions and bulk and location provisions relating to such, and lastly rules in relation to fixed floor levels.
- [7] The location of the land subject to PC29 is shown in Figure 1 below:

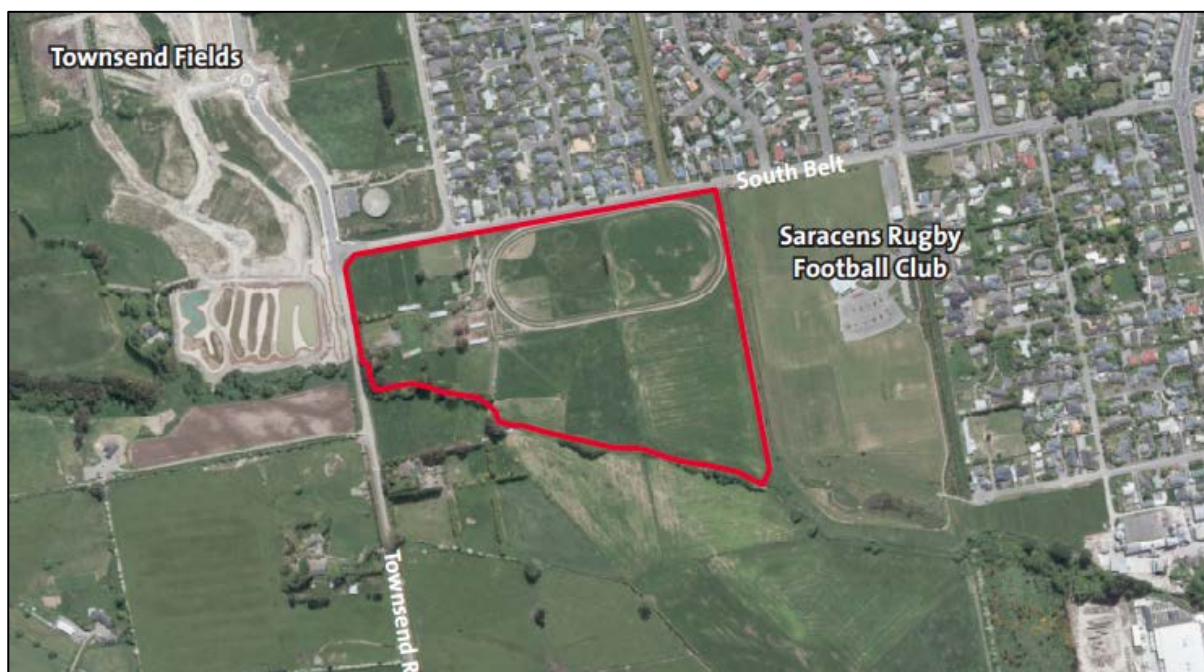


Figure 1: PC29 Location, Rangiora

Summary of Decision:

Pursuant to clause 29(4)(a) of Part 2 to Schedule 1 of the RMA, Private Plan Change 20 – Summerset Villages (Rangiora) Ltd is approved with modifications.

2.0 Appointment

- [8] Pursuant to instruction from the Council I was appointed to conduct a hearing and make a decision on Proposed Change 29 (PC29) to the Waimakariri District Plan (District Plan).

3.0 Process Issues

3.1 Notification, submissions and further submissions

- [9] PC29 was publicly notified on 13 June 2020, to which twelve (12) submissions were received. A summary of the submissions was published on the WDC webpage¹. I have adopted that summary², but can confirm that I have read each original submission in full. No further submissions were received in response to the Council's notification of the summary of submissions.
- [10] Fire and Emergency New Zealand (FENZ) advised on 9 September that there issues were addressed in the s42A Report and would not attend the Hearing.
- [11] The New Zealand Transport Agency (NZTA, Waka Kotahi) provided correspondence on the Plan Change, advising of congestion concerns relating the South Belt /Southbrook intersection). As this correspondence is not set out as a formal submission under Clause 6 of Schedule 1 and as advised by both Ms Styles and Ms Kealey, I have disregarded the NZTA correspondence.
- [12] Submissions received sought amendments to provisions sought by PC29, rather than outright opposition. Five (5) submissions supported PC29 unequivocally.
- [13] The Waimakariri District Council lodged a neutral submission seeking:
- i. Application of a restricted discretionary activity status for urban design and amenity controls applicable to Retirement Village developments, replacing the controlled activity status sought in PC29; and
 - ii. Insertion of a car parking ratio requirement for Retirement Villages.
- [14] The issues raised in remaining submissions seeking amendments include:
- i. Amendments to the fixed intersection locations in the ODP requiring these be aligned with existing streets.
 - ii. The minimum lot size should not exceed 600m².
 - iii. Amending the ODP such that increased height Areas A (14m) and Area B (10.5m) are placed further into the site at a greater distance from South Belt.
 - iv. Construction effects (off-site parking, noise and dust) are explicitly controlled.
 - v. Requirements for sufficient on-site parking to avoid (staff and residents) on street parking.
 - vi. Ensuring that reverse sensitivity effects, particularly sensitivity to noise and light associated with McAlpines existing facilities undertaken at the Southbrook Business 2 zone are addressed.

¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/86015/DDS-06-05-01-29-Summary-of-Submissions-for-Council-Website-Summerset-Villages-Plan-Chage-29.pdf

² Pursuant to s113(3)(b) of the RMA.

vii. That sufficient capacity for FENZ to undertake its firefighting duties are facilitated.

- [15] Submissions in support raised matters associated with the provision of additional housing stock and housing choice, as well as the provision of pedestrian / cycle connections.

3.2 Officer's recommendations

- [16] The WDC prepared an Officers Report under section 42A of the RMA for PC29³. I have had regard to that report and the advice of the s42A authors who recommended that PC29 be approved subject to modification. Matters canvassed in the Officers Report are discussed, where relevant, in subsequent sections of this Decisions Report.

3.3 Hearing appearances and site visit

- [17] The Hearing was undertaken on 18 September 2020 at the Rangiora Town Hall.
- [18] On 15 September 2020 I was advised that Mr Gary Stevenson (Development Manager – Three Waters) whose evidence was affixed to the S42A report would be unable to attend the Hearing. Mr Kalley Simpson (Council Asset Manager – Water Services) adopted the evidence of Mr Stevenson and attended the Hearing on behalf of Mr Stevenson. Prior to the Hearing I issued Minute 2 which set out several questions for Mr Kalley to respond to during the Hearing. I am grateful for Mr Simpson's considered response to those matters.
- [19] Mr Reeve on behalf of McAlpines Limited provided advance evidence in response to Minute 1⁴.
- [20] The full suite of evidence was provided by the Proponents experts on 10 September 2020, as supported by Legal Submissions from Mr Daniel Minhinnick presented at the hearing.
- [21] For McAlpines Ltd, their submission was supported by Legal Submission from Ms Meg Buddle and Corporate Evidence from Mr John Duncan.
- [22] Three submitters appeared at the hearing⁵ each of which spoke confidently to their submissions. The material read by Ms Tavui at the Hearing was also circulated on 23 September.
- [23] Copies of all statements of evidence and legal submissions are held by WDC. I have not summarised the matters covered here but refer or quote from that material as appropriate in the remainder of this Decision Report.
- [24] I received a verbal Reply from the Proponents at the Hearing. I closed the Hearing on 18 September.
- [25] Prior to the hearing, and immediately after the Hearing was closed, I undertook a site visit where I was able to view the Plan Change site from various positions and obtain a broader understanding of how it connected to the surrounding environment.

³ S42A Report of Samantha Kealey, Planning Report on submissions and further submissions. 3 September 2020.

⁴ Dated 5 August.

⁵ Beth Tavui (#4), Sally Shackleton and Steven Boyd (#6) and Mandy Scott (#10).

4.0 Background and description to Plan Change 29

- [26] The Proponents prepared numerous documents in support of PC29 that I have read and had regard to. These include:
- (i) the Summerset Villages (Rangiora) Ltd Application to change the Waimakariri District Plan pursuant to Section 73(2) of the Resource Management Act 1991 (incorporating Section 32) – the December 2019 Application.
 - (ii) Appendices to the initial request including infrastructure, transport, stormwater, geotechnical, and landscape and assessment relevant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
 - (iii) the Proponent's responses to requests for further information from the Council dated 5 March 2020 and 7 April 2020.
- [27] In the interests of brevity and efficiency I will cross-reference to, or adopt parts of those documents in this Decision Report.
- [28] The nature of PC29 was set out in the December 2019 Application. PC29 seeks to:
- Insert District Plan Map 184 (South West Rangiora Townsend Road Outline Development Plan);
 - Amend District Plan Maps 116 and 117 to show the proposed Residential 2 Zone;
 - Add a new definition into Chapter 1 for a Retirement Village;
 - Add retirement villages into the Residential 2 Characteristics table 17.1;
 - Amend exemption Rule 30.6.2.7 as it applies to Rule 30.6.1.32 (Road intersection spacing);
 - Add new clause (m) to Rule 31.1.1.10 (structure coverage);
 - Amend Rule 31.1.1.24 and add two clauses (a and b) (structure height);
 - Add new clause (c) to Rule 31.1.1.37 (outdoor living space and service areas);
 - Add a new Rule 31.1.1.53 (fencing);
 - Add a new Rule 31.2.2 (controlled activity for retirement village);
 - Add a new Rule 31.3.8 (discretionary activity (restricted) for retirement village);
 - Add new clause (ak) to Rule 32.1.1.28 (requirement to comply with Outline Development Plans);
 - Amend table 32.1 to include a retirement village in the Residential 2 zone;
 - Add new clause (ak) to Rule 32.1.1.28 (subdivision to comply with the ODP)
 - Add a new Rule 32.1.1.91 (finished section levels);
 - Amend Rule 32.4.1 (non-complying activities);
 - Amend Rule 33.1.4 and add new Rule 33.1.7 (esplanade widths adjoining Southbrook Stream); and
 - Consequential amendments to numbering, maps and cross references
- [29] The District Plan Map 184 (South West Rangiora Townsend Road Outline Development Plan) as sought is shown in Figure 2 below. The Outline Development Plan consists of 'fixed' elements (road connections, esplanade reserve, and Height restriction areas) and 'indicative elements' (pedestrian / cycle connections).

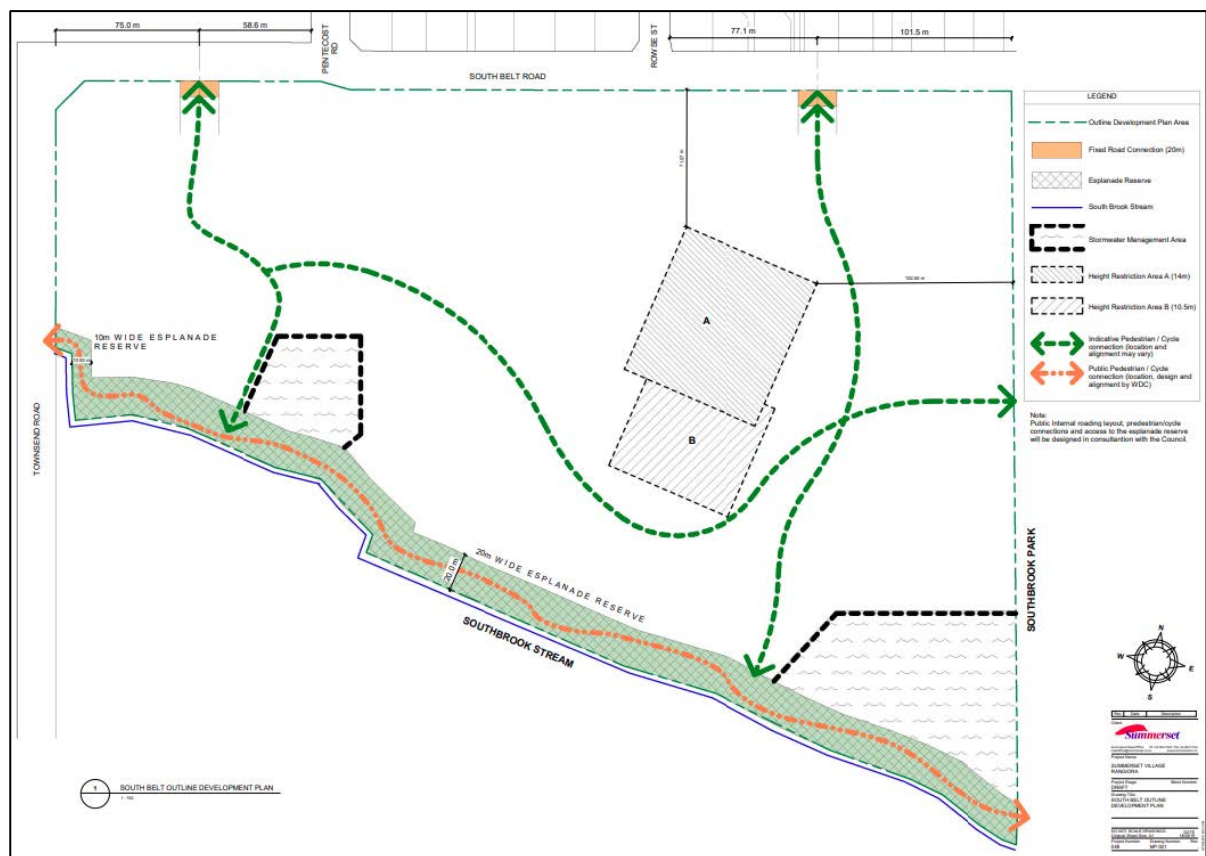


Figure 2: Proposed Outline Development Plan

[30] Under an orthodox Residential 2 zoning, some 140 residential units could be anticipated through the rezoning. Undertaking development as facilitated by the proposed Retirement Village provisions could result in a yield of some 245 retirement villas and 39 residential units (284 dwellings) and 119 living or care suites or beds⁶.

⁶ EiC Georgeson. Table 2

5.0 The Hearing and evidence

5.1 The Applicant

- [31] **Mr Minhinnick** set out the applicant's case. He advised that *Colonial Vineyard vs Marlborough District Council*⁷ remained relevant in setting out the mandatory legal framework for assessing the plan change. He advised that as the Plan Change did not seek to insert or amend policies and objectives into the Plan, that the provisions sought were the most appropriate to achieve these operative provisions, having assessed their efficiency and effectiveness, including a consideration of the environmental, social, economic and cultural costs and benefits.
- [32] Mr Minhinnick reiterated that the anticipated adverse effects anticipated as a consequence of PC29 would be insignificant and would result in a number of positive effects. These included increased residential capacity, intensification and housing choice in Rangiora, and opportunity for intergenerational housing supply.
- [33] He advised that the dispute was narrow, given general agreement with the Council and that no submitter sought outright opposition. Disputed matters related to: on-site parking regulation; the status of design controls; and the extent to which the Plan Change should contain additional provisions to manage reverse sensitivity relating to proximate business activities.
- [34] In terms of the former, Mr Minhinnick advised that the newly gazetted National Policy Statement – Urban Capacity (**NPS-UD**) precluded a parking minima as sought within the s42A report, and regardless the recommended provision lacked clarity, overlapped with existing provisions and were neither efficient nor effective.
- [35] Regarding the status for urban design of any prospective retirement village, he advised that a Controlled activity status in conjunction with the broad extent of matters to be considered provided the 'more appropriate' status in achieving the operative objectives of the Plan to both manage adverse effects (as associated with the proposed ODP and existing bulk and location rules) and enabling development certainty. In response to questions, he agreed that Objective 4 of the NPS-UD has particular statutory importance on this issue.
- [36] Lastly, in terms of The McAlpine submission seeking additional reverse sensitivity controls being affixed to PC29, he advised that additional controls were unnecessary and inappropriate.
- [37] **Mr Smail** provided corporate evidence, outlining the increase in demand associated with aged care services, and the range of facilities that would typically constitute a Summerset facility. He identified that Areas A and B as identified in the proposed ODP would allow for the centralised clustering of amenities servicing any prospective retirement village, as set back from neighbouring boundaries and public viewpoints.
- [38] **Mr Georgeson** responded to submitters, confirming his view that the proposed 'fixed road connections' in the ODP were ideally placed to ensure the safe, efficient and effective integration of anticipated development with the wider transport network. He advised that traffic generated from development could be accommodated within the network without material adverse effects, and lastly that operative parking provisions in the Plan⁸ would appropriately account for on-site parking demand, with an additional parking provision as sought within the s42A report being unnecessary and inconsistent with the NPS-UD.
- [39] In response to questions he advised that the terms 'dwellinghouse' and 'residential care home' within the operative parking requirements of Table 30.8 would ensure appropriate parking provision for subsequent development.
- [40] **Mr Bentley** took me through the respective site context visual montages providing particular attention to prospective development in Areas A and B⁹. He considered that the visual extent of the 'Main Building' would be largely obscured within the context of surrounding residential development in conjunction with the setback imposed in the ODP and would not be visually prominent from beyond the site. The overall development would

⁷ [204] NZEnvC, 55, at paragraph [17]

⁸ Operative Rules 30.8.2 and Rule 30.6.1.34 / Table 30.8.

⁹ PC29, Appendix 5 Technical Report Visual and Landscape Report. Views 2 and 3.

not result in material adverse effects, and would be compatible with the amenity and character anticipated by the Residential 2 zoning in the District Plan.

- [41] In relation to questions, Mr Bentley advised that whilst a retirement village would increase residential intensity, residential character would be maintained consistent with that expected in the Residential 2 zone, as managed under the proposed urban design controls accompanying PC29.
- [42] Lastly **Ms Styles** provided a comprehensive consideration of the planning framework against the matters raised by both submitters and contained within the s42A Report.
- [43] Regarding the status for urban design, she commented that the matters of discretion introduced within PC29 were not subject to dispute – only the activity status. She advised that *“the design and appearance rules provide a third layer for assessment, providing for a conversation with Council around detail”*. The Residential zoning (and associated intensification) and ODP, and subsequent bulk and location provisions providing the first and second tiers of a cascade of provisions that will ensure both the macro and micro issues associated with amenity and character are addressed in a manner that appropriately achieves the operative objectives. She reiterated that a Controlled activity status remained the ‘more appropriate’.
- [44] Ms Styles advised that the post-development inundation risk associated with PC29 would give effect to the requirements of the CRPS¹⁰. She advised that the proposed amendment of rule 32.1.1.91 relating to finished floor levels based on a 0.5% AEP event, and insertion of Rule 27.1.1.33 seeking a minimum finished floor level 400m above a 0.5% AEP event was the ‘more appropriate’ as recommended by Ms Kealey in the s42A report.

5.2 The Submitters

McAlpines

- [45] **Ms Buddle** provided Legal Submission on behalf of McAlpines Ltd and McAlpines Timber Ltd. **Mr Duncan** provided corporate evidence, and **Mr Reeve** provided acoustic evidence. For the sake of brevity, I have summarised their collective evidence.
- [46] It is understood that McAlpines represents a substantial industrial facility¹¹ as located within Southbrook, some 455 meters (as the crow flies) from the PC29 site¹². The facility emits considerable noise from the associated sawmill and processing, which in conjunction with a +5dBA penalty for Special Audible Characteristics, could result in a calculated noise level of 49dB L_{A10}¹³ at the interface with the PC29 site¹⁴.
- [47] Ms Buddle advised that PC29 should be amended to protect the McAlpines facility from reverse sensitivity effects, including through requiring imposition on the ability of future residents to complain about effects from the McAlpines facility; and alternatively (sic) design requirements to ensure development was not impacted by existing Southbrook B2 activities¹⁵. These effects would manifest as amenity effects on future residents, and the potential for reverse sensitivity effects on the McAlpines operations¹⁶. Principally, the concern is in relation to noise effects, with the relief expressed as support for recommendation in the s42A report for the status of urban design controls to be set as Restricted Discretionary Activity, and the following matter inserted:

“the mitigation measures proposed to mitigate potential reverse sensitivity effects on existing activities and future activities that can establish as of right in the Business 2 zone of Southbrook”¹⁷.

¹⁰ CRPS Objective 11.2.1 and Policy 11.3.2

¹¹ EiC Duncan. [22-27]

¹² EiC Reeve [Appendix A].

¹³ Operative Rule 31.12.1.2 requires a measured noise level of 50dBA L₁₀ during daytime hours.

¹⁴ EiC Reeve [13].

¹⁵ Submissions Buddle [11]

¹⁶ Submissions Buddle [7]

¹⁷ Submission Buddle [50]

- [48] In response to questions as to an absence of clarity, Mr Reeve commented that the relief could be amended such that a 40dB L_{A10} design level was provided for any external space to be utilised by future residents.
- [49] Ms Buddle identified that the initial processing activities associated with the McAlpines facility was established in 1964 and the facility warranted protected as a lawfully established activity. She conceded that the facility had not confirmed existing use rights.
- [50] Mr Reeve considered based on a 2013 Literature review by Kamp and Davies¹⁸ and a 'dose response curve'¹⁹ that *'a percentage of the PC29 population will be moderately, or highly annoyed by noise associated with the McAlpines sites at a 49dB L_{A10} '²⁰. He considered that whilst there were no specific studies in relation to the annoyance of elderly populations and industrial noise, he was of the view that the levels of annoyance that would occur without McAlpines proposed restrictions would be closer to 16% of the population as associated with dose annoyance studies associated with aircraft noise.*
- [51] In response to questions Mr Reeve identified that passing road traffic noise would result in noise levels of some 50dB L_{A10} – 55dB L_{A10} received at the boundary with the subject site. He identified that a typical contemporary dwelling would provide a 10dB L_{A10} – 15dB L_{A10} level of acoustic attenuation to experienced external noise. He also conceded that the van Kamp I, Davies 2013 Literature review only identified eight (8) papers (out of a total review of 62) that related to all of life (4) or the elderly (4).

Local Residents

- [52] **Ms Tavui, Ms Shackleton and Mr Boyd and Ms Scott** identified they were not opposed to the development itself. They did express concerns in relation to the consequential increase of traffic and on-street parking demand on existing residents.
- [53] All requested that the eastern road connection to align with Rowse Street, with Ms Shackleton and Mr Boyd alternatively seeking alignment to the stormwater corridor located at 98 South Belt as shown on their submission.
- [54] Provisions were sought ensuring: that all staff parking be contained within the site given the local experience of congested on-street parking associated with use of Southbrook Park; and that Area A which facilitated higher buildings as notated on the ODP be moved further back from South Belt.

5.3 The Council

- [55] **Mr Rice** confirmed his assessment that the illustrated 'fixed' road connections on the proposed ODP were optimally located in terms of managing effects on the network associated with anticipated traffic generated from activities enabled by PC29. In response to questions he also confirmed that a detailed design safety audit of engineering plans is required by and certified by the Council in terms of any intersection design associated with any subsequent subdivision.
- [56] Mr Rice considered the only residual dispute with the Plan Change related to requirements associated with parking demand. His view, which as explained through questioning, was that any prospective 'Retirement Village' presented '*challenges*' in terms of allocating parking demand operative requirements under Table 30.8 Plan.

¹⁸ Assumed to be van Kamp I, Davies H. Noise and health in vulnerable groups: A review. Noise Health 2013;15:153-9, but not referenced in the EIC of Mr Reeve.

¹⁹ Also unreferenced but stated in response to questions to be Miedema and Oudshoorn (2001) annoyance curves for aircraft, road and rail noise.

²⁰ EIC Reeve[25]

Whilst a retirement village independent unit would be contained within the definition of 'Dwellinghouse', it was not clear whether 'Residential Care Homes²¹' as undefined in the Plan would apply to the suites and care facility beds.

- [57] He agreed any prospective Retirement Village enabled by PC29 would likely be constructed in stages and that operative Rule 30.8.2 would therefore be triggered, allowing the Council to consider parking supply in relation to demand and generation²².
- [58] Mr Rice agreed that the recommended rule as contained in the s42A report was aimed more at 'bridging' a potential lacuna in the operative plan when the NPS-UD requirements²³ result in the removal of parking minima, rather than addressing an issue associated with PC29.
- [59] **Mr Simpson** helpfully responded to the matters raised in Minute 2. He identified that the key risk associated with inundation on neighbouring properties associated with pre or post development occurring on the PC29 site was related to an Ashley River breakout, with the occurrence risk dropping substantially where not associated with a 0.5%AEP event. He identified that based on the stormwater management identified in the PC29 ODP, that there would be potential benefits in terms of risks associated with inundation for a 2% AEP event on adjoining landowners as associated with a post-development scenario.
- [60] **Ms Kealey** helpfully and concisely focused her response to matters of dispute raised during the Hearing.
- [61] In terms of the Council's recommended provisions, she:
- a. reiterated the need to incorporate separate provisions distinguishing between a finished floor level 400mm above the 05%AEP event, and finished ground level for residential allotments.
 - b. agreed that Rule 33.1.1 needed to be amended to incorporate reference to the esplanade reserve provision proffered in PC29 at Rule 33.1.7 in terms of integration of PC29 with the operative Plan.
 - c. concurred with Mr Rice that the 'bridging' rule²⁴ in relation to assessing and providing parking demand remained necessary, as predicated on the likely consequences of the NPS-UD in removing parking minima in the operative plan. In response to questions she considered the recommended provision was sufficiently clear and concise to implement.
 - d. reiterated the conclusions in her s42A report that the status of urban design controls to be introduced under PC29 for any prospective Retirement Village should be discretionary, with Council's discretion limited to the matters sought to be introduced in proposed Rule 31.2.2. She considered that the McAlpines sought assessment matter relating to reverse sensitivity could be added to those list of matters.
- [62] Ms Kealey concurred with the response from Mr Simpson as to flood inundation risk, and advised that PC29, as amended, would be considered to give effect to CRPS Objective 11.2.1 and associated policies.

5.4 Right of Reply

- [63] Mr Minhinnick provided a focused verbal right of reply.
- [64] In terms of flood risk, he identified that the Council and the Proponents agreed on the provisions. Potential inundation risk was acceptable in terms of giving effect to the respective provisions of the CRPS and District Plan

²¹ Introduced through Plan Change 40 (2016)

²² Operative Rule 30.8.2(b)

²³ NPS-UD, clause 3.38 and timing clause 4.1

²⁴ Section 42A Report. [15.3]. Recommended Rule 30.6.1.35

and was appropriately managed through design and mitigation measures. He considered that a cross reference to the esplanade requirements in 33.1.1 was a consequential change to PC29.

- [65] He opposed the Council's recommended 'bridging' rule in relation to assessing and providing for parking demand. He noted that given the Council witnesses agreed that the operative provisions were appropriate, that that was where the requirements for s32 started and finished. The recommended parking mechanism put forward in the s42A report was the antithesis of the requirements of the NPS-UD in this respect, and also a more district wide response to the statutory directive to remove operative parking minima in the District Plan was within the control of the Council.
- [66] In relation reverse sensitivity raised within the McAlpines submission and evidence, Mr Minhinnick advised that the submitter had not established the initial threshold as to whether there was an issue that required a plan response within PC29. He noted that Mr Reeve identified a compliant 49dB L_{A10} sound level at the closest point within the PC29 to the McAlpines facility, which logically resulted in a lower level of noise received further within the PC29 site. He considered that the evidence posited by Mr Reeve did not establish a factual basis by which to justify further restraint in terms of acoustic design for any subsequent development facilitated by PC29, and the external design reference proffered by Mr Reeve of 40dB L_{A10} was at best arbitrary. He stated that McAlpines retained the ability to formally seek an existing use right certificate.
- [67] Lastly in terms of the more appropriate activity status relating to urban design controls, he stated that the Council Officer's had not established why a restricted discretionary status was the better approach.

6.0 Statutory Tests

[68] As confirmed by Mr Minhinnick, the general approach for the consideration of changes to district plans was initially summarised in the Environment Court's decision in Long Bay²⁵, which has due to various amendments to the RMA been superseded by the Colonial Vineyards decision²⁶. The relevant requirements in this case are set out below:

- (a) The plan change should be designed to accord with and assist the Council to carry out its functions under section 31 and to achieve the purpose of the Act (s74(1)(a) and (b)).
- (b) The plan change must give effect to any national policy statement, a national planning standard and the operative regional policy statement (s75(3)(a), (ba) and(c)).
- (c) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects (s76(3)).
- (d) The plan change shall have regard to any relevant management plans and strategies under other Acts (s74(2)(b)(i)) and must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s74(2A)).
- (e) Finally, section 32 requires that rules are to implement the policies and are to be examined, having regard to their efficiency and effectiveness, as to whether they are the most appropriate method for achieving the objectives of the District Plan taking into account:
 - (i) the benefits and costs of the proposed policies and methods (including rules); and
 - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
 - (iii) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.

[69] Overall, the s32 test is one of appropriateness (i.e. not necessity) and the requirement is to achieve the objectives of the District Plan.

²⁵ Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

²⁶ Colonial Vineyards Ltd v Marlborough District Council [2014] NZEnvC 55

7.0 Assessment

7.1 Actual or Potential Effects on the Environment

- [70] I considered the key effects associated with the PC29 can be broken down into five areas, being the urban form and capacity, infrastructure servicing (water, wastewater and stormwater / inundation), transportation and connectivity, reverse sensitivity and amenity effects associated with McAlpines operations, and urban design. These are addressed below.

Urban form and capacity

- [71] Firstly, I note that the subject site is zoned Residential 4B in the operative Plan. Accordingly, it is considered an 'existing urban area' in terms of the application of Chapter 6 and Map A to the CRPS, where urban development and intensification is anticipated by the CRPS²⁷.
- [72] I accept Mr Smail's unchallenged evidence as to the forecast increase in aged population in the district²⁸ and consider that PC29 which would enable between 140 dwellings²⁹ to some 284 residential units and 119 living or care suites or beds³⁰ would provide housing capacity. The rezoning would allow for increased residential density and supply in the district as well as enable increased housing choice in an area that is logically connected to the existing built up residential area.
- [73] As narrowed to a consideration of increasing opportunities for residential intensification and residential land supply in the district, I conclude the PC29 assists in terms of the district providing for well-functioning urban environments, supporting a competitive land market, and responding to the diverse and changing needs of its community and future generations.
- [74] Accordingly, submissions which support the plan change on the basis of increasing residential supply and diversity (#3 McManus, #7 Pearson) are **accepted**.
- [75] That part of the submission from Mr Wilson (#5) which seeks a minimum lot size of 600m² is **rejected**.

Infrastructure, Servicing and Flood risk

- [76] The proposed residential development to be enabled by PC29 will require services including internal roading, stormwater management, potable water supply and wastewater collection and disposal.
- [77] There was no dispute between Council Officer's and the material contained in the PC29 application as to the feasibility of providing **water and wastewater services** to support anticipated residential demand facilitated by the Plan Change³¹.
- [78] In terms of the submission from FENZ (#12) their submission is **rejected**. I do not consider the inclusion of additional provisions as sought by FENZ would meet the s32 test of efficiency and effectiveness and I consider the risk of not including them is limited give the existing provisions in the District Plan³² and the Council's Engineering Code of Practice (updated July 2020).

²⁷ Objective 6.2.1(3), Policy 6.3.1(4).

²⁸ EIC Smail. Section 5. Increase in the over 75 age bracket from 5,500(2020) to 14,610 (2043).

²⁹ Anticipated under an orthodox Residential 2 zone yield

³⁰ Anticipated under enabling provisions associated with a Retirement Village.

³¹ S42A. Kealey [12.3.1]

³² Rule 32.1.3(viii)

- [79] The proposed **stormwater** is to be managed by a combination of sumps, pipelines and pre-treatment devices³³, to discharge to two wet ponds as identified in the ODP. The wet ponds are understood to be sized to treat first flush³⁴, and discharge stormwater at, or less than predevelopment flows to South Brook based on a 2%AEP³⁵. It is understood that that approach is acceptable to Council, with issues associated with the vesting of wet ponds to be determined at time of subdivision. Mr Simpson advised that the extent of stormwater management proposed with PC29 would likely reduce inundation frequency for adjoining properties, which I consider to represent a positive effect associated with the Plan Change.
- [80] Both Ms Styles and Ms Kealey agreed that the **frequency and extent of flood risk** as compared between a pre and post development scenario associated with PC29 was acceptable, with resultant effects considered to be less than minor. In response to questions associated with any potential increase in flood frequency on the dwelling located at 84 Townsend Road adjoining the site for events less than a 0.5%AEP event, Mr Simpson considered as above, that the subsequent development would likely result in benefits for a 2% AEP, and that the modelling and assumptions associated with a 1% AEP would also not likely yield any material increased flooding risk post development on adjoining properties. Accordingly, I consider these effects to be less than minor.

Transportation and connectivity

- [81] The **cycling, pedestrian and esplanade reserve** requirements as identified in the ODP were universally supported. They would result in positive environmental effects in terms of modal choice, connectivity and health and wellbeing. Accordingly, the relevant parts of the following submissions are **accepted** (#1 Morris, #9 Gilmore).
- [82] Both Ms Styles and Ms Kealey agreed that the following insertion would improve integration with the proposed esplanade reserve provision and ODP with the operative plan provisions.

33.1.1 Except where provided by Rules 33.1.2, 33.1.5 and 33.1.6 an esplanade reserve or esplanade strip shall be created or set aside for any allotment which is created on subdivision regardless of the size of the allotment created where any part of the land to be subdivided in any zone:

- a) adjoins or is crossed by a river listed in Table 33.1; or*
- b) adjoins the coastal marine area boundary, or*
- c) as required by Rule 33.1.7.*

- [83] There appeared to be no dispute between the parties that the surrounding **transport network had capacity** to accommodate vehicles generated from development associated with PC29 Were a Retirement Village formed, rather than an orthodox Residential 2 yield, such would likely 'lower the curve' as associated with peak am and pm commuting times associated with such development.
- [84] The locations of **'fixed' road connections** to the wider network were heavily disputed.
- [85] I agree with Mr Rice that the provision of a road connection to Townsend Road should be discouraged given the higher speed environment on Townsend Road. This aspect of Ms Scott's submission (#19) is rejected.
- [86] In terms of the requests by the Tavui's (#4), Shackleton and Boyd (#6) and Scott (#10) to amend the fixed road access points in the ODP to align with Pentecost Road, Rowse Street or the green corridor at 98 South Belt, I consider the following:

³³ As subject to management through subsequent subdivision and Council's Engineering Code of Practice

³⁴ PC29 Application. Appendix 6- Civil Engineering Report [4.3.2]

³⁵ S42A Report. Appendix 1. Stevenson [8]

- a. the submitters concerns as expressed relate to potential safety and congestion issues associated with existing residents exiting their properties, particularly those with shared access;
- b. the evidence produced by Mr Georgeson and agreed to by Mr Rice identify that traffic generation facilitated by PC29 would be in the order of 1,123vpd to 1,260vpd over that anticipated from the current zoning³⁶. This equates to no more than an addition of 52vph two way beyond the immediate site surrounds, or less than one vehicle every minute³⁷;
- c. alignment of access opposite Pentecost Road and Rowse Street would be inconsistent with Council Engineering Code of Practice not to create cross road intersections where local access roads intersect with main roads³⁸;
- d. the proposed 'fixed' access points best conform with the Austroads Standard separation distances for intersections; and
- e. whilst a roundabout at a new intersection at Rowse Street could provide improved access compared to a simple tee intersection³⁹, this cannot be justified in terms of the traffic volumes generated from the proposed plan change, nor the associated economic costs of establishing such.

[87] Accordingly, I consider that the proposed fixed road connections to South Belt are the most appropriate, taking into consideration their efficiency (costs in terms of provision) and effectiveness (ensuring appropriate levels of safety, access and network capacity to accommodate demand). Accordingly, the respective submissions seeking alternatives as above are **rejected**.

[88] **Parking demand** was also a subject of dispute. The Tavui's (#4), Shackleton and Boyd (#6), Scott (#10) and a neutral submission from WDC (#2) all sought additional controls to ensure all parking demand was met on-site with no off-site parking on South Belt, particularly for staff associated with any Retirement Village.

[89] Firstly, I note that on-street parking is a community resource that cannot be allocated to any one party, or adjoining property owner. However, it is recognised that where there is a frequent and substantial overflow of on-street parking this can result in both residential amenity and potential transport safety effects for adjoining residents.

[90] Secondly, as acknowledged by both experts for the Proponent⁴⁰ and for the Council⁴¹, the current operative plan provisions are appropriately set. I also note that these have been through a recent community wide process⁴² and therefore are considered to provide an appropriate balance between the requirements for on-site parking demand and supply associated with development in the district.

[91] The rationale as I understand it for both Mr Rice and Ms Kealey to seek to introduce an additional parking demand rule was to address the likely consequences of the imposition of the new NPS-UD. Clause 3.3.8 of the NPS directs that all territorial authorities remove provisions that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use or activity.

[92] Stepping this through in turn:

- a. Ms Kealey recommends the insertion of the following as a Discretionary Activity (restricted)⁴³:

30.6.1.35 A retirement village, in the Residential 2 zone subject to South Belt Outline Development Plan as shown on District Plan Map 184 shall provide:

³⁶ PC29 Application. Appendix 10 – Transport Assessment [Tables 7-1 and 7-2]

³⁷ PC29 Application. Appendix 10 – Transport Assessment [8.1]

³⁸ Engineering Code of Practice Part 8: Roading 8.8.2

³⁹ S42A Rice [25]

⁴⁰ Ms Styles and Mr Georgeson

⁴¹ Mr Rice and Ms Kealey

⁴² Plan Change 40 'Parking' (2016)

⁴³ Reference Rule 30.8.1

- a) *An assessment of total parking demand associated with similar retirement complexes. This will include parking demand that is met both on site and on road at similar activities. The methodology used in the assessment to be agreed by Council.*
- b) *The provision of adequate parking on site to fully meet the assessed demand*

b. The NPS at clause 3.38 Car parking directs:

3.38 Car parking

- (1) *If the district plan of a tier 1, 2, or 3 territorial authority contains **objectives, policies, rules, or assessment criteria** that **have the effect of requiring a minimum number of car parks** to be provided for a particular development, land use, or activity, the territorial authority **must change its district plan to remove that effect**, other than in respect of accessible car parks.*
- (2) *Territorial authorities must make any changes required by subclause (1) **without using a process in Schedule 1 of the Act**.*
- (3) *Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules, or assessment criteria:*
 - a) *requiring a minimum number of accessible car parks to be provided for any activity;*
or
 - b) *relating to parking dimensions or manoeuvring standards to apply if:*
 - (i) *a developer chooses to supply car parks; or*
 - (ii) *when accessible car parks are required*

(emphasis added)

c. The NPS at Part 4 – Clause 4.1‘Timeframes for Implementation’:

- (1) *Every tier 1, 2, and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of this National Policy Statement as soon as practicable.*
- (2) *In addition, local authorities must comply with specific policies of this National Policy Statement in accordance with the following table:*

| | | | |
|-------------------------|-------------------|--|--|
| <i>Tiers 1, 2 and 3</i> | <i>Carparking</i> | <i>Policy 11(a) (see clause 3.3.8)</i> | <i>Not later than 18 months after commencement date.</i> |
|-------------------------|-------------------|--|--|

[93] The consequences of the NPS-UD, as relevant to the consideration of PC29 is as follows:

- a. The proposed rule sought by Council Officers is effectively a parking minima provision. Clause 3.38(1) requires the removal of provisions in the District Plan that have the statutory effect of requiring a minimum number of car parks (excluding accessible parks).
- b. Accordingly, I consider that the Council's relief is inconsistent with the statutory direction provided by Clause 3.38.
- c. Even were such a provision necessary to manage the effects of parking demand associated with activity facilitated by PC29, the legal effect of Clause 4.1(1) inhibits the ability of the Council to introduce such a provision through this (or any other) Plan Change.

- [94] In terms of my requirements for assessing the Plan Change⁴⁴, the plan change shall have regard to any actual or potential effects on the environment of activities, including any adverse effects ((s75(3)(a), (ba) and(c)), and a consideration of rules, to implement the policies and to be examined, having regard to their efficiency and effectiveness. The test for the inclusion of additional provisions must be against the operative framework, and whether there are existing provisions that adequately address effects without the need to introduce further (unnecessary) regulation.
- [95] For parking demand, I consider that adverse effects associated with parking demand facilitated by PC29 are appropriately managed by the operative parking requirements of the plan, as was confirmed by the respective expert witnesses for the Council and the Proponent. I concur with Mr Georgeson that development facilitated by PC29 would be logically categorised between 'Dwellinghouse' and 'Residential Care Homes' contained within Table 30.8.
- [96] The operative provisions represent the most efficient and effective means to manage effects from parking demand. As appropriately acknowledged by both Mr Rice and Ms Kealey, the proposed s42A Rule as a 'bridging' device simply overlaps these existing provisions, and hence in my view cannot be stated to be either efficient or effective.
- [97] The NPS-UD potentially provides a lacuna in the District Plan as to managing parking demand from development at the district level before or as of 20 February 2022⁴⁵. It is considered more appropriate that the Council seek to determine and provide a statutory response at the district level, rather than an isolated rule spatially applicable only to development facilitated by PC29⁴⁶. It would also be inappropriate for me to undertake a s32 analysis against a future (and unknown) district plan framework, where the District Council has provided a more systemic response to the requirements of the NPS-UD. Accordingly, those submissions seeking additional parking controls are **rejected**.

Amenity and Reverse Sensitivity associated with McAlpines operations

- [98] I acknowledge McAlpines is a significant local employer and contributes to the economy. The companies awareness of the potential of nuisance effects associated with proximate sensitive activities⁴⁷ is also recognised.
- [99] The relief sought in the McAlpines submission (#11) is to impose additional restraints on PC29 as notified. Those restraints are to manage external design as subject to a restricted discretionary consenting regime to require potential noise levels received from McAlpines operations⁴⁸ to achieve a 40dBA L₁₀ maximum⁴⁹.
- [100] As raised in a series of questions with Ms Buddle, in considering the McAlpines relief, there is a need for the evidence considered to establish:
- a. is there an actual or potential issue to be addressed by the rule sought⁵⁰,
 - and if that threshold is reached;
 - b. are the plan provisions put forward the most appropriate, having regard to their efficiency and effectiveness?
- [101] Ms Buddle agreed that the community expectation of noise levels and resultant amenity is set through the District Plan. For development facilitated by PC29, the threshold for daytime noise level received is set at 50dBA L₁₀.

⁴⁴ As set out in [[68]

⁴⁵ NPS-UD Clause 4.1

⁴⁶ It is noted that unhelpfully that neither the NPS-UD nor Introductory Guide provides any clarity as to the meaning of a 'comprehensive parking management plan' for the purpose of NPS-UD Policy 11(b).

⁴⁷ EIC Duncan [35]

⁴⁸ EIC. Reeve [26-28]

⁴⁹ Reeve. Response to questions.

⁵⁰ Section 76(3) RMA

Given Mr Reeve has calculated receipt of 49dBA L₁₀ at the nearest interface towards where the McAlpines facility is located in Southbrook, Ms Buddle conceded that amenity effects were not a relevant concern associated with residential development facilitated by PC29.

[102] In terms of the actual or potential for reverse sensitivity effects associated with activities facilitated by PC29 on the McAlpines operations Ms Buddle helpfully set out the definition for 'reverse sensitivity' used in case law within her submissions⁵¹. In broad terms, I understand that the following consequential matters would need to occur before reverse sensitivity effects on McAlpines operations became a relevant issue:

- a. New (sensitive) activities are introduced into an environment with an established activity;
- b. lawfully established operations from the existing activity give rise (through non-internalised effects such as noise, glare, dust etc) to concerns or complaints from the introduced sensitive activity(ies); potentially resulting in:
- c. restrictions being placed on the established activity

[103] On the evidence received, I am not persuaded that the evidence of McAlpines shows that the threshold by which to justify there is an issue to be addressed has been achieved. I reach that conclusion based on the following:

- a. the District Plan contains operative provisions relating to noise and glare. From the evidence of Mr Reeve it would appear that these, at least in relation to noise, are being achieved at the interface with PC29 site.
- b. The material provided by Mr Reeve is:
 - i. highly dependent on research that does not appear to have a direct bearing, it relates to strategic infrastructure (road, rail and airport noise) rather than noise generated from industrial operations.
 - ii. the WHO Environmental Noise Guidelines for the European Region (2018) which Mr Reeve relies on to establish annoyance levels of between 8% (road traffic noise) to 16% (airport noise) is heavily weighted to include sleep disturbance. Sleep disturbance is not a factor given: the McAlpines sawmill operations only operate during daylight hours⁵², and Mr Reeve agreed that a typical residential dwelling with windows open would provide acoustic attenuation of some 15-17dB.
 - iii. As also acknowledged by Mr Reeve direct application to 'vulnerable communities' is not evident within the research identified.
- c. Mr Duncan advises in evidence that *'there has never been a noise complaint about noise levels emanating from the sites that we operate'*⁵³, where there are more proximate residential activities located on Coronation Street.

[104] Whilst PC29 will introduce more intensive residential development⁵⁴ into this environment, facilitated residential development is appropriately managed (through existing standards and distance) such that there is an appropriate management regime to manage the effects between incompatible activities. I consider that the evidence of McAlpines falls well short of establishing a rational issue that would justify additional reverse sensitivity protections to be introduced. Accordingly, the submission from McAlpines (#11) is **rejected**.

⁵¹ Submissions. Buddle [38 and 39] reference to *Winstone Aggregates vs Matata-Piako District Council (2004) 11 ELRNZ [4]*

⁵² Corporate Evidence. Duncan [23]

⁵³ EIC Duncan [33]

⁵⁴ The site is zoned Residential 4B

- [105] To round this matter out in terms of any subsequent consideration of the efficiency and effectiveness of any associated provision I note:
- a. that inserting provisions relating to reverse sensitivity as sought by Ms Buddle involves picking winners. Specifically, by affording protection to one activity from others, those other activities bear a cost in terms of restriction and constraint on development opportunity. McAlpines has not demonstrated through evidence the costs associated with their relief.
 - b. a 40dBA L₁₀ standard to be met for external spaces as put forward by Mr Reeve appears to be arbitrary, with no explanation as to how such an imposition would either be efficient or effective. That requirement would also appear to be more stringent than ambient vehicle noise received from South Belt.
 - c. there is no analysis provided as to why such a provision should apply across the entirety of the PC29 site which extends some 1000m from McAlpines operations at its furthest point.

Urban Design and visual effects

- [106] Typical Residential 2 zone development facilitated by PC29 is subject to operative bulk and location provisions⁵⁵. For a Retirement Village development, additional controls are proposed, relating to structure coverage, height limits within Area A and B as identified in the ODP, and a range of urban design matters.
- [107] Submissions from the Tavui's(#4) and Shackleton and Boyd (#6) objected to the location of Areas A and B as identified on the ODP. Whilst not objecting to rules associated with establishing maximum permitted heights (18m and 10.5m respectively), the concerns related to potential visual dominance when viewed from South Belt. Both submitters sought that the notation (and provision) for these areas should be moved further back into the site.
- [108] As associated with the development of a Retirement Village, these 'Areas' would facilitate an agglomerated building(s) containing village amenities, suites and care facility beds. Mr Smail identified that the location of these areas was predicated on being centralised in terms of resident access to shared village amenities and that the building would be viewed from public vantage points within the wider context of the surrounding (and lower scale village)⁵⁶.
- [109] Mr Bentley identified in response to questions, that any building facilitated by Areas A and B as identified on the ODP in conjunction with permitted height limits would not be prominent within the wider context of built form enabled under PC29, and would largely be obscured from views from South Belt. Based on the montages provided by Mr Bentley I agree. In conjunction with the rationale provided by Mr Smail as the benefits of centralising the shared amenity building, and in the absence of any demonstrable material adverse effects on residential and character, I consider that the submissions above are **rejected**.
- [110] Lastly, Ms Shackleton raised an issue as to whether the metric explicitly identified in the notified ODP, which requires Area A to be set back 71.57m from South Belt, could be relied on. This matter was not picked up in the reply from the Proponents Team. I consider that given the precision shown, there would be little opportunity for a substantial deviation from the setback identified in the ODP.
- [111] The Council (#2) sought that the controlled activity status ascribed to the design and appearance provision⁵⁷ associated with any Retirement Village should be amended to a restricted discretionary activity (**RDA**) status. No party sought amendments to the matters of control⁵⁸.

⁵⁵ For example: Height Rule 31.1.1.24 and Structure Coverage Rule 31.1.1.10.

⁵⁶ Corporate Evidence. Smail 6.2(e)

⁵⁷ PC29 as notified. Rule 31.2.2

⁵⁸ Excluding McAlpines (#11) as above.

- [112] Ms Kealey clearly explained in her s42A Report the rationale for seeking an RDA status⁵⁹. She acknowledged that fundamentally, the ability of Council to notify or decline an application which was considered to produce material adverse design and amenity effects was the main reason for seeking an RDA status.
- [113] Ms Styles in contrast explained that the Council retained an appropriate level of control via a controlled activity status. In terms of effectiveness an appropriate residential character and amenity would be achieved given the hierarchy of relevant provisions, and that in terms of s32 a controlled activity status was also superior in terms of efficiency – reducing both cost and increasing developer certainty.
- [114] In terms of the hierarchy of provisions, Ms Styles identified that appropriate residential character and amenity would be achieved, through the following:
- a. Primarily, the application of a Residential 2 zoning to the PC29 site;
 - b. Secondly, the application of operative provisions as these relate to built form, bulk and location, and coverage associated with subsequent residential development;
 - c. thirdly application of a specific Outline Development Plan; and
 - d. lastly an additional layer of design and amenity controls as applicable to a retirement village which can be roughly grouped as follows:
 - i. integration of development with surrounding neighbourhood connections;
 - ii. the extent of landscaping;
 - iii. engagement and connectivity with adjacent streets and public open spaces; and
 - iv. use of visual quality and variety in building design and layout, including through orientation and separation of buildings.
- [115] Overall, I consider that a Controlled activity status is the most appropriate, having regard to the effectiveness and efficiency of that status in terms of sections 77A and 77B of the RMA. As outlined by Ms Styles, I agree that the suite of provisions taken as a whole ensures an appropriate level of residential amenity and character can be advanced as facilitated under PC29 and therefore a controlled activity status in this respect is *effective*. In terms of *efficiency*, a controlled activity status has clear benefits in terms of reducing both administration costs and increases development certainty. Accordingly, I consider that the Council submission in this respect be **rejected**.

7.2 National policy statements and national planning standards

- [116] Section 74(1)(ea) of the RMA states that a change to a district plan must be done in accordance with a national policy statement, a New Zealand coastal policy statement, and a national planning standard. In addition, ss75(3)(a) to (ba) of the RMA require the District Plan to give effect to those instruments.

National Policy Statement for Freshwater Management 2020

- [117] The National Policy Statement for Freshwater Management 2020 came into effect on the 3 September 2020 and I am bound to consider it. Having reviewed the objective and policies I do not consider there is anything specifically in them that PC29 does not give effect to. That is not to say however that matters associated with the NPS might not arise in any subsequent consenting process when details of the discharge regimes in particular are developed.

⁵⁹ S42A Kealey [13.2.3]

National Policy Statement for Urban Development 2020

- [118] The National Policy Statement for Urban Development came into effect on 20 July 2020. The specific implications as these relate to contested matters associated with the directive in Clause 3.38 and implementation in Clause 4.1 is addressed above. The corresponding **Policy 11(a)** requires that territorial authorities do not set minimum car parking rate requirements – as identified above, those submissions seeking additional parking requirements would not give effect to this very clear direction.
- [119] As identified in [74], PC29 contributes to the District Plan providing for well-functioning urban environments, supporting a competitive land market, and responding to the diverse and changing needs of its community and future generations. In this respect the Plan Change gives effect to **Objective 1, 2 and 6** of this NPS. The effects of climate change have been incorporated into flood water modelling as associated with a post-development scenario (**Objective 8**) and there is agreement between both three waters and transport engineers that the subject site is appropriately integrated with supporting infrastructure (**Objective 6**),
- [120] Lastly, in terms of amenity controls, and particularly the activity status associated with design and amenity controls for any subsequent Retirement Village, the package of controls is considered to achieve **Objective 4** which states in full:

“New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations”.

- [121] No other national policy statements are relevant in my view.

National environmental standards and other regulations

- [122] Section 74(1)(f) of the RMA states that a change to a district plan must be done in accordance with any regulations.
- [123] The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) (**NES-CS**) is relevant. The PC29 Request included a Preliminary and Detailed Site Investigation⁶⁰. That report identified concentrations greater than background levels from a number of investigative soil samples, with only one instance of concentrations greater than human health levels for residential use. The report then identifies that subsequent NES-CS consent will be necessary, as triggered through any subsequent resource to develop the site. The extent of remediation is not onerous and would not result in the higher residential density as facilitated by PC29 as being inappropriate.
- [124] Accordingly, such compliance with the NES-CS will also be a matter for detailed consideration as part of any future subdivision or land disturbance application.
- [125] The National Planning Standards released on 5 April 2019 focus on the format and consistency of plan provisions. The WDC has until 2024 to implement them. PC29 seeks to insert the definition of ‘Retirement Village’ as contained in the National Planning Standards, and I am otherwise satisfied that as far as practicable at this time PC29 is consistent with the National Planning Standards.
- [126] No other relevant national environmental standards or regulations were brought to my attention.

⁶⁰ PC29 Request. Technical Report 9. Riley.

Canterbury Regional Policy Statement

- [127] Section 75(3)(c) of the RMA requires a district plan to give effect to a regional policy statement.
- [128] The Canterbury Regional Policy Statement (CRPS) was assessed in the Initial Request and the Officers Report. I have addressed the relevant urban growth provisions of the CRPS in [71] of this Decision Report. Those provisions weigh in favour of approving PC29, as does the intensification targets established in **Objective 6.2.2(1) and (2)**.
- [129] The proposal would enable a higher density of residential density than the current zoning. Given the infrastructure evidence provided, such an outcome furthers those provisions of the CRPS seeking the efficient and effective integration of infrastructure to support land use⁶¹ and optimising the use of existing infrastructure⁶².
- [130] The CRPS also has relevant provisions relating to biodiversity, landscape, natural character, soils and natural hazards.
- [131] It is considered that the provision of the esplanade reserve adjoining Southbrook Stream will provide modest opportunities for enhancement to access⁶³, biodiversity⁶⁴ and natural character⁶⁵. Stormwater to be treated within the site to manage contaminants entering Southbrook Stream.
- [132] In terms of soils, it is considered that earthworks and associated development can be managed to remediate existing, albeit modest levels of contamination.
- [133] Lastly, in terms of natural hazards based on the Flooding report contained in the PC29 Request⁶⁶, and as assisted by Mr Simpson, I consider that the Plan Change gives effect to Objective 11.2.1 and Policy 11.3.2 in terms of the requirement for any new subdivision, use and development to avoid areas subject to inundation by a 0.5%AEP flood event, and not result in a displacement of hazard risk onto adjoining properties.

Land and Water Regional Plan

- [134] Section 75(4)(b) of the RMA states that a district plan must not be inconsistent with a regional plan for any matter specified in s30(1) relating to the functions of regional councils.
- [135] I do not consider the PC29 is inconsistent with the Land and Water Regional Plan, however future subdivision may well generate the need for consents under this plan.

Other Relevant Documents

- [136] The other relevant planning documents to be considered in evaluating PC29 under section 74A(2)(b) include:
- (i) Mahaanui Iwi Management Plan 2013
 - (ii) Waimakariri 2048 District Development Strategy 2018

⁶¹ Objective 6.2.1(9)

⁶² Objective 6.2.1(11), Policy 6.3.5(2)

⁶³ Objective 10.2.4

⁶⁴ Objective 9.2.2, Policy 7.3.3(2)

⁶⁵ Policy 7.3.1.

⁶⁶ PC29 Technical Report 7. Flooding.

Mahaanui Iwi Management Plan 2013

- [137] The application documentation included an assessment of the Mahaanui Iwi Management Plan (IMP) at Section 6.4.1. That assessment concludes that PC29 is consistent with the objectives and policies of the IMP and that there are no specific areas of cultural value identified on the site. I therefore consider that PC29 will not compromise the values set out in the IMP.

Waimakariri 2048 District Development Strategy 2018

- [138] Surprisingly, there were no references to this document in the application or S42A Report. Regardless, I consider it both relevant and supportive of the outcomes envisaged through PC29.

Page 19 states:

The identified development types and land requirements have taken into account demographic changes such as an aging population and changing housing needs as well as opportunities for intensification within the District's main towns. Housing demand will change over time and therefore enabling diversity in appropriate locations is important. Intensification areas will need to be carefully located to achieve efficiency and support retention of special heritage and character features.(19)

Strategic Aim 2.4 seeks: *consolidated and integrated urban growth that provides housing choice.*

7.3 Section 32 Analysis

Proposed Amendments

- [139] The proposed amendments to the District Plan are identified in [28].

The Outline Development Plan

- [140] Having reviewed the revised ODP presented at the hearing I consider it addresses all the necessary matters and the associated 'generally comply' rule is consistent with other ODP's contained within the District Plan⁶⁷.

Planning Map

- [141] I consider the alteration to the Planning Map(s) would be simply a function of the rezoning.

Objectives and Policies

- [142] PC29 does not propose any alterations to the objectives and policies in the District Plan. It is therefore incumbent on me to determine whether the proposed rezoning, and associated provisions as applicable to the formation of a Retirement Village is the most appropriate means of achieving the relevant objectives of the District Plan and whether it implements the policies having regard to their efficiency and effectiveness and taking into account the benefits and costs and the risks of acting or not acting.
- [143] Ms Kealey has provided a concise summary of the relevant Objectives and Policies at section 10 of her report. I agree with and have adopted that synopsis subject to Section 113(3)(a)(ii) of the RMA. I conclude that:
- The respective rules, as modified through this decision appropriately implement the respective policies⁶⁸;
 - The provisions (the suite of introduced and operative rules, and operative policies) are the most appropriate to achieve the objectives⁶⁹.

⁶⁷ Operative Rule 32.1.1.28

⁶⁸ Section 75(1)(c)

⁶⁹ Section 32(1)(b)

Benefits and Costs

- [144] I accept that the PC29 provides for a greater density of development and that there are inherent benefits in such an approach in terms of efficiency of land use, greater connectivity and sense of community, increased housing choice and greater support for wider community facilities and business services.
- [145] The costs appear to be limited. They relate to those experienced by the applicant in pursuing the plan change, and appropriate development costs associated with land development and processing of resource consents to enable subdivision and land use. There may be social costs experienced by neighbouring property owners as associated with an increased density of residential development and associated character, as well as the potential for some on-street vehicle parking associated with development. These costs are modest, and appropriately managed by the controls proposed.

Risk of Acting or Not Acting

- [146] I am satisfied that there is sufficient information, that the risks associated with acting or not acting have been identified⁷⁰.

Conclusion

- [147] I consider that overall PC29 is efficient and effective and contains benefits, particularly in terms of providing for denser development, integration, connectivity and increased housing density and capacity on existing zoned urban land. On this basis I consider the plan change will implement the policies of the District Plan and is appropriate in achieving its objectives. Therefore, having reviewed the relevant objectives and policies and considered the benefits, costs and risks I am of the view that PC29 is the most appropriate means of achieving the objectives.

7.4 Section 31

- [148] I consider that in terms of servicing and consolidation of urban development, PC29 will achieve integrated management of effects and will enable additional residential development capacity and housing choice in a manner that can be achieved without creating any significant actual or potential effects on the environment.

7.5 Part 2 Matters

- [149] Under s74(1)(b) the Council must prepare a district plan in accordance with the provisions of Part 2 of the RMA. Part 2 matters were briefly addressed in the Initial Request⁷¹. I do not disagree with that assessment and find that PPC36 does not offend any Part 2 provisions to an extent that would lead to me declining it.
- [150] Overall, I consider the objectives of the District Plan will be achieved as a result of the changes proposed as part of PC29. I have evaluated the rezoning as being the most appropriate, in terms of its effectiveness and efficiency, and the benefits that it achieves verses the costs imposed. I have therefore gone onto consider the matters contained in Part 2 of the Act.

⁷⁰ Section 32(2)(c)

⁷¹ PC29 Request. Section 5.1.3

Section 6

- [151] Section 6 of the Act relates to matters of national importance. I accept that that the Plan Change would provide benefits in terms of the preservation of the natural character⁷² of South Brook as it adjoins the site, and would enhance public access along its margins⁷³.

Section 7

- [152] Section 7 of the Act sets out other matters I am to have particular regard to. Of particular relevance are section 7(b) concerning the efficient use and development of natural and physical resources; section 7(c) relating to the maintenance and enhancement of amenity values and section 7(f) in terms of the maintenance and enhancement of the quality of the environment.
- [153] While I acknowledge the concerns expressed by Ms Kealey as to whether the controlled activity status for design and amenity associated with the establishment of a Retirement Village would ensure sufficient control to maintain and enhance amenity value, I have concluded that these provisions are appropriately set.
- [154] I consider the PC29 represents a more efficient use of the land resource given its current zoning and low-density anticipated built form.

Section 8

- [155] Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account. I accept that there are no explicit section 8 matters at play in this case.

Section 5

- [156] The ultimate purpose of the plan change is to achieve the purpose of the Act as defined in section 5. In the case of a plan change that purpose is usually subsumed in the greater detail and breadth of the operative objectives and policies which are not sought to be changed. That is the situation as associated with PC29.
- [157] I therefore considered for the reasons set out above that PC29 is appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by providing greater residential capacity and housing choice within Rangiora. Overall, I consider PC29 promotes sustainable management in meeting the purpose of the Act.

7.6 Amendments to Plan Change 29

- [158] There are two provisions that are amended. These are: the insertion of Rule 33.1.1(c) to ensure an integrated cross-reference with the operative plan provisions to the provision of Esplanade Reserve as identified in proposed Rule 33.1.7; insertion of Rule 27.1.1.33 in relation to finished floor levels for dwellinghouses established in the ODP on District Plan Map 184. Both these matters were agreed by both Ms Styles and Ms Kealey at the Hearing as being appropriate.
- [159] Section 32AA of the RMA requires a further evaluation of any changes that are made to a proposal after the initial section 32 report has been completed. The further evaluation may be the subject of a separate report, or referred to in the decision-making record.⁷⁴ Clause 10 of Schedule 1 to the RMA directs that the Council's decision on submissions on a plan is to include such further evaluation, to which it is to have particular regard when making

⁷² Section 6(a)

⁷³ Section 6(b)

⁷⁴ RMA, s 32AA(1)(d) and (2).

its decision.⁷⁵ This Decision Report (including its appendices) will form part of the Council's decision-making record.

- [160] The reasons for these amendments are set out in the Decision. The amendments are not substantive, but for the avoidance of doubt, they are practicable, and are effective and efficient in terms of providing appropriate certainty in the plan provisions as to ensuring subsequent development is appropriately designed and implemented. They have no appreciable implications in terms of economic growth or employment.

8.0 Decision

- [161] Pursuant to the powers delegated to me by the Waimakariri District Council the decisions made on submissions to Private Plan Change 29 – Summerset Villages (Rangiora) Limited are set out in **Attachment 1** of this Decision.
- [162] Pursuant to clause 29(4)(a) of Part 2 to Schedule 1 of the RMA the Plan Change 29 – Summerset Villages (Rangiora) Limited is approved with modifications as set out in **Attachment 2** of this Decision.



Commissioner Matt Bonis

9 October 2020

⁷⁵ RMA, Schedule 1, cl 10(4)(aaa).

Decisions Made on Submissions

| Sub no. | Submitter name | Support /Oppose / Neutral | Relief sought | Reasons | Recommended Decision |
|---------|---|---------------------------|---|--|------------------------------------|
| 1 | Jack Morris | Support | <ul style="list-style-type: none"> • Approve the Plan Change | <ul style="list-style-type: none"> • The proposed plan change will improve the recreational facilities for local residents. • The proposed plan change will improve traffic safety in the area. • The aesthetics of the whole Southbrook Park reserve can be greatly enhanced by the proposed plan change. • The proposed plan change has and will provide superb connection to the existing Rangiora -Kaiapoi cycle-way. | Accept |
| 2 | WDC | Neutral | <ul style="list-style-type: none"> • Delete Rule 31.2 (and 31.2.2) • Amend Rule 31.1 (and 31.3.8) and Include a provision in Table 30.8 for Retirement Villages. | <ul style="list-style-type: none"> • A minimum controlled activity status for a retirement village is not considered an effective method to achieve the objectives of the district plan. • If a future decision maker considered the matters of control did not avoid, remedy or mitigate a potential or actual adverse effect the decision maker would be unable to address these matters. • It would be a more efficient and effective process to identify a required ratio for car parking in a retirement village. • Depending on which ratio is used from the current Table 30.8 of the District Plan it could result in an under or over supply. | Reject Reject |
| 3 | Andy McManus – Nor West Contracting Limited | Support | <ul style="list-style-type: none"> • Approve the Plan Change | <ul style="list-style-type: none"> • The proposed plan change will assist in curbing the lack of housing and residential care facilities available throughout the district. • The selected land is surrounded by previously developed land which is appropriate to Residential 2 Zoning. | Accept |
| 4 | Beth and Silika Tavui | Oppose | <ul style="list-style-type: none"> • The proposed entrance way of the plan change closest to the park should be shifted into alignment with Rowse Street. • The main building locations of the plan change should be shifted further back towards the reserve at the back of the property. • The Building A location of the plan change is to the rear of Building B location further from South Belt. | <ul style="list-style-type: none"> • Moving the entrance way to align with Rowse Street would be safer for all residents. • The main building location of A and B are going to be an imposing looking structure due to the maximum height limit, therefore would be better placed further away from existing residents. • If Building location A was on the south side of Building location B it would be a better outcome in terms of access to sunlight. | Reject Reject Reject |

| | | | | | |
|----|---|-------------------------|---|---|--------|
| | | | provided on-site or on Townsend Road and not on South Belt. | | |
| 11 | McAlpines Timber Limited – Martin Pinkham | Support with Amendments | <ul style="list-style-type: none"> Ensure that reverse sensitivity is considered in terms of existing noise, light, and traffic noise. | <ul style="list-style-type: none"> Ensuring that the lawfully established, and future, activities on the adjacent Southbrook Business 2 (and potentially Industrial) land are protected and not subject to complaint from the new residents of the proposed Plan Change development area. The development (including the buildings) should be designed to ensure that activities, lighting and noise from the Business 2 (Industrial) land does not impact on the proposed development. | Reject |
| 13 | Fire and Emergency New Zealand (FENZ) | Support with Amendments | <ul style="list-style-type: none"> The addition of assessment criteria in relation to firefighting water supply and access. | <ul style="list-style-type: none"> Addition of the assessment criteria is to enable FENZ to carry out its firefighting duties in the case of an emergency. Should the future development of a retirement village include buildings such as a care facility or communal hall, FW2 of the Code of Practice may not be sufficient. | Reject |

Plan Change 29 Approved with Modifications

Chapter 1. Definitions

Retirement Village (from NPS)

means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

Chapter 17. Residential Zones

Objectives and Policy

Table 17.1: Residential Zone Characteristics – Residential 1 and 2

| Residential 1 | Residential 2 |
|--|---|
| <ul style="list-style-type: none"> — Predominant activity is living; — facilities include schools, limited commercial activities , reserves, churches, and service related businesses; — highest density of dwellings for the District's Residential Zones; | <ul style="list-style-type: none"> — Predominant activity is living; — predominantly detached dwellings; — facilities include schools, local shops, churches, places of assembly, reserves <u>and retirement villages</u>; — lower density of dwellings than for Residential 1; |
| <ul style="list-style-type: none"> — flats and townhouse developments are more common than Residential 2; — minimum lot size 300 square metres, and maximum site coverage 50%; — streetscapes enhanced by mature trees and other plants; — hard surfaces visually dominant; — full urban services; and — footpaths on both sides of the street | <ul style="list-style-type: none"> — lot sizes minimum 600 square metres and maximum site coverage 35%; — open, spacious streetscape, with hard surfaces visually dominant; — low traffic speeds; — fewer traffic movements on many streets than in Residential 1; — limited advertising; — full urban services; and — trees and plants enhance streetscapes |

Chapter 27. Natural Hazards – Rules

27.1 Permitted Activities

27.1.1.33 Within the South Belt Outline Development Plan area shown on District Plan Map 184, any dwellinghouse shall have a finished floor level of 400mm above the 0.5% Annual Exceedance Probability combined rainfall and Ashley River Breakout event

Chapter 30. Utilities and Traffic Management – Rules

Traffic Management

30.6 Permitted Activities

30.6.2 Exemptions

- 30.6.2.7 The intersections of roads within the South West Rangiora Outline Development Plan area shown on District Plan Map 173, and within the South Belt Outline Development Plan area shown on District Plan Map 184 are exempt from complying with Rule 30.6.1.32.

Chapter 31. Health, Safety and Wellbeing – Rules

Buildings and Structures

31.1 Permitted Activities

Structure Coverage

31.1.1.10 The structure coverage of the net area of any site shall not exceed:

- a. 50% in Residential 1 Zones;
- b. 35% in Residential 2, 3, 5 and 6 Zones;
- ...
- m. 35% for any retirement village in the Residential 2 zone (subject to the South Belt Outline Development Plan as shown on District Plan Map 184) as an average across the site, however within Height Area B up to 50% of that area may be covered by structures.

Structure Height

- 31.1.1.24 Any structure in a Residential 1, 2, 3, 6 or 7 Zone (Areas B and C) shall not exceed a height of 8m except within the View Protection Area identified in Maori Reserve 873 shown on District Plan Map 176B, where any structure shall not exceed a height of 5 metres, and except within the areas identified as Height Area A and Height Area B on the South Belt Outline Development Plan as shown on District Plan Map 184, where only for a retirement village structure:
- a Within Height Area A no structure shall exceed a height of 14 metres, and
 - b Within Height Area B no structure shall exceed a height of 10.5 metres.

Outdoor Living Space and Service Areas

31.1.1.36 Each dwellinghouse in the: ...

31.1.1.37 Comprehensive residential developments shall be provided with:

- a. a continuous private ground level outdoor living space per dwellinghouse that:
 - i. contains a 4 x 4m square;
 - ii. has a minimum dimension of 3m;
 - iii. is not occupied by any building, driveway, manoeuvring or parking area; and
 - iv. has direct sunlight available throughout the year.
- b. a minimum of 5m² of outdoor service area per dwellinghouse to provide for rubbish and recycling storage for each dwellinghouse that:
 - i. has a minimum dimension of 1.5m; and
 - ii. is screened or located behind buildings when viewed from any road or public open space.

Non-compliance with Rule 31.1.1.37 will not require an application to be notified or served on affected persons, unless required through non-compliance with other plan conditions.

31.1.1.38 Within a Retirement Village in the Residential 2 zone subject to South Belt Outline Development Plan as shown on District Plan Map 184, there shall be communal rubbish/recycling space/s provided for use of residents within the site and no specified private outdoor living spaces or service spaces are required.

31.1.1.53 Within the Residential 2 Zone subject to South Belt Outline Development Plan as shown on District Plan Map 184 all fencing between the residential property and reserve land or road reserve shall have a maximum height of 1.8m and a minimum visual permeability/openness of 45%.

31.2 Controlled Activities

31.2.2 A retirement village, in the Residential 2 zone subject to South Belt Outline Development Plan as shown on District Plan Map 184, that meets all applicable conditions for permitted activities under Rule 31.1 shall be a controlled activity.

In considering any application for resource consent under Rule 31.2.2, the Council shall in granting consent and in deciding whether to impose conditions, exercise control over the following matters:

Whether the development, while bringing change to existing environments, is appropriate to its context, taking into account:

- whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties.
- the ability of the proposal to provide engagement with, and contribution to, adjacent streets and public open spaces, with regard to:
 - fencing and boundary treatments;
 - connectivity, including the configuration of pedestrian accesses.
- the mitigation measures proposed, including landscape planting, to mitigate any adverse effects of loss of trees from the site or openness of the site, and to assist the integration of the proposed development within the site and neighbourhood.
- the location and design of vehicle and pedestrian access and on-site manoeuvring to cater for the safety of elderly, disabled or mobility-impaired persons.
- integration of internal accessways, parking areas and garages in a way that is safe for pedestrians and cyclists, and that does not visually dominate when viewed from the street or other public spaces.
- the degree to which the village design demonstrates that the design has had particular regard to personal safety of the occupants, both in the sense of injury prevention and crime prevention.
- creation of visual quality and variety through the separation of buildings, building orientation, and in the use of architectural design, detailing, glazing, materials, colour and landscaping.
- where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.
- the proposed stormwater management within the site.
- the appropriate provision of esplanade reserve land.

31.3 Discretionary Activities (Restricted)

31.3.8 A retirement village, in the Residential 2 zone subject to South Belt Outline Development Plan as shown on District Plan Map 184, that does not meet any one or more of the applicable conditions for permitted activities under Rule 31.1.

In considering any application for a resource consent under Rule 31.3.8 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of discretion to the following matters:

Whether the development, while bringing change to existing environments, is appropriate to its context, taking into account:

- whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties.
- the ability of the proposal to provide engagement with, and contribution to, adjacent streets and public open spaces, with regard to:
 - fencing and boundary treatments;
 - connectivity, including the configuration of pedestrian accesses.
- the mitigation measures proposed, including landscape planting, to mitigate any adverse effects of loss of trees from the site or openness of the site, and to assist the integration of the proposed development within the site and neighbourhood.
- the location and design of vehicle and pedestrian access and on-site manoeuvring to cater for the safety of elderly, disabled or mobility-impaired persons.
- integration of internal accessways, parking areas and garages in a way that is safe for pedestrians and cyclists, and that does not visually dominate when viewed from the street or other public spaces.
- the degree to which the village design demonstrates that the design has had particular regard to personal safety of the occupants, both in the sense of injury prevention and crime prevention.

- creation of visual quality and variety through the separation of buildings, building orientation, and in the use of architectural design, detailing, glazing, materials, colour and landscaping.
- where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.
- the proposed stormwater management within the site.
- the appropriate provision of esplanade reserve land.

Chapter 32. Subdivision – Rules

32.1.1 Standards and Terms

Allotment Areas and Dimensions

32.1.1.1 All allotments shall comply with Table 32.1.

Table 32.1: Minimum Allotment Areas and Dimensions

| Zone | Minimum Allotment Area | Minimum Dimensions of Allotment (m) | |
|---|---|-------------------------------------|----------|
| | | Internal Square | Frontage |
| Residential 2 (excluding Comprehensive Residential Development and a retirement village in the Residential 2 zone subject to South Belt Outline Development Plan as shown on District Plan Map 184) | 600m ² NOTE: See Rules 32.1.1.4, 32.1.1.8, 32.1.1.9 and 32.1.1.10 | 18 x 18 | 15 |

32.1.1.28 Subdivision within the following areas shall generally comply with the Outline Development Plan for that area.

...

ak) The Residential 2 Zone on South Belt, subject to South Belt Outline Development Plan as shown on District Plan Map 184.

Finished Section Levels

32.1.1.91 Within the South Belt Outline Development Plan area as shown on District Plan Map 184 any residential allotment shall have a finished ground level that avoids inundation in a 0.5% Annual Exceedance Probability combined rainfall and Ashley River Breakout event.

32.4 Non-complying Activities

32.4.1 Except where exempted under Rule 32.1.2, any subdivision that does not comply with Rules 32.1.1.1 to 32.1.1.28, 32.1.1.54 to 32.1.1.57 or 32.1.1.65 to 32.1.1.76, or 32.1.1.78 and 32.1.1.80 to 32.1.1.82 or 32.1.1.91 or 32.1.1.93 is a non-complying activity.

Chapter 33. Esplanades: Locations and Circumstances – Rules

33.1.1 Except where provided by Rules 33.1.2, 33.1.5 and 33.1.6 an esplanade reserve or esplanade strip shall be created or set aside for any allotment which is created on subdivision regardless of the size of the allotment created where any part of the land to be subdivided in any zone:

a) adjoins or is crossed by a river listed in Table 33.1; or

b) adjoins the coastal marine area boundary. or

c) as required by Rule 33.1.7.

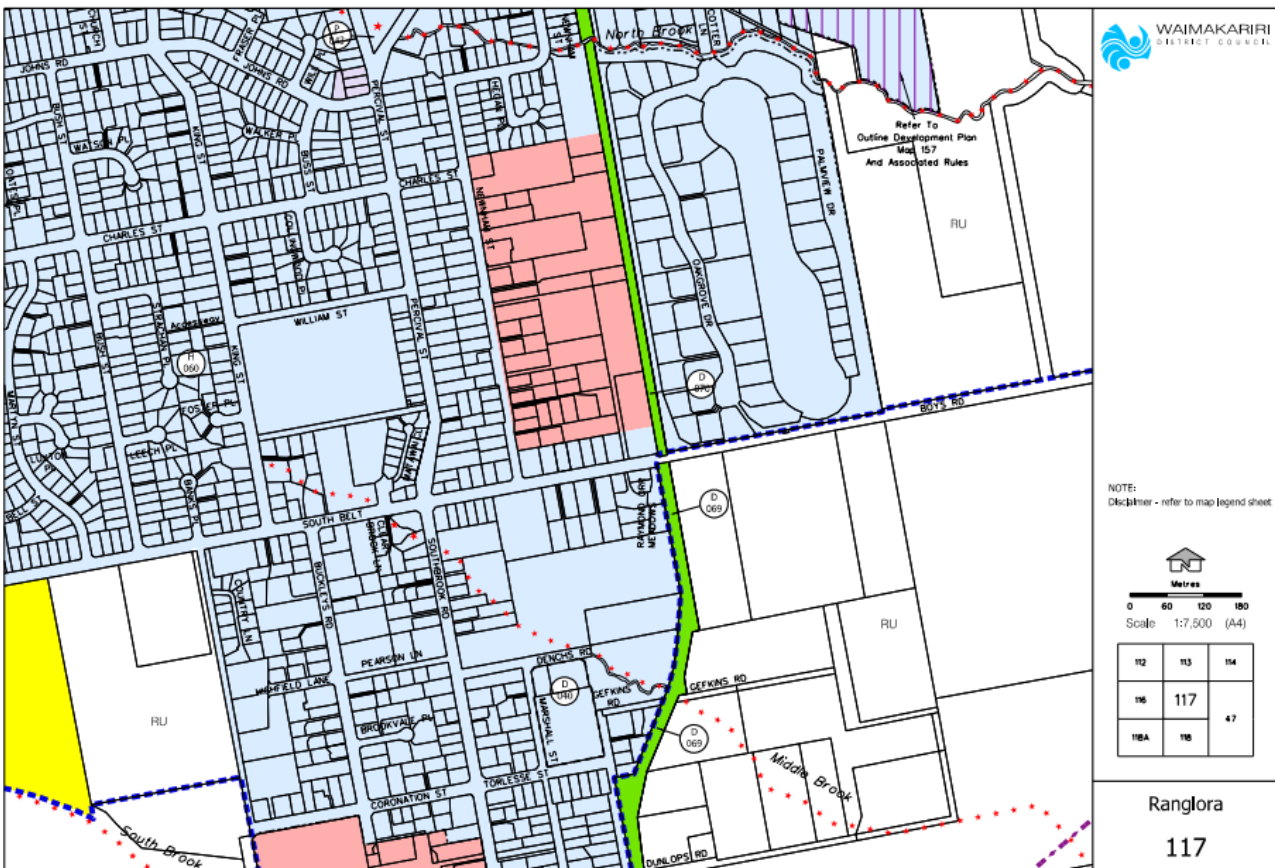
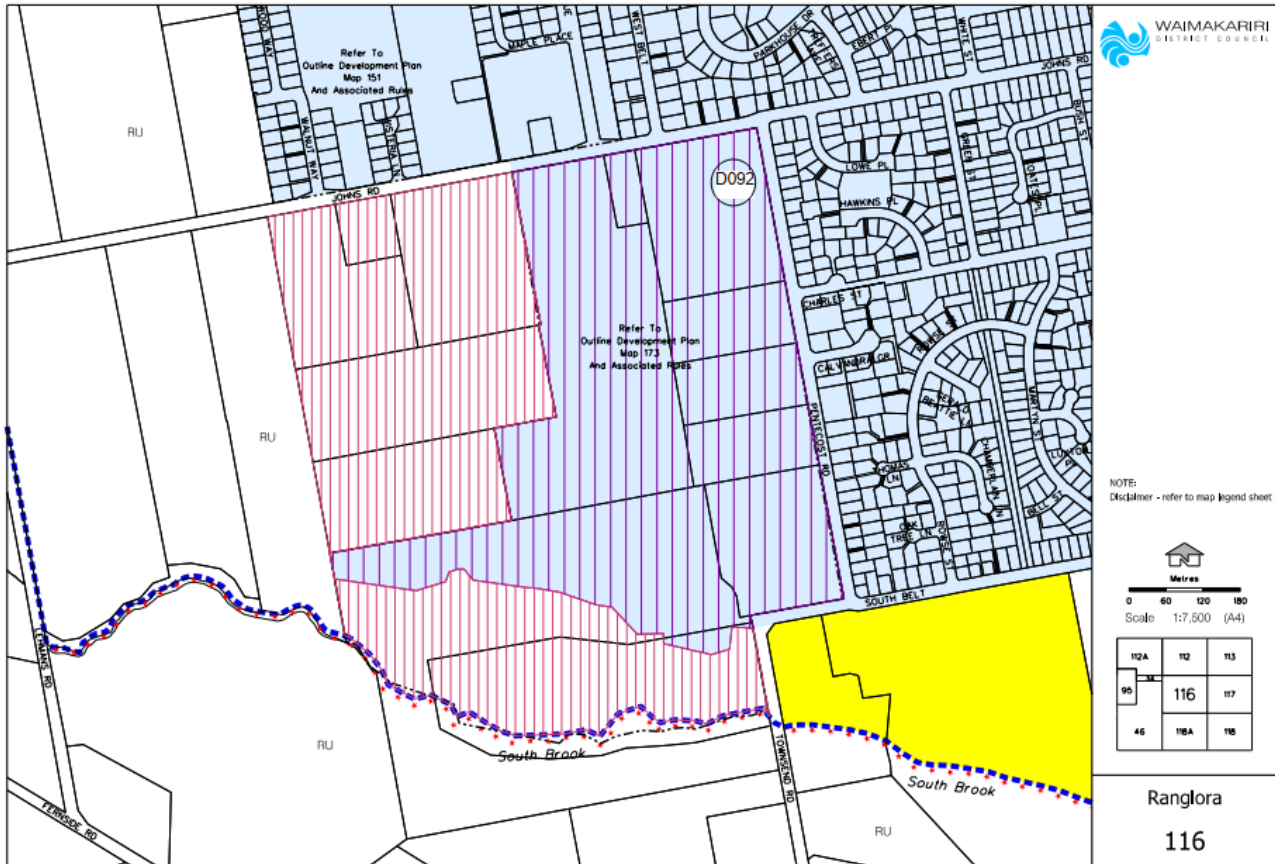
33.1.4 Except where provided by Rule 33.1.6 and Rule 33.1.7, the minimum width of an esplanade reserve or esplanade strip required under Rules 33.1.1 and 33.1.2 shall be 20m.

33.1.7 Esplanade reserves shall be provided for land adjoining the Southbrook Stream as shown on the South Belt Outline Development Plan. The esplanade reserves shall conform with the dimensions shown on South Belt Outline Development Plan as shown on District Plan Map 184.

Any other consequential amendments and numbering changes.

Planning Maps

- Change Planning Maps 116 and 117 to show the area as Residential 2 zone



- Insert a new Map 184 to contain the South Belt Outline Development Plan

