

In the matter of

The Local Government Act
2002

and

In the matter of

Submissions on the Draft
Malvern Area Plan

Officers Report on Submissions to the Draft Malvern Area Plan Hearings Panel

Hearings Panel:

Councillor Pat McEvedy (Chair), Councillor Nigel Barnett, Councillor Sam Broughton, Councillor John Morton, Hirini Matunga (Te Taumutu Rūnanga representative,) Te Ngāi Tūāhuriri Rūnanga representative

Reporting Officer:

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Hearing Date:

Friday 8 July 2016

Hearing Venue:

Darfield Library and Service Centre

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INTRODUCTION

My Name is Andrew Mactier. I hold the qualification of Bachelor of Environmental Management from Lincoln University. I have worked in the field of planning and resource management on a full time basis at the Selwyn District Council since 2005. I am familiar with the Selwyn district and its resource management issues and the Selwyn District Plan (SDP). I have been involved with the development of the Ellesmere and Malvern Area Plans since the projects inception in late 2014.

HEARING SCOPE & OVERVIEW

The Draft MALvern Area Plan (MAP), this report, and all other relevant material have been prepared in accordance with the Council's functions and duties under the Local Government Act (2002) (LGA2002).

The primary purpose of this report is to assist the Hearing Panel to evaluate and make recommendations on submissions received on the MAP. This report does not attempt to repeat all of the information contained in the Draft MAP therefore it is important that this report is read in conjunction with the Draft MAP.

The recommendations set out in this report (**Attachment 1**) are my opinions, based on application of the relevant MAP methodologies and principles, and taking account of the advice of relevant Council officers or technical experts, who have responded to submissions and provided advice on areas where they have responsibility.

The Hearing Panel will make recommendations on the MAP after hearing and considering all relevant submissions. Elected members of the Council will then consider these recommendations and make any final decisions on adopting the MAP.

BACKGROUND TO DRAFT MALVERN AREA PLAN

Selwyn has consistently been the fastest growing district in New Zealand over recent years. The eastern parts of the District are already subject to a strategic growth strategy through the Urban Development Strategy (UDS), which has been enabled through consolidated urban growth in accordance with the Land Use Recovery Plan (LURP) and Chapter 6 of the Canterbury Regional Policy Statement (CRPS).

To assist in managing growth in the balance of the District not subject to Chapter 6 of the CRPS and the LURP, the Council initiated Selwyn 2031 – District Development Strategy (Selwyn 2031). Selwyn 2031 is a strategic non statutory document that includes an overarching strategic framework that emphasised the importance of adopting and implementing a strategic approach to managing urban growth as a means of strengthening the District's self-sufficiency and to ensure that it continues to be a great place to live, work and play. Selwyn 2031 was adopted by the Council in October 2014; one of the key actions identified in Selwyn 2031 requires the preparation of Area Plans for the Malvern and Ellesmere Wards of the District.

The geographic extent of the Malvern area largely reflects the current Malvern ward boundary and is illustrated in Figure 1 on Page 7, of the MAP. It is important to note that the MAP's primary focus is on settlements currently zoned for residential purposes in the District Plan, rather than the surrounding rural environment or past settlements.

STATUS, PURPOSE & SCOPE OF THE DRAFT ELLESMERE AREA PLAN

Status: The MAP is a non-statutory planning document that has been developed under the LGA 2002 – development of strategic documents under the LGA 2002 does not directly affect development rights as the MAP will not change the District Plan land use zoning. Implementation of the MAP will require processes that will be subject to either the Resource Management Act 1991 (RMA) or the LGA 2002 (through the Annual and /or Long Term Plans), all of which involve varying degrees of a public participatory framework. In respect to the RMA planning framework submitters also have rights of appeal. Further information on the status of the MAP, including where the MAP sits in the statutory context can be found on page 8 of the draft document.

While the MAP is a non-statutory document it is anticipated that it will assist the Council in carrying out its functions under both the RMA and LGA by:

- helping to ensure the sustainable management of the area's natural and physical resources;
- facilitating the integrated planning of Council-managed services and utilities;
- providing direction for Council acquisition of strategic land areas for the benefit of the community;
- supplementing the District Plan Review process;
- being considered as part of assessing resource consent applications and changes to the Selwyn District Plan, and
- informing the preparation of Activity Management Plans and Long Term Plan processes.

Purpose & Scope: The MAP is a key project for the council that will identify initiatives to assist in the delivery of the Selwyn 2031: District Development Strategy (Selwyn 2031) vision, which is:

“To grow and consolidate Selwyn District as one of the most liveable, attractive and prosperous places in New Zealand for residents, businesses and visitors.”

This area plan is a key strategy to deliver the high level actions and implementation steps contained in Selwyn 2031, which have been developed to assist in the integrated management of growth and development in the district for the next 15 years. The following timeframes have been established for this Area Plan:

- Short term 2016 to 2020;
- Medium term 2021 to 2025;
- Long term 2026 to 2031

These timeframes are provided to assist in establishing the relative growth needs of each settlement and reflect the reality that resource management processes and outcomes are constantly evolving and being refined over time. These timeframes are consistent with the long-term planning aspirations contained in the 15-year Selwyn 2031 vision and the related growth management initiatives contained within it, while also recognising the mandatory requirement for the content of district plans to be reviewed every 10 years.

The MAP endeavours to resolve tensions and differences between local and District wide aspirations by providing high-level planning direction to guide the growth and sustainable

management of each township in the Malvern area through to the year 2031. The MAP is intended to provide the next level of detail necessary to achieve Selwyn 2031 outcomes by identifying the form and function of land uses and the supporting infrastructure that will be needed as the area grows.

The intention is not for the MAP to rezone land for particular purposes nor is it intended to provide a street or neighbourhood level of detail; its purpose is to indicate a range of issues and opportunities that will inform the ongoing strategic planning, design and management of growth for each township through to 2031. This is anticipated to be primarily through plan changes to the Selwyn District Plan, but also other via other initiatives, such as detailed town centre studies, through Council's Asset Management Plans and other Council and non-Council initiatives.

The Canterbury Regional Policy Statement (CRPS) has a strong influence on the MAP as it identifies a number of relevant, regionally-significant resource management issues and contains policies and methods to achieve the integrated management of the natural and physical resources within the Canterbury region. Chapter 5: Land Use and Infrastructure of the CRPS is particularly relevant because it sets out the methods to sustainably manage land use development and the provision of infrastructure by requiring urban development to be consolidated with existing urban settlement patterns.

Chapter 5 of the CRPS also promotes integrated transport networks, the need to protect the productive capacity of rural land, avoid activities that adversely affect regionally significant natural and physical resources and infrastructure and promote methods to facilitate papakāinga housing.

It is important to note that the identification of possible future development options in the MAP are only an initial step in the process to identify the appropriateness of any future land use zoning to enable sections to be subdivided and housing constructed. The substantive merits of zoning land must be determined through the statutory process set out in the RMA, whether that is through the District Plan Review, a Council plan change or a privately-initiated request. Such investigations require the commissioning of more detailed technical reports, the undertaking of comprehensive cost/benefit analysis, appropriate methods to address District Plan objectives and policies (including the preparation of outline development plans where necessary), mandatory requirements to enable public participation and the need to hold public hearing processes.

GROWTH MANAGEMENT ASSUMPTIONS, METHODOLOGIES AND PRINCIPLES

Growth Management Assumptions: Selwyn 2031 anticipated that the Area Plans would ensure more sustainable settlement patterns and outcomes are being enabled in those townships of the District which fell outside of the UDS area. The preparation of the MAP and the related growth assumptions have been guided by the following three growth concepts outlined in Selwyn 2031:

- Establishing a township network to manage the scale, character and intensity of urban growth across the whole district;
- Establishing an activity centre network to manage the scale and intensity of business areas throughout the district's townships;
- Encouraging, within a District-wide context, self-sufficiency for each township.

These growth concepts have informed the township based analyses contained in Section 2 of the MAP, influencing both the issues and opportunities that have been identified and the implementation steps that are being recommended to deliver more liveable, self-resilient and sustainable townships.

Selwyn 2031 sets out an aspirational target of maintaining an 80/20 population split, (a) 80% of the population in urban areas and 20% in rural areas and (b) 80% of the total population base residing in the Greater Christchurch Urban Strategy Area of the district and the 20% balance residing in the Malvern and Ellesmere Wards. The Selwyn Growth Model has been a component of the township analyses for the MAP. This has ensured that the growth allocations align with the projected growth needed to achieve the aspirational 80/20 population split, while also ensuring that the analysis takes account of the township network and activity centre concepts outlined above.

The MAP investigations assessed the relative merits of promoting a defined ratio of infill/intensification to greenfield development as a method of promoting more sustainable, self-resilient townships. This is on the basis that more intensive subdivision and housing options assist in providing for elderly persons' housing, facilitating more affordable homes and providing smaller homes and sections that better meet the needs of the wider community. In addition, the provision of more intensive development through consolidated development can also deliver positive environmental, social and economic outcomes by optimising the use of land and avoiding dispersed settlement patterns.

However, the position reached following the township analyses is that many of the townships are not well placed to support more intensive housing typologies or infill at this point in time as a consequence of:

- a lack of necessary infrastructure, local services or community facilities;
- limited or no access to public transport; resource or natural hazard constraints, and
- amenity conflicts within established neighbourhoods or potential reverse sensitivity effects with existing activities

The MAP identifies a number of implementation steps that signal the need for Council to investigate the appropriateness of facilitating more intensive development options Darfield, where there is an identified need for elderly persons' housing and for a greater range of housing types through several implementation steps, including:

- a review of minimum average lot sizes and other refinements to the existing Selwyn District Plan provisions through the District Plan Review process;
- town centre studies for Darfield and Springfield, and
- possible future capital works to address constraints.

Stage 1 consultation and further investigative work has highlighted several examples of urban land uses that have established in isolation from larger settlements within the Malvern area, due to previous zoning patterns or historic circumstances. The MAP is limited to dealing with areas defined as townships by having a Living Zone in the District Plan. This is on the basis that the Canterbury Regional Policy Statement discourages dispersed settlement patterns where they are not supported by appropriate levels of community facilities, local services or integrated network infrastructure; or to facilitate papakāinga. In addition, isolated settlements can dilute the amenity attributed to rural outlook, reduces the productive capacity of rural land through intensification and gives rise to reverse sensitivity effects with surrounding land uses through incremental development that is often difficult to proactively manage. The District Plan

Review is better placed to address the issue of growth outside of established urban areas through a review of the appropriateness of the rural volume where these urban conglomerations are currently managed through either the rural or existing development area provisions.

The MAP is a precursor to the District Plan Review process (DPR), which will review the extent to which the current District Plan is enabling the Selwyn District Council to fulfil its functions and other statutory obligations under the RMA. Several of the implementation steps identified in Section 2 of the MAP signal the need for studies to investigate the appropriateness of changes to the District Plan or will be directly informed by the position reached in the DPR on land use activities and subdivision. There needs to be a determination made on the extent to which the next generation plan manages activities more directly or whether the current effects-based approach is continued. Whichever particular approach is adopted by the DPR will have a significant influence on whether initiatives such as the proposed spot zoning of existing business activities in townships that do not currently have a business zone will be implemented.

Similarly, the MAP does not promote the requirement or need to zone land and there are very few examples where there is an identified need for Council to actively promote additional residential or business zoning in the Malvern area through the District Plan Review process. In my view, evidence suggests there is sufficient developable land available to accommodate projected household and business growth within the planning timeframes of the MAP, or that there are constraints which currently preclude additional development. Equally, the MAP does not promote the rezoning of land currently zoned for residential or business purposes to less intensive zone patterns (such as Rural), even where there are examples that such an approach has merit. This is a matter for the DPR to address.

However, and as noted previously in this report and on page 8 of the MAP, the substantive merits of zoning land will be determined through the statutory process set out in the RMA, and through the commissioning of more detailed technical reports and the undertaking of comprehensive cost/benefit analysis. Further details of how the DPR will address this matter are still to be resolved, but it seems logical, in my view, that where a need is identified for additional development then the location and type of growth will be considered through the DPR process in line with strategic growth objectives and policies of the proposed Selwyn District Plan (pSDP). If additional growth areas are required then it is logical and appropriate that the Council will work with relevant landowners to establish the extent to which the Area Plans opportunities for each identified area can be realised through the DPR process

To this end, the MAP provides a range of implementation steps (see Section 2 of the MAP) to inform future planning initiatives, long-term plan processes to determine capital works projects and private investment decision-making. It identifies preferred future development options/long term-term growth paths to co-ordinate development over the next 15 years and beyond, while also promoting a range of local initiatives that aim to make each township a more self-resilient and vibrant place to live, work, visit or invest in.

Several of the issues identified in the MAP are of sub-regional relevance and managed directly by Environment Canterbury with regional planning instruments managing the effects associated with any given activity. It is therefore difficult to provide any definitive direction or answers in the MAP in respect to how the allocation of natural resources such as water, or the future management of hazard risk and wastewater discharges, presents a constraint or an opportunity to growth over the next 15 years. This is on the basis that these resources and hazard risks are subject to individual site-specific consenting or permitting processes.

Methodologies and Principles: Figure 3 on page 11 of the MAP illustrates a number of high level outcomes contained within key documents (CRPS, Selwyn 2031, and the MfE's People, Places and Spaces Urban Design Principles) that influenced the development of the MAP principles that have been applied to the more detailed township assessments contained in Section 2 of the EAP.

The MAP principles are comprised of the following four themes, each with a number of 'sub' components, which collectively encapsulate the elements that are recognised as being necessary to achieve sustainable urban settlements:

1. Urban form, growth and intensification.
2. Communities and local character.
3. Transport modes and infrastructure.
4. Environment, heritage and culture.

Importantly, these principles incorporate the strategic directions and accompanying issues and actions identified specifically in Selwyn 2031.

The principles are not set out in a hierarchy and have not been applied in this way as the four themes are not mutually exclusive, with many of the issues and opportunities being interrelated. During the analysis phase of the MAP all of the principles were weighed up in an overall consideration of the relative influence any given issue or opportunity may have on the management of growth in the context of each township, with consideration given to the MAP growth assumptions discussed previously.

TOWNSHIP ANALYSIS AND GROWTH STRATEGIES

Section 2 of the MAP contains detailed analysis of each of the 11 townships that are covered by the EAP (from page 14 of the MAP). Each township analysis outlines baseline information and a number of opportunities and issues that apply, all of which has been established through technical reports, consultation responses and strategic partner engagement.

The culmination of each township analysis is a plan showing, for most townships, a number of possible future development/growth options, with each option having a number of advantages, and disadvantages.

There is little evidence to support the need for actively zoning additional greenfield residential or business land in all of the townships in the Malvern area. This is based on there being sufficient zoned or developable land available to accommodate the projected population growth over the Malvern 2031 planning horizon for each settlement, or that there is the need to address a number of issues that are currently limiting development opportunities. These issues are listed under each township assessment.

This approach is consistent with the sustainable management outcomes set out in the Canterbury Regional Policy Statement, Selwyn 2031 Directions and Area Plan Principles discussed previously in this report. This approach highlights the need to avoid dispersed settlement patterns that contribute to a range of unsustainable environmental, social and economic outcomes, including:

- costly and inefficient infrastructure;
- uncoordinated transport networks and car dependency;

- adverse reverse sensitivity and amenity conflicts with legitimately established land uses and strategic infrastructure;
- loss of the productive capacity and amenity attributed to the rural environment; pressure being placed on community facilities and local services;
- undermining the amenity that characterises many of the settlements in the Ellesmere area that are discrete rural service towns; and
- utilising land that may be prone to greater natural hazard risk.

The MAP signals that there is sufficient capacity within the townships to accommodate growth through to 2031 without the need for the Council to proactively zone additional land through the District Plan Review and to signal what resource management constraints need to be addressed to facilitate further growth.

As noted, the MAP identifies a number of possible future development options. A number of areas in each township were considered for inclusion in the MAP as possible future development options through the development of the MAP.

The possible future development options have been identified after a high level ‘filtering’ of various baseline information, including infrastructure constraints, population projections, natural hazards, statutory planning instruments, existing available zoned land, and through consideration and application of the MAP growth assumptions and MAP Principles described previously. In hindsight, they are perhaps better described as ‘Preferred Future Growth Options’, as they are the areas for where development is most appropriately located having considered all the relevant information. In a sense these areas might be described as the ‘winners’ that some submitters have advocated that Council identify, although I would hesitate to describe these areas as such.

However, it is important to recognise that the MAP does not preclude additional greenfield land from being considered for zoning through privately initiated plan changes under the RMA. It is equally important to recognise that the MAP also includes a number of implementation steps that will consider, through the DPR process, the appropriateness of the District Plan township policies and methods relating to growth, allotment sizes and zoning requirements (for both business and urban uses). These implementation steps are set out in Table 1 of the MAP (pages 15-17) and apply to all 11 townships in the Malvern area, with similar implementation steps in the Ellesmere Area Plan applying to all 5 townships in the Ellesmere area.

IMPLEMENTATION

A number of ‘Implementation Steps’ are provided as a means to realise the Opportunities and address the Issues by 2031. The implementation steps contain guidance on indicative:

- timeframes;
- Council department work streams;
- costs;
- the agency and Council department(s) that are primarily responsible for implementation, and
- possible funding sources.

Implementation Steps that apply across all townships in the Malvern area are set out in Table 1 of the MAP (page 15), while township specific Implementation Steps are set out at the conclusion of each respective township assessment.

CONSULTATION AND ENGAGEMENT

Development of the Area Plans commenced in early 2015 and has been informed by:

- extensive technical expertise from Council staff and consultants;
- township-based workshops with ward councillors and key Council staff to consider submissions from the Stage 1 consultation process, technical reports and baseline information and to apply the identified principles to each settlement;
- oversight from elected representatives and a Te Taumutu Rūnanga representative through the Project Steering Group forum;
- stakeholder engagement with strategic partners (Te Taumutu Rūnanga, Te Ngāi Tūāhuriri Rūnanga, NZTA, ECan, Malvern Community Board, relevant township committees, Kiwi Rail, CDHB) that included regular meetings and circulation of materials;
- feedback on the proposed Stage 1 consultation process steps and materials from a Community Advisory Group comprising township committee representatives and local individuals;
- Stage 1 consultation that included local and social media coverage, local newsletters, website based information, publicly available materials in hard copy and electronic formats and seven community drop-in sessions in August held in Dunsandel, Leeston, Springfield and Darfield, and
- targeted interviews with local business/land owners and land development consultants.

The culmination of this was the development of Draft Area Plans which was notified through Stage 2 consultation under the LGA 2002.

Consultation commenced on Monday the 9th of May with submissions closing at 12 noon on the 13th of July. Stage 2 consultation included a number of drop in sessions in Dunsandel, Leeston, Southbridge, Springfield, Glentunnel and Darfield, where the community were provided an opportunity to view the MAP, ask questions of Council staff and make submissions. A total of 51 submissions were received on the MAP and covered a wide spectrum of issues associated with most of the Malvern area townships.

Submissions have been summarised and are included in **Attachment I** to this report. The summary of submissions set out in this report includes Council Officer and other relevant technical expert comment and feedback on the various submission matters, and includes a recommendation on the extent to which the MAP should be amended.

ATTACHMENT I

Summary of Submissions Including Council Officers Recommendations