

STATEMENT OF EVIDENCE OF KIM MARIE SEATON

INTRODUCTION

- 1 My full name is Kim Marie Seaton.
- 2 I hold the qualifications of a Bachelor of Arts and a Master of Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute. I have held accreditation as a Hearings Commissioner under the MfE Making Good Decisions programme since 2011 and have held endorsement as a Chair since 2014.
- 3 I have 25 years of experience as a resource management planner, working for central government, a university and as a consultant, in New Zealand, Canada and the United Kingdom, with the last 18 years working as a consultant in Christchurch and more recently also in Queenstown Lakes District. I have particular experience in land use development planning, as a consultant to property owners, investors, developers and community organisations, and though processing consents for district councils.
- 4 I am familiar with the application by the GW Wilfield Ltd (*GW Wilfield*) for a plan change to rezone the subject land (the *Proposal*) at Wilfield, West Melton (the *Site*).
- 5 I prepared the section 32 Report that was submitted as part of the plan change Application (the *Application*).

CODE OF CONDUCT

- 6 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 7 This evidence will provide a summary of the key parts of the Proposal. Given the level of detail provided in the Application, and in the section 42a report prepared by Ms Carruthers (the *Officer's Report*), I will not seek to repeat that information in any detail. My evidence will then go on to address changes to the proposal, provide specific responses to issues raised by submitters, and then provide responses to matters raised in the Officer's Report.
- 8 In preparing this evidence I have reviewed:

- 8.1 The Proposal;
- 8.2 Submissions lodged in relation to the Proposal;
- 8.3 The Officer's Report;
- 8.4 The evidence of Mr Hamish Wheelans, for the applicant;
- 8.5 The evidence of Mr Andrew Metherell, for the applicant;
- 8.6 The evidence of Mr David Compton-Moen, for the applicant;
and
- 8.7 The evidence of Mr Andrew Hall, for the applicant.

SUMMARY OF THE PROPOSAL

- 9 The site is located to the south of State Highway 73 and east of Weedons Ross Road, West Melton. It is generally flat and has no notable distinguishing features other than the 220kV Transpower transmission line that passes through the site on a roughly east-west alignment. The majority of development for residential purposes to date within the site has occurred centrally within the Living 2 Zone, as indicated on Figure 1 of the Officer's Report. Paragraph 16 of the Officer's Report summarises the range of allotment sizes currently present on the Site and I agree with that summary. In effect, by way of a series of resource consents obtained over the last six years, a greater density of development has been established within the Living 2 Zone area of the Site than is anticipated by the District Plan.
- 10 The purpose of the Proposal is to provide for a denser residential environment in the currently undeveloped parts of the Living 2 and Living 2a Zones of the Site, and for the District Plan provisions to better reflect the existing built environment in the Living 2 Zone.
- 11 To achieve that purpose, no changes are required to the District Plan objectives and minimal changes are proposed to the policies, other than:
 - 11.1 To reflect the proposed change in zone nomenclature (from Living 2/Living 2A to Living West Melton South) and consequent change to the name of the existing Living West Melton Zone north of State Highway 73 (to Living West Melton North); and
 - 11.2 To amend the explanation to Part B Section B4 Policy B4.3.98.

- 12 A new Outline Development Plan (ODP) is proposed for the Site.
- 13 Consequential changes to the District Plan rules are proposed, to reflect zone nomenclature and ODP changes, and:
 - 13.1 Require fencing on reserve boundaries to be low and open;
 - 13.2 Provide for a range of site coverage requirements that are practicable and reflect the size of the site itself (i.e. the smallest sites have a larger site coverage allowance);
 - 13.3 To provide for smaller lot areas across much of the Site (1,100m² to 3,000m²), while maintaining lot areas of between 3,000m² and 5,000m² in identified low density areas;
 - 13.4 To remove redundant rules for the Living 2A Zone; and
 - 13.5 To remove the redundant requirement for a pedestrian/cycle underpass beneath State Highway 73 (an alternative at-grade connection now exists and new connections will be developed at the State Highway 73/Weedons Ross Road intersection at such time as it is signalised).

CHANGES TO THE PROPOSAL

- 14 As set out in the Officer's Report, following receipt of the New Zealand Transport Agency/Waka Kotahi (NZTA) submission, an additional rule was volunteered by the applicant to address concerns raised by the submitter, as follows:

Rule 12.1.3.59

No completion certificate shall be issued under section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the State Highway 73/Weedons Ross Road intersection is signalised.

- 15 Subdivision that does not comply with this rule is proposed to have non-complying status.

RESPONSE TO ISSUES RAISED BY SUBMITTERS

- 16 The Officer's Report sets out the submissions received, and recommends that two late submissions be accepted¹. I agree that it

¹ Paragraphs 27-30 of the Officer's Report.

would be appropriate for the late submissions to be accepted by the Commissioner.

- 17 The Officer's Report addresses the key matters raised by the submitters. For ease of reference, I will adopt the same subheadings to comment on the submissions as follows.

Extent of Plan Change Area

- 18 I concur with the Officer's Report that it would be appropriate for the property noted in the submission of Laurel Linton (PC59-S02) to be included in the plan change area.

Sense of Spaciousness/Township Character

- 19 I concur with the Officer's Report comments in regard this issue, that while the Proposal will alter the character and amenity of parts of the plan change area (notably the Living 2A zone area), that change is not in itself necessarily an adverse effect. In support of that opinion, I reference Policy 6 of the National Policy Statement on Urban Development (NPS-UD), which similarly states that changes to the urban built form to give effect to the NPS-UD [which may include increased density to meet housing demand], are not of themselves an adverse effect.

- 20 The issue of impacts on character and amenity have been addressed in evidence prepared by Mr Compton-Moen for GW Wilfield. Mr Compton-Moen's evidence concludes that the area will retain a sense of openness, albeit at a higher density than the [current] zoning². Mr Compton-Moen also confirms that the proposed lot sizes are appropriate and, together with proposed fencing controls, will ensure an open character is maintained. I accept Mr Compton-Moen's opinion.

Transport Effects

- 21 The transport issues raised by submitters have been addressed in the Officer's Report by Mr Mazey, and further in the evidence of Mr Metherell for GW Wilfield. I note that both Mr Mazey and Mr Metherell support the plan change subject to the adoption of proposed Rule 12.1.3.59, which prevents the completion of further subdivision until such time as a signalised State Highway 73 intersection is operational. Mr Metherell states that with Rule 12.1.3.59, the additional traffic resulting from the proposed plan change will readily be able to be accommodated on the surrounding arterial network³. He further states his opinion that the existing Wilfield subdivision roading network (and any further extension

² Paragraph 23 of Mr Compton-Moen's evidence.

³ Paragraph 67 of Mr Metherell's evidence.

within the plan change area) will be able to accommodate the additional traffic volumes resulting from the Proposal⁴.

- 22 I accept Mr Metherell's opinion.

Three Waters

- 23 Some submitters have raised concerns about the potential to service intensified development within the Site, particularly sewer and water. Mr England, in the Officer's Report, has concluded that the site can be appropriately serviced. Mr Hall, in his evidence for the GW Wilfield, is of the same opinion as Mr England. I accept their opinions.

Reserves and Open Space

- 24 In regard the provision of reserves and open space, I agree with the Officer's Report that the quantum of space is not appropriate to be considered through the plan change, rather it is a matter to be determined at subdivision stage. I note that the ODP does not preclude provision of additional or alternative reserves to that which is already indicated on the ODP. Mr Wheelans also addresses the issue of reserve provision in his evidence for GW Wilfield, noting that the provision of green space is largely determined by the Council at the subdivision consent phase⁵.

Reverse Sensitivity

- 25 I concur with the Officer's Report, that the Proposal Site is located beyond the area NZDF has previously indicated is potentially sensitive to reverse sensitivity effects in relation to the NZDF rifle range, and that no amendments to the Proposal in response to the NZDF submission are therefore necessary⁶.

ADDITIONAL RESPONSES TO OFFICER'S REPORT

Selwyn District Plan

- 26 The Planning Officer and I are in agreement that the Proposal is consistent with the relevant objectives and policies of the District Plan. The Officer's Report notes some objectives and policies that were not specifically addressed in the Proposal documents. I concur with the Officer's comments on those provisions, including in regard Objective B4.3.9, that has been inserted into the District Plan since the Proposal was lodged with Selwyn District Council and seeks, sufficient, feasible development capacity for housing is enabled in the urban areas of Selwyn District within Greater Christchurch for the period 2018-2048, in accordance with the CRPS Policy 6.2.1a. Notably, neither Objective B4.3.9 nor the CRPS Policy 6.2.1a seek to

⁴ Paragraph 68 of Mr Metherell's evidence.

⁵ Paragraph 30.4 of Mr Wheelan's evidence.

⁶ I also disclose that I have previously provided planning advice to the NZDF on the issue of reverse sensitivity effects for their West Melton rifle range.

limit housing capacity to a particular number, rather the policies are enabling and set what is in effect a minimum housing capacity target that must be enabled. The Proposal is therefore consistent with these policies, in that it will enable additional housing capacity to be realised within Selwyn District.

- 27 In regard Policies B4.3.8 and B4.3.101, I agree that the township-specific policy B4.3.101 should carry more weight than the general policy B4.3.8.
- 28 In regard changes to the Proposal that the Officer's Report outlines in Appendix 7, I accept and agree with the changes the Officer outlines, including the reorganisation of Rule 12.1.3.7. On further reflection, I also accept that the proposed Rule 12.1.7.10 is not necessary.
- 29 In regard the proposed ODP in Appendix 20, a consolidated ODP plan is attached in Attachment 1 of my evidence, as requested.
- 30 In regard proposed Rule 4.17.2, Mr Wheelans has noted a concern in his evidence that the rule as proposed could be interpreted to mean one post and a rail is required. Whilst I do not share his concern as I consider the rule would likely be pragmatically applied given the alternative interpretation is clearly impractical, I accept that there is possibly room for misinterpretation in the current wording. To add further certainty to the rule, the rule could be amended as follows:

4.17.2 Any fencing erected parallel to or generally parallel to and within 5m of any Council reserve in the Living WM South Zone, shall be limited to a single fence of post and rail fence construction, with a maximum height of 1.2m and be at least 50% open.

Canterbury Regional Policy Statement (CRPS)

- 31 I concur with the Officer's Report that the Proposal gives effect to the CRPS, for the reasons set out in the Officer's Report, albeit there are some tensions with regard Policy 6.3.7's requirement for intensification to achieve 10 household units per hectare. Policy 6.3.7 of the CRPS is contradicted by District Plan provisions, notably Policy B4.3.98, that specify lower density residential development is to be located south of State Highway 73 at West Melton. It is therefore not possible for the Proposal to be wholly consistent with both the provisions of the District Plan and the CRPS. However, as the Proposal does give effect to the broader thrust of the CRPS provisions, being to achieve consolidated and integrated urban areas and it will enable the Living 2 and 2a zones to achieve more density than is currently the case, I consider the Proposal does adequately give effect to the CRPS.

National Policy Statement on Urban Development

- 32 I concur with the Planning Officer's assessment of the NPS-UD provisions. The proposed Plan Change is generally consistent with the objectives and policies of the NPS-UD, noting that the proposal will retain a compact urban shape and well-functioning urban environment.
- 33 The objective of having well-functioning urban environments is expressed in Objective 1 of the NPS-UD. What constitutes a well-functioning urban environment is set out in Policy 1. It includes environments that, as a minimum:
- a) have or enable a variety of homes that:*
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and*
 - b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
 - c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
 - d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
 - e) support reductions in greenhouse gas emissions; and*
 - f) are resilient to the likely current and future effects of climate change.*
- 34 The proposal will support the provision across the West Melton township of a variety of homes that meet the needs, in terms of type, price, and location, of different households. The proposal will enable Māori to express their cultural traditions and norms, to the extent relevant to the site context.
- 35 The Proposal will provide access to jobs to the same extent that currently exists for the site. Community spaces, local community services and open space are readily accessible and located in close proximity to the Site, accessible by walking and cycling as well as driving. As noted in Mr Metherell's evidence, opportunities for public transport provision are anticipated to improve over time, and I note that greater population density in West Melton is likely to support improved public transport provision to Rolleston and the wider offerings of Christchurch city are accessible where required.

- 36 The Proposal will support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets by increasing the quantum of residential land and houses available in West Melton.
- 37 The Proposal will support reductions in greenhouse gas emissions to the extent possible, through provision for alternative transport modes, connectivity and accessibility, and the potential for servicing by public transport supports.
- 38 The Proposal will achieve resilience to the likely current and future effects of climate change, including through the site's distance from coastal and low lying areas susceptible to sea-level rise and storm surges, the absence of any significant alluvial flood hazard that might be further exacerbated in the future, and the land's resilience to heavy rainfall events/frequency by way of the free draining soils and deep groundwater levels present on site.

SECTION 32 AND PART 2

- 39 A section 32 assessment was included with the application documentation. Section 32AA seeks to ensure any changes to plan provisions during the hearings process are subject to further evaluation. The changes set out in Appendix 7 of the Officer's Report and addressed in my evidence above are very limited and include proposed Rule 12.1.3.59 (the State Highway 73 intersection) and minor wording tweaks to existing proposed provisions. I consider the changes help to provide better clarity and direction, and to better address potential adverse effects arising from the Proposal. Overall, I therefore consider the changes meet the tests of s32(1) to (4) (as relevant).
- 40 In terms of Part 2 of the RMA, my view remains that which was expressed in the application documentation, that:
 - 40.1 There are no matters of national importance of relevance to the Proposal in Section 6;
 - 40.2 In terms of section 7, the matter of most the relevance to the residential zoning and further development of this site is maintenance and enhancement of the quality of the environment. The site is an existing residentially zoned area, having previously been identified as suitable for residential development. The quality of environment and amenity values are anticipated to be high, with requirement by the rules of the District Plan for a spacious, open setting for residential development at a lower density than areas north of the State Highway, low density adjacent the rural boundary and a rural vernacular of fencing adjoining reserves.

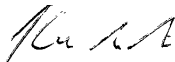
40.3 In terms of section 8, the applicant has consulted with Papatipu Runanga through Mahaanui Kurataiao Ltd, who have requested a small number of matters be addressed, which are appropriately addressed at subdivision stage. There are no known wāhi tapu, wāhi taonga or mahinga kai sites within the application site or close by.

- 41 Overall, I therefore agree with the Officer's Report, that the Proposal will achieve the purposes of the Act, in that it will manage the use and development of physical resources in a way, or at a rate, that will enable the community to provide for its social, economic and cultural wellbeing while avoiding, remedy or mitigating any adverse effects of the activities on the environment.

CONCLUSIONS

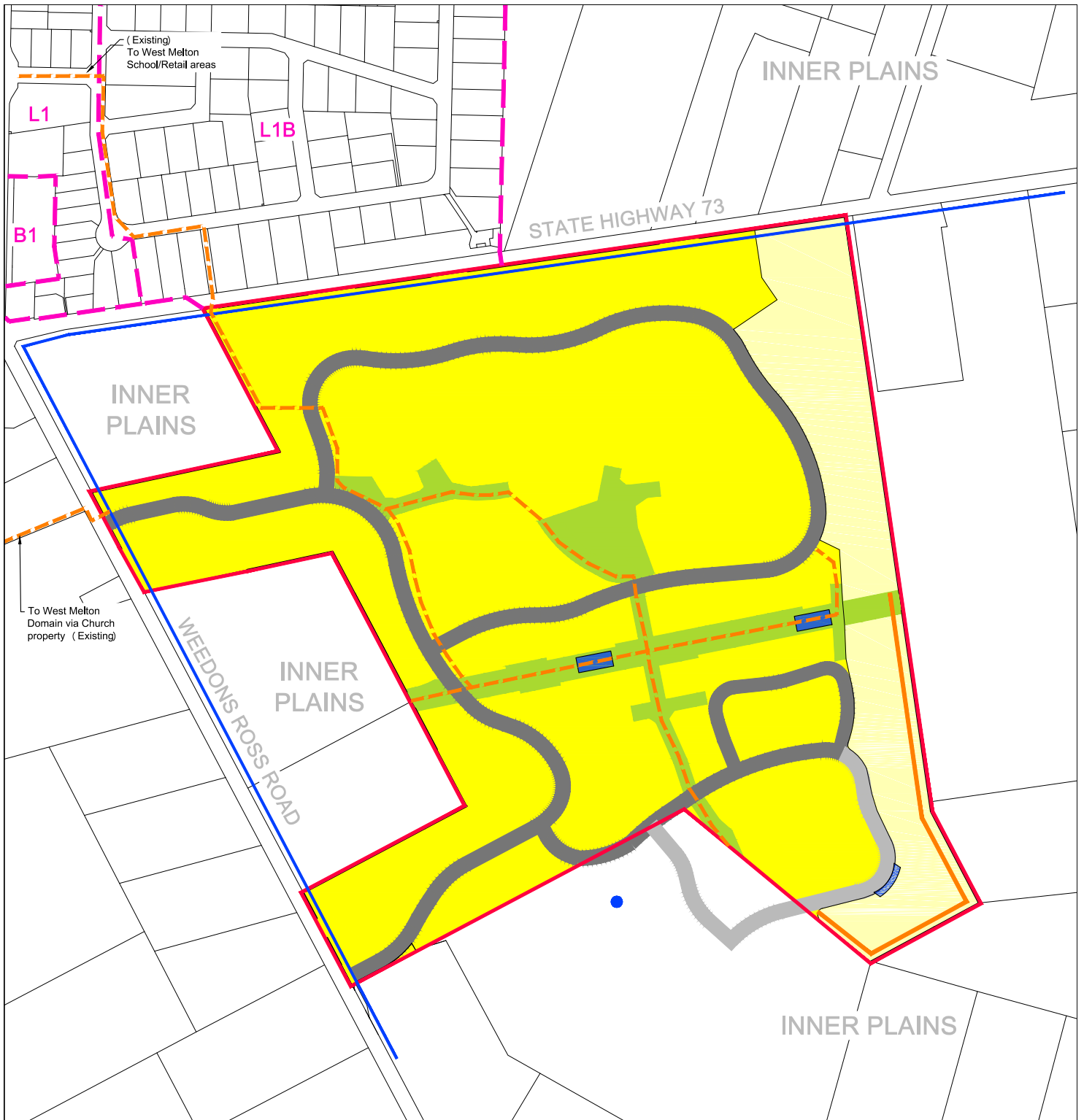
- 42 Overall, I agree with the Officer's Report that Plan Change 59 will better achieve the District Plan's objectives than the existing provisions of the Plan, thereby ensuring that the overriding purpose of the RMA to promote the sustainable management of natural and physical resources continues to be achieved.

Dated: 21 January 2021



Kim Marie Seaton

Attachment 1: Consolidated ODP



Legend

| | | | |
|------------------------------------|---------------------|----------------|--------------------------------|
| ODP boundary | Primary Route | Low Density | Neighbourhood Park |
| Parcel | Secondary Route | Medium Density | Interface Treatment |
| Indicative location for water bore | Existing water race | Soakage Areas | Shared pedestrian / cycle lane |

Note:

All sections adjacent to Inner Plains zoned land will have a notice on their LIM referring to any potential reverse sensitivity issues between Residential and Rural landuses.

Interface treatment includes having larger residential sections as perimeter blocks where sections immediately adjoin a boundary with Inner Plains.

Outline Development Plan OVERALL Plan

Living West Melton
(Living WM) South Zone



Scale: 1:7500@A4