

V1 PART A: RESIDENTIAL

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1 Scope of Report

- [1] This Recommendation Report prepared by the Independent Hearing Panel (IHP) relates to submissions and further submissions that were received on the Residential chapters of Part A of the SDC's Intensification Planning Instrument (IPI) which is otherwise known as Variation 1 to the PDP.
- [2] The IHP members were:
- Lindsay Daysh
 - Raewyn Solomon
 - Rob van Voorthuysen (Chair)
- [3] The Section 42A Report¹ was:
- Section 42A Report, Part A of Intensification Planning Instrument – Variation 1 to the Proposed District Plan, Report on submissions and further submissions, Residential, Jocelyn Lewes, 27 March 2023
- [4] Our recommended amendments to the IPI provisions are set out in Appendix 1.

2 Our Approach

- [5] The Section 42A Report helpfully outlined relevant background information on a number of matters:
- Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS);
 - Resource Management Act 1991;
 - The Medium Density Residential Standards (MDRS) contained within a new Medium Density Residential Zone (MRZ) in the PDP;
 - The areas in Rolleston, Lincoln and Prebbleton that have been zoned MRZ, including existing residential areas (where the MRZ has immediate legal effect) and new areas zoned MRZ (where the proposed MRZ does not have legal effect);
 - How the required elements of Schedule 3A of the RMA-EHS have been incorporated into the PDP via Variation 1;
 - National Policy Statement on Urban Development (NPS-UD);
 - National Policy Statement on Highly Productive Land (NPS-HPL); and
 - National Planning Standards.
- [6] We adopt that background information without generally repeating it.
- [7] Ms Lewes provided a description of each submitter's request. We adopt those descriptions without repeating them here. It is therefore imperative that readers of this Recommendation Report also read Ms Lewes' Section 42A Report.

¹ No Section 42A Reply Reports were provided for the Variation 1 hearings.

[8] Further submitters are not generally referred to in this Recommendation Report, because further submissions are either accepted or rejected in conformance with our recommendations on the primary submissions to which they relate.

[9] From section 8 onwards of this IHP Recommendation Report we generally adopt the same headings that Ms Lewes used in her Section 42A Report.

3 Hearing and Parties Heard

[10] The hearing was held on 3rd and 4th May 2023. The parties who wished to be heard and who appeared at the hearing were:

Sub #	Name
V1-0021	Lincoln Voice
V1-0031	Tracey McLeod
V1-0044	Nicki Turner
V1-0054	MON Group
V1-0055	AgResearch
V1-0065	Christchurch International Airport Limited
V1-0067	Kelver Developments
V1-0077	Ryman
V1-0079	RVA
V1-0113	Kāinga Ora
V1-0114	CSI Property Limited and Rolleston West Residential Limited
V1-0115	Rolleston Industrial Developments Limited

[11] The witnesses and counsel we heard from are listed in Appendix 2. Copies of their legal submissions and evidence are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.

[12] Cross examination is allowed through the intensification streamlined planning process (ISPP)². No submitter requested to cross-examine the witnesses of any other submitter.³

4 General Grounds for Rejection or Acceptance

[13] Ms Lewes helpfully included a table showing how the mandatory provisions required by the RMA-EHS had been inserted into the PDP. We find that table to be a useful reference point and so we repeat it here:

MDRS	Location in PDP
Objectives	
Objective 1	SD-UFD-O1
Objective 2	MRZ-O1
Policies	
Policy 1	MRZ-P1
Policy 2	RESZ-PC
Policy 3	RESZ-PA

² RMA s98(4).

³ Our IPI Minute 1 required notice of a wish to cross-examine to be lodged with the SDC Hearing Secretary 5 working days prior to the hearing.

MDRS	Location in PDP
Policy 4	RESZ-PB
Policy 5	MRZ-P2
Density Standards	
Number of residential units per site	MRZ-REQ2
Building height	MRZ-REQ4
Height in relation to boundary	MRZ-REQ5 and APP3
Setbacks	MRZ-REQ6
Building coverage	MRZ-REQ3
Outdoor living space (per unit)	MRZ-REQ8
Outlook space (per unit)	MRZ-REQ9
Windows to street	MRZ-REQ7
Landscaping	MRZ-REQ10

[14] There were a large number of submissions that Ms Lewes recommended should be rejected. We generally agree with those recommendations, as is detailed in the remainder of this Recommendation Report. However, to assist readers we record that we generally recommend the rejection of submissions that:

- sought amendments to provisions of the PDP that were not included in Variation 1;
- expressed general opposition to the insertion of the MDRS in the PDP by way of the new MRZ. We note it is a mandatory requirement to include the MDRS provisions in the townships of Rolleston, Lincoln and Prebbleton;
- sought the inclusion of MDRS in townships outside of Rolleston, Lincoln and Prebbleton;
- sought amendments to objectives, policies and density standards that the RMA-EHS required to be inserted into the PDP and there were no relevant qualifying matters that would substantiate the amendments sought; and
- neither supported nor opposed a provision and did not specify any wording amendments.

[15] In a similar vein we generally adopt Ms Lewes' recommendations to accept in whole or in part submissions that supported and sought no change to various Variation 1 provisions, other than were we have recommended amendments in response to other submissions.

[16] The submissions falling into the above 'general grounds for rejection or acceptance' are:

Sub #	Submitter	Submission Points
V1-0001	Erith Boyd	002
V1-0020	Tina Prince	001
V1-0022	Eldho George	003, 004, 005, 006
V1-0024	Robert Claman	002, 003
V1-0027	Richard Christie	002, 003, 004, 005, 006
V1-0029	G and L Burgess	007, 008, 009, 010, 012, 013, 014, 015, 016, 017, 018, 024, 039, 040, 041
V1-0030	Tracey MacLeod	002
V1-0032	Eliot Sinclair	022, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 045, 046, 047, 049, 051, 052, 053, 054, 055, 056, 057, 058, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088
V1-0038	Jeff Heyl	003
V1-0042	Jason Horne	007

Sub #	Submitter	Submission Points
V1-0044	Nicki Turner	002
V1-0046	Denise Carrick	004
V1-0056	Ara Poutama	003, 014, 016
V1-0074	Jeremy Alsop	011, 012, 014
V1-0077	Ryman	009, 010, 011, 012, 013, 014, 015, 020, 022, 028, 029, 042, 043, 044, 045, 050, 052
V1-0079	RVA	009, 010, 011, 012, 013, 014, 015, 020, 022, 028, 029, 042, 043, 044, 045, 050
V1-0083	Waka Kotahi	004, 007, 011, 023, 025
V1-0086	Jo Brady	001, 002, 003, 024
V1-0090	FENZ	017
V1-0096	Metlifecare	002, 005, 006, 023, 025, 026, 027, 028, 029, 030, 031,
V1-0107	CRC	006, 007, 008, 009, 011, 012, 013, 014, 015, 016, 017, 018, 020, 022, 023, 024, 025, 026, 027, 028, 029, 030, 032, 033, 034, 035, 036, 037, 038, 039, 041, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 056, 061
V1-0109	Fiona Thirring	008
V1-0112	Hughes	002, 003
V1-0113	Kāinga Ora	023, 028, 031, 033, 040, 045, 047, 048, 048, 050, 051, 052, 053, 054, 055, 057, 059, 060, 061, 062, 063, 065, 068, 070, 072, 074, 076, 078, 080, 084
V1-0114	CSI and RWRL	016, 017, 024, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 040, 041, 042, 044, 045, 046, 047, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 076
V1-0115	RIDL	024, 025, 027, 028, 029, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 048, 049, 050, 051, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 080

5 Schedule 1, clause 99(2) Amendments

[17] Under clause 99(2)(b) of Schedule 1 of the RMA⁴ the recommendations of the IHP must be related to a matter identified by the Panel or any other person during the hearing, but are not limited to being within the scope of submissions. Ms Lewes recommended that we exercise our clause 99(2)(b) powers to amend a number of the Variation 1 provisions. We adopt her recommendations and for ease of reference the affected provisions and the recommended amendments are listed below. We record that the recommendations in (b), (e) and (g) arise from our own deliberations.

- (a) Amend RESZ-MAT7.7 so that it only applies in the MRZ;
- (b) Amend RESZ-MAT14.i(1)(a) to refer to 'architectural design and form';
- (c) Amend APP3 Height in Relation to Boundary D to specifically identify that roof mounted features which make use of solar energy, such as solar panels or solar hot water systems, be excluded from the application of this provision;
- (d) Amend MRZ-REQ7.4, MRZ-REQ8.5, MRZ-REQ9.12 to allow for the consideration of limited notification;
- (e) Substitute the word 'patio' in MRZ-REQ8(1)(b) and (2) with the word 'deck';

⁴ A new Part 6 was inserted into Schedule 1 of the RMA by Part 2 the RMA-EHS.

- (f) Amend HPW30 to include the matters in relation to DEV-LI7 and DEV-LI8 as qualifying matters; and
- (g) Zone the land at 1506 Springs Road as MRZ.

6 Schedule 1, clause 16(2) amendments

[18] Ms Lewes recommended that we make several minor amendments under clause 16(2) of Schedule 1 to the RMA. We adopt her recommendations and for ease of reference the affected provisions are:

- (a) amend LRZ-R2.5.b., GRZ-R2.5.b and SETZ-R2.5.b to reflect the amended title to RESZ-MAT8 proposed by Variation 1; and
- (b) correct grammatical errors in MRZ-O1, MRZ-R4, MRZ-REQ10.

7 Repetitive Submissions

[19] A number of submitters sought amendments to the Variation 1 provisions that were identical, or very similar, to amendments they sought to the RESZ provisions of the PDP. The Hearing Panel for the RESZ chapters of the PDP considered those submissions in Hearing 22: Residential Zones in November 2022. Unless materially different evidence was presented to the IHP hearing, we have not generally revisited the recommendations of the RESZ PDP Hearings Panel. However, we refer to that Hearing Panel's recommendations where appropriate in this IHP Recommendation Report.

8 RESZ Overview

[20] For the following submissions we adopt Ms Lewes' recommendations and reasons. This results in no change to the provisions amended or inserted by Variation 1.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	013
V1-0074	Jeremy Alsop	011

9 RESZ Objectives and Policies

9.1 New RESZ Objectives and Policies

[21] RVA, Ryman and Metlifecare requested the inclusion of a specific objective recognising and enabling the housing and care needs of the ageing population. They also sought new policies to the same effect. Metlifecare also sought a new policy to promote retirement village development in residential zones.

[22] At the hearing we questioned Nicola Williams⁵ (Ryman and RVA planning witness) at length about the additional objectives and policies that were contained in Appendix A to the evidence of Dr Philip Mitchell. Her helpful responses did not persuade us that there was any need for those additional objectives and policies as the matters they covered were either already covered by existing provisions or it was otherwise inappropriate to have in provisions that would apply Plan-wide. Having said that, we note that the RESZ PDP Hearings Panel recommended amending RESZ-O3 to refer to '*an ageing population*' in response to DPR-0424.015 RVA.

⁵ Ms Williams adopted Dr Mitchell's evidence as her own as he could not attend the hearing.

[23] In addition, quite apart from our conclusion that the additional objectives and policies are not appropriate 'on the merits', we note that Ms Lewes considered the requested amendments to be out of scope.

[24] We therefore recommend rejecting the following submissions.

Sub #	Submitter	Submission Points
V1-0077	Ryman	016, 024, 025, 026
V1-0079	RVA	016, 024, 025, 026
V1-0096	Metlifecare	004

9.2 RESZ-P1, RESZ-P2, RESZ-P3 and RESZ-P12

[25] These RESZ policies were not amended by Variation 1 and we therefore recommend rejecting the following submissions. We address these submissions here and not in section 4 of this Recommendation Report because the RESZ PDP Hearings Panel recommended amending RESZ-P1, RESZ-P2, RESZ-P3, RESZ-P12 and RESZ-P15 to refer to '*planned urban form*' in response to the submissions of Ryman and RVA.

Sub #	Submitter	Submission Points
V1-0077	Ryman	117, 018, 019, 023
V1-0079	RVA	117, 018, 019, 023
V1-0096	Metlifecare	001, 003

10 RESZ Matters for Control or Discretion

10.1 RESZ-MAT1, RESZ-MAT2, RESZ-MAT13 and RESZ-MAT14

[26] For the following submissions we adopt Ms Lewes' recommendations and reasons. This results in no change to the provisions amended or inserted by Variation 1.

Sub #	Submitter	Submission Points
V1-0090	FENZ	017
V1-0096	Metlifecare	017, 018
V1-0113	Kāinga Ora	029, 032

[27] Regarding the submission of FENZ, we agree with Ms Lewes that referring to the Firefighting Operations Emergency Vehicle Access Guide and the New Zealand Fire Service Water Supplies Code of Practice would result in those documents being incorporated into the PDP by reference, thereby fixing the versions of the Guide and COP as the versions to be used, even if the Guide and COP were updated at a later date. We agree that the documents are more appropriately referenced in SDC's Engineering Code of Practice (ECOP) which can be amended without having to go through an RMA Schedule 1 process.

[28] In her tabled evidence FENZ planner Nola Smart recommended that the ECOP be amended to make it applicable for residential activities and to include a reference to the 'Designers' guide to firefighting operations: Emergency Vehicle Access' (F5-02 GD). That seems sensible to us, but amending the ECOP is outside our jurisdiction.

[29] Regarding the submission of Kāinga Ora (seeking the deletion of RESZ-MAT1 and RESZ-MAT8 and its replacement with provisions that only refer to planned urban form, a safe and attractive realm and streetscape, and on-site amenity and privacy appropriate for its scale) we note that the RESZ PDP Hearing Panel recommended substantial amendments to RESZ-

MAT1 in response to the submission of DPR-0414.194 Kāinga Ora. Those amendments included matters of detail relating to, amongst other things:

- having doors, windows and balconies facing the street and public open spaces;
- designing large scale development to provide for variations in building form and/or façade design;
- orientating and locating windows to optimise privacy of adjacent residential units;
- optimizing access to sunlight and daylight; and
- providing waste collection and recycling facilities in locations conveniently accessible and screened from streets and public open spaces.

[30] We consider those requirements are appropriate decision-making matters for any residential development within the MRZ that requires a RDIS. We do not consider those matters to be less enabling of development in relation to an area within the MRZ. At the ISPP hearing Mr Jefferies advised that Kāinga Ora no longer sought the inclusion of the above requirements in RESZ-MAT1. However, Kāinga Ora has not withdrawn its submission to the PDP and we are not persuaded that the significant down-scaling of that provision as now sought by Kāinga Ora is either appropriate or necessary.

[31] We also note that RESZ-MAT1 was not part of Variation 1. When we pointed that out to Bal Matheson (counsel for Kāinga Ora) at the hearing, he advised that any amendment to RESZ-MAT1 would therefore need to be recommended by us under clause 99(2)(b) of Schedule 1 of the RMA. We decline to make such a recommendation.

[32] Regarding RESZ-MAT2, we note that the RESZ PDP Hearing Panel recommended amending RESZ-MAT2.1 to refer to *'the planned urban form of the residential zone'* in response to DPR-0414.195 Kāinga Ora. Having said that, we are not persuaded that the deletion of RESZ-MAT2.2 (as now sought by Kāinga Ora) is either appropriate or necessary.

10.2 RESZ-MAT3, RESZ-MAT5, RESZ-MAT8 and RESZ-MATA

[33] For the following submissions we adopt Ms Lewes' recommendations and reasons. This results in no change to the provisions amended or inserted by Variation 1.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	017, 018, 020, 021
V1-0074	Jeremy Alsop	015, 016, 018, 019
V1-0077	Ryman	030, 032, 035, 036
V1-0079	RVA	030, 032, 035, 036
V1-0090	FENZ	018
V1-0096	Metlifecare	007, 009, 012, 013
V1-0112	Hughes	001, 006, 007
V1-0113	Kāinga Ora	034, 036, 039

[34] In her tabled evidence FENZ planner Nola Smart noted that RESZ-MAT3 is triggered where a building exceeds the permitted height limit. She suggested that greater intensification, which is often the case with height exceedances, can compound risks for FENZ. Ms Lewes considered that matters of concern to FENZ could be dealt with under the Building Act. Having considered Ms Smith's evidence on that matter we prefer Ms Lewes assessment.

- [35] Regarding the submission of Kāinga Ora, we note that the RESZ PDP Hearing Panel recommended amending RESZ-MAT3.2 and RESZ-MAT5.2 to refer to the '*planned urban form of the residential zone*'. We are not persuaded that the further amendments sought by Kāinga Ora are necessary.

10.3 RESZ-MAT4

- [36] For the following submissions we adopt Ms Lewes' recommendations and reasons. In particular we agree that the provision should be clarified in response to the submission of Kāinga Ora.

Sub #	Submitter	Submission Points
V1-0077	Ryman	031
V1-0079	RVA	031
V1-0096	Metlifecare	008
V1-0113	Kāinga Ora	035

- [37] We recommend that the SDC:

(a) amends RESZ-MAT4 to improve the clarity of the provision.

10.4 RESZ-MAT6

- [38] For the following submissions we adopt Ms Lewes' recommendations and reasons. In particular, in response to the submission of FENZ, we agree that the provision should be amended to ensure that the suitability of access for emergency services is considered if there is a non-compliance with the relevant internal setback requirement.

- [39] We note that Kāinga Ora's requested relief in relation to clauses 1, 2, 3, 4 and 5 of RESZ-MAT6 is the same relief that was considered by the RESZ PDP Hearing Panel. We are not persuaded to make a different finding on those matters, while noting that a number of amendments were recommended by that Hearing Panel in response to the Kāinga Ora submission on the PDP.

- [40] We also agree with Ms Lewes that the purpose of RESZ-MAT6.7 is to ensure that residents of a site, as well as those of neighbouring sites, are provided with a suitable level of amenity, which can be adversely affected if there is insufficient ability to manage and maintain the area between a building and a boundary.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	019
V1-0074	Jeremy Alsop	017
V1-0077	Ryman	033
V1-0079	RVA	033
V1-0090	FENZ	019
V1-0096	Metlifecare	010
V1-0112	Hughes	002, 003
V1-0113	Kāinga Ora	037
V1-0114	CSI and RWRL	017
V1-0115	RIDL	025

- [41] We recommend that the SDC:

- (a) amends RESZ-MAT6 to ensure that the suitability of access for emergency services is considered should there be a non-compliance with the relevant internal setback requirement.

10.5 RESZ-MAT7

- [42] For the following submissions we adopt Ms Lewes' recommendations and reasons. In particular we agree that RESZ-MAT7.7 should only apply in the MRZ (see also section 5 of this Recommendation Report).

Sub #	Submitter	Submission Points
V1-0074	Jeremy Alsop	017
V1-0077	Ryman	034
V1-0079	RVA	034
V1-0096	Metlifecare	011
V1-0113	Kāinga Ora	038

10.6 RESZ-MATB, RESZ-MATC and RESZ-MATD

- [43] For the following submissions we generally adopt Ms Lewes' recommendations and reasons. In particular we agree that RESZ-MATB and RESZ-MATC should be amended to ensure that each matter of discretion is related to the provision of amenity for residents of a development. We also agree that RESZ-MATD.1.d would be difficult to implement and so in response to the submission of Kāinga Ora that clause should be deleted.

- [44] However, in relation to RESZ-MATC we agree with Jason Jones⁶ for AgResearch that it is inappropriate to refer to '*especially on the shortest day of the year*' in clause 1 because, as he states, daylight is the diffuse light from the sky between dawn and dusk. This is distinct from sunlight, which is direct radiation from the sun. Daylight is ever changing based on the season, the time of day, the weather conditions and the surrounding environment. We find the words in italics above should be deleted from clause 1 of RESZ-MATC.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	022, 023, 024
V1-0074	Jeremy Alsop	020, 021, 022
V1-0077	Ryman	037, 038, 039
V1-0079	RVA	014, 038, 039
V1-0096	Metlifecare	011, 015, 016
V1-0113	Kāinga Ora	041, 042, 043

- [45] We recommend that the SDC:

- (a) amends RESZ-MATB to ensure that the matter is related to the provision of amenity for residents of a development.
- (b) amends RESZ-MATC to ensure that the matter is related to the provision of amenity for residents of a development.
- (c) amends RESZ-MATD to remove ambiguity.

10.7 New RESZ Matters for Discretion

- [46] For the following submissions we generally adopt Ms Lewes' recommendations and reasons.

⁶ EIC Jason Jones, paragraphs 7.9 and 7.10.

Sub #	Submitter	Submission Points
V1-0077	Ryman	040
V1-0079	RVA	040
V1-0096	Metlifecare	019

- [47] Having said that, we note that the RESZ PDP Hearings Panel recommended a new RESZ-MAT14.i relating to 'Design of Retirement Village' in response to submissions DPR-0424.023 RVA and DPR-0425.023 Ryman.
- [48] We carefully compared the content of 'RESZ-MATX – Retirement Villages', which was sought by Ryman and RVA and was set out in Appendix A to the evidence of Philip Mitchell, to the content of RESZ-MAT14.i to see if any of Dr Mitchell's suggested wording improved or clarified the matters that a retirement village decision-maker would need to consider. We asked Ms Williams several questions about that, focusing on Dr Mitchell's RESZ-MATX clauses (a), (c), (d) and (e) in particular. Based on her helpful answers we concluded that RESZ-MAT14.i adequately dealt with the matters that a decision-maker should consider for a retirement village development whether it be in the MRZ or another residential zone with one exception.
- [49] Regarding RESZ-MAT14.i(1)(a), Ms Williams considered that the term 'architectural design' could be improved if it was worded 'architectural design and form'. We accept her evidence on that matter and we recommend under clause 99(2)(b) of Schedule 1 of the RMA that RESZ-MAT14.i(1)(a) is amended accordingly.

11 Residential Schedule

- [50] For the following submissions we adopt Ms Lewes' recommendations and reasons. In particular we agree that an illustration should be included in RESZ-SCHED1 to improve its clarity.

Sub #	Submitter	Submission Points
V1-0092	SDC	014
V1-0095	Fletcher	004
V1-0112	Hughes	017
V1-0113	Kāinga Ora	044

- [51] We recommend that the SDC:
- (a) Inserts an illustration into RESZ-SCHED1 to improve clarity.

12 GRZ Provisions

- [52] Submissions were received on the following of GRZ provisions:
- Overview
 - Objectives
 - GRZ-R13 – Retirement Villages
 - GRZ-REQ1, GRZ-REQ2, GRZ-REQ3, GRZ-REQ4, GRZ-REQ5, GRZ-REQ8, GRZ-REQ10 and GRZ-REQ13
- [53] For the submissions on these provisions, we adopt Ms Lewes' recommendations and reasons. This results in no change to the notified wording. The majority of the submission

points on these provisions are recorded in section 4 of this Recommendation Report. However, for the following submissions we adopt Ms Lewes' specific recommendations and reasons as set out in section 8 of her Section 42A Report.

Sub #	Submitter	Submission Points
V1-0041	Mark Howard	001
V1-0056	Ara Poutama	012
V1-0074	Jeremy Alsop	007
V1-0096	Metlifecare	022, 023
V1-0113	Kāinga Ora	014

13 Medium Density Residential Zone

13.1 MRZ-Overview

[54] For the following submissions we adopt Ms Lewes' recommendations and reasons. This results in no change to the notified wording.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	026
V1-0077	Ryman	041
V1-0079	RVA	041
V1-0096	Metlifecare	020

[55] In particular we agree that it is unnecessary to specifically identify retirement villages within the MRZ-Overview.

13.2 MRZ Objectives, MRZ-P1, MRZ-P2 and new policies

[56] For the submissions on these provisions, we adopt Ms Lewes' recommendations and reasons. This results in no change to the notified wording. The majority of the submission points on these provisions are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific recommendations and reasoning:

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	001, 002
V1-0077	Ryman	027
V1-0079	RVA	027
V1-0113	Kāinga Ora	046

[57] In particular we agree that there is no need for a new policy enabling the density standards to be utilised as a baseline for the assessment of the effects of developments as that is implied through the incorporation of MDRS as permitted activities within the PDP.

13.3 MRZ Rules

13.3.1 MRZ-R1 and MRZ-R7 to MRZ-R24

[58] For the submissions on these provisions, we adopt Ms Lewes' recommendations and reasons. This results in no change to the notified wording. The majority of the submission points on these provisions are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific recommendations and reasoning:

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048 and 049.

13.3.2 MRZ-R2

[59] Some of the submission points on MRZ-R2 are recorded in section 4 of this Recommendation Report. For the following submissions we depart from some of Ms Lewes' specific recommendations:

Sub #	Submitter	Submission Points
V1-0055	AgResearch	011
V1-0056	Ara Poutama	029
V1-0077	Ryman	047
V1-0079	RVA	047

[60] In particular we find that the requirement for development to be connected to services is not a density standard. However, as set out in section 13.4.13 of this Recommendation Report, we do not recommend that the rule should be subject to a rule requirement regarding the dominance of garages not impeding windows to the street or outdoor living space.

[61] Consequently, we recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0092	SDC	016, 017, 018	Reject

[62] We note that for AgResearch, planner Jason Jones⁷ agreed that AgResearch the submission point seeking the omission of 'MRZ-REQ1 Servicing' should be rejected.

13.3.3 MRZ-R3 and MRZ-R4

[63] Some of the submission points on MRZ-R3 and MRZ-R4 are recorded in section 4 of this Recommendation Report. For the following submissions we depart from some of Ms Lewes' specific recommendations:

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	030, 031
V1-0077	Ryman	049
V1-0079	RVA	049

[64] In particular we find that:

- the requirement for development to be connected to services is not a density standard; and
- regarding the submissions of Ryman and RVA, recommended new bespoke MRZ-R9A⁸ will adequately cater for retirement villages.

⁷ EIC Jason Jones, paragraph 3.2

⁸ Ms Lewes labelled this MRZ-RA but it would logically follow MRZ-R9.

[65] However, we do not consider that the rules should be subject to recommended additional rule requirements regarding the dominance of accessory buildings or structures not impeding windows to the street or outdoor living space.

[66] Consequently, we recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0092	SDC	019, 020, 021 and 022	Reject

13.3.4 MRZ-R5

[67] Some of the submission points on MRZ-R5 are recorded in section 4 of this Recommendation Report. For the following submissions we generally adopt Ms Lewes' specific reasons and recommendations:

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	032
V1-0092	SDC	023, 024
V1-0095	Fletcher	002, 005
V1-0099	Barton Fields Villas Limited	002
V1-0112	Hughes	008, 019, 020
V1-0113	Kāinga Ora	056

[68] We observe that most of the submissions regarding fencing are very similar to submissions made by the same parties on the RESZ chapters and which were considered by the RESZ PDP Hearings Panel. We see no need to deviate from the general findings of that Hearing Panel and agree with Ms Lewes that there is nothing significantly different in the MRZ that would require fencing to be specifically managed any differently than in the LRZ, GRZ and SETZ, with the exception of the distance from the boundary within which fencing is managed.

[69] We have however amended Ms Lewes' wording to be consistent with the wording recommended by the RESZ PDP Hearings Panel for LRZ-R6, GRZ-R6 and SETZ-R6. In that regard we agree with Cameron Wallace (Kāinga Ora) that the fencing standard should be amended to provide for a 1.2m high solid fence or a 1.8m high fence if the fence is at least 50% visually permeable.

[70] We recommend that the SDC:

- (a) amends MRZ-R5.1.b to provide greater flexibility in fencing while still enabling opportunities for passive surveillance of the street; and
- (b) amends MRZ-R5.1.c.ii.2 for consistency.

13.3.5 MRZ-R6

[71] For the following submissions we adopt Ms Lewes' reasons and recommendations:

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	033
V1-0107	CRC	031
V1-0113	Kāinga Ora	058
V1-0114	CSI and RWRL	048
V1-0115	RIDL	052

[72] In particular we find that the RESZ PDP Hearings Panel's assessment of the appropriate rules for relocatable buildings are equally applicable in the MRZ. Namely, it is not necessary to manage relocatable buildings differently from any other buildings. We therefore agree with Ms Lewes' that MRZ-R6 should be deleted as was sought by Kāinga Ora.

[73] We recommend that the SDC:

- (a) deletes MRZ-R6 as it is not necessary to manage relocated buildings differently from new buildings.

13.4 MRZ-Rule Requirements

13.4.1 MRZ-REQ1 and MRZ-REQ10

[74] Some of the submission points on MRZ-REQ1 and MRZ-REQ10 are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific reasons and recommendations. This results in no changes to the notified provisions.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	050, 059
V1-0090	FENZ	020
V1-0077	Ryman	059
V1-0079	RVA	059
V1-0113	Kāinga Ora	075

[75] In particular we agree that:

- in response to FENZ, where a reticulated water supply is provided it is not the responsibility of individual developments to provide an adequate firefighting water supply. Rather, that is the responsibility of the SDC;
- regarding the submissions of Ryman and RVA, recommended new bespoke rule MRZ-R9A⁹ will adequately cater for retirement villages; and
- in response to Kāinga Ora, the need for adequate landscaping in the MRZ is no different to the need in other RESZ areas. We note that Cameron Wallace (Kāinga Ora) agreed¹⁰ landscaping was an important characteristic of development that can contribute to streetscape amenity. However, we are not persuaded that in the Selwyn context it is inappropriate to require one specimen tree for every 10m of frontage.

[76] For FENZ, in her tabled evidence planner Nola Smart considered it was preferable that developers ensured there was sufficient firefighting water supply (including volume and pressure). However under the current system, FENZ had noted existing instances of insufficient water pressure in reticulated areas of the Selwyn District. Ms Smith suggested FENZ's proposed wording (requiring an alternative supply) would only apply if the reticulated water supply was insufficient. We are not persuaded that is necessary. Instead, SDC should ensure that its reticulated supply is up to standard throughout the district and that is a matter outside our jurisdiction.

⁹ Ms Lewes labelled this MRZ-RA but it would logically follow MRZ-R9.

¹⁰ EIC Cameron Wallace, paragraph 4.30.

13.4.2 MRZ-REQ2

[77] Some of the submission points on MRZ-REQ2 are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	051
V1-0077	Ryman	051
V1-0079	RVA	051
V1-0107	CRC	053
V1-0113	Kāinga Ora	085, 086
V1-0114	CSI and RWRL	068
V1-0115	RIDL	072

[78] In particular we agree that:

- in response to Ryman and RVA, it is unnecessary to differentiate retirement units from residential units. We discuss that further in section 13.5 of this Recommendation Report; and
- in response to Kāinga Ora it is appropriate to preclude public notification and limited notification.

[79] We recommend that the SDC:

- (a) amends MRZ-REQ2 to align with the public notification requirements set out in the RMA-EHS.

13.4.3 MRZ-REQ3

[80] Some of the submission points on MRZ-REQ3 are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	052
V1-0077	Ryman	052
V1-0079	RVA	052
V1-0095	Fletcher	003
V1-0107	CRC	054
V1-0112	Hughes	016
V1-0113	Kāinga Ora	087
V1-0114	CSI and RWRL	069
V1-0115	RIDL	073

[81] In particular we agree that:

- In response to Hughes and Fletcher, eaves and roof overhangs of up to 600mm and gutters of up to 200mm in width should not be excluded from the calculation of building coverage. We are not persuaded that excluding those items would unduly limit potential design options or impact on the ability to implement the MDRS. We note Ms Lewes' advice that if an exclusion was provided for eaves and gutters, if a residential unit was then built to 50% of the net site area, the effect of this would be to allow

approximately a further 10% of built form across a site. We agree that would not be appropriate and not contribute to achieving MRZ-O1.2; and

- in response to Kāinga Ora, limited notification should not be precluded, because that is not mandatory under the provisions of the RMA-EHS and there may be circumstances where limited notification is appropriate. We note the same reasoning applies for MRZ-REQ4, MRZ-REQ5, MRZ-REQ6, MRZ-REQ7, MRZ-REQ8 and MRZ-REQ9.

[82] We recommend that the SDC:

- (a) amends MRZ-REQ3, MRZ-REQ4, MRZ-REQ5, MRZ-REQ6, MRZ-REQ7, MRZ-REQ8 and MRZ-REQ9 to allow for consideration of limited notification.

13.4.4 MRZ-REQ4

[83] Some of the submission points on MRZ-REQ4 are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	053
V1-0077	Ryman	053
V1-0079	RVA	053
V1-0083	Waka Kotahi	022
V1-0107	CRC	055
V1-0113	Kāinga Ora	009, 088
V1-0114	CSI and RWRL	070
V1-0115	RIDL	074

[84] MRZ-REQ4 'Height' was a particular focus of Kāinga Ora's presentation at the hearing. Kāinga Ora sought building heights of up to 19m¹¹ within a new Height Variation Control Area ('HVCA') which would apply to the MRZ within a 5-minute walkable catchment of the Rolleston town centre. Counsel for Kāinga Ora confirmed that relief was sought in reliance of NPS-UD Policy 3(d).

[85] Counsel also confirmed that NPS-UD policies 3(a), 3(b) and (3c) were not relevant because the Rolleston town centre is zoned TZC (town centre zone) and not 'city centre zone' or 'metropolitan centre zone' insofar as those terms are defined in the National Planning Standards and there were no 'existing or planned rapid transit stops' within the Rolleston town centre.

[86] We note that NPS-UD Policy 3(d) was amended by s77S(1)(b) of the RMA-EHS to read:

"within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activity and community services"

[87] The issue for us to address is whether NPS-UD Policy3(d) supports enabling residential building heights of up to 19m within a 5-minute walkable catchment of the Rolleston town centre. On the evidence we find that it does not because:

¹¹ Mr Wallace confirmed that would enable residential buildings of up to 6-storeys to be constructed.

- The commercial activity within the Rolleston town centre comprises predominantly very recent ‘new builds’ which are no more than two storeys high, apart from the civic library (a community service) which is around two and a half storeys high;
- Mr Ligget advised that Kāinga Ora expected its new builds to have a viable life of 60 to 80 years. We consider that the same longevity expectation would not be unreasonable for the Rolleston town centre commercial ‘new builds’;
- Mr Matheson conceded that the Rolleston town centre ‘new builds’ would not ‘get knocked down’ within the next 15 years. We note the life of the District Plan is ten years;
- Mr Matheson also submitted that there was no point in enabling residential development adjacent to the Rolleston town centre to be six storeys high if the IHP declined Kāinga Ora’s request to enable commercial buildings to be up to 24.5m high in that town centre. In his words it was inappropriate to have residential buildings taller than the town centre’s commercial buildings. We agree with counsel and we would add that enabling adjacent residential buildings to be significantly taller than the commercial and community service buildings in the town centre would not promote a well-functioning urban environment; and
- We record that the IHP has declined Kāinga Ora’s request for 24.5m high buildings in the Rolleston TCZ.

[88] We find that the notified 12m height limit (three storeys) in MRZ-REQ4 appropriately maximises the benefits of intensification and is commensurate with the level of commercial activity and community services in the Rolleston town centre. In other words, the notified height limit gives effect to NPS-UD Policy 3(d).

[89] We observe that if a developer wished to exceed the notified 12m height limit for a residential building adjacent to the Rolleston town centre they would merely have to seek a RDIS consent, with matters of discretion being limited to RESZ-MAT3 ‘Height’. We do not consider that to be less enabling of development in relation to an area within the MRZ. It merely enables decision-makers to consider the site-specific implications of allowing tall residential buildings to be constructed.

[90] Finally, in terms of a ‘forward looking’ assessment, as discussed in the Kāinga Ora legal submissions¹², Mr Matheson referred to case-law¹³ that implied that ‘feasibility’ of development enabled by zone provisions can change over time, and sometimes it was necessary to take a longer view of when it may be appropriate for development to occur. That may be so, but in this case we consider that it is fanciful to presume that the Rolleston town centre’s one and two storey commercial and community ‘new builds’ (many of which were still under construction at the time of the hearing) will be demolished and replaced with new six storey buildings within the ten year life of the District Plan. Kāinga Ora presented no evidence from any developers to the contrary.

[91] Finally, we do not consider the need to gain consent for residential buildings that exceed a three storey height to be an unduly onerous imposition on developers over the ten year life of the District Plan. In that regard we heard evidence from Fiona Aston, an experienced

¹² Paragraph 6.7

¹³ Middle Hill Limited vs Auckland Council [2022] NZEnvC 162

planner who has worked extensively for developers in the Selwyn District. Her evidence was that there was no market appetite for residential buildings in excess of two storeys high in Rolleston¹⁴. We find her evidence lends further weight to declining Kāinga Ora's request to amend the PDP to enable four to six storey residential buildings adjacent to the Rolleston town centre.

13.4.5 MRZ-REQ5

[92] Some of the submission points on MRZ-REQ5 are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific reasons and recommendations. This results in no changes to the notified provisions.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	054
V1-0077	Ryman	054
V1-0079	RVA	054
V1-0113	Kāinga Ora	064, 066
V1-0114	CSI and RWRL	071
V1-0115	RIDL	075

[93] In particular, in response to Kāinga Ora, we agree that the location of the text of this standard within APP3 is consistent with the structure of the PDP and keeping all the relevant recession plane measures in one place is better for plan consistency.

13.4.6 APP3

[94] For the following submissions we adopt Ms Lewes' reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0077	Ryman	107
V1-0079	RVA	107

[95] In particular we agree while uses within adjoining rural zones, commercial and mixed-use zones, industrial zones and special purpose zones may possibly be less sensitive, it is not axiomatic that they will always have a lesser need for daylight.

13.4.7 MRZ-REQ6

[96] Some of the submission points on MRZ-REQ6 are recorded in section 4 of this Recommendation Report. For the following submissions we adopt Ms Lewes' specific reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	055
V1-0077	Ryman	055
V1-0078	KiwiRail	002
V1-0079	RVA	055
V1-0107	CRC	057
V1-0112	Hughes	009
V1-0113	Kāinga Ora	067
V1-0114	CSI and RWRL	072
V1-0115	RIDL	076

¹⁴ She was aware of a single proposal to build a three-storey apartment type building on a 'large site' near the town centre.

- [97] In particular we agree that in response to Hughes, garages can be located on a boundary where buildings share a common wall. Enabling garages to be built on other boundaries would adversely impact on the amenity of the MRZ when viewed in a Selwyn context
- [98] In response to Ryman and RVA we note that 'road boundary' and 'internal boundary' are defined in the PDP. In response to KiwiRail we note that there are no locations where the railway corridor intersects with the MRZ. Tabled evidence from Michelle Grinton-Hancock¹⁵ for KiwiRail stated KiwiRail acknowledged and accepted that point and on that basis, setback controls did not need to apply to the MRZ.

13.4.8 MRZ-REQ7

- [99] For the following submissions we adopt Ms Lewes' reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	056
V1-0077	Ryman	056
V1-0079	RVA	056
V1-0095	Fletcher	001
V1-0099	Barton Fields Villas Limited	003
V1-0107	CRC	058
V1-0112	Hughes	010

- [100] However, for other submissions on MRZ-REQ7 we depart from Ms Lewes' recommendations.
- [101] Firstly, we agree with Jason Jones for AgResearch that the only basis for adopting the amendments recommended by Ms Lewes would be if a valid qualifying matter was established. In that regard under s77I of the RMA, the only available avenue for establishing such a matter would be s77I(j), being that it amounted to a matter that made higher density, as provided for by the MDRS or RMA Schedule 3B Policy 3, inappropriate in the area.
- [102] We also agree with Mr Jones that the focus of s77L is about the level of development enabled by the MDRS and why the level of development would be inappropriate in an area. The changes recommended by Ms Lewes (MRZ-REQ7 and MRZ-REQA and MRZ-REQB) focus less on the level of development, and more on the nature or form of development.
- [103] Consequently, we prefer to retain the wording of MRZ-REQ7 prescribed by RMA Schedule 3A Part 2 clause 17, with the addition of Ms Lewes' recommended provision relating to a primary pedestrian entrance and her recommended advisory or clarification clauses. Regarding those advisory clauses we agree that:
- garages do not fall within the definition of residential unit, so they would be excluded from the glazing calculation, but to assist Plan users that this should be stated within the provision;
 - that gable ends be excluded from the area of glazing calculation; and
 - there is no need to treat retirement units differently.

¹⁵ Dated 14 April 2023.

[104] We note that for Kāinga Ora, urban designer Cameron Wallace supported¹⁶ the proposed clarification regarding the measurement of gable ends (clarification bullet four and MRZ-DIAGRAMC). We have however simplified the recommended wording of the clarification clauses and aligned them with other similar RESZ provisions such as those in GRZ-REQ8.

[105] We do not agree with Ms Lewes that the ‘windows to street’ provisions should apply to shared access ways, as those are not in the public domain and would only be used by residents residing on the accessway. It is also common for such accessways to be fully fenced, negating any passive surveillance. In that regard we agree with the evidence¹⁷ of Kāinga Ora’s urban design witness Cameron Wallace.

[106] We recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0092	SDC	026, 027, 036, 037, 038, 039	Reject
V1-0107	CRC	059	Accept in part
V1-0113	Kāinga Ora	069	Accept in part
V1-0114	CSI and RWRL	073	Accept in part
V1-0115	RIDL	077	Accept in part

[107] We recommend that the SDC:

- (a) amends MRZ-REQ7.1 to clarify the provision and ensure that it achieves the intent of RESZ-PA and RESZ-O1 while being consistent with the RMA-EHS.

13.4.9 MRZ-REQ8

[108] We depart somewhat from Ms Lewes’ recommendations regarding MRZ-REQ8.

[109] In particular, we agree with the evidence¹⁸ of Kāinga Ora’s urban design witness Cameron Wallace that Ms Lewes’ recommendation to accept the submission of SDC would be problematic where a site’s northern orientation is towards a road boundary as invariably, people seek to maximise access to sunlight in their outdoor open spaces. We agree with Mr Wallace that more intensive development where outdoor living spaces are positioned between the dwelling and road boundary can incorporate design features (as opposed to fencing) that help to balance out streetscape amenity, passive surveillance and on-site privacy concerns including building projections/ recesses, raised ground floor levels and landscaping. We agree a more appropriate alternative would be to rely on an overall design assessment (RESZ-MAT1).

[110] We do agree with Ms Lewes that communal areas should be allowed to count towards achieving the standard in retirement villages. We consider that MRZ-REQ8.1.d and MRZ-REQ8.2.c allow for this as notified. We note that to be consistent with the RESZ PDP Hearing Panel’s recommendation for GRZ-REQ13 Retirement Village.

[111] For the record, we were not persuaded that Ms Lewes s32AA assessment of a provision that would result in an outdoor living space not being located between the road boundary and

¹⁶ EIC Cameron Wallace, paragraph 4.15.

¹⁷ EIC Cameron Wallace, paragraph 4.12.

¹⁸ EIC Cameron Wallace, paragraphs 4.19 to 4.23.

the residential unit that was set out in section 13 of her Section 42A Report meets the requirements of s77L of the RMA-EHS for a qualifying matter.

- [112] Ms Lewes discussed the use of the word 'patio' and noted it could be confusing for Plan users. We agree, and find that the word 'patio' should be supplemented by the word 'deck' in order to be consistent with GRZ-REQ9. We make that recommendation under s99(2)(b) of Schedule 1 to the RMA.
- [113] We adopt Ms Lewes' recommendations to accept or reject submissions other than for the submission of SDC where we recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0092	SDC	028, 029, 030, 031	Reject

13.4.10 MRZ-REQ9

- [114] For the following submissions we generally adopt Ms Lewes' reasons and recommendations other than as outlined below.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	058
V1-0077	Ryman	058
V1-0079	RVA	058
V1-0092	SDC	034, 035
V1-0107	CRC	060
V1-0113	Kāinga Ora	073
V1-0114	CSI and RWRL	075
V1-0115	RIDL	079

- [115] In particular we agree that
- in response to SDC, that the provision should allow for doors¹⁹ to be used to meet the standard; and
 - the standard should apply to retirement villages.
- [116] However, we disagree that a vertical measurement is required and find in particular that a minimum height that would be the lesser of the height of the eave immediately adjacent the habitable room adjacent to the outlook space or the ceiling height of the habitable room, to be unduly onerous. For the record, we were not persuaded that Ms Lewes s32AA assessment set out in section 13 of her Section 42A Report for this potential 'qualifying matter' met the requirements of s77L of the RMA-EHS.

- [117] We recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0092	SDC	032, 033	Reject

- [118] We recommend that the SDC:
- (a) amends MRZ-REQ9 to ensure the determination of outlook space, can be made in relation to glazed door openings.

¹⁹ Such as ranch sliders or French doors.

13.4.11 MRZ-REQ11

[119] For the following submissions we generally adopt Ms Lewes' reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	060
V1-0107	CRC	062
V1-0113	Kāinga Ora	077
V1-0114	CSI and RWRL	077
V1-0115	RIDL	081

[120] In particular we agree that in response to Kāinga Ora, the exercise of discretion should more specifically relate to effects of outdoor storage areas on the amenity of the streetscape, adjoining public space and adjoining residential sites.

[121] We recommend that the SDC:

- (a) amends MRZ-REQ11 to ensure that the matters of discretion specifically relate to the effect of non-compliance with this provision.

13.4.12 MRZ-REQ12

[122] For the following submissions we adopt Ms Lewes' reasons and recommendations. This results in no change to the provision.

Sub #	Submitter	Submission Points
V1-0056	Ara Poutama	061
V1-0107	CRC	010
V1-0113	Kāinga Ora	079
V1-0114	CSI and RWRL	078
V1-0115	RIDL	082

[123] In particular we agree that MRZ-REQ12 addressing DEV-LI7 and DEV-L18 is appropriate and in that regard, in terms of RMA s77J and s77L, we adopt Ms Lewes' qualifying matters assessment at paragraphs 9.212.1 to 9.212.6 of her Section 42A Report.

13.4.13 New Rule Requirements

[124] For the following submissions we depart from Ms Lewes' reasons and recommendations.

[125] We agree with the AgResearch and Kevler Developments Limited legal submissions that RMA s80E(1)(b) provides a degree of discretion to incorporate 'related provisions' which 'support or are consequential on' the MDRS. While the scope of related provisions can seemingly be 'without limitation' we agree that the discretion in s 80E(1)(b) is far from unfettered. We also agree that the distinction between the mandatory MDRS provisions and discretionary 'related' provisions is such that, in a hierarchical sense, the former must prevail over the latter. Accordingly, any discretionary 'related provisions' must still satisfy the requirements of clause 2(2) of Schedule 3A and ss 77G and 77I.

[126] Turning to the SDC's specific relief, we firstly refer back to our comments on MRZ-REQ7 regarding appropriate amendments needing to be in terms of RMA s77I qualifying matters. We agree with Jason Jones (AgResearch) that the proposed new rule requirements (which we consider to be RMA s80E(1)(b)(iii)) 'related provisions' relating to the positioning, scale and design of garages, accessory buildings and other structures are arguably 'additional to'

the ‘setbacks’ requirements for ‘buildings’ in Standard 13 of the Schedule 3 Part 2 Density Standards. As such, those ‘related provisions’ would inappropriately displace the permitted activity status for residential buildings that otherwise comply with the RMA Schedule 3A MDRS Part 2 density standards. In other words, Ms Lewes’ recommended ‘related provisions’ are less enabling of development.

- [127] Regarding Ms Lewes’ recommended new MRZ-REQB, we agree with Mr Jones that in terms of RMA s77L, there does not appear to be any specific characteristic that would justify the level of development that would be precluded by MRZ-REQB. As he observed, MRZ-REQB focuses less on the level of development, and more on the nature of development, particularly as it relates to the public realm. In that regard Ms Aston’s (Kevler Development Ltd planning witness) evidence²⁰ that *“The thing here is a MRZ zone is not the same as a GRZ zone”* and *“Equally, it may not be possible, or even necessary, to provide medium density housing and retain many of the look and feel elements of streetscape and onsite amenity that accrues to larger urban lots”* is apt.
- [128] We are more sympathetic to Ms Lewes’ recommended new MRZ-REQA ‘Dominance of Garages’. In that regard we note Cameron Wallace’s (Kāinga Ora urban design witness) support of recommended new MRZ-REQA where it relates to frontages with public streets. As he noted, excess garaging fronting public streets can create issues in terms of safety, pedestrian comfort, natural surveillance and the ability to accommodate landscaping.
- [129] However, we find that MRZ-REQA also fails to meet the necessary legal tests, as set out in the legal submissions of Kevler Developments Limited and AgResearch amongst others.
- [130] For these reasons we decline to recommend Ms Lewes’ new MRZ-REQA or MRZ-REQB. For the record, we were not persuaded that Ms Lewes s32AA assessments that were set out in section 13 of her Section 42A Report for these potential additional qualifying matters meet the requirements of s77L of the RMA-EHS.
- [131] We recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0092	SDC	040, 041, 042, 042, 044, 045, 046, 047	Reject

13.5 Retirement villages

- [132] We addressed various submission points from the ‘retirement village’ submitters in preceding sections of this Recommendation Report.
- [133] For the following submissions we generally adopt Ms Lewes’ reasons and recommendations, with some significant departures.

Sub #	Submitter	Submission Points
V1-0045	Summerset	001
V1-0077	Ryman	002, 046, 048
V1-0079	RVA	002, 046, 048
V1-0096	Metlifecare	021
V1-0099	Barton Fields	001
V1-0113	Kāinga Ora	082

²⁰ EIC Fiona Aston, paragraph 43(b) and (d).

- [134] We agree that a specific RDIS is desirable to provide for retirement villages, and note that to be consistent with the finding of the RESZ PDP Hearing Panel for the LRZ, GRZ and SETZ. The specific MRZ rule here is 'MRZ-R9A Retirement Village'. In deciding on the content of that rule we have considered the wording provided by the above submitters as well as the wording in 'GRZ-R13 Retirement Village' as recommended by the RESZ PDP Hearing Panel.
- [135] We acknowledge that the intention of the MRZ is that it be an enabling zone. We find a RDIS rule to be 'sufficiently enabling' in the MRZ as required by the NPS-UD, noting such a rule provides decision-makers with the ability to decline inappropriate retirement village applications that would not contribute to a 'well-functioning urban environment'.
- [136] We note that GRZ-R13 as recommended by the RESZ PDP Hearing Panel has none of the requirements that Ms Lewes recommended for MRZ-R9A.1a to d. However, those requirements are instead included in GRZ-REQ14 which is one of the rule requirements listed in GRZ-R13. We are therefore satisfied that those provisions should be included in MRZ-R9A.
- [137] We agree with Ms Lewes that despite the views of the retirement village submitters, a specific RDIS for retirement villages should refer to an appropriate suite of rule requirements.
- [138] Having considered Dr Mitchell's evidence,²¹ Ms Williams' answers to our questions at the hearing and the Ryman and RVA legal submissions, we are not persuaded that it is necessary to distinguish between the 'use' of land for retirement villages and the 'construction' of retirement villages. We find it is more appropriate to consider those aspects under a single MRZ rule (our recommended MRZ-R9A) as a RDIS (restricted discretionary activity). We say that because a retirement village is sufficiently different in nature and scale from the residential activities otherwise permitted in the MRZ under the MDRS. As noted in the Ryman and RVA legal submissions²² *"Retirement villages are necessarily different to other residential typologies to cater for the specialist day-to-day needs of residents"*.
- [139] Nor are we persuaded that a definition of 'retirement unit' is required. It appears that the primary reason for Ryman and RVA seeking a standalone definition of 'retirement unit' is to enable retirement villages to be exempt from some of the normal amenity standards that would apply to residential developments in the MRZ. We do not find that to be appropriate. For example, for 'MRZ-REQ9 Outdoor Space' the evidence of Dr Mitchell²³ sought that for a 'retirement unit' *"The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre for a principal living room..."*. We find that to be woefully inadequate when compared to the notified MRZ-REQ9 requirement for an outlook space that has a minimum dimension of 4m in depth and 4m in width. When questioned about that Ms Williams agreed that a 1m-by-1m outlook space did not seem to be appropriate.

²¹ As we noted previously, Nicola Williams adopted Philip Mitchell's evidence due to his unavailability to attend the hearing. Ms Williams is a colleague of Dr Mitchell. Ms Williams advised that she was deeply involved in the preparation of Dr Mitchell's evidence (having drafted some of it in a 'peer review' capacity) and she held the same view as he did as a planning expert.

²² Paragraph 64.

²³ In his Appendix A.

[140] We consider that any deviation from the residential MRZ-REQs sought by a retirement village developer should instead be assessed on their site-specific merits under our recommended RDIS consenting process.

[141] We recommend that the SDC:

- (a) Inserts a new rule into the MRZ to expressly recognise and provide for retirement villages, with a RDIS activity status, in a manner that is both consistent with the approach in other residential zones and with the density standards applicable to activities within the MRZ.

13.6 MRZ generally

[142] A large number of submissions were lodged addressing the MRZ provisions in general. While many of these submissions arguably fall within the ‘general grounds for rejection’ we set out in section 4 of this Recommendation Report, we address them here for ease of reference. For the following submissions we adopt Ms Lewes’ reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0001	Erith Boyd	003
V1-0002	Craig Chalmers	001
V1-0003	Amanda Parkin	001
V1-0008	Jeff Elias	001
V1-0011	Helen and Tom Fraser	001
V1-0013	Jig Dhakal	001, 002
V1-0014	Craig Byers	001, 002
V1-0015	Darren Wilson	001
V1-0017	Phil Hughes	001, 002, 003, 004
V1-0018	Aaron McGlinchy	001, 002, 004
V1-0019	Kathryn Pooke	001, 002
V1-0021	Lincoln Voice	001
V1-0022	Eldho George	001, 002
V1-0024	Robert Claman	001, 004, 005
V1-0025	Yoursection	003
V1-0026	Daryl Streat	001, 002
V1-0027	Richard Christie	001
V1-0029	G and L Burgess	038
V1-0030	Tracey MacLeod	001, 003, 004
V1-0032	Eliot Sinclair	016
V1-0034	Mohammad Rabani	001
V1-0035	Safeya Rabani	001
V1-0036	Lois Sherriff	001
V1-0037	Ron de Vries	001
V1-0038	Jeff Heyl	001, 002
V1-0039	Sandy Vries	001
V1-0040	Geoffrey Cooke	001, 002
V1-0042	Jason Horne	002, 003, 008, 009
V1-0043	Rebecca Tunnicliffe	001, 002
V1-0044	Nicki Turner	001, 003, 004
V1-0046	Denise Carrick	001, 007
V1-0047	Michael and Karen Green	001
V1-0048	Urban Estates	002, 004
V1-0049	Transpower	001
V1-0050	Kathleen Liberty	001, 002

Sub #	Submitter	Submission Points
V1-0053	Four Stars and Gould	001
V1-0054	MON Group Ltd	001
V1-0057	Ellis Darusette	001
V1-0057	Ellis Darusette	001
V1-0058	Jocelyn Humphreys	001
V1-0059	Dunweavin	001, 003
V1-0061	TRRG	001, 003
V1-0067	Kevler	001
V1-0071	Tony Gemmill	001, 002, 003
V1-0072	HSL	001
V1-0074	Jeremy Alsop	001, 024
V1-0075	Graham Searle	001
V1-0083	Waka Kotahi	001, 020
V1-0097	Chris Barrett	001
V1-0104	Sonya Strahan	001, 002, 003
V1-0105	Christine Thirring	002
V1-0107	CRC	019, 040, 042
V1-0108	Andrew Mazey	001, 002, 003, 004
V1-0109	Fiona Thirring	001, 002, 003, 004, 005, 006, 007, 012
V1-0110	Nancy Borrie	001
V1-0111	Foodstuffs	001, 002
V1-0112	Hughes	018, 013
V1-0113	Kāinga Ora	001
V1-0115	RIDL	001
V1-0117	Graham Murphy	001
V1-0118	Alan Ye	001
V1-0119	Stephanie Broomhall	001, 002

[143] In particular we note:

- Rolleston, Prebbleton and Lincoln are all within an urban environment and contain relevant residential zones, as defined by the RMA-EHS, and, pursuant to s77G(2), SDC must incorporate the MDRS into those townships;
- the spatial extent of the MRZ as notified includes areas suitable for residential development and applies to all relevant residential zones in Rolleston, Prebbleton and Lincoln;
- any infrastructure issues that arise as a result of development within the MRZ can be addressed at the time of development, either by a proponent or by SDC;
- having regard to the level of commercial activity and community services within Rolleston, Prebbleton and Lincoln, there is no need to provide for further increases in height or density beyond that enabled by the MDRS; and
- in her tabled evidence for Transpower, Rebecca Eng acknowledged and agreed with Ms Lewes' assessment on the basis that the MRZ does not contain, and is not traversed by, the National Grid.

14 Diagrams

[144] For the following submission we adopt Ms Lewes' reason and recommendation.

Sub #	Submitter	Submission Point
V1-0092	SDC	015

[145] In particular we agree the diagrams notified are sufficient.

15 Development Areas

[146] We note that Development Areas spatially identify and manage areas where ODPs apply to determine future land use and development. Policy 6.3.3. of the CRPS requires that ODPs to be prepared for Greenfield Priority Areas and Future Development Areas. Development Areas are consequently a fundamental and essential component of the overall scheme of the PDP.

[147] For the following submission we adopt Ms Lewes' reasons and recommendations.

Sub #	Submitter	Submission Points
V1-0021	Lincoln Voice	002
V1-0025	Yoursection	005
V1-0048	Urban Estates	001, 003
V1-0053	Four Stars & Gould	002
V1-0054	MON Group Ltd	002
V1-0059	Dunweavin	002
V1-0061	TRRG	002
V1-0067	Kevler	002
V1-0077	Ryman	081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106
V1-0079	RVA	081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106
V1-0080	CCC	001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 105, 106, 017, 018, 019, 020, 021, 022, 023, 024, 205
V1-0083	Waka Kotahi	014
V1-0115	RIDL	002

[148] In particular we find:

- the purpose of an ODP is to provide a mechanism for integrating existing and future development with infrastructure requirements to ensure areas are developed in a coordinated manner that achieves good levels of urban design and connectivity. That includes retirement villages;
- CCC's request to increase the minimum density to 15hh/ha in relevant development areas is consistent with the recommendation of the Hearing Panel for the Urban Growth chapter of the PDP and their recommendation for amending UG-P13. We note that UG-P13 requires a minimum density to 15hh/ha unless there are demonstrated constraints in which case a minimum net density of no less than 12hh/ha is to be achieved²⁴;
- In relation to DEV-RO9 and the submission of Dunweavin, the ODP included in Variation 1 is the same as that approved through the PC76 process;
- In relation to DEV-RO10 and the submissions of Yoursection and MON Group Ltd, SUB-REQ3 should be amended to make it clear that there is a need for a consent notice mechanism to be applied in order to develop areas of NCZ. The PDP Hearing Panel for

²⁴ Evidence from Kirk Lightbody dated 14 April 2023 set out CCC's rationale for this request.

the Eastern Selwyn CMUZ and GIZ rezoning hearing (Hearing 30.8) has made the same recommendation;

- In relation to DEV-RO14 and the submission of Kevler, the suggested relocation of the north/south road is acceptable. However, the notified alignment of the northern east/west road provides greater connectivity of the transport network, enabling safer and more efficient east/west movements for all transport modes, including future public transport.

15.1 DEV-RO13

[149] In relation to DEV-RO13 and the submission of HSL, Ms Lewes noted that the PDP as notified provides a pathway for consideration of a subdivision that does not comply with ODP requirements by way of a discretionary resource consent application.

[150] HSL provided planning evidence from Lisa Steel²⁵. She advised that subdivision and land use consents (RC225470 and RC235063) were granted on 24 January 2023, enabling 545 East Maddisons Road to be subdivided and developed for residential activities. The ODP road layout in DEV-RO13 is not consistent with the approved subdivision plan. Ms Steel provided an amended ODP²⁶ that included an indicative roading layout that reflects the consented development, including a pedestrian/cycle connection to the north²⁷.

[151] We find that the ODP for DEV-RO13 should be amended in line with Ms Steel's evidence.

[152] We recommend that V1-0072.002 Hill Street Limited is accepted

15.2 DEV-RO12

[153] With regard to the submission of Four Stars and Gould regarding DEV-RO12 (part of PC71) we agree with the findings of the Hearing Panel for the Rolleston PDP Rezoning hearing that it would be inappropriate to rezone land within the 50 dB Noise Control Overlay from GRUZ to either GRZ Deferred, Future General Residential Zone, Future Urban Zone or in this case MRZ. To do so would rely on the as yet unknown outcome of CRC's review of the airport noise contours. It would also not give effect to Objectives 5.2.1(f) and (g) and Policy 6.3.5(4) of the CRPS. We find that land should remain GRUZ. We agree that DEV-RO12 land outside the 50 dB Noise Control Overlay should be zoned MRZ as has occurred through Variation 1.

[154] Having said that, we acknowledge CIAL's legal submission²⁸ that matters being considered at this ISPP Residential chapter hearing are spatially limited to the MRZ as notified in Variation 1. That only includes that part of the PC71 land which is outside the 50 dB Noise Control Overlay²⁹.

[155] CRC did not attend the Hearing but tabled evidence³⁰ authored by Serena Orr (planner). Ms Orr stated "*CRC supports the rejection by Ms Lewes of the exclusion of land under PC71 inside*

²⁵ Statement of evidence of Lisa Steele, Dated: 14 April 2023.

²⁶ Appendix 2 of Ms Steels evidence.

²⁷ As required by the consent conditions.

²⁸ Paragraph 6.

²⁹ In that regard we refer readers to the IHP's Recommendation Report on ISPP Hearing 07 dealing with Rolleston.

³⁰ Canterbury Regional Council – Selwyn Proposed District Plan Variation 1 – Letter to be tabled at Hearing 1: Residential, dated 14 April 2023.

the 50 dBA noise contour for MDRS and agrees that the inclusion would be inconsistent with the Canterbury Regional Policy Statement (CRPS)”. We concur with Ms Orr.

15.3 DEV-L18

- [156] With regard to Lincoln Voice, we note that DEV-L18 is within the UGO and within that area PC69 has been approved, although it is subject to appeal. The Hearing Panel considering PDP rezoning requests for Lincoln found that the PC69 site was not subject to the NPS-HPL and that it should be rezoned for residential development.³¹
- [157] We agree with counsel for RIDL³² that the Variation 1 process is not an opportunity to rehear the merits of the rezoning of the PC69 site from rural to residential. The processes which will determine that issue are PC69 to the Operative Plan and the submission on the PDP.
- [158] RIDL³³ requested that DEV-L18 be amended to include a LCZ along Springs Road, rather than a NCZ as currently indicated. Jeremy Phillips advised³⁴ that he agreed with Ms Lewes that DEV-L18 was an appropriate method for managing and guiding the urban development of the Lincoln South land in the manner envisaged by PC69 and achieving a well-functioning urban environment as sought by NPS-UD Policy 1. He also noted DEV-L18 included provisions (resulting from the PC69 ODP) that would appropriately allow for and manage any increased density of development that might transpire over time as a result of the MRZ and MDRS introduced by Variation 1.
- [159] Based on the economic evidence of Mr Akehurst and the urban design evidence of Mr Compton-Moen and Ms Lauenstein, Mr Phillips considered that a LCZ (including provision for a supermarket) within DEV-L18 would have acceptable (or no) effects relative to a NCZ, would have benefits that outweighed any costs, and would be more efficient and effective at catering for the needs of local residents. Mr Phillips concluded that the submitter’s request for a LCZ in this location and enablement of supermarket activity in rule LCZ-R9 was appropriate³⁵.
- [160] We note Mr Akehurst³⁶ was of the view that the 3,500 households in the ‘PC69’ area would have a range of retail goods and service needs that were best met by providing a network of neighbourhood and local centres to complement the Key Activity Centre at the core of Lincoln. He recommended providing for a supermarket of up to 4,500m² and up to 1,400m² of associated retail and services. That would require a LCZ of around 3 ha located on the key connector road into the development which was Springs Road. He was of the view that it would meet the needs of the Lincoln South Development while minimising adverse effects on Lincoln’s Key Activity Centre.
- [161] We asked Mr Akehurst about the effect of this ‘new’ supermarket in DEV-L18 on the existing New World supermarket on Vernon Drive in Lincoln. He advised that the new supermarket in the PC69 area was modelled to have a 17.4% impact on the existing New World

³¹ As noted in the RIDL legal submissions, through the PDP process, a full suite of evidence (20 briefs of evidence in total) was provided to support the requested change from GRUZ to GRZ.

³² Paragraph 13.

³³ V1-0115.002 RIDL

³⁴ His paragraph 10.

³⁵ His paragraph 11.

³⁶ Evidence of Greg Akehurst: Variation 1 Residential (economics). Dated: 14 April 2023, Summary

supermarket in Vernon Drive which was below the accepted 30% threshold for 'trade competition' and was not at a level that would be considered 'significant'. He also advised that with the anticipated growth within the PC69 area and wider Lincoln, the 17.4% impact was modelled to be reversed by 2028.

- [162] We have considered the evidence relating to three NCZ versus two NCZ and an LCZ with attendant supermarket and retail activity in the PC69 area. We are generally satisfied with the submitter's proposal.
- [163] We observe that differs from the findings of the PDP Hearing Panel for PDP Hearing 30.8. That Panel concluded that that SUB-REQ3 should be amended to make clear the need for a consent notice mechanism for planned commercial centres identified in ODPs. However, in that case the Panel found that should only apply to a NCZ and not an LCZ, as the latter are intended to be the sole commercial centre of a township. Conversely, NCZ's feature in townships that have a TCZ as a main centre, with NCZs playing a supporting role.
- [164] Notwithstanding that general approach, we nevertheless find that in the case of the PC69 area, a LCZ is appropriate because under NCZ-R5 a supermarket of the size anticipated by the submitter would be assessed as a non-complying activity, whereas in the LCZ it would be assessed as a RDIS under LCZ-R9.11. We find that to be appropriate and therefore see no need to recommend an amendment the LCZ-R9.
- [165] We recommend that the SDC:
- (a) amends DEV-LI1 – DEV-LI4, DEV-LI7, DEV-LI8, DEV-PR1, DEV-PR2, DEV-PR3, DEV-PR4, DEV-RO1, DEV-RO2, DEV-RO3, DEV-RO4, DEV-RO5, DEV-RO9, DEV-RO10, DEV-RO11, DEV-RO12, DEV-RO13 and DEV-RO14 to update the minimum density to 15hh/ha unless there are demonstrated constraints in which case a minimum net density of no less than 12hh/ha is to be achieved;
 - (b) amends SUB-REQ3 to make it clear that there is a need for a consent notice mechanism to be applied in relation to any area shown on an outline development plan as to be developed in accordance with NCZ or LCZ provisions;
 - (c) amends the ODP in DEV-RO14 to show the realignment of a north/south road;
 - (d) amends the spatial ODP plan in DEV-L18 as shown in Appendix 3 to the 14 April 2023 evidence of Jeremy Phillips for submitters V1-0115.002; and
 - (e) amends the ODP for DEV-RO13 as shown in Appendix 2 of the 14 April 2023 evidence of Lisa Steel.

16 Other Matters

- [166] For V1-0114 CSI Property Limited and Rolleston West Residential Limited Jeremy Phillips suggested that there was a need to 'grandfather' the GRZ zone for land that was sought to be zoned GRZ through submissions on the PDP and which had not been included in the Variation by the SDC and/or in relation to which there was no specific submission lodged on the Variation seeking MRZ.
- [167] We understand (as confirmed by Ms Appleyard at the hearing) that the particular land in question is the Carter Group's land west of Dunns Crossing Road (LWDCR) which is GRUZ and was addressed by the Rolleston Rezoning Hearing 30.1 Hearing Panel, and the land at 1506

Springs Road which is GIZ and was addressed by the Lincoln Rezoning Hearing 30.4 Hearing Panel.³⁷ Those PDP Hearing Panel's respectively recommended rejecting the rezoning request for the LWDCR and accepting Next Level Development's rezoning request for the land at 1506 Spring Road³⁸.

[168] Mr Phillips suggested that there was nothing in the EHS Act that precluded a GRZ within an urban environment. He went on to say that to the extent that s77G(1) imposed a requirement that *'Every relevant residential zone of a specified authority must have the MDRS incorporated into that zone'*, that could be addressed by Council as and when the nature and extent of relevant residential zones (including GRZ) are confirmed following decisions and appeals on the PDP. At that point, a further plan change could be the mechanism for SDC to rezone GRZ to MRZ (or otherwise incorporate the MDRS within the GRZ) and consider any qualifying matters that might apply.

[169] We find that to be a cumbersome approach and instead we find it would more efficient, where a PDP hearing Panel has determined that residential land use is appropriate, to exercise our powers under clause s99(2)(b) of Schedule 1 of the RMA to recommend rezoning to MRZ. We asked Ms Appleyard and Mr Phillips about that and they both agree that the clause 99(2)(b) process was an efficient means of dealing with land that we consider should be enabled for residential use but which had not been zoned MRZ through Variation 1.

[170] We therefore recommend that the SDC:

(a) zones the land at 1506 Springs Road as MRZ.

[171] No other matters were brought to our attention.

17 Section 32AA

[172] Finally, for the record we advise that other than where we have come to a different conclusion regarding submissions, we adopt Ms Lewes s32AA assessments set out in section 13 of her Section 42A Report.

³⁷ We acknowledge that the CSI and RWRL legal submissions stated (paragraph 9) that the relief was not sought with any particular piece of land subject to the Variation in mind, but rather because the submitters foresaw inconsistency issues with the application of those statements in the overviews when the Proposed Plan Panel comes to make decisions.

³⁸ It is intended to develop a retirement village on that land.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Text proposed in Variation 1 is in blue font. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

The following spatial amendments are recommended to PDP Planning Maps:

Map Layer	Description of recommended amendment
Zones	<ul style="list-style-type: none"> - Amend the following property from GIZ to MRZ - Lot 6004 DP 558331 (1506 Springs Road)³⁹ 
Precincts	<ul style="list-style-type: none"> - Remove the following property from Industrial Precinct PREC7 - Lot 6004 DP 558331 (1506 Springs Road)⁴⁰

³⁹ Clause 99(2)(b) amendment (V1-0114 CSI and RWRL)

⁴⁰ Clause 99(2)(b) amendment (V1-0114 CSI and RWRL)

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

How the Plan Works

HPW30	Qualifying Matters	
Feature	Description	Qualifying Matter Type
Development Areas ⁴¹	Identifies the location where setbacks are required to address reverse sensitivity effects of development and to provide for the protection of important infrastructure.	3.32(1)(h) / 77I(j) – Any other matter that makes higher density development inappropriate in an area

Part 2 – District Wide Matters

SUB – Subdivision

SUB-Rule Requirements

SUB-REQ3 Outline Development Plan		
All Zones	<p>1. If the site is within an area that is subject to an operative Outline Development Plan within the District Plan;</p> <p><u>a. the subdivision complies with that Outline Development Plan; and</u></p> <p><u>b. where the site is within any area shown within the Outline Development Plan as a Neighbourhood Centre or Local Centre, it shall be subject to the provisions of the NCZ or LCZ respectively, with a consent notice or similar mechanism to be registered on the Certificate of Title for these sites advising owners that the site is subject to the NCZ Chapter or LCZ Chapter provisions.</u></p>	...

⁴¹ Clause 99 amendment to recognise that qualifying matters exist within development areas, to acknowledge outcomes of various Schedule 1 processes

Part 3 – Area Specific Matters

Zones

RESZ – Residential

RESZ-Residential Zones

RESZ-Matters for Control or Discretion

RESZ-MAT4	Height in Relation to Boundary
	1. ... 2. The extent to which the proposal provides for the protection ⁴² of any notable tree (not protected trees) listed in TREE-SCHED2, heritage item listed in HH SCHED2, or sites and areas of significance to Māori listed in SASM-SCHED1.
RESZ-MAT6	Internal Boundary Setback
	... 7. Effects on the accessibility of the space between buildings and the affected boundary for cleaning and maintenance; access for emergency services personnel ; ⁴³ storage; and to keep the area free of vermin.
RESZ-MAT7	Fences
	... 7. Where located in the Medium Density Residential Zone, the The extent to which the fencing will reduce the outlook space from habitable rooms ⁴⁴ .
RESZ-MAT8	Second Additional ⁴⁵ Residential Unit
RESZ-MATB	Outdoor Living Space
	... 3. The degree to which large areas of public open space are provided within very close proximity to the site. 4. The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over development of the site. ⁴⁶
RESZ-MATC	Outlook Space
	1. The ability of the affected habitable room to receive natural sunlight and daylight, especially on the shortest day of the year ⁴⁷ .

⁴² V1-0113.035 Kāinga Ora

⁴³ V1-0090.019 FENZ, incorporating a consequential amendment to link to definition of *emergency services*

⁴⁴ Clause 99(2)(b) amendment (V1-0113.038 Kāinga Ora)

⁴⁵ Clause 16(2) amendment for plan coherence

⁴⁶ V1-0113.041 Kāinga Ora

⁴⁷ [V1-0055.FS049 AgResearch](#)

	<p>...</p> <p>3. The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions.</p> <p>4.-3.⁴⁸</p>
RESZ-MATD	Landscaping
	<p>1. The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:</p> <p>...</p> <p>d. contribute to a cooling effect of the urban environment.⁴⁹</p> <p>...</p>
RESZ-MAT14i	Design of Retirement Village
	<p>1.. Compatibility with the planned urban form of the residential zone, having regard to:</p> <p>a. architectural design <u>and form</u>⁵⁰ including glazing, cladding materials, and the colour of buildings and structures;</p> <p>b. ...</p>

RESZ-Schedule

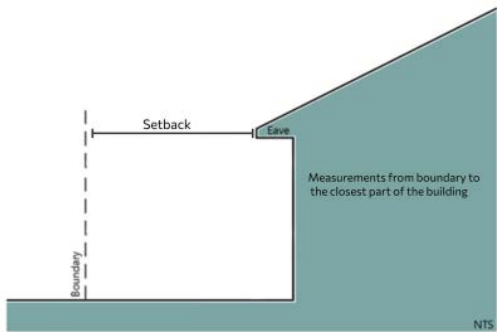
RESZ-SCHED1 – Measuring Setback
MRZ

⁴⁸ V1-0113.042 Kāinga Ora

⁴⁹ V1-0113.043 Kāinga Ora

⁵⁰ **Clause 99(2)(b) amendment**

...
Insert the following figure below the text⁵¹



LRZ – Low Density Residential Zone

LRZ-Rules

LRZ-R2	Residential Unit or other Principal Building	
	Matters for discretion: 5. The exercise of discretion in relation to LRZ-R2.4 is restricted to the following matters ... b. RESZ-MAT8 Second <u>Additional</u> Residential Unit ⁵² ...	

GRZ – General Residential Zone

GRZ-Rules

GRZ-R2	Residential Unit or other Principal Building	
	Matters for discretion:	

⁵¹ V1-0092.014 SDC
⁵² Clause 16(2) amendment for plan coherence

	5. The exercise of discretion in relation to GRZ-R2.4 is restricted to the following matters ... b. RESZ-MAT8 Second <u>Additional</u> Residential Unit ⁵³ ...	
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MRZ – Medium Density Residential Zone

MRZ-Objectives and Policies

MRZ-Objectives and Policies		
MRZ-Objectives		
MRZ-O1	The Medium Density Residential Zone provides for a variety of housing types and sizes that respond to: 1. housing needs and demands ⁵⁴ ; and ...	

MRZ-Rules

MRZ-Rule List		
MRZ-R6	Relocated Building ⁵⁵	
MRZ-R9A	Retirement Village ⁵⁶	
MRZ-R4	Any Structures not otherwise listed in MRZ-Rule List	
	... The establishment of, or addition/external alteration to, an accessory building <u>any structure not otherwise listed.</u> ⁵⁷
MRZ-R5	Fencing	
	Activity Status: PER 1. Any fence or freestanding wall	...

⁵³ Clause 16(2) amendment for plan coherence

⁵⁴ Clause 16(2) amendment (V1-0113.046 Kāinga Ora)

⁵⁵ V1-0113.058 Kāinga Ora

⁵⁶ V1-0045.001 Summerset, V1-0077.046 and 048 Ryman and V1-0079.046 and 048 RVA, V1-0096.021 Metlifecare, V1-0096.021 Metlifecare and V1-0113.082 Kāinga Ora

⁵⁷ Clause 16(2) amendment to clarify application of provision

	<p>Where:</p> <p>a. ...</p> <p>b. <u>within 4m of any legal road frontage, is a maximum height of 1m.</u><u>a site has a road boundary:</u></p> <p>i. <u>within 1.5m of the primary road boundary, a maximum height of 1.2m; and</u></p> <p>ii. <u>within 1.5m of a secondary road boundary, a maximum height of 1.8m for the remaining length of the road boundary where at least 50% of the fence is visually permeable.</u>⁵⁸</p> <p>c. a site shares a boundary with a reserve:</p> <p>i. ...</p> <p>ii. the fence or freestanding wall shall be a maximum of:</p> <ol style="list-style-type: none"> 1. 1m in height if solid; or 2. 1.8m in height where <u>no more than 50% of the length of the reserve boundary of the site has fencing that is less than 50% visually permeable at least 50% of the fence is visually permeable.</u>⁵⁹ <p>d. any other fence or freestanding wall is a maximum height of 1.8m.</p> <p>...</p>	
MRZ-R6	Relocated Building ⁶⁰	
	<p>Activity status: PER</p> <p>1. The placement of a relocated building onto land</p> <p>Where:</p> <p>a. the building is a garage or accessory building; and</p> <p>b. the building is being shifted from one position to another position within the same site; or</p> <p>c. the building is for a temporary activity and will be removed from the site within two days of the activity ceasing; or</p> <p>d. the building is to provide temporary accommodation during</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of MRZ-R6.1 is not achieved: CON</p> <p>When compliance with any rule requirement listed in this rule is not achieved: Refer to MRZ Rule Requirements</p> <p>Matters of control:</p> <p>4. The exercise of control in relation to MRZ-R6.2 is restricted to the following matters:</p> <p>a. RESZ-MAT10 Relocated Building</p>

⁵⁸ V1-0092.023 and 024 SDC, V1-0095.002 and 005 Fletcher, V1-0099.002 Barton Fields, V1-0112.008, 019 and 020 Hughes and V1-0113.056 Kāinga Ora

⁵⁹ V1-0092.023 and 024 SDC, V1-0095.002 and 005 Fletcher, V1-0099.002 Barton Fields, V1-0112.008, 019 and 020 Hughes and V1-0113.056 Kāinga Ora

⁶⁰ V1-0113.058 Kāinga Ora

	<p>the time a construction project is taking place on the site, and will be removed from the site within the lesser time period of 12 months or the construction project ceasing.</p> <p>And this activity complies with the following rule requirements:</p> <p>MRZ-REQ1 Servicing MRZ-REQ2 Number of Residential Units per Site MRZ-REQ3 Building Coverage MRZ-REQ4 Height MRZ-REQ5 Height in Relation to Boundary MRZ-REQ6 Setbacks MRZ-REQ7 Windows to Street MRZ-REQ8 Outdoor Living Space MRZ-REQ9 Outlook Space MRZ-REQ10 Landscaping MRZ-REQ12 Development Areas</p>	<p>Notification:</p> <p>5. Any application arising from MRZ-R6.2 shall not be subject to public notification.</p>
MRZ-R9A⁶¹	Retirement Village	
	<p>Activity status: RDIS</p> <p><u>1. Any retirement village</u></p> <p>Where:</p> <p><u>a. any single building design shall only be used for a maximum of:</u></p> <p><u>i. four residential units where they are detached or semi-detached;</u></p> <p><u>or</u></p> <p><u>ii. six residential units where they are terraced housing;</u></p> <p><u>b. no more than two residential units in a row shall be exactly the same design, materials, and colour;</u></p> <p><u>c. a gap of a minimum of 6m shall be provided between residential units for every six residential units fronting the road;</u></p> <p><u>d. there shall be a recess along any elevation of a building, where the building length is greater than 20m. The recess shall:</u></p> <p><u>i. be at least 1m in depth for a length of at least 2m;</u></p> <p><u>ii. be for the full height of the wall; and</u></p>	<p>Activity status when compliance not achieved:</p> <p>3. <u>When compliance with any of MRZ-R9A.1. is not achieved: DIS</u></p> <p>4. <u>When compliance with any rule requirement listed in this rule is not achieved: Refer to MRZ-Rule Requirements</u></p>

⁶¹ V1-0045.001 Summerset, V1-0077.046 and 048 Ryman and V1-0079.046 and 048 RVA, V1-0096.021 Metlifecare, V1-0096.021 Metlifecare and V1-0113.082 Kāinga Ora

	<p>iii. include a break in the eave line and roof line of the façade.</p> <p>And this activity complies with the following rule requirements:</p> <p>MRZ-REQ1 Servicing</p> <p>MRZ-REQ3 Building Coverage</p> <p>MRZ-REQ4 Height</p> <p>MRZ-REQ5 Height in Relation to Boundary</p> <p>MRZ-REQ6 Setbacks</p> <p>MRZ-REQ7 Windows to Street</p> <p>MRZ-REQ8 Outdoor Living Space</p> <p>MRZ-REQ9 Outlook Space</p> <p>MRZ-REQ10 Landscaping</p> <p>MRZ-REQ11 Outdoor Storage</p> <p>MRZ-REQ12 Development Areas</p> <p>Matters for discretion:</p> <p>2. The exercise of control in relation to MRZ-R9A.1 is restricted to the following matters:</p> <p>a. RESZ-MAT13 Location of Comprehensive Development and Retirement Village</p> <p>b. RESZ-MAT14i Design of Retirement Village</p> <p>c. NH-MAT3 Geotechnical Considerations</p>	
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MRZ-Rule Requirements

MRZ-REQ2	Number of Residential Units per Site	
	...	<p>...</p> <p>Matters for discretion:</p> <p>5.</p> <p>b. RESZ-MAT8 Second Additional Residential Units⁶²</p>

⁶² Clause 16(2) amendment to correct reference

		Notification: 4. Any application arising from MRZ-REQ2.2. shall not be subject to public or limited notification. ⁶³
MRZ-REQ3	Building Coverage	
		... Notification: 4. Any application arising from MRZ-REQ3.2. shall not be subject to public or limited notification. ⁶⁴
MRZ-REQ4	Height	
		... Notification: 4. Any application arising from MRZ-REQ4.2. shall not be subject to public or limited notification. ⁶⁵
MRZ-REQ5	Height in Relation to Boundary	
		... Notification: 4. Any application arising from MRZ-REQ5.2. shall not be subject to public or limited notification. ⁶⁶
MRZ-REQ6	Setbacks	
		... Notification: 4. Any application arising from MRZ-REQ6.2. shall not be subject to public or limited notification. ⁶⁷
MRZ-REQ7	Windows to Street	
	1. Any residential unit, or other principal building, facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.	... Notification: 4. Any application arising from MRZ-REQ7.2. shall not be subject to public or limited notification. ⁶⁸

⁶³ V1-0113.086 Kāinga Ora

⁶⁴ V1-0113.087 Kāinga Ora

⁶⁵ V1-0113.064 Kāinga Ora

⁶⁶ V1-0113.084 Kāinga Ora

⁶⁷ V1-0113.067 Kāinga Ora

⁶⁸ Clause 99(2)(b) amendment to improve consistency

	<p><u>1A. The primary pedestrian entrance shall be visible and accessible from the road.</u></p> <p>For the purposes of this requirement, any area of of roofspace that is fully enclosed by a gable shall not be included in the area of the street-facing façade.</p> <p>For the purposes of clarification, MRZ-REQ7.1 shall:</p> <ul style="list-style-type: none"> • <u>apply to all road frontages where a site has direct frontage to a road. On a corner site, this requirement applies to both road frontages;</u> • <u>exclude any area of a residential unit that is used as a garage and any fully enclosed roof space of any gabled end;</u> • <u>only refers to the area of glass, excluding window and door frames.</u> 	
MRZ-REQ8	<p>Outdoor Living Space</p> <p>1. A residential unit at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that:</p> <ol style="list-style-type: none"> a. where located at ground level, has no dimension less than 3m; and b. where provided in the form of a balcony, patio⁶⁹deck⁶⁹, or roof terrace, is at least 8m² and has a minimum dimension of 1.8m; and c. is accessible from the residential unit; and d. may be: <ol style="list-style-type: none"> i. grouped cumulatively by area in 1 <u>one</u>⁷⁰ communally accessible location; or ii. located directly adjacent to the unit; and e. is free of buildings, parking spaces, and servicing and manoeuvring⁷¹ manoeuvring⁷¹ areas. 	<p>...</p> <p>Notification:</p> <p>5. Any application arising from MRZ-REQ8.2. shall not be subject to public or limited⁷⁴ notification.</p>

⁶⁹ Clause 99(2)(b) amendment

⁷⁰ Clause 99(2)(b) amendment to improve grammar.

⁷¹ Clause 16(2) amendment to correct spelling.

⁷⁴ Clause 99(2)(b) amendment to improve consistency.

	<p>2. A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio<u>deck</u>⁷², or roof terrace that:</p> <p>a. is at least 8m² and has a minimum dimension of 1.8m; and</p> <p>b. is accessible from the residential unit; and</p> <p>c. may be:</p> <p>i. grouped cumulatively by area in 1 <u>one</u>⁷³ communally accessible location, in which case it may be located at ground level; or</p> <p>ii. located directly adjacent to the unit.</p>	
MRZ-REQ9	Outlook Space	
	<p>1. ...</p> <p>2. An outlook space must be provided from habitable room windows <u>glazing</u> as shown in MRZ-DIAGRAMB: Outlook Space. <u>This can be in the form of windows or doors.</u>⁷⁵</p> <p>3. ...</p> <p>4. The width of the outlook space is measured from the centre point of the largest window <u>expanse of glazing</u>⁷⁶ on the building face to which it applies.</p> <p>...</p>	<p>...</p> <p>Notification:</p> <p>12. Any application arising from MRZ-REQ9.10. shall not be subject to public or limited⁷⁷ notification.</p>
MRZ-REQ10	Landscape Area	
	<p>...</p> <p>2.</p> <p>b.</p> <p>i. a minimum of of 1.8m high at time of planting <u>planting</u>⁷⁸</p>	
MRZ-REQ11	Outdoor Storage	
	...	<p>...</p> <p>Matters for discretion:</p>

⁷² Clause 99(2)(b) amendment

⁷³ Clause 99(2)(b) amendment to improve grammar.

⁷⁵ V1-0092.034 and 035 SDC

⁷⁶ V1-0092.034 and 035 SDC

⁷⁷ Clause 99(2)(b) amendment to improve consistency.

⁷⁸ Clause 16(2) amendment to remove duplication and correct spelling.

		<p>3. The exercise of discretion in relation to MRZ-REQ11.2. is restricted to the following matters:</p> <p>a. RESZ-MAT1 Residential Design <u>Effects of outdoor storage areas on the amenity of the streetscape, adjoining public space and adjoining residential sites.</u>⁷⁹</p>
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SETZ – Settlement Zone

SETZ-Rules

SETZ-R2	Residential Unit or other Principal Building
	<p>Matters for discretion:</p> <p>5. The exercise of discretion in relation to SETZ-R2.4 is restricted to the following matters</p> <p>...</p> <p>b. RESZ-MAT8 Second <u>Additional</u> Residential Unit⁸⁰</p> <p>...</p>

Development Areas

LI-Lincoln

DEV-LI1 – Lincoln 1 Development Area
Land Use
<p>The ODP area shall achieve a minimum net density of 10 households per hectare <u>15 households per hectare</u> averaged over the area, <u>unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.</u>⁸¹</p>
DEV-LI2 – Lincoln 2 Development Area
Land Use
<p>The area shall achieve a minimum density of 10 households per hectare <u>15 households per hectare</u> averaged over the area, <u>unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.</u>⁸²</p>

⁷⁹ V1-0113.077 Kāinga Ora

⁸⁰ Clause 16(2) amendment for plan coherence

⁸¹ V1-0080.001 CCC

⁸² V1-0080.002 CCC

DEV-LI3 – Lincoln 3 Development Area**Land Use**

The area shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁸³

DEV-LI4 – Lincoln 4 Development Area**Land Use**

... The area shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁸⁴

DEV-LI7 – Lincoln 7 Development Area**Land Use**

The portion of the area included in the ~~General~~ Medium Density Residential Zone shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁸⁵

⁸³ V1-0080.003 CCC

⁸⁴ V1-0080.004 CCC

⁸⁵ V1-0080.007 CCC

DEV-LI8 – Lincoln 8 Development Area

Delete the ODP as notified and replace as follows, to provide for one LCZ in the location shown.⁸⁶

Replace 'N' with 'L' (to denote LCZ) and amend legend to read '~~Neighbourhood~~ Local Centre (size to be determined at time of subdivision and no larger than 3 hectares)



⁸⁶ V1-0115.002 RIDL

Land Use

The development area shall provide for a maximum of 1710 households beyond which an Integrated Transport Assessment shall be required in association with any resource consent application. In addition, the development area shall achieve a minimum net density of ~~12 households per hectare~~ 15 households per hectare, averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁸⁷ The zoning framework supports a variety of site sizes to achieve this minimum density requirement. Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum net density of ~~12~~ 15⁸⁸ household per hectare for the overall area can be achieved, will be required.

~~Three neighbourhood centres are~~ One local centre is proposed on Springs Road towards the northern part of the ODP area ~~in a location that complements the nearby GIZ. The size of the local centre is to be determined at the time of subdivision and will be no larger than 3 hectares. The local centre will provide for a supermarket with a maximum floor area of 4,500m², and associated retail and services with a maximum floor area of 1,400m².~~ Two neighbourhood centres are proposed in the eastern and western parts of the ODP area. The neighbourhood centres will provide for a maximum of 2,000m² of gross floor area, have good accessibility, and help to meet some of the convenience needs of residents in the immediate area.

Prebbleton

DEV-PR1 – Prebbleton 1 Development Area**Land Use**

...

The area shall achieve a minimum net density of 15 households per hectare averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁸⁹

DEV-PR2 – Prebbleton 2 Development Area**Land Use**

The development area shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁰

⁸⁷ V1-0080.008 CCC

⁸⁸ Consequential amendment following V1-0080.008 CCC

⁸⁹ V1-0080.009 CCC

⁹⁰ V1-0080.010 CCC

DEV-PR3 – Prebbleton 3 Development Area**Land Use**

The area is to achieve a minimum of ~~12 households per hectare~~ 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹¹

DEV-PR4 – Prebbleton 4 Development Area**Land Use**

A minimum net density of ~~12 households per hectare~~ 15 households per hectare (approximately 320hh) shall be achieved, averaged over the Site, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹²

Rolleston

DEV-RO1 – Rolleston 1 Development Area**Land Use**

The development area shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare, averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹³

DEV-RO2 – Rolleston 2 Development Area**Land Use**

The area shall achieve a minimum of ~~10 households per hectare~~ 15 households per hectare averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁴

DEV-RO3 – Rolleston 3 Development Area**Land Use**

The area shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare, averaged over the area, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁵

⁹¹ V1-0080.011 CCC

⁹² V1-0080.012 CCC, including a consequential amendment to remove reference to the number of households achievable over the site.

⁹³ V1-0080.013 CCC

⁹⁴ V1-0080.014 CCC

⁹⁵ V1-0080.015 CCC

DEV-RO4 – Rolleston 4 Development Area**Land Use**

The area shall achieve a minimum net density of ~~10 households per hectare~~ 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁶

DEV-RO5 – Rolleston 5 Development Area**Land Use**

The area shall achieve a minimum of ~~10 households per hectare~~ 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁷

DEV-RO9 – Rolleston 9 Development Area**Land Use**

The development area shall achieve a minimum net density of ~~12 households per hectare~~ 15 households per hectare, averaged over the area-, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁸

DEV-RO10 – Rolleston 10 Development Area**Land Use**

The development area shall achieve a minimum of ~~12 household lots per hectare~~ 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.⁹⁹ The development areas supports a variety of allotment sizes within the zone framework to achieve this minimum density requirement. Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum density of ~~12hh/ha~~ 15hh/ha¹⁰⁰ for the overall area can be achieved, will be required.

DEV-RO11 – Rolleston 11 Development Area**Land Use**

The area is to achieve a minimum of ~~12 households per hectare~~ 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.¹⁰¹

⁹⁶ V1-0080.016 CCC

⁹⁷ V1-0080.017 CCC

⁹⁸ V1-0080.020 CCC

⁹⁹ V1-0080.021 CCC

¹⁰⁰ Consequential amendment following V1-0080.021 CCC

¹⁰¹ V1-0080.022 CCC

DEV-RO12 – Rolleston 12 Development Area

Land Use

The development area shall achieve a minimum net density of 15 households per hectare, ~~averaged over the northern portion area; and 12 households per hectare averaged over the southern portion of the area~~ unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.¹⁰²

The zoning framework supports a variety of site sizes to achieve this minimum density requirement. Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum net density of ~~12 or 15 households per hectare respectively for each overall area~~¹⁰³ can be achieved, will be required.

DEV-RO13 – Rolleston 13 Development Area

Delete the ODP as notified and replace as follows, to reflect consented development.¹⁰⁴



¹⁰² V1-0080.023 CCC

¹⁰³ Consequential amendment following V1-0080.023 CCC

¹⁰⁴ V1-0072.002 HSL

Land Use

The area is to achieve a minimum of 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.¹⁰⁵

...

DEV-RO14– Rolleston 14 Development Area

Delete the ODP as notified and replace as follows, to reflect the realignment of the north/south road.¹⁰⁶



¹⁰⁵ V1-0080.024 CCC

¹⁰⁶ V1-0067.002 Kevler

Land Use

The area is to achieve a minimum of 15 households per hectare, unless there are demonstrated constraints in which case a minimum net density of no less than 12 households per hectare shall be achieved.¹⁰⁷

...

Part 4 – Appendices

APP3 – Height in Relation to Boundary

Height in Relation to Boundary D

...

This requirement does not apply to:

...

- antennas, aerials and satellite dishes (less than 1m in diameter), chimneys, flues, [solar panels or heating devices](#)¹⁰⁸ and architectural features (e.g. finials, spires) provided these do not exceed the height in relation to boundary angle by more than 3m measured vertically.

¹⁰⁷ V1-0080.025 CCC

¹⁰⁸ Clause 99(2)(b) amendment for plan consistency and coherence

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
V1-0021	Lincoln Voice	Denise Carrick	Representative
V1-0031	Tracey McLeod	Self	
V1-0044	Nicki Turner	Self	
V1-0054	MON Group	Nick Boyes	Planning
V1-0055	AgResearch	Tony Hickmott Jason Jones	Representative Planning
V1-0065	CIAL	Jo Appleyard	Legal
V1-0067	Kelver Developments	Fiona Aston	Planning
V1-0079	Ryman and RVA	John Collyns Matthew Brown Ngaire Kerse Nicola Williams ¹⁰⁹	Representative RVA Representative Ryman Gerontology Planning
V1-0113	Kāinga Ora	Bal Matheson Brendon Liggett Cameron Wallace Joe Jefferies	Legal Representative Urban Design Planning
V1-0114	CSI and RWRL ¹¹⁰	Chris Jones Fraser Colegrave Gary Sellars Greg Akehurst Nicole Lauenstein Jeremy Phillips	Real Estate Economics Valuer Economics Urban Design Planning
V1-0115	RIDL ¹¹¹	Fraser Colegrave Gary Sellars Greg Akehurst Dave Compton-Moen Katherine McCusker Victor Mthamo Jeremy Phillips	Economics Valuer Economics Urban Design Soils Soils Planning

Tabled Evidence

Sub #	Submitter	Author	Role
V1-0049	Transpower	Rebecca Eng	Technical Lead - Policy
V1-0072	Hill Street Limited	Lisa Steel	Planning
V1-0078	KiwiRail	Stephen Chiles Michelle Grinlinton-Hancock	Noise and Vibration Planning
V1-0080	CCC	Kirk Lightbody	Planning
V1-0090	FENZ	Nola Smart	Planning
V1-0107	CRC	Serena Orr	Planning

¹⁰⁹ Ms Williams adopted Philip Michell's evidence due to his unavailability to attend the hearing.

¹¹⁰ We excused the attendance of all witnesses except Jeremey Phillips.

¹¹¹ We excused the attendance of all witnesses except Jeremey Phillips and Greg Akehurst.