

V1 PART A: TRANSPORT

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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 Transport chapter 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:
- Andrew Willis
 - 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, Transport, Jon Trewin, 5 April 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;
 - 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] Mr Trewin 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 Mr Trewin's Section 42A Report.
- [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.

3 Hearing and Parties Heard

- [9] The hearing was held on 9 and 10 May 2023. The parties who wished to be heard and who appeared at the hearing were:

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

Sub #	Name
V1-0055	AgResearch
V1-0077 V1-0079	Ryman RVA
V1-0113	Kainga Ora

[10] The witnesses and counsel we heard from are listed in Appendix 2. A copy of their legal submissions and evidence is 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.

[11] 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 Submitters – General

[12] There were a number of submissions in support of the notified provisions that requested that those provisions be retained without change and that Mr Trewin recommended be accepted. We have adopted his reasons and recommendations for those submissions.

[13] There were also submissions that either supported or opposed the notified provisions, but did not specify any relief. We have also adopted Mr Trewin's reasons and recommendations for those submissions.

[14] A number of submissions were assessed by Mr Trewin as being 'out of scope' because they did not address provisions that were subject to Variation 1. We carefully considered the matter of scope based on the evidence and legal submissions before us. We adopt Mr Trewin's recommendations for those submissions.

[15] The submissions that fall within the above categories are:

Sub #	Submitter	Submission Points
V1-0029	Gary and Lynda Burgess	025, 026, 048, 049, 050, 015
V1-0032	Eliot Sinclair	023, 024, 025, 026, 027, 028
V1-0056	Ara Poutama Aotearoa	010, 011
V1-0058	Jocelyn Humphreys	004, 007, 008
V1-0077	Ryman	005, 006
V1-0079	RVA	005, 006
V1-0090	FENZ	006, 007, 008

[16] We note the tabled evidence from Nola Smart for FENZ supported Mr Trewin's recommendation to amend TRAN-TABLE3 so that accessways in the MRZ have a minimum carriageway width of 4m where greater than 90m in length, to accommodate fire appliances.

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.

5 Schedule 1, clause 99(2)(b) 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. We make no such recommendations.

6 Schedule 1, clause 16(2) amendments

- [18] Mr Trewin recommended that we make a number of minor amendments under clause 16(2) of Schedule 1 to the RMA. We adopt his recommendation to clarify the intent of TRAN-MAT8.6.

7 Transport General

- [19] For the following submissions we adopt Mr Trewin's recommendations and reasons. This results in no change to the notified Variation 1 provisions.

Sub #	Submitter	Submission Points
V1-0006	Johan Rivas	002
V1-0024	Robert Claman	007, 008
V1-0042	Jason Horne	006, 010
V1-0083	Waka Kotahi	010, 016
V1-0106	Victoria Atkinson	001
V1-0113	Kāinga Ora	090

- [20] In particular we note:

- As a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria;
- Under clause 3.38 of the NPS-UD, district plans are not able to specify minimum car parking levels for development activities;
- The State Highway TRAN provisions have been listed in HPW30 as a qualifying matter to ensure they are applied to any proposed development in MRZ, where relevant to protecting nationally significant infrastructure in accordance with RMA s771(e); and
- There is no evidence to support Gerald St being made a qualifying matter under RMA ss771(j) and 77L.

8 Appendix 2 – Rooding Hierarchy

- [21] For the following submission we adopt Mr Trewin's recommendations and reasons.

Sub #	Submitter	Submission Points
V1-0092	SDC	048

- [22] In particular we note that it is important for the rooding hierarchy in the PDP to accurately reflect the status of roads in the District.

- [23] We recommend that the SDC:

- a) Amends APP2 to update the rooding hierarchy (as it applies to areas proposed to be zoned as MRZ) as set out in SDC's submission.

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

9 TRAN-R8

- [24] For the following submissions we generally adopt Mr Trewin's recommendations and reasons. We also expand on those reasons below.

Sub #	Submitter	Submission Points
V1-0058	Jocelyn Humphreys	002
V1-0073	MoE	002
V1-0074	Jeremy Alsop	009
V1-0077	Ryman	004
V1-0079	RVA	004
V1-0090	FENZ	005
V1-0101	Anne Finch	001
V1-0113	Kāinga Ora	011
V1-0114	CSI and RWRL	079
V1-0115	RIDL	006

- [25] In particular we agree that:

- as a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria;
- the notified PDP threshold for a basic ITA for preschools is 40 children and for a school is 70 students. MOE sought that this be raised to 50 and 150 children respectively, but MOE did not provide any evidence as to why the higher figures would be more appropriate in Selwyn;
- to be consistent with the Transport PDP Hearing Panel's (Hearing 5) recommendations, retirement villages should be excluded from residential activities and only be captured under 'other activities' based on peak hour thresholds; and
- there is no evidence as to why Cedar Park should be a qualifying matter under RMA ss77L(j) and 77L.

- [26] AgResearch was a further submitter to the submission of Kāinga Ora. For AgResearch, Jason Jones's⁵ evidence was that amendments to the transport provisions were beyond the scope of an IPI. His evidence was supported by counsel for AgResearch. We are not persuaded that is correct.

- [27] We agree with Mr Jones that the only qualifying matter identified in the SDC's Section 32 report in relation to the TRAN provisions was the State Highway. This is reflected in the fact that HPW30, as inserted by Variation 1, only refers to the State Highway and not the wider network.

- [28] However, we find that an ITA can still be required for residential developments in the MRZ. Our reasoning is that a medium density development will arguably contain a large number of residents who may own vehicles. The effect of those vehicles on the safe and efficient operation of the roading network is a direct consequence of that development. An ITA will assess the nature and scale of that effect. Should the ITA conclude that improvements to the roading network are required to mitigate those effects, then that is appropriate and necessary to achieve a well-functioning urban environment that enables people to provide for their

⁵ His paragraphs 4.8 and 4.9.

health and safety⁶. We are also cognisant of Objective 1 in the MDRS which seeks a well-functioning urban environment that enables all people and communities to provide for their health and safety. We note that any such necessary mitigation (such as intersection improvements) does not affect the MDRS Schedule 3A standards and nor is it always less enabling of the proposed residential development as the mitigation may occur 'off site' and not within the development. Finally, we note the evidence of Mr Carr for AgResearch, who upon questioning, confirmed that there can be impacts on a local roading network from large scale residential developments and that it would be appropriate to undertake an ITA in those circumstances.

- [29] We agree with Mr Trewin that the HTGA threshold in the MRZ need not refer to 'residential sites', as it is the number of 'residential units' that will generate vehicular traffic as opposed to the number of sites. Regarding the threshold numbers in TRAN-TABLE2 for the MRZ, we were not persuaded by Mr Carr's evidence⁷ that when considering the effects of development on the wider network (namely both local roads and SHs) the numbers should be amended from 60 units (Basic ITA) and 120 units (Full ITA) to 80⁸ and 200 respectively.
- [30] In his evidence Mr Carr stated that the TRAN-TABLE2 threshold rates relied upon were based on a survey of medium density development undertaken in Christchurch and, upon questioning, accepted that the medium density development surveyed was likely associated with a commercial centre, whereas for the MDRS, medium density development did not need to be near a centre, thereby potentially requiring more vehicle movements per unit than the Christchurch survey suggested.
- [31] However, we do not agree with Mr Trewin that substantial amendments are required to the TRAN provisions to separate out 'land use' from 'subdivision'. As we discussed in our Recommendation Report for Variation 1 Hearing 3 Subdivision, we accepted legal submissions from submitters that the correct interpretation of Schedule 3A to the RMA is that subdivision within the MRZ must be a controlled activity, irrespective of whether the MDRS standards are met or not met. We therefore decline to recommend Mr Trewin's substantial clause 16(2) amendments.
- [32] We recommend that the SDC:
- a) excludes retirement villages from 'Residential in MRZ' in TRAN-TABLE2; and
 - b) deletes the reference to 'residential sites' in the TRAN-TABLE2 row that addresses the MRZ.
- [33] We adopt Mr Trewin's s32AA assessment in relation to excluding retirement villages from 'Residential' activities in MRZ as set out in paragraphs 9.18 to 9.22 of the Section 42A Report.

10 TRAN-REQ7, TRAN-MAT2, TRAN-MAT8

- [34] For the following submissions we largely adopt Mr Trewin's recommendations and reasons, other than as set out below.

⁶ As required by NPS-UD Objective 1.

⁷ His paragraph 5.7. Mr Carr was a witness for AgResearch.

⁸ His written evidence was 83 units but he advised verbally that could be rounded down to 80 units.

Sub #	Submitter	Submission Points
V1-0074	Jeremy Alsop	010
V1-0077	Ryman	007
V1-0079	RVA	007
V1-0112	Hughes	011
V1-0113	Kāinga Ora	013
V1-0114	CSI and RWRL	082
V1-0115	RIDL	007

[35] In particular we agree that:

- there is no evidence to support bespoke retirement village minimum requirements for shared accessways in TRAN-REQ7; and
- TRAN-REQ7.16-25⁹ are necessary to manage the traffic and safety impacts of intensification on accessways.

[36] For AgResearch, Jason Jones¹⁰ queried the Variation 1 amendments to TRAN-REQ7 insofar as they related to number of sites threshold for accessways in the MRZ. We firstly observe that the volume of use of an accessway in the MRZ is clearly a ‘consequence’ of the MDRS being applied to that land. The Variation 1 TRAN-REQ7.20-22 provisions merely enable a decision-maker to assess the appropriateness of any proposed accessway and that does not materially affect the density of development otherwise enabled by the MDRS.

[37] We are satisfied that the greater density of development enabled by the MDRS justifies a lower site threshold for accessways. In that regard we agree with Mr Jones that there is no need to differentiate between 4 and 6 sites and we conclude that a shared accessway trigger of 4 sites is sufficient, again recognising the greater density of development on a site that is enabled by the MDRS. In that regard we observe that ‘four sites’ could accommodate 12 residential units.

[38] Ryman and RVA sought an amendment to TRAN-MAT8.3. Mr Trewin considered that to be ‘out of scope’ because TRAN-MAT8.1 to 8.5 were not amended by Variation 1. Counsel for Ryman and RVA submitted¹¹ that holding TRAN-MAT8.1 to 8.5 to be out of scope was an unnecessarily restrictive approach because the provision was already being amended to make consequential changes supporting the MDRS. We reject counsel’s submission and observe that all Variation 1 did was to insert TRAN-MAT8.6 to appropriately apply the need for an ITA to include High Trip Generating Activities in the MRZ. We do not consider that to affect the density of development otherwise enabled by the MDRS and so ‘on the merits’ we do not find in favour of the submitters request.

[39] We recommend that the SDC:

- a) amends TRAN-REQ7 to impose a single four site threshold for shared accessways.

⁹ TRAN-REQ7.16-19 are also outside the scope of Variation 1 as they deal with zones other than MRZ.

¹⁰ His paragraph 5.7

¹¹ Paragraph 61

11 TRAN-REQ16

- [40] For the following submission we disagree with Mr Trewin's recommendation because TRAN-REQ16 was not subject to Variation 1. In our view we need to take a consistent approach to the matter of scope. We recommend:

Sub #	Submitter	Submission Point	Recommendation
V1-0092	SDC	009	Reject

12 TRAN-TABLE3

- [41] For the following submissions we adopt Mr Trewin's recommendations and reasons.

Sub #	Submitter	Submission Point
V1-0058	Jocelyn Humphreys	005
V1-0077	Ryman	008
V1-0079	RVA	008
V1-0090	FENZ	009
V1-0113	Kāinga Ora	015, 016

- [42] In particular we agree that:

- there is no need for bespoke retirement village minimum requirements for shared accessways;
- vehicle accesses should be wide enough (with a minimum 4m wide carriageway) to accommodate a fire appliance where those accessways are more than 90m in length. We note that to be consistent with the recommendations of the PDP Transport Hearing Panel; and
- turning areas should be optional on residential accessways over 50m in length servicing 3-4 sites, because users of them are likely to be the property owners themselves or visitors rather than general traffic.

- [43] We recommend that the SDC amends TRAN-TABLE3 so that:

- a) all accessways in the MRZ have a minimum carriageway width of 4m, where greater than 90m in length, to accommodate fire appliances; and
- b) turning areas are optional where accessways are over 50m in length and serve 3-4 sites.

- [44] We adopt Mr Trewin's s32AA assessment in relation to requiring adequate accessway widths for fire appliances in the MRZ as set out in paragraphs 12.13 to 12.17 of the Section 42A Report.

13 TRAN-TABLE 7

- [45] For the following submissions we adopt Mr Trewin's recommendations and reasons.

Sub #	Submitter	Submission Points
V1-0058	Jocelyn Humphreys	006
V1-0090	FENZ	010
V1-0092	SDC	008
V1-0113	Kāinga Ora	017, 018

[46] In particular we agree that:

- TRAN-TABLE7 should be amended to include a new road classification 'Local Road (Major)'. This will insert a category of road between local and collector roads, as presently there is a large gap in the notified provisions between those two categories;
- the new road classification 'Local Road (Major)' should have dimensions that are the same as in the Operative DP (with an additional requirement for footpaths on both sides); and
- the Section 32 report¹² adequately evaluated why wider legal road widths are necessary in order to futureproof the transport network. That will enable SDC to provide future walking and cycling opportunities, parking lanes and servicing corridors and, if necessary, widen carriageways to accommodate public transport.

[47] We recommend:

- a) Including a Local Road (Major) Category in the MRZ with dimensions that are the same as in the Operative District Plan (with an additional requirement for footpaths on both sides).

[48] We adopt Mr Trewin's s32AA assessment in relation to a new road classification 'Local Road (Major)' as set out in paragraphs 12.28 to 12.33 of the Section 42A Report.

14 New Provisions

[49] For the following submission we adopt Mr Trewin's recommendations and reasons. This results in no change to the notified provisions.

Sub #	Submitter	Submission Points
V1-0046	Denise Carrick	005

[50] In particular we agree that under clause 3.38 of the NPS-UD, the SDC is not able to specify minimum car parking levels for development activities. SDC must instead ensure that these effects are managed through comprehensive parking management plans.

15 Other Matters

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

¹² https://www.selwyn.govt.nz/__data/assets/pdf_file/0009/1055934/Section-32-Report.pdf

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

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

Amendments to the PDP Text

Part 2 – District Wide Matters

Energy, Infrastructure and Transport

TRAN – Transport

TRAN-Rules

TRAN-R5	Vehicle accessways	
All Zones	Activity status: PER 1. The establishment and use¹³ of an accessway	...

TRAN-R8	High trip generating activities	
All Zones

TRAN-TABLE2 – HTGA thresholds and ITA requirements			
	Activity	Basic ITA	Full ITA
	Residential (excluding retirement villages), not in MRZ	50 residential sites /units	120 residential sites /units
	Residential (excluding retirement villages) in MRZ ¹⁴	20 residential sites 60 residential units	50 residential sites 150 residential units

¹³ Clause 10(2) amendment

¹⁴ V1-0079.004 RVA and V1-0077.004 Ryman

TRAN-Rule Requirements

TRAN-REQ7	Accessway design, and formation and use ¹⁵	
MRZ	<p>20 Where access is shared to more than four sites this shall be via a road.</p> <p>21. Where access is shared to more than six sites this shall be via a road.</p> <p>22. For sites served by an existing accessway, the combined number of residential units shall not exceed six.</p>	<p>Activity status where compliance is not achieved:</p> <p>23 When compliance with TRAN- REQ7.20 and TRAN-REQ7.22 is not achieved: RDIS</p> <p>24 When compliance with TRAN- REQ7.21 is not achieved: DIS¹⁶</p> <p>Matters of discretion:</p> <p>254 The exercise of discretion in relation to TRAN-REQ7.23 is restricted to the following matters:</p> <p>...</p>

TRAN-Matters for Control or Discretion

TRAN-MAT8	High Trip Generating Activities
All Zones	...
MRZ	6. The need for an ITA as set out in the requirements above and TRAN-R8 , taking into account whether there is an encumbrance on residential sites limiting the potential for development to a standard greater than one residential unit per site or is proposed to be as part of the application, a legal mechanism restricting the number of residential units which may be erected on the site. ¹⁷

TRAN-Schedules

TRAN-SCHED1 - Accessways						
TRAN-TABLE3	Minimum requirements for shared accessways					
Zone	Potential number of sites (Excludes sites with direct road frontage)	Length (m)	Legal width (m)	Carriageway width (m)	Turning area	Passing bay
RESZ (excluding MRZ)	1	...	...	...	...	...
MPZ
TEZ
GRAZ
SKIZ

¹⁵ Clause 10(2) amendment¹⁶ V1-0055.FS046 AgResearch to V1-0113.012 Kāinga Ora¹⁷ Clause 16(2) amendment

CMUZ/ ...	...	...	...	...	...	...
MRZ	1	Any length 0-90 ¹⁸	4.5	3.0	Optional	Optional
		90+	4.5	4.0		
	2	Any length 0-90 ¹⁹	5.0	3.5	Optional	Optional
		90+	5.0	4.0		
	3-4	0-50	5.0	3.5	Optional	Optional
	3-4	Over 50	6.5	4.5	Optional Required ²⁰	Required

TRAN-SCHED3 – Road formation and operational standards								
TRAN-TABLE7	Road formation standards							
Type of road	Legal width		Carriageway width		Traffic lanes	Parking lanes	Specific provision for cycles (on road or off road)	Pedestrian provision
	Min	Max	Min	Max	Min no	Min no		Min
Local - Major (MRZ)	16	20	8.5	9	2	1	N/A	Both sides ²¹

Part 4 – Appendices

APP2 – Roading Hierarchy²²

State Highway, Arterial, and Collector Road Classification List			
Road	From	To	Classification
Carnaveron Drive	TBC <u>Birchs Road</u>	Faulks Drive	Collector
Russell Lilley Drive	TBC <u>Brookside Road</u>	Lowes Road <u>East Maddisons Road</u>	Collector
Shillingford Boulevard	TBC <u>Springston Rolleston Road</u>	Goulds Road	Collector
Farringdon Boulevard	Ledbury Drive <u>Selwyn Road</u>	Dynes Road	Collector

¹⁸ V1-0090.009 FENZ

¹⁹ V1-0090.009 FENZ

²⁰ V1-0113.015 and 016 Kāinga Ora

²¹ V1-0092.008 SDC

²² V1-0092.048 SDC

State Highway, Arterial, and Collector Road Classification List			
Road	From	To	Classification
Ed Hillary Drive	Springston Rolleston Road	Clement Avenue/Lincoln Rolleston Road	Collector
Westmoor Boulevard	Goulds Road	East Maddisons Road	Collector
Northmoor Boulevard	East Maddisons Road	Springston Rolleston Road	Collector
Lady Isaac Drive	Springston Rolleston Road	Clement Avenue/Lincoln Rolleston Road	Collector
Kingsdowne Drive	Weedons Ross Road North	Weedons Ross Road South	Collector

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
V1-0055	AgResearch	M Thomas Andy Carr Jason Jones	Counsel Transport Planning
V1-0077 V1-0079	Ryman RVA	Luke Hinchey Philip Mitchell ²³	Counsel Planning

Tabled Evidence

Sub #	Submitter	Author	Role
V1-0090	FENZ	Nola Smart	Planner

²³ Nicole Williams appeared for Ryman and RVA and adopted Dr Mitchell's evidence as her own as Dr Mitchell could not attend the hearing.