

Friday, 10 February 2023

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FILE REF. 15124

Attn: Richard Bigsby

Dear Richard,

**RE: FEE SIMPLE SUBDIVISION – SPRINGSTON ROLLESTON ROAD, ROLLESTON
RC 225715 & RC 225716**

Further to your email dated 17/11/22 we provide the additional comments below:

Further Information – 17/11/2022

In regard to the s92 request, I had the following additional points/questions:

- 1. There is a local water race running along the Springston Rolleston Road frontage, and I can't find any mention of this and the proposed treatment within the application. Please consider how this may be impacted by the proposed shared pathway along the same frontage and if any modification/closure is required.*

Response

As outlined in the previous RFI the water race is no longer being utilized following the development on the eastern side of Springston Rolleston Road. The filling of the old water races is the preferred option.

- 2. The planning assessment (from Aston Consultants) states that some existing mature planting is proposed to be retained as it has local amenity value. Can you please identify this planting?*

Response

The references to the retention of existing planting onsite was in error. The site only contains large shelterbelts which are not suitable for the proposed residential density.

- 3. In regard to reverse sensitivity, the AEE briefly comments that the site has residential development on three sides and that reverse sensitivity issues resulting from the proposal are unlikely. Can you please consider the potential for reverse sensitivity with the adjoining rural landowner, noting that there 318sqm lots against the common boundary and that any potential change to their zoning does not require them to change their existing activities.*

Response

The current owners of 435 Springston Rolleston Road purchased the property in 2001.

At the time the property was used for agriculture, primarily cropping. The existing dwelling on the site was then constructed and the land utilised for a combination of cropping and livestock. This has continued through to today. In discussions with the applicant they have confirmed that there has been very few livestock on the property and doesn't believe that the land is utilised as a commercial farming business.

The property is boarded on three sides by recently developed properties ranging in size from 600m² to 1024m². Of these lots more than half of them have residential dwellings constructed on them.

The proposed development has lots ranging in size from 318m² to 506m² all of which abut the neighbouring property on their southern boundary. The outdoor living areas and visual outlook for these properties will be primarily located on the northern side, with the dwellings constructed on these lots providing screening between the neighbouring property to the south and above the areas.

The neighbouring property is located within the Projected Infrastructure Boundary and is highlighted as a Future Development Area. The land is therefore earmarked to be development to a residential standard similar to what has been approved on the adjoining properties and as proposed on the applicant site. The neighbouring property has also been fragmented from the adjacent productive land via the neighbouring developments and the ongoing expansion of Rolleston.

The approval of the application and the subsequent construction of dwellings on the lots will not deprive the neighbour of the fair and ordinary use of their property at the level at which it is currently being utilized.

In regard to the notification assessment, there is some uncertainty regarding the built form and density that could be established. The planning assessment implies that the development will not utilize the full potential of the MRZ provisions, although the conditions volunteered in the application would not ensure the suggested outcome.

Overall residential density proposed/character and amenity concerns

- *Reasoning is that 274 lots are sought to be created, and transport assessment is based on 260-280 dwellings.*

Response

The application is for 270 lots and one dwelling / lot. This being a slight reduction from the original yield of 274 lots following a meeting between the applicant and Gabi Wolfer. The use of 260-280 dwellings for the traffic assessment is not a significant change to the proposed 270 lots/ dwellings. A reference to a yield of 280 lots can be included as an advice note.

- *However, the MRZ provisions permit up to three dwellings on a single site/lot. Consent is sought to build multiple dwellings on a single lot, stating this may range from 5-20. However, no staging plan is proposed showing balance lots (and lack of staging commitment) and it is unclear if you are volunteering/intending to only have a single dwelling on each resultant allotment proposed (i.e. no greater than 274 total dwellings), with multiple dwellings on balance lots for a temporary duration? In addition, it is unclear if all lots would be built on prior to s224(c) for the individual lots or if a hybrid approach is sought.*

Response

In conjunction with the Planning Assessment provided to Council an assessment of the Objectives and Policies of the RMA EHS Act was undertaken. It concluded that the proposed development complied with all the MDRS density standards. It should also be noted that as an integrated development with the one developer / builder, there will be no vacant lots as the proposal is to have one dwelling for each lot.

Policy 5

(e) provide for developments not meeting permitted activity status, while encouraging high-quality developments.

The development complies with all MDRS density standards. All lots will have dwellings proposed for them or will be capable of containing complying dwellings in terms of the built density standards. The vacant lot standard of 400m² proposed by Variation1 will not apply.

There will be points in time at which multiple dwellings will be under construction on a larger lot in conjunction with the proposed staging. These dwellings will be constructed within the nominal boundaries detailed on the application plan and in conjunction with the completion of each stage title boundaries created around them.

The staging will result in large undeveloped lots and as outlined in the previous RFI the staging is to be undertaken in an order for which each stage will be connected to the appropriate servicing and provide vehicle access. If any balance allotment created in conjunction with a stage is not fully serviced a consent notice is to be placed on that title detailing this.

- *More than 274 dwellings could hypothetically be established if the MRZ provisions are adopted and there is uncertainty regarding the total resultant density in the absence of any volunteered conditions and requirement to build dwellings prior to s224. Lots that are less than the minimum area proposed (400sqm), may be unsuitable to accommodate more than one dwelling. The planning assessment states that 400sqm vacant lot standard proposed in notified variation will not apply. I am not sure how this conclusion is determined given the current staging of the DPR? Council only just re-notified the summary of subdivisions, and the further submission period has not closed.*

Response

Paragraph 64(c) of the Planning Assessment comment of the fact that the RMA-EHS contains prescriptive standards including that there is no minimum lot size for subdivision under MDRS. That is the basis for the Kevler submission opposing the Variation proposal for a minimum lot size of 400m². It is accepted that we are getting ahead of the statutory process but Council cannot adopt a standard that is at odds with a prescriptive standard set out in Schedule 3A RMA-EHS.

8 - Further rules about subdivision requirements

Without limiting clause 7, there must be no minimum lot size, shape size, or other size-related subdivision requirements for the following:

- b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that—*
 - i. it is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and*
 - ii. each residential unit complies with the density standards in the district plan (once incorporated as required by section 77G); and*
 - iii. no vacant allotments are created.*

The resultant density will directly affect character and amenity both in the adjacent and non-adjacent environment. It would be helpful to confirm the total number of dwellings sought to be established and to volunteer a condition to that effect.

Resultant built form

- The planning assessment states that proposal is not to maximise the potential that could be enabled by the MRZ standards, and that the proposed development will not introduce three storey dwellings to Rolleston. However, the MRZ standards would allow this built-form to be established and I do not see anything preventing more than a single storey building from being established.*

Response

As below a very large majority of the future dwellings are to be single storied family homes. This does not preclude the construction of two storied dwellings, but they would be the exception not the norm as they would need to be a specific request from a future owner.

- Given the conclusion in the planning assessment, is the applicant volunteering a restriction on building height? This would obviously impact my assessment of amenity effects, privacy effects etc.*

Response

Kevler Homes does not intend to construct dwellings that are three stories in height as it is not in keeping with their overall vision of the development being single storey family homes with a mixture of house sizes and configurations to appeal to different family needs. A condition is volunteered that without further consent from Council the maximum height of a dwelling within the development will be two stories.

- *If one dwelling is intended per resultant allotment, the future development may require a certification condition so that the Council can confirm that additional consents will not be required in respect of the MRZ requirements, and that the residential curtilages/boundaries reflect the subdivision boundaries etc.*

Response

Kevler Homes will be inviting individual buyers to modify house plans to provide for their own housing needs as required. This may result in one or more of the future dwellings requiring separate land use consents to address possible MRZ non-compliances. The nature of these consents is outside the realms of this application as they cannot be determined in advance. The building examples already provided to Council along with the Lot 204 plan confirm that all the lots can be developed without the need for additional consents.

- *The planning assessment states that dwellings will provide a mixture of cladding/façade treatments color/landscaping/roof pitches. How will you ensure this will occur, particularly as the applicant intends to develop a large proportion of the dwellings? Variation in building design/appearance throughout a subdivision tends to happen 'organically' with different builders/architectural designers developing different sites. For context, the Acland Park SHA had rules to ensure sufficient variety in built form and appearance for comprehensive development etc.*

Response

The applicant is proposing an integrated development with one developer / builder. The overall variance and design of each dwelling is therefore well within their control. Differences in floor layout, roofing structure, cladding and colours, along with landscaping will ensure that there is variation amongst the dwellings. The RMA-EHS says nothing about variety in building form. The whole point of that Act is to be enabling a variety of housing types and sizes with a mix of densities as a permitted activity.

Similarly to the overall density, the built-form may also have character and amenity effects. You may want to consider if you will be actually undertaking MRZ development, or if a different rule framework or suite of conditions may be more suitable for what the applicant intends to establish.

Uncertainty re MRZ provisions

- *MRZ provisions have been notified as part of the district plan review process, but may have consequent amendments based on public feedback/submissions/hearing panel recommendations. I'm aware that the Council will have a submission on the notified provisions to request changes for some issues identified through resource consent processing.*
- *Therefore, the MRZ provisions relating to built form etc. may change from when this application was sought and it's difficult to assess the built form effects, considering further changes to the MRZ provisions could occur.*

Response

The standards as set out in the RMA-EHS and the Schedule 3A are mandatory and apply to all residential zones unless there is a qualifying matter. No qualifying matters have been attributed to this site.

- *Is the applicant/condition volunteered stating that the MRZ provisions as at the date of notification of the variation (20th August 2022) would apply to all future development, irrespective of any changes resulting from the DPR? This may result in a separate or modified rule suite, with extra administrative burden for the consent holder/council.*

Response

The built form standards of variation 1 were given immediate legal effect on the 20 August 2022 with the application being made after this date. As above, there are no qualifying matters attributed to the site and therefore the application should be assessed against these rules and not the possible future rules.

- *As above, If the MRZ provisions differ based on the notified version, as above, the future development would require a certification condition so that Council can confirm that additional consents will not be required in respect of the relevant MRZ requirements.*

Response

As outlined above additional consent maybe required by customer driven variations to individual house design. These amendments are beyond the scope of this application and will be addressed on a case-by-case basis.

If you require any further information, please be in contact.

Yours faithfully



Andrew Cain

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