

## SUMMARY SUBMISSIONS FOR BELLGROVE RANGIORA LTD - STREAM 12E

### Changes to ODPs and rezoning of South Bellgrove

1. An important element of this case is context. In my submission the existing factual context firmly supports the outcomes that Bellgrove seeks.
2. There are three key contextual features:
  - a. The extreme shortage of housing in the district that is driving up house prices
  - b. The IAF Agreements<sup>1</sup> which commit Kainga Ora to pay \$5.7 million to WDC to accelerate the delivery of 1,300 affordable and market homes on the Bellgrove land at Rangiora.
    - i. The Housing Outcomes Agreement explains that 800 houses are to be built on Bellgrove North and 500 houses on Bellgrove South within 9 years between 2023 and 2032;
    - ii. The IAF Housing Outcomes Agreement records that achieving these housing outcomes is of "fundamental importance" to Kainga Ora.
  - c. Bellgrove's commitment to delivery of the housing outcomes required under the IAF Agreements. Work completed to date by Bellgrove:
    - i. Bellgrove has already completed (or nearly completed) construction of civil works for Stages 1A-1D;
    - ii. Secured release of titles for Bellgrove North Stages 1A and Stage 1B, with titles for Stage 1C released (or soon to be released);
    - iii. Completion (or near completion) of civil works for Stage 1A-1D, including the roading upgrade to Kippenberger Avenue and a new Kippenberger Avenue roundabout;
    - iv. Bellgrove intends to apply for resource consent for an additional 600 lots across Stages 2-5 within the North Block within the next 2-4 months; and
    - v. Bellgrove has signed a Private Development Agreement with the Council regarding development contributions related to housing development on the Bellgrove Land.

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<sup>1</sup> Refer to Evidence of Michelle Ruske-Anderson on Stream 10A – Future Development Areas at Attachment 5, Housing Outcomes Agreement at Schedule 2 and Schedule 3

3. However the additional housing capacity to be supplied by Bellgrove must be plan-enabled if Bellgrove is to meet its commitments under the IAF Agreements.
4. This is why:
  - a. Bellgrove seeks the proposed alterations to the ODPs for the North and South Rangiora Development Areas;
  - b. Bellgrove seeks rezoning of Bellgrove South; and
  - c. It's particularly important the Additional Land is rezoned and included in the SER-Development Area.
5. The Additional Land contains 3.3ha that will provide approximately 28 housing units. This is a significant amount of additional housing capacity<sup>2</sup> that cannot realistically be provided elsewhere within the Bellgrove Land. Stage 1 is already built out. Stages 2-5 will soon be subject to resource consent application. Therefore the 28 housing units can only be located within Bellgrove South which is intended to supply 500 houses under the IAF Housing Agreement.
6. However it's not realistic to expect that Bellgrove can include an additional 28 lots within that part of Bellgrove South that is located within the SER DA. This would mean that an area assumed to supply 472 lots will need to supply the entire 500 lots required for Bellgrove South under the IAF Housing Agreement. This would require a significant increase in lot density and use of building typologies that are uncommon and relatively, if not completely, untested in Rangiora.<sup>3</sup>
7. There is an obvious risk that supplying 500 lots within an area considerably smaller than contemplated by the IAF Agreement cannot be achieved.
8. This is a key reason why Bellgrove's case promotes rezoning of the Additional Land and inclusion of the Additional Land within the SER-Development Area.
9. In my view there are available and sound legal and planning pathways to achieve this outcome that are discussed in my written submissions and the evidence of Ms Ruske-Anderson.

#### **Officer Report A and Officer Report B**

10. Officer Report A supports the Bellgrove South Proposal (inclusive of the Additional Land). Officer Report A and B both support the Bellgrove North Proposal. Even so, there remain some points of difference between the

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<sup>2</sup> See Supplementary Evidence of Fraser Colegrave at [12](a)

<sup>3</sup> For example duplex, townhouse, multi-unit two-storey developments

Submitter and Officer Reports. These matters are discussed in my legal submissions<sup>4</sup> and in supplementary evidence filed by Bellgrove.

### **Kelly submission and evidence**

11. Mr Gregory Kelly has filed a submission and evidence in support of his submission. In summary, Mr Kelly raises four issues relevant to the Bellgrove's proposal to rezone Bellgrove South and amend the SER-ODP

#### Cam River flow

12. In my view My Kelly's concerns about change in Cam River flow are relevant to present proposal.. They are regional council matters.
13. Further, it's not clear whether My Kelly's views about change in flow are correct. Even if there has been a change over time, there is a myriad of possible reasons for changes in water flow that are unrelated to and beyond scope of the BRL rezone request.

#### Cam River ecology

14. My Kelly expresses concern about change in ecology within the Cam River due to change in flow. My comments above apply equally to this issue.
15. Further, the expert ecological evidence of Dr Morgan Lee Tracey-Mines includes a freshwater fish assessment (at paragraphs 58-66). Dr Tracey-Mines notes the historical presence of mudfish on the Site according to surveys in 1946 and 1965 and recommends a mudfish survey be completed prior to any subdivision development (para 66). Dr Tracey-Mines evidence includes Table 5 (beneath paragraph 66) which indicates a moderate likelihood at the Site of Longfin eel (at risk- declining threat classification).
16. Overall Dr Tracey-Mine's evidence does not raise any significant concerns about potential adverse impacts of the Proposal on Cam River ecology.

#### Water Supply

17. The Kelley's get their drinking water from bore M35/8382. Ms Ruske-Anderson advises that this bora appears to be incorrectly mapped by ECan in Canterbury Maps as it's shown located within the Additional Land. BRL is unable to verify the exact location of this bore given there are no records available. However the location of the bore is marked up on filed Mr Kelley's evidence and is reproduced at attached **Appendix A, Figure 1**.
18. Mr Trist is aware of Mr Kelly's concerns related to the green buffer being used for stormwater purposes. Mr Trist's advice is that it should be noted that the

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<sup>4</sup> Legal submissions for Bellgrove Rangiora Limited dated 8 August 2024 regarding Bellgrove South (at [67]-[72]), Bellgrove North (at [73]-[77]) and Variation 1 (at [78]-[80]).

green buffer is for conveyance purposes only (used to convey stormwater in the event of a flood), not discharge stormwater.

19. Importantly, Mr Trist advises that no discharge is proposed in the vicinity of the Kelley property or the bore, with the stormwater basins where water will be discharged located substantially further south as shown on **Appendix A, Figure 2** and **Figure 3** prepared by Ms Ruske-Anderson. As a result, there are not anticipated to be any adverse effects on water quality or quantity because of the development of Bellgrove South on the drinking water bore that serves the Kelley block.

#### Rezoning request

20. The Officer Report recommendation is to rezone about half the Kelly land along Rangiora Woodend Road. Kelly seeks to rezone all of the Kelly land, as shown on attached **Appendix B**.
21. BRL is neither for nor against Mr Kelly's rezoning request except insofar as any rezoning leads to a requirement that a vehicle bridge be constructed across the Cam River. BRL does not support the Officer Report recommendation for such bridge to be included in the ODP for SER-DA. This matter is discussed at paragraph 72 of BRL legal submissions as follows:

*"...the proposed vehicle bridge is entirely dependent on the Panel adopting the Officer Report recommendation to rezone the Kelly and Leech blocks. It is unclear whether there is sufficient legal scope and/or technical evidence available to support this recommendation. Further, even if rezoning of these blocks is justified, it is considered unnecessary to show a proposed vehicle bridge across the Cam/Ruataniwha River to connect Bellgrove South to them because such a crossing is not required to serve Bellgrove South and the Kelly and Leech blocks can readily be accessed from Rangiora Woodend Road."*

21 August 2024

Chris Fowler  
Counsel for Bellgrove Rangiora Limited



Figure 1



Figure 2



Figure 3

