

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on the Proposed Waimakariri  
District Plan (**PDP** or **the Proposed Plan**) and  
**Variations 1 and 2 of the PDP.**

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the  
Proposed Waimakariri District Plan by  
**CAROLINA HOMES LIMITED, ALLAN  
DOWNS LIMITED AND 199 JOHNS ROAD  
LIMITED**

**AND**

**IN THE MATTER OF**

Hearing of submissions relating to  
**RESIDENTIAL STREAM 7A AND VARIATION  
2 STREAM 7A**

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**EVIDENCE OF CLAIRE MCKEEVER FOR CAROLINA HOMES LTD, ALLAN DOWNS  
LIMITED AND 199 JOHNS ROAD LIMITED  
(IN RELATION TO SUBMISSION #266 PDP SUBMISSION #68 V2 FINANCIAL  
CONTRIBUTIONS)**

Dated: 30 AUGUST 2024

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## INTRODUCTION

- 1 My name is Claire Andrea McKeever.
- 2 I hold a Bachelor of Surveying with Honours from Otago University and I have 23 years' experience in land development in both surveying and planning disciplines. I have had 17 years of experience working in Resource Management (as a Planner) in both local government and private consultancy (since 2006).
- 3 I am a full Member of the New Zealand Planning Institute.
- 4 I have been an Associate at Eliot Sinclair Limited since 2019 and currently hold the position of Principal since 2023.
- 5 My expertise relates primarily to land development Resource Management for subdivision, rezoning and land use contexts across the Greater Christchurch and wider Canterbury region. Recently I presented evidence and attended hearings before the Independent Hearing Panel for the Proposed Waimakariri District Plan (PWDP) in relation to the Industrial Chapter rezonings (Stream 12A) and residential rezonings (Stream 12E A&B). I have attended and participated in Expert conferencing and Joint Witness Statements in relation to Hearing Stream 10A for the PWDP in relation to certification.
- 6 I have prepared various resource consent applications in the Waimakariri District since 2012, and have been involved in the Land Use Recovery Plan (LURP) rezoning of South West Rangiora under Canterbury Earthquake legislation on behalf of a developer client in partnership with Waimakariri District Council.
- 7 I also have a small amount of experience (in early – mid 2023) engaged as a Consultant processing subdivision resource consent applications on behalf of Waimakariri District Council's District Plan Implementation (Consents) Team to assist with Council workload at that time.
- 8 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

## SCOPE OF EVIDENCE

- 9 In my evidence I address the following reports:
- The s.42A report for Hearing Stream 7A: Proposed Waimakariri District Plan Residential and Large Lot Residential Zones prepared by Mr Andrew McLennan dated 16 August 2024,
  - The s.42A report for Hearing Stream 7A: Proposed Waimakariri District Plan: Medium Density Residential Submissions prepared by Mr Peter Wilson dated 19 August 2024.
  - The s.42A report for Hearing Stream 7A: Variation 2 – Financial Contributions prepared by Mr Peter Wilson dated 19 August 2024.
- 10 This evidence is prepared to provide the Panel with clarification of the submitter's position following the Council Officer's s.42A recommendations on the various submission points raised.
- 11 In preparing this statement of evidence I have also reviewed the following document:
- The s.42A Report relating to the Medium Density Residential Submissions, prepared by Mr Peter Wilson dated 19<sup>th</sup> August 2024, for Hearing Stream 7B.
- 12 I have used the following abbreviations:
- The Submitter (being Carolina Homes Limited, Allan Downs Limited and 199 Johns Road Limited)
  - The Site (being 163, 191, 199 and 203 Johns Road)
  - ODP (being Outline Development Plan)
  - The Panel (being the Independent Hearing Panel)
  - The Council (being Waimakariri District Council)
  - PDP (being the Proposed District Plan)
  - GRZ (being the General Residential Zone)
  - MDZ (being the Medium Density Zone PDP)
  - MDRS (Being the Medium Density Residential Standards V1)
  - The original Submission (being submission #266 dated November 2021)
  - The V1 Submission (being Submission V2 #68 dated September 2022)
- 13 The Submitter **supports** the s.42A recommendations of the Council under Stream 7A and the Council recommendations to amend various provisions that have been submitted on in relation to the PDP.

- 14 The remaining matter **in contention** between the Submitter and Council is in respect of the recommendation on V2 - Financial contributions; Standard FC-S4: Financial Contribution Calculation for Road.
- 15 The Submitter **supports** all the other recommendations of the s.42A report in respect of the rest of V2 – Financial contribution V1 Submission points.

### **SUBMISSION CONTEXT**

- 16 This evidence is provided on behalf of the Submitter who have made submissions on both the Proposed Waimakariri District Plan (PDP) Submission #266 and Submissions on #58 and #68 on Variations 1 and 2 to the PDP respectively.
- 17 I have prepared this evidence separate to the evidence for Stream 7B, due to Stream 7B including the V1 Housing Intensification for MDRS aspect of the submission and the 7A and 7B Streams being separately identified on Council's District Plan Review website.
- 18 For the submitters, the Council recommendations of both Stream 7A and 7B are interlinked in relation to outcomes for the submission Site.
- 19 The original Submission on the PDP in 2021 (Submission #266) requested the rezoning of the Site to be a combination of General Residential Zone (GRZ) and Medium Density Zone (MDZ), with an updated proposed Outline Development Plan (ODP) to be inserted in the PDP specific to the Site. The submission provided broad support to the notified Residential zone provisions of the PDP at that time, to which this evidence relates.
- 20 Subsequent to the PDP submission, in 2022, Council (in discussions with the Submitter) notified the Site to become one of two sites in Rangiora to be proposed to be rezoned MDRS as part of Variation 1 process. The Submitter lodged a submission on Variations 1 and 2<sup>1</sup> (Submission # V1 58 and # V2 68 attached as **APPENDIX A**) to support the inclusion of the land under MDRS as proposed by Council. The submission also broadly supported the notified MDRS provisions, however opposed the specific subdivision related rules for the MDRS, and; in respect of Variation 2, opposed particular wording of Financial Contribution Standards. This evidence is therefore in relation to Variation 2-Financial Contributions.
- 21 For the Submitter, the potential outcome for the site under both submissions (and both planning processes) remains fundamentally the same, ideally a residentially zoned site, with a suitable ODP, ability to continue to subdivide to create vacant greenfield allotments and clear direction on potential future costs if Financial Contributions (under the RMA) are to be added

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<sup>1</sup> For which Evidence is also being submitted to be considered in Stream 7B.

for growth related development. (Noting that these are in addition to the existing Development Contribution framework charged under the LGA for growth). Whether one or both Medium Density zones (MDZ and /or MDRS) apply, or; the outcome is a suitably integrated hybrid of both, a clear framework that does not overly complicate a future resource consent process for subdivision to create vacant greenfield allotments is the overarching outcome that is sought by the Submitter.

- 22 This being the case, in regard to the Original Submission, I consider there is agreement between the Submitter and Council on the Stream 7A recommendations to the extent that there are no specific matters in contention and this evidence is to confirm Submitter support for the Council's recommended amendments to the original provisions which the original Submission supported in the notified version.
- 23 In regard to Stream 7A; V2 – Financial contributions, I note there is also broad agreement between the Submitter and Council with one exception. The remaining point in **contention** is the Standard related to the Roding Financial Contribution calculation Sub- S4(b).

#### **RECOMMENDATIONS OF THE SECTION 42A REPORTS**

##### Residential Zone of the PDP s.42A report by Mr McClennan

- 24 The original Submission supported GRZ – O1 and GRZ – P1 as notified. This has been accepted by Council, with only a small amendment recommended to GRZ – P1 to include provision for retirement villages for another submitted. The Submitter continues to support the Policy for General Residential Zone with the recommended amendment.

##### Medium Density Zone of the PDP s.42A report by Mr Wilson

- 25 The original Submission supported MDZ PDP rules and provisions, and in doing so broadly supported the overarching Residential Policy RESZ- P14 which refers to Development Density and requires new Development Areas to achieve a minimum net density of 15 houses per hectare (hha). The submission site was at that time identified as a new Development Area.
- 26 The PDP proposed that this increased minimum yield from the current 10hha to 15hha, equated to a proposed minimum lot size of 500m<sup>2</sup> in the General Residential zone. This is only a 100m<sup>2</sup> change from the current minimum allotment size in the Operative District Plan for the Residential 2 zone that is currently 600m<sup>2</sup>, which is the density at which the adjoining Townsend Fields ODP area has been developed.
- 27 In my experience, achieving a net density yield of 15hha in Christchurch City, equates to a much smaller minimum allotment sizes than the 500m<sup>2</sup> proposed by the PDP. The original

Submission acknowledged this, and requested that the Site Development Area be zoned both MDZ and GRZ to ensure that a variety of allotment sizes could be provided and still achieve the overall yield required.

- 28 In my Stream 12E evidence, I noted that should the landowner Submitters choose to sell the submission Site to Townsend Fields Limited (TFL) (a likely proposition), TFL may choose to develop the land to create 500m<sup>2</sup> allotments from the original PDP General Residential zone proposal, that are not too dissimilar in size to the existing TFL development next door, which are currently 600m<sup>2</sup> and larger. To do this, I consider that some smaller allotments would also be required to achieve net density, so it continues to be relevant that some Medium density zoning be provided for the Site.
- 29 The reporting officer's recommendation accepts the submission in part and comments that it would be appropriate to enable some medium density within it.<sup>2</sup> Further noting that there is a need, perhaps at Right of Reply stage to consider the density policies and standards, for the zone and rezoning proposals by way of a final recommendation on the matter. I support this approach.

#### Variation 2 – Financial Contributions s.42A report by Mr Wilson

- 30 The V1 submission (submission point 68.2) provided general support to the insertion of the Financial Contribution chapter on the basis that the Submitter considered that *financial contributions are accounted for separately to development contributions (submission point 68.3) but are offset by development contributions in the first instance. Financial contributions are for the upgrade of existing infrastructure to remedy and mitigate development capacity effects.*
- 31 Submission point 68.4 supported Policy FC- P1 on the basis that it limits financial contributions to effects on *existing infrastructure not greenfield infrastructure*. This is where the V1 Submission considered there is the distinction between the two contribution situations.
- 32 The recommendation report accepts submission points 68.2, 68.3 and 68.4, confirming the Submitter's understanding of the proposed provisions. That is;
- That it is appropriate to include a Financial Contribution chapter,
  - That Financial Contributions are separate to and offset from Development Contributions in the first instance, and

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<sup>2</sup> Page 17, sub clause 58 and 62 of the s.42A recommendation.

- That Financial Contributions apply to existing infrastructure only.

33 Submission point 68.5 opposed the Financial standard 'FC- S1 Assessment Methodology' that was notified with wording proposed to allow Council to charge a financial contribution to "any reasonable cost to avoid<sup>3</sup>, remedy or mitigate any effects on the environment from intensification and subdivision" on the basis that avoidance was a new word specified in the Standard that was not supported by proposed policy or objectives. The submission point also proposed the inclusion of new sub-clause f. as follows:

*f. the calculation and credit (if applicable) that takes account of payments made under Council's Development Contributions Policy, and determines the offset value to be paid as a financial contribution (if any).*

34 Council has accepted the submission and recommends the removal of the word 'avoid' from the methodology, however, does not specifically comment on the Submitter's proposed revision of the Standard to include wording that takes account of the development contributions policy in the first instance, the basis of which was submission point 68.3 and was previously accepted.

35 However, in response to a submission from Bellgrove (Submission #66 which is accepted in part by the officer) on the same development contribution issue, the officer's recommendation is that the clarity with the development contributions framework is required and has proposed that the clarification be specifically included in the Standards S2 and S4 for the individual component assessments, rather than in Standard S1 for the overall methodology.

36 Having read the Council's proposed amendments<sup>4</sup> to FC S2 and FC S4 that use wording at the beginning of each standard that;

*S2 & S4*

*As part of the District Council Financial contribution Calculation Assessment for ... firstly an assessment will be undertaken to assess whether the upgrade, extension or new infrastructure required already account for in grown component allowed for in the Development Contributions policy; and then ...*

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<sup>3</sup> My emphasis added

<sup>4</sup> Shown as underlined

I consider that the proposed amendments satisfy the Submission point to ensure that the Development contributions are clearly taken account of first and on that basis, the recommended amendments are supported.

- 37 Submission point 68.6 opposed the Financial Standard FC – S4 related to financial contributions for Rooding on the basis that the methodology refers in part to a calculation that allows consideration of *'any potential lots that could develop'* which appears to be a subjective assessment and was requested to be removed.
- 38 Council have rejected the submission point on the basis that<sup>5</sup> *I consider that the 'additional lots that could develop' wording does not reflect the common practice of how additional lots come about in subdivision, which could result in incremental upgrades to infrastructure being required after the fact, when it would have been better to assess those, and their associated financial contributions up front.*
- 39 Given that Standard S4 relates to a roading financial contribution assessment, I confess I do not understand the reasons for the rejection of the submission point and perhaps do not understand the calculation in the proposed standard which requires that:
- The percentage contribution required to be paid by the development will be calculated as follows:*
- Vehicle movements per day generated by the development<sup>6</sup> divided by Vehicle movements per day generated by the development plus the vehicle movements of any potential lots that could develop plus current average daily traffic:*
- (i.e)*
- % contribution is= vmpd development / (vmpd development + vmpd potential new lots + current average daily traffic*
- 40 The new financial contributions are to remedy or mitigate the *effects* of increased density on the capacity existing services in accordance with FC -Policy P1. In that context, I note that with the removal of minimum allotment sizes in the MDRS related to subdivision, the calculation to determine (with no minimum allotment size) what the number of 'potential lots are that could develop', to make the calculation will be difficult, and; the 'current average daily traffic' applicable will be a flexible number, potentially changing at a rate that is based on uptake of housing intensification.

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<sup>5</sup> At subclause 198 page 32

<sup>6</sup> My emphasis added

- 41 At subdivision stage, when the number of 'potential lots' would typically be considered, new roads are designed, constructed and are ultimately vested (i.e. provided to Council). During that time, the engineering standards (and Council's approval of the design in respect of those standards prior to construction) specify what the requirements are no matter which level of hierarchy the road is proposed to be<sup>7</sup>. Roads are constructed to enable the subdivision as new infrastructure, suitable for what is proposed and its' intended position in the roading hierarchy. I consider there is little opportunity in that framework to determine *effects on existing roading infrastructure* for additional road upgrades *elsewhere in the roading network* if that is what the officer's comment relates to, given the proposed wording specified in the calculation.
- 42 While the calculation for roading contributions relies on the 'proposed lots that could develop' requiring an understanding of yield noted above, the rest of the wording would seem to me to be more akin to the calculation that I would expect to be used for roading Development Contributions calculations (i.e. based on a per house basis of a development relating to vehicle movements generated *by the development*).
- 43 Conversely, for 3 waters servicing, capacity effects (and upgrades) on existing infrastructure can more easily be determined and accommodated by replacing and upsizing the necessary existing pipework to a larger diameter, in an existing road corridor where needed. The point being, it is far less straight forward to change the road corridor, or pavement structure, or even simply quantify the effect on existing road infrastructure for an upgrade.
- 44 However, for traffic related effects, it is the land use (and the number of houses or other non-residential activity) that determines the traffic generation (movements per day) and consequential 'effect on road infrastructure', not the subdivision itself. A Financial contribution that is to be taken for residential intensification (according to FC-O1, O2, P1) but requires a specific assessment to determine the number of '*any potential allotments that could develop*', from a possible subdivision (where there is no minimum site size) still seems to continue to be subjective, when there is no guarantee, whether one house will be established on '*any potential allotments that could develop*' or if three will be.
- 45 Given the above, I consider that the recommendations in the report do not address or demonstrate how a feasible calculation for roading financial contributions can be undertaken

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<sup>7</sup> Such as legal width, carriageway width, parking lanes (or not), number of footpaths, pavement strength design, traffic safety auditing, pedestrian crossings, road islands, street marking, signage etc

at the outset of a development, *up front* as proposed by the recommendation, to accommodate potential *effects on the existing* road network.

### **SUMMARY OF CONCLUSIONS**

- 46 Overall, and given all of the above, I consider that the Council recommendations for the zone chapters of the Proposed District Plan satisfy the Original Submission #266 and that any recommended amendments are supported by the Submitter.
- 47 In respect of V2 Submission #68 in regard to V2 - Financial contributions, the only matter outstanding that needs to be resolved relates to Standard FC-S4: Financial Contribution Calculation for Road, specifically sub clause b. for the percentage contribution calculation to be feasibly determined at the outset and up front for a development, subdivision or intensification proposal.
- 48 Thank you for the opportunity to present evidence.

Claire McKeever



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Date: 30 August 2024

**APPENDIX A: SUBMISSION: VARIATION 1 & 2 2022**