

**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 (**pWDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF** Hearing of Submissions and Further Submissions on Variations 1 and 2 to the Proposed Waimakariri District Plan

**AND**

**IN THE MATTER OF** Submissions and Further Submissions on the Proposed Waimakariri District Plan by **Bellgrove Rangiora Limited**

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**SUPPLEMENTARY EVIDENCE OF MICHELLE RUSKE-ANDERSON  
ON BEHALF OF BELLGROVE RANGIORA LIMITED  
REGARDING STREAM 12E**

DATED: 27 June 2024

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Presented for filing by:  
Chris Fowler  
PO Box 18, Christchurch  
T 021 311 784 / 027 227 2026  
chris.fowler@saunders.co.nz

## INTRODUCTION

- 1 My name is Michelle Ruske-Anderson.
- 2 I have prepared a statement of evidence dated 30 April 2024 in support of to Bellgrove Rangiora Limited's (**BRL**) submission on the Proposed Waimakariri District Plan (**pWDP**). My qualifications and experience are set out in that statement. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.
- 3 In this supplementary evidence I:
- (a) provide additional assessment of effects on neighbouring properties from the rezoning sought by BRL following correspondence with the Council Reporting Officer, Mr Wilson;
  - (b) outline amendments to the BRL eastern boundary of the '**Revised SER-ODP**' submitted with my primary evidence and the impacts of this on the evidence lodged by all experts for BRL 30 May 2024; and
  - (c) outline the '**Combined SER-ODP**' incorporating the changes sought by both BRL and the Sparks to the overall SER-ODP to demonstrate the alignment between the two landholdings.

## EFFECTS ON NEIGHBOURING PROPERTIES

- 4 Following an email query from Council Reporting Officer Mr Wilson on the effects of rezoning the BRL landholding to Medium Density Residential Zone (**MRZ**) on neighbouring properties<sup>1</sup>, I provide some additional assessment.
- 5 Figure 1 identifies the neighbouring properties to the 31.2ha Site sought to be rezoned to MRZ, being:
- (a) Carol and Paul Thomson (23 Kippenberger Avenue), Lot 1 DP 16043;
  - (b) Richard and Sharon Leech (521 Rangiora-Woodend Road), Lot 1 DP 80275;
  - (c) Emma and Gregory Kelley (479 Rangiora-Woodend Road), Lot 1 DP 452196;
  - (d) Susan Dawe (475 Rangiora-Woodend Road), Lot 1 DP 306045; and
  - (e) Beaufort Trustee Limited (52 Northbrook Road), Lot 2 DP 306045.

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<sup>1</sup> Email correspondence from Council Reporting Officer, Mr Peter Wilson with Mr Chris Fowler (Saunders and Co) 3 May 2024 regarding effects on neighbouring properties to the Site.

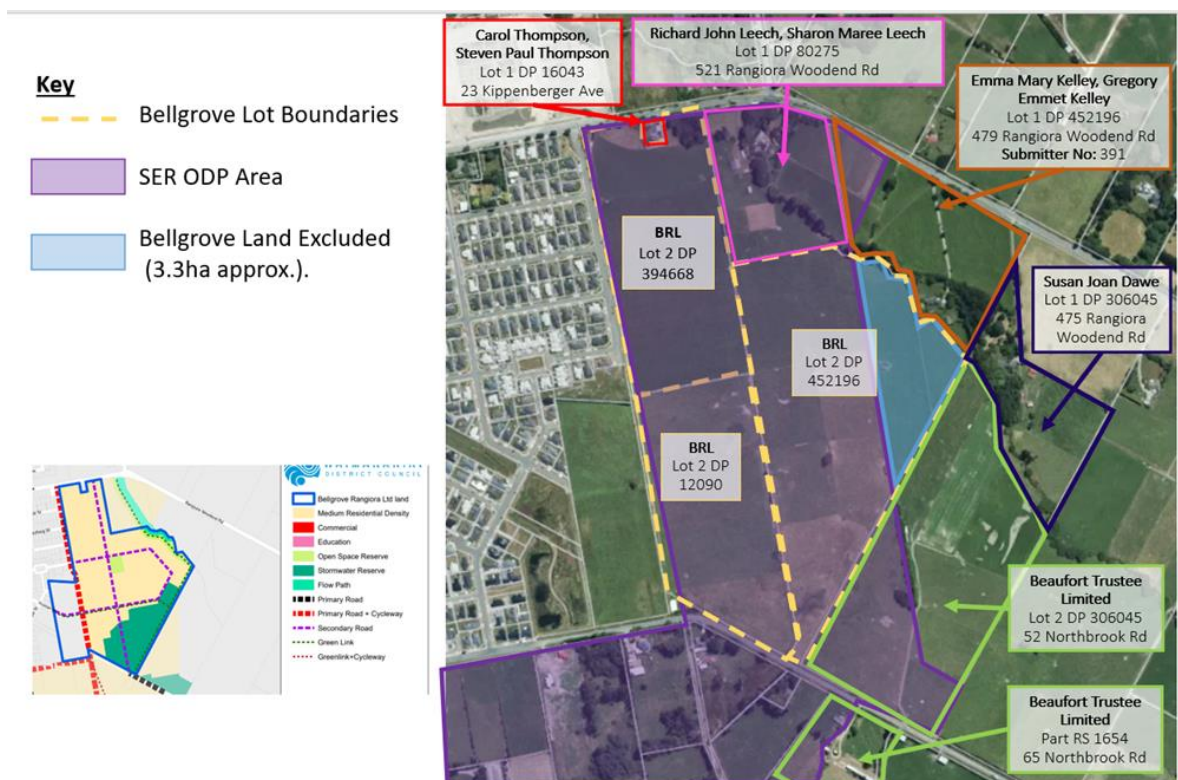


Figure 1. Bellgrove South Site and Neighbouring Properties

6 BRL's evidence filed 30 April 2024 generally addresses effects of rezoning the Site on the neighbouring properties, albeit not on a property-by-property basis and with a specific focus on the eastern boundary interface and properties along this boundary<sup>2</sup>. The Revised SER-ODP includes a green buffer comprising a mixture of esplanade reserve (adjacent to the Cam / Ruataniwha River), open space reserve, green link and stormwater reserve along the eastern boundary of the Site. Along this eastern boundary the green buffer would combine to be a minimum width of 20m. This in combination with the notified pWDP provisions (refer below) will ensure an appropriate boundary interface:

- (a) SUB-S4 'Areas subject to an ODP' requires subdivision to comply with the relevant ODP;
- (b) SUB-S17 'Esplanade reserve or strip' requires a minimum 20m wide esplanade reserve to be provide for the Cam / Ruataniwha River in accordance with Table SUB-2 'Esplanade Reserve or Esplanade Strip Requirements for water bodies'; and
- (c) MRZ-BFS5 'Building and Structure Setback' requires a minimum internal building setback of 1m.

7 In addition, subdivision of the Site will be at a minimum a controlled activity under Activity Rule SUB-R2 of the pWDP with the matters of control including SUB-MCD9

<sup>2</sup> Planning Evidence of Michelle Ruske-Anderson dated 30 April 2024, para 218

'Reverse Sensitivity' which includes consideration of the potential of any existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity. This matter will ensure consideration of the rural properties to the east of the Site are appropriately considered (and appropriate boundary interfaces proposed) as part of subdivision consent.

- 8 To provide further assistance I have assessed each of the properties identified in Figure 1 above for completeness. The Site boundaries to the north (Kippenberger Avenue), west (Devlin Avenue, Lot 4 DP 25508 also owned by BRL and 3 Cassino Street (Lot 500 DP 459899)) and south (Northbrook Road) are not assessed on the basis that these are largely defined by roads or are landholdings already zoned residential<sup>3</sup>.

**23 Kippenberger Avenue (owned by Carol and Paul Thomson):**

- 9 23 Kippenberger Avenue is a 1,214m<sup>2</sup> property containing a residential dwelling that is currently occupied and used for residential purposes. Whilst zoned Rural Lifestyle Zone (RLZ) in the pWDP this property is substantially smaller in size than the 4ha minimum allotment area anticipated by this zone. As a result, its existing use, appearance and size is more residential than rural. 23 Kippenberger Avenue is located in an area undergoing change with the ongoing construction and establishment of Bellgrove North located less than 100m to its north-west.
- 10 This property is located within the South East Rangiora Development Area (**SER-DA**) and within the notified South East Rangiora Outline Development Plan (**SER-ODP**) and as a result over time it is anticipated that it will transition to urban/MRZ in accordance with the higher order planning documents (it is located within an area identified for future greenfield residential development by the Greater Christchurch Partnership's Our Space 2018-2048 (**Our Space**), Map A of the Canterbury Regional Policy Statement (**CRPS**), the pWDP and more recently the Greater Christchurch Spatial Plan (**GCSP**)). I note that Carol and Paul Thomson did not lodge a submission on the pWDP or Variation 1 which anticipates future urban development of both this property and Bellgrove South on their boundaries.
- 11 BRL's primary evidence does not specifically address potential effects of the rezoning on this property but Mr Milne notes that there will be a change to the character of the

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<sup>3</sup> Both Lot 4 DP 25508 and 3 Cassino Street (Lot 500 DP 459899) are zoned Residential 2 under the operative Waimakariri District Plan and proposed to be zoned MRZ under the pWDP.

landscape to a more urban form as part of the growing urban precinct in South-East Rangiora<sup>4</sup> (and that change in itself is not necessarily adverse). Further whilst there will be a loss of rural character and amenity on the south, west and eastern boundaries of 23 Kippenberger Avenue this is a readily anticipated consequence of the urban transition of the wider SER-DA area in accordance with the higher order planning documents. Policy 6 of the National Policy Statement on Urban Development 2020 (**NPS-UD**) acknowledges this noting that planned urban built form in accordance with Resource Management Act (**RMA**) planning documents may involve significant changes to an area, and that those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types.

- 12 The Revised SER-ODP does not include any specific boundary treatment with this property (in line with the notified SER-ODP) on the basis that over time MRZ development at this property will integrate with Bellgrove South and the wider SER-DA urban environment. Instead, the underlying MRZ provisions will apply to future development (including a minimum 1m building setback from internal boundaries).

**Richard and Sharon Leech (521 Rangiora-Woodend Road):**

- 13 521 Rangiora-Woodend Road is located within the SER-DA and the SER-ODP, and as a result it is anticipated to transition to urban/MRZ in accordance with the higher order planning documents. As per the notified SER-ODP, the Revised SER-ODP proposed by BRL does not include any special boundary treatment with this property (except as discussed below) in recognition of the eventual urbanisation of this property as part of the wider SER-DA and SER-ODP. This is not an uncommon scenario for greenfield development in future urban areas where landholdings will develop at different times but in accordance with an overall future development outcome envisaged by an ODP.
- 14 The exception is a small approx. 40 m boundary length which adjoins the Cam / Ruataniwha River which would deliver a 20m-wide esplanade reserve, providing a buffer serving to mitigate any potential landscape and /or amenity effects on this property. The esplanade reserve would then connect through to the 521 Rangiora-Woodend Road at the time at which this land is also developed providing a wider integrated development outcome and comprehensive green link and riparian corridor.

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<sup>4</sup> Landscape and Visual Character Evidence of Mr Milne, 30 April 2024, para 96

- 15 As with 23 Kippenberger Avenue, any adverse effects of the loss of rural character and amenity on the boundaries with the 521 Rangiora-Woodend Road are considered readily anticipated and in accordance with the higher order planning documents.

**Greg Kelley (479 Rangiora-Woodend Road)**

- 16 A portion of this property is located within the SER-DA and within the SER-ODP (an approximate 1.3ha triangle located to the western area of the Site shown in purple above) but this does not interface with the BRL Site boundary. The remainder of the property is located outside the SER-DA and SER-ODP.
- 17 I note that Greg Kelley lodged a submission on the pWDP (Submitter 391) seeking the full rezoning of their Site to Residential / General Residential Zone.
- 18 Along the Kelley/Site boundary there is a 141 m length that adjoins the Cam / Ruataniwha River, and development in accordance with the revised SER-ODP would deliver a 20m-wide esplanade reserve, providing a buffer serving to mitigate any potential landscape and /or amenity effects on these properties. The remainder of the Site boundary with the Kelley boundary will provide an appropriate boundary interface through the provision of a continuous minimum 20m wide green strip (comprising a green link and open space reserve). As per Mr Milne's Evidence<sup>5</sup> I consider that potential adverse effects arising from the rezoning of the Site can be appropriately managed and this is provided for by the Revised SER-ODP with the green interface along the eastern boundary physically and visually separating future development from the rural land to the immediate east and the neighbouring dwelling near the eastern boundary of the Additional Land.

**Susan Dawe (475 Rangiora-Woodend Road)**

- 19 475 Rangiora-Woodend Road is located outside the SER-DA and the SER-ODP and will remain rural. This property barely interfaces with the Site, connecting only at the Site's easternmost corner. Effects on 475 Rangiora-Woodend Road are minimal and appropriately managed by the 20m wide landscape buffer at this point (comprising both open space reserve and a green link), providing a suitable urban / rural boundary interface.

**Beaufort Trustee Limited (52 Northbrook Road)**

- 20 52 Northbrook Road is partially located within the SER-DA and the SER-ODP at the southern end of the boundary interface. Effects on this property are considered

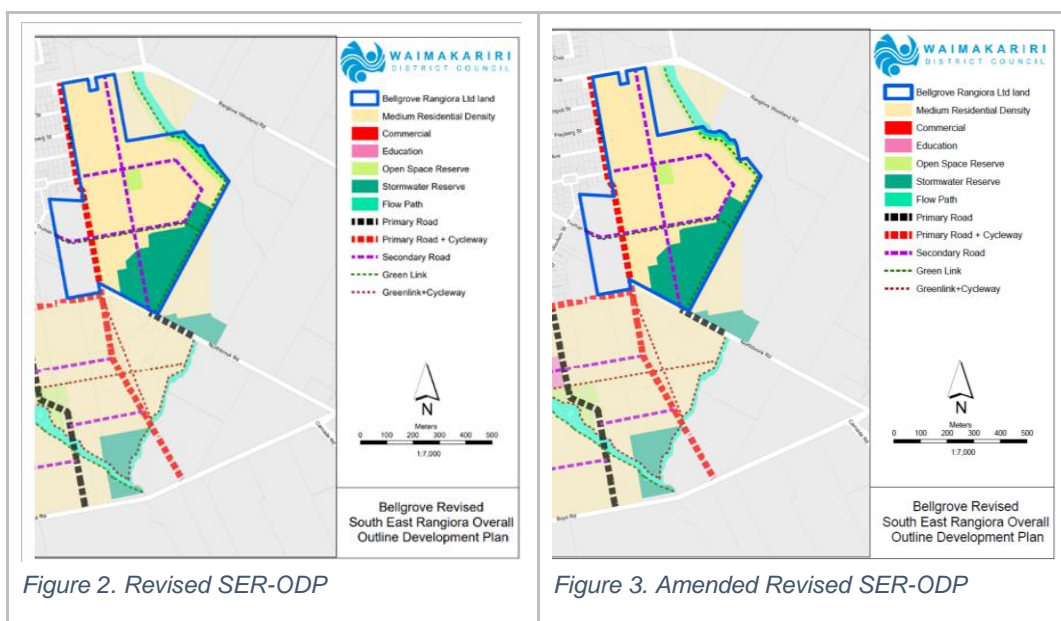
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<sup>5</sup> Landscape and Visual Character Evidence of Mr Milne, 30 April 2024, paras 114-116

acceptable with the majority of the boundary proposed to be occupied by the stormwater reserve providing a suitable boundary interface. The remainder will comprise a 20m wide landscape buffer (comprising both open space reserve and a green link), providing a suitable urban / rural boundary interface.

### AMENDED REVISED SER-ODP

- 21 A minor error has been identified in the Revised SER-ODP lodged with the BRL evidence<sup>6</sup> regarding the eastern boundary adjacent or near to the Cam River. Essentially, the eastern boundary of the Revised SER-ODP does not correctly follow the legal boundary of the Additional Land (refer Figure 2), instead following the Cam / Ruataniwha River boundary. Figure 3 is an '**amended Revised SER-ODP**' which amends this to show the correct legal boundary (refer Figure 2A-1 at **Attachment 2**) and supersedes all references to the Revised SER-ODP in BRL's primary evidence. Notably, the amended Revised SER-ODP retains the boundary treatment proposed along the eastern boundary, simply reducing the length of flow path shown so that it is only located adjacent to the Cam / Ruataniwha River.



- 22 This revision does not impact the effects assessment contained in BRL's primary evidence because the expert assessments assume the Revised SER-ODP follows the legal boundary of the BRL landholding / the Site.
- 23 However, it does require an update to the filed Planning Evidence and Graphic Attachment of Mr Milne's Landscape and Visual Character Evidence (both filed 30 April).

<sup>6</sup> Attachment 2B of the Planning Evidence of Michelle Ruske-Anderson, 30 April 2024, para 45 and Sheet 10 of the Graphic Attachment to the Landscape and Visual Character Evidence, 30 April 2024 of Mr Tony Milne.

It also requires the Bellgrove South ODP at Sheet 9 of Mr Milne's Graphic Attachment to be superseded.

- 24 For completeness **Attachment 3** summarises the review I have undertaken of the expert evidence filed for BRL on the implications of the Amended Revised SER-ODP. Except for the Graphic Attachment of Mr Milne's evidence and the reference to the length of the Cam / Ruataniwha River forming part of the eastern boundary of the Site, I consider that the amended Revised SER-ODP showing the correct legal eastern boundary does not impact the evidence submitted by BRL.
- 25 To address this minor boundary correction Mr Tony Milne has also prepared a supplementary statement of evidence to refer to the Amended Revised SER-ODP and to confirm that this amended ODP does not impact his original assessment.
- 26 I note that Mr Dunham's statement of evidence also contains an incorrect reference to the length of the eastern boundary of the Site adjacent to the Cam / Ruataniwha River (noting it is approximately 135m instead of 41m) but do not consider it necessary to seek a supplementary statement from him to address this.
- 27 All BRL experts' summary of evidence will refer to the amended revised SER-ODP for completeness.
- 28 Lastly, for completeness I note that the Revised SER-ODP incorrectly excluded 23 Kippenberger Avenue from within the SER-ODP. The Amended Revised SER-ODP enclosed at **Attachment 1** has corrected this retaining its inclusion as notified and identifying it as Medium Residential Density.

### **EASTERN BOUNDARY GREEN BUFFER**

- 29 Correspondence with Mr Wilson<sup>7</sup> has queried the width of the proposed green buffer and whether this could be increased. It is the position of BRL's experts that the provision of a minimum 20m width green buffer is sufficient<sup>8</sup> and on this basis additional width is unnecessary.
- 30 As noted above in paragraph 6, the Revised SER-ODP includes a green buffer comprising a mixture of esplanade reserve (adjacent to the Cam / Ruataniwha River), open space reserve, green link and stormwater reserve along the eastern boundary of the Site. Along this eastern boundary the green buffer would be a minimum width of 20m. The eastern

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<sup>7</sup> Email Correspondence from Mr Peter Wilson (WDC) to Michelle Ruske-Anderson (Aurecon), 17 May 2024.

<sup>8</sup> Landscape and Visual Character Primary Evidence of Mr Tony Milne, para 101 which notes that the residential / rural boundary treatment is appropriate; and that the Ecological Primary Evidence of Dr Morgan Tracy-Mines which notes in paragraph 105 that *future development in accordance with the revised Bellgrove South-ODP, proposed for the Site, would result in no net loss of biodiversity, and most likely, a net gain for indigenous biodiversity.*



boundary is not a straight line and future lot boundaries will not be parallel with the boundary. This means that the green buffer will in some locations exceed a width of 20m and in some areas I expect it will be 40 m, and possibly wider. This is due to the winding alignment of the Cam River and the width of the area to be set aside for stormwater reserve. Actual details of the width of the buffer area can be resolved during the subdivision phase.

### **COMBINED SER-ODP**

- 31 In paragraph 48 of my statement of evidence I noted that a combined plan was being prepared at Mr Wilson's request incorporating the changes sought by both BRL and the Sparks to the overall SER-ODP to demonstrate the alignment between the two landholdings. Figure 2A-1 at Attachment 2 contains the '**Combined SER-ODP**' prepared for this purpose.
- 32 The Combined SER-ODP has been reviewed by Mr Thomson, Mr Spark and Ms Lauenstein for Richard and Geoff Spark (the other large landholder in the SER ODP (Further Submission 37 on the pWDP)) on 22 May 2024.
- 33 The changes sought by BRL and the Sparks are separate and independent to each other such that there is no conflict between them, and both can be accommodated within the SER-ODP if the Panel is minded to adopt them.
- 34 I note that BRL do not have any objection to the changes being sought by Spark but are unable to provide any technical analysis of the changes incorporated on the Combined SER-ODP which simply demonstrates the alignment between the changes sought by each submitter.

### **CONCLUSION**

- 35 In this supplementary evidence I:
- (a) provide additional assessment of effects on neighbouring properties from the rezoning sought by BRL;
  - (b) outline the amendments made to the BRL eastern boundary on the Revised SER-ODP and the impacts of this on the evidence lodged by BRL 30 May 2024; and
  - (c) outline the Combined SER-ODP.
- 36 I reaffirm that rezoning of the Site in Bellgrove South to MRZ, with the corresponding changes made to the amended Revised SER ODP, will more efficiently and effectively

deliver the outcomes sought by the higher order planning framework than the notified RLZ.

37 Thank you for the opportunity to present my evidence.

Michelle Ruske-Anderson

27 June 2024

**ATTACHMENT 1: REVISED AMENDMENTS SOUGHT BY BRL TO THE SER ODP (AMENDED REVISED SER-ODP)**

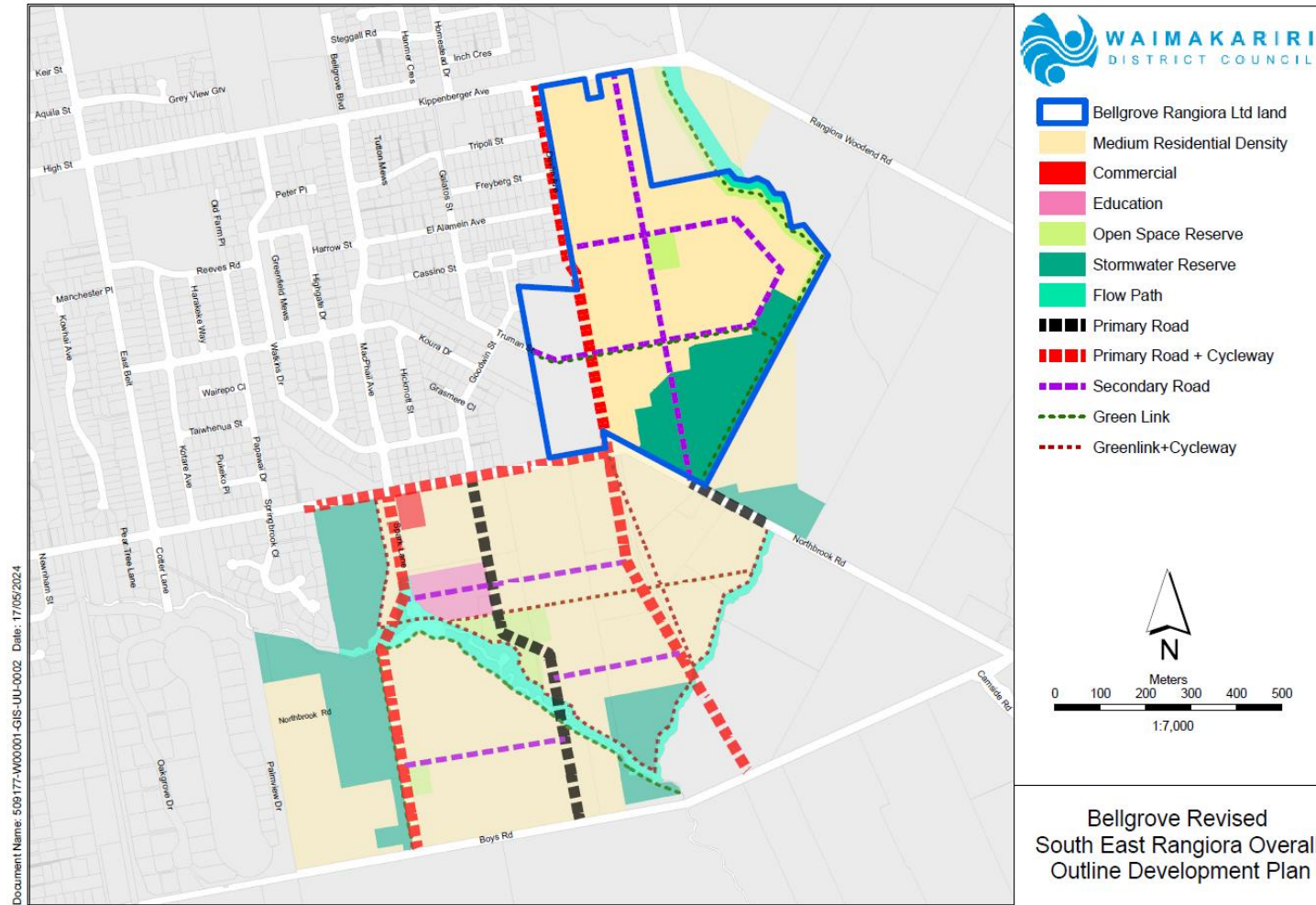


Figure 1A-1. Amended Revised SER-ODP – 17 May 2024 DWG Reference: 509177-W00001-GIS-UU-0002

**ATTACHMENT 2: COMBINED SER ODP INCORPORATING CHANGES SOUGHT BY BOTH BRL AND SPARKS**

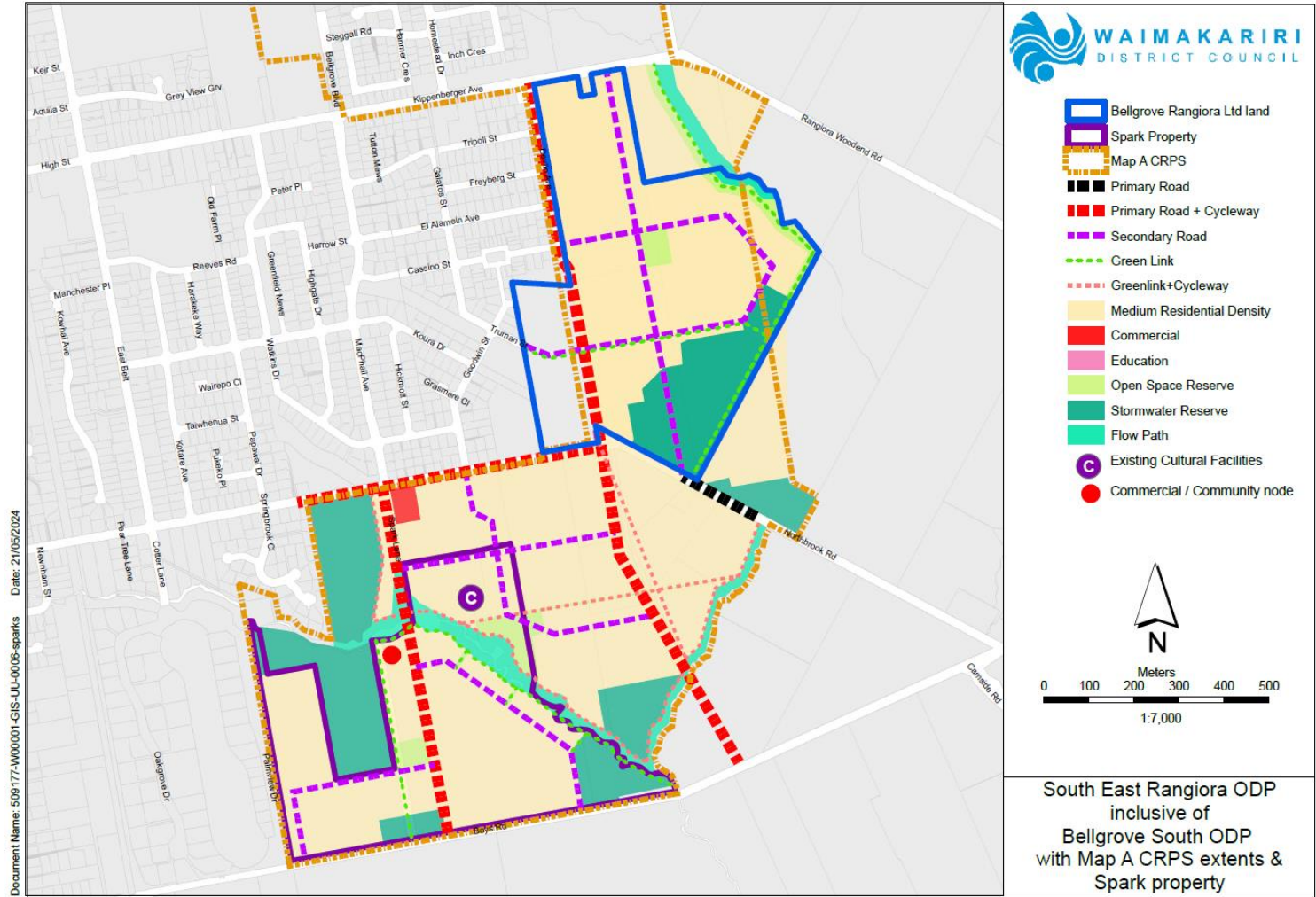


Figure 2A-1. Combined SER-ODP – 21 May 2024 DWG Reference: 509177-W00001-GIS-UU-0006

### ATTACHMENT 3: REVIEW OF EVIDENCE FILED BY BRL 30 APRIL 2024 IN RELATION TO THE AMENDED REVISED SER-ODP

| Evidence                         | Subject / Para   | Implications   |
|----------------------------------|--|--|
| Jan Kupec<br>(Geotech)           | No implications  |  |
| Wendy Whitley<br>(Contamination) | No implications  |  |
| Geoffrey Dunham<br>(Soils)       | Refers to the Cam River forming the eastern site boundary for approximately 135m (para 42).  | For consistency with other experts could note that the eastern boundary of the Site with the Cam / Ruataniwha River is for a length of 141m, not 135m.                   |
| Jason Trist<br>(Infrastructure)  | Refers to the Cam / Ruataniwha River providing a natural barrier with the adjoining landowners (para 58).  | No change required. The Cam / Ruataniwha River continues to provide a natural boundary with the adjoining owners for the length that it runs along the eastern boundary. |
| Mat Collins<br>(Transport)       | No implications  |  |
| Tony Milne<br>(Landscape)        | <u>Graphic Attachment:</u><br>Sheet 9: Bellgrove South Outline Development Plan (Bellgrove South ODP) – needs updating to correct legal boundary.<br>Sheet 10: Changes sought to the SER-ODP by Bellgrove (Revised SER-ODP) – needs updating to correct legal boundary   | Update the Amended Bellgrove South ODP.<br>Update to the Amended Revised SER-ODP.  |
|                                  | Correctly refers to the Cam / Ruataniwha River forming part of the eastern boundary of the Site (para 28).<br>Length of the Site boundary with the Cam / Ruataniwha River is a short length of 270m (para 37) but is actually 141m.  | Correct the length referred to 141m.   |
|                                  | Assesses the proposed residential / rural boundary treatment required by the Revised SER-ODP and effects on 479 Rangiora Woodend Road who have a dwelling directly adjacent to the boundary<br><i>Along the eastern boundary of the Additional Land the Site interfaces with an existing rural dwelling where mature oak, pittosporums and conifers mark this boundary. This dwelling is orientated to the north and away from the Additional Land. For the balance of the eastern boundary and as it returns along the south east edge of the Site a typical post and wire farm fence demarcates this interface (para 39)</i> | No changes required – the amended Revised SER-ODP continues to require a green interface along the eastern boundary.   |

|                                    |   |  |
|------------------------------------|---|--|
|                                    | The 20m green interface along the boundary will provide “ <i>sufficient space for the establishment of vegetation, that will physically and visually separate future development from the rural land to the immediate east and in particular the one dwelling immediately adjacent to the eastern boundary of the Additional Land (para 115).</i> ” |  |
|                                    | Para 101 (a) refers to the provision of an approximately 1.32ha green link/esplanade reserve at the Sites eastern most extent.  | No changes required.   |
| David Delagarza (Flooding)         | Refers to plans to direct break out flow back to the Cam River and adjacent riparian area.  | No changes required.   |
| Fraser Colegrave (Economics)       | No implications   |  |
| Morgan Tracy-Mines (Ecology)       | Para 96 refers to the <i>proposed riparian setbacks for the Cam/Ruataniwha River and indigenous planting in and around the stormwater management area, open space reserves, the green links, and Site boundaries, will likely result in a net gain for indigenous biodiversity.</i>   | No changes required.   |
| Michelle Ruske-Anderson (Planning) | Incorrect SER-ODP’s in the Attachments.   | Amended Revised SER-ODP required to address the correct legal boundary.  |
|                                    | Landholding Information (Figure 2 and Attachment) shows the correct legal boundary (this same image is repeated in numerous expert briefs.  | N/A  |
|                                    | Para 36 refers <i>the Cam / Ruataniwha River forms a natural boundary along the northern portion of the eastern boundary with Lot 2 DP 452196.</i>  | No changes required.   |
|                                    | Para 206 refers to an <i>area of total esplanade provision of approximately 2,060m<sup>2</sup>, reducing the area of the resultant rural allotment to approximately 3.1ha, further increasing the non-compliance with the 4ha minimum lot size for subdivision in the RLZ (noncomplying activity).</i>  | This calculation is based on an approximate 141m length adjacent to the Cam / Ruataniwha River. No changes required. |
|                                    | Review of the concept lot layout referred to in relation to indicative development yield of the Site and Additional Land confirms this was based on the correct legal boundary.   | No changes required.   |