

SUMMARY OF POINTS

IN THE MATTER OF: A subdivision to create 242 residential lots within the C2 Growth Cell, and associated lots for public assets by 3MS OF CAMBRIDGE GP LIMITED (SP/0179/20)

STATEMENT OF: Mark Daniel Stacpoole Batchelor

DATE: 27/05/2021

Activity Classification

1. There is agreement that a Non-complying Activity classification is appropriate.
2. The '*pragmatic approach*' the Council has taken to the relationship between Change 13 recognises the desire to facilitate residential development, despite being contrary to the of adopting the residential rules requested in the application is therefore not available.
3. Mr Baikie made an important point related to precedence, in his reference to expectation provided by the structure plans.

Significance of Effects

4. Significance arises from the road and stormwater services being for the purpose of accessing the wider structure plan area and the sports fields serving demand from this wider area and the wider community.
5. The effects arise from them being effectively removed by being suggested to be moved onto land not subject to this application.
6. This reduces policy support for them.
7. The nature of policy including the full ambit of rules, objectives and policies and instruments such as the structure plan provisions will be described by Helen Atkins.

8. This is an effect until mitigated by replaced or a new location or is obtained as a means of mitigation.
9. No feasible alternative has been achieved or proven.

Proposed Change 13 – Expectation of Location

10. Change 13 provides a clear direction towards residential development and this has been an important part of finding I can support residential development.
11. The structure plan background is part of this by providing the structure of how this is to proceed.
12. The flexibility provided for structure plans allows them to be part of a discretionary consent process.
13. Like discretions associated with other discretionary procedures, they provide limitations on the extent of flexibility.

In General Accordance and Certainty of Structure Plans

14. The overall principles from these provisions are listed below.
 - (i) Flexibility.
 - (ii) Variations in flexibility depending on the position within a structure plan and the particular component subject to consideration.
 - (iii) Less flexibility close to the boundaries and for Truck services.
 - (iv) More flexibility for services and facilities with local focus. of a structure plan area within increasing flexibility within the structure plan area as distance from the boundaries increases.
 - (v) The structure plan components provides guidelines to specific components including locational guidelines.
 - (vi) Ensuring integrated outcomes that provide for the interconnections between structure plan areas.

Community Centre

15. Relocation of the community centre east, its reduction in size and collector road removal/relocation west is contrary to locational imperatives of centrality and accessibility to serve a wider structure plans.

Sports Fields

16. The sports fields are removed. The proposed alternatives do not mitigate effects as they perform specific function.
17. I note there is a plan showing the location of sports fields back to where they were removed. This was the basis for negotiation between the application and Council.
18. Reserves assessments advises there is inadequate supply for population growth. Mitigation will be achieved by return of them.
19. Negotiation for their return was part of determining Limited Notification was appropriate. This included a plan showing the location of sports fields back to where they were removed. This plan is provided on page 11 of the S42A report.
20. Argument to the contrary based on service delivery decisions requires a mitigative service delivery decision to have been made. It has not been made.
21. Post consent continuance of these negotiations can be provided for by consent with deferred decision relating to that part of the site containing the sports fields and collector road and stormwater corridor or a condition requiring the consent holder to make land available (within or outside the site) for the services.

Stormwater Reserve and Collector Road

22. Both are important to enabling release of other land within the C2 and other structure plan areas. Roading providing access. Stormwater to remove facilitate development density.
23. This applies to the wider structure plans as they serve all these.
24. They therefore need to be provided as part of residential development of the structure plan.
25. Potential need for limitation or delay of development until these are alternatively provided arises from this.

Removal or Relocation of services and facilities

26. These are effectively removed by not being included in the application site or sites identified in application plan.
27. Until an alternative location is at least identified and established via a planning process the effects are contrary to the policy direction presented by the structure plan as the alternative is not part of the regulatory regime.
28. The collector road provides access to the application site and wider C2 and other structure plan areas. Efficient release of wider residential land resource relies on this. Removal of it presents reliance on access through the application site.

Mitigation and Conditions

29. Mitigation can be achieved by other than an augier condition.
30. Use of an augier condition will however allow the applicant to be more in control of the nature of such a conditions effects on the proposal.

31. A condition can require mitigation of effects by requiring the consent holder providing replacement or provision of alternative option with similar regulatory and functional outcome as that removed, until then, the present location may not be developed.
32. This will not frustrate effect being given to the consent as the applicant has direct and immediate access to one of these options and can begin to give effect to the consent.
33. Stages shown in the application plans show how consent could provide for giving effect to any consent and provide for post consent mitigation to be achieved.
34. The plans in Mr Chrisps evidence don't include stages. A condition could require land within the structure plan service corridor to not be developed until alternative mitigating effects is provided.

Separation Effect

35. The staged development is removed if the plans provided with Mr Chrisp's evidence are adopted.
36. This however does not assure separation effects are avoided. Subdivision and associated construction can still be delivered in a manner that presents separation.
37. Non-provision of the collector route has a similar effect. It removes access to the balance of the structure plan.
38. A condition requiring legal provision of the roadways prior to construction of the subdivision will mitigate this effect.

National Policy Statement – Urban Development

39. The services and facilities removed from the site and not alternatively provided for is contrary to the servicing requirements of the NZUDP of being 'development ready'.

40. This is not perhaps for this site but from an integration perspective for the wider land within the structure planned area.

General Accordance – Regulatory Authority of Structure Plans

41. Refer to my discussion in paras 64 onwards of my supplementary report.

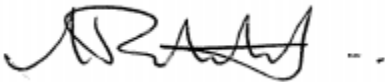
42. Regulatory authority of structure plans depends on currency, details and relationship with the district plan. These ones are embedded in the district plan policy are recently established.

43. Helen Atkins legal submissions will provide more detail of this, with particular regard to the difference in regulatory authority arising from differences in these matters between various structure plan regimes.

Efficiency of Use

44. This applies to the wider structure plan areas not just the application site. The structure plan provides for this.

45. The application is suggesting a duplication of services thus use of more land for these than may result from reliance on the structure plan.



Mark Batchelor

27.05.2021