



Resource Management Act 1991
Waimakariri District Council
Waimakariri District Plan

**Plan Change Report and
Section 32 RMA Report**

Plan Change

17

Kaiapoi Plan Change for Rezoning Area A

References:

Waimakariri District Plan

Volume 1:

Chapter 11 Utilities & Traffic Management

Chapter 12 Health, Safety & Wellbeing

Chapter 13 Resource Management Framework

Chapter 32 Subdivision - Rules

Volume 2:

District Plan Maps 59, 101, 102 and 103

Introduction of new District Plan Map (Kaiapoi rezoning map)

1.0 INTRODUCTION

- 1.1 This planning report includes the Plan Change Report and documents forming the Section 32 Report for the rezoning of land in north Kaiapoi to Deferred Residential 2.

2.0 PLANNING BACKGROUND AND HISTORY

- 2.1 The area of land subject to Plan Change 17 is shown on **Appendix 1**.

2.2 Summary

- 2.2.1 The purpose of this report is to provide background and planning information in relation to Plan Change 17. Plan Change 17 proposes to rezone a 93ha area of Land to the north of Kaiapoi from its current zoning of Rural to Deferred Residential 2.

2.3 The Site

- 2.3.1 The site is currently being utilised as grazing land and is bordered to the north by Lees Road and to the west by Williams Street. To the south of the site the recently developed Moorcroft subdivision dominates the landscape. The topography of the site is generally described as flat with some minor undulations. To the west of the site is the Kaiapoi Golf Course, and an unused, capped refuse tip, further north west is the Canterbury Lakes subdivision and recreational area.

2.3.2 To the east lies an area which is low-lying and may be subject to flooding, and to the north, the property is surrounded by farmland owned by the Ryan and Wakeman families. The character of the surrounding area therefore differs drastically and the site presents itself as being on the border between the Kaiapoi township and the Rural Zone.

2.4 Planning History

2.4.1 The Waimakariri District Plan (District Plan) was notified on the 20th of June 1998. The Notification of Decisions came in 2001, this being prior to the approval of the current Moorcroft and Canterbury Lakes subdivisions. It was through the resolution of Variation 8, that Council came to an agreed position with the Airport authority regarding the implementation of the 50dBA Ldn and 55dBALdn noise contours within the District Planning Maps and subsequent objectives and policies. In November of 2005 the District Plan became Operative.

2.4.2 For a brief history of the current plan change is an abstract from Wade Hill's report to the Resource Management and Regulation Committee dated November 2005.

In 1997 the Council went through a process of identifying preferred directions for growth for all of the towns in the District. The north-east (between Williams Street and Beach Road) was identified as the preferred direction of residential growth for Kaiapoi. In 1998 urban design plans were prepared for the North East. The rezoning to allow the Moorcroft subdivision and the Lakes subdivision to proceed were approved following the notification of decisions on the Proposed District Plan in 2001. Significant progress has also been made on servicing concepts and design for the North East. However, no additional areas were rezoned through submissions on the District Plan, and since then no further areas have been rezoned in the North East or any other part of Kaiapoi.

In April 2004 a report was presented to the Kaiapoi Community Board outlining Kaiapoi's present capacity for residential development. The report identified a predicted shortfall in residential land to meet the demand for housing development in Kaiapoi.

The key conclusions outlined in the report were:

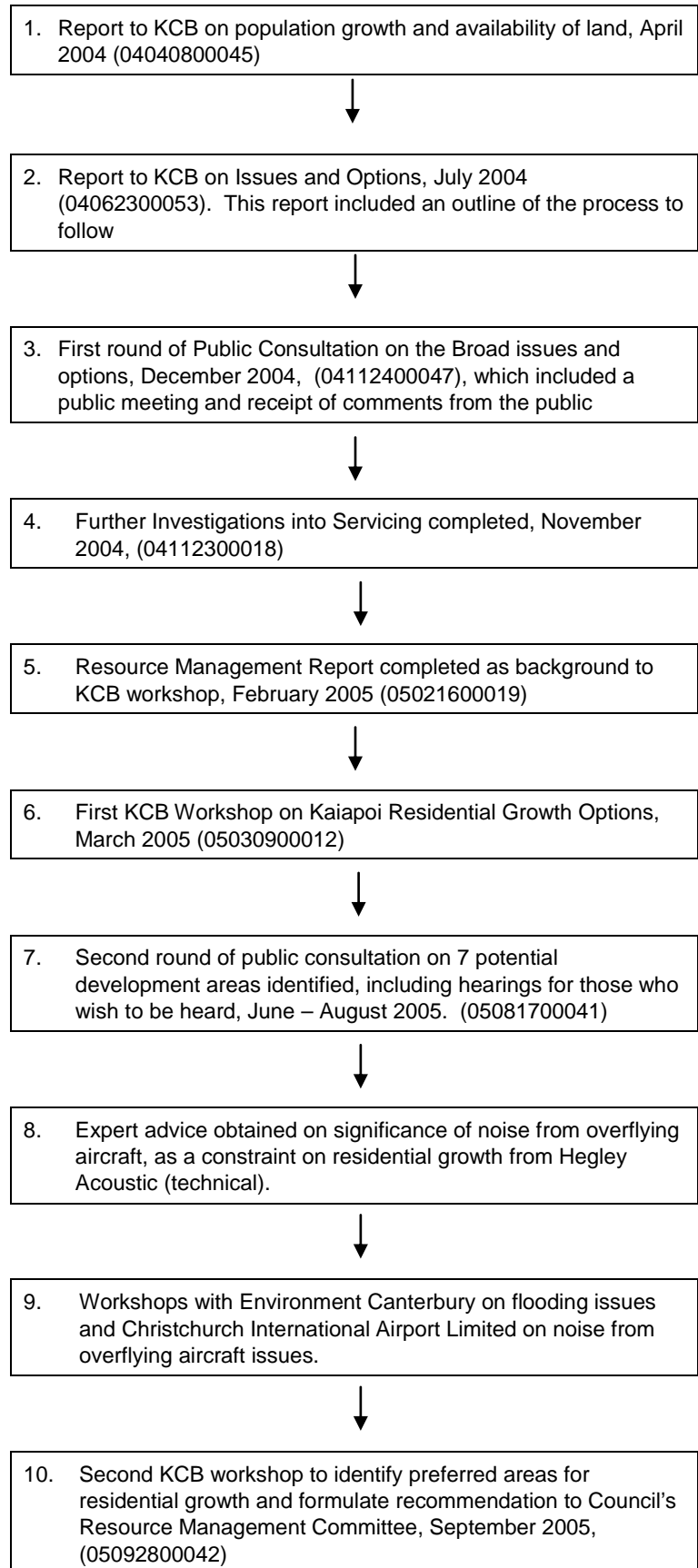
That within 1-2 years it is expected that the town will have no further residential land to develop. This was based on medium growth projections for 2006.

If the Kaiapoi population is to grow past the medium prediction for 2006 more land is required.

Medium predictions from 2006 to 2021 estimate an increase of 500 people, which would require 20 hectares of residential land.

High predictions estimate an increase of 1500 people for the same time period and would require 60 hectares.

In response to this the Board embarked on the following process. The recommendations made by the Kaiapoi Community Board to the Resource Management and Regulation Committee were based on a lengthy and robust process over the last 18 months.



Public Consultation in October 2004 and June 2005 included meetings with statutory organisations, including Transit New Zealand, Historic Places Trust and Christchurch International Airport. During this time Council staff also met Te Ngai Tuahuriri Resource Management Committee to discuss this matter on three occasions. The public meeting held by the Board in October 2004 was attended by over 90 people and was chaired by Councillor Tom Bayliss. In the first round of consultation 38 submissions were received from the public. During the second round of consultation in June 2005, forty submissions were received from individuals and organisations. Thirteen of the submitters made verbal submissions to the Board.

In the report to the Board in July 2004, three broad options were presented to the Board:

- 1. The Board embark on a non-statutory public process to identify a preferred direction for growth of Kaiapoi, which considers all options.*
- 2. The Board directs staff to complete developing a growth strategy for the North East of Kaiapoi.*
- 3. That no further investigations into growth options be carried out and that residential growth be limited to its existing boundaries.*

At its meeting in July 2004, the Board resolved to support the first option identified above in line with the process laid out earlier in this report. It also stated emphatically that it did not support a "no-growth" option for Kaiapoi.

2.4.3 It is clear from the above abstract that the process so far has been a robust and thorough one in which an extensive consultation process has been undertaken. The result of this process has been that, in November 2005, The Resource Management and Regulation Committee directed Council staff to prepare Plan Change documentation in relation to areas A and E and to undertake further analysis of areas C and G. It also directed staff that there would be a two stage process to the full Residential Zoning, with a Deferred Residential 2 Zoning implemented via this Plan Change to allow for an Outline Development Plan to be prepared prior to the Residential 2 Zoning.

2.4.3 In terms of the process required by s32 of the Act, the objective of Plan Change 17 is:

"to provide for continuing residential development in Kaiapoi."

The evaluation required by s32(3) and (4) has been undertaken and included in the sequence of reports set out in paragraph 2.4.2 above.

Specifically, reports 04040800045 in April 2004 and 04062300053 in July 2004 considered the "no growth" option, and a detailed evaluation of seven potential growth areas, their opportunities, and constraints and assessment of costs and benefits was included in reports:

04112400047
04112300018
05021600019
05030900012
05081700041

These evaluations were reviewed and formed the basis for consideration of possible plan changes, and are recorded in report 05092800042, September 2005. The Council's decisions to proceed with Plan Changes 17 and 19 were the result of these evaluations.

The Council considered the risks of proceeding, in a situation of uncertainty regarding potential flood risk and noise effects from overflying aircraft, and decided that a two-stage approach to rezoning is appropriate. The first stage to Deferred Residential will commit to development in principle, and a subsequent second stage will follow to Residential 2 zone when an Outline Development Plan and servicing details have been confirmed. (Report 05092800042)

3.0 PLANNING ASSESSMENT

3.1 Section 73[1A] of the Resource Management Act (the Act) gives a Territorial Authority the authority to make a change to its District Plan.

3.2 Purpose and Scope of Plan Change

3.2.1 The purpose of this Plan Change is to allow the proposed rezoning of 93 hectares of rural land north of Kaiapoi to Deferred Residential 2. The proposed changes would allow this rezoning to occur and remain consistent with the environmental outcomes anticipated through the objectives, policies, and rules of the District Plan.

3.2.2 Plan Change 17 is seeking to rezone an area of 93 hectares north of the current Moorcroft subdivision from Rural to Deferred Residential 2. The rezoning from Deferred Residential 2 to Residential 2 will not occur until such a time that an Outline Development Plan has been prepared and notified. This will allow for the re-zoning to be established in principle prior to detailed servicing patterns being assessed.

3.2.3 The following is an assessment of the relevant resource management issues associated with the re-zoning of land at Kaiapoi to Deferred Residential 2. They are as follows:

- Flooding (localised and floodplain)
- Noise from Overflying Aircraft (Christchurch International Airport Noise Contours)
- Urban form and function,
- Cultural (this includes archaeological values)
- Traffic
- Waterways
- Amenity

3.2.4 All of the above matters have relevance to the potential rezoning of Area A. These resource management issues provide an eclectic matrix of matters to assess and consider in relation to identifying any existing plan contradictions/deficiencies and the identification of information gaps the process may have identified.

3.2.5 Flooding

Environment Canterbury (The Regional Council) have provided information and advice in relation to potential flooding issues for residential development within and around Kaiapoi. The primary conclusions reached in relation to the information provided is that Environment Canterbury considers that Area A should be modelled prior to the rezoning occurring. Environment Canterbury, along with the Waimakariri District Council have undertaken a laser survey of the area providing a quantity of data that is yet to be modelled. This is to be set down for the ECAN 2006/2007 financial year. This would need to occur prior to any preparation of an Outline Development Plan.

3.2.6 Noise From Overflying Aircraft

There are current provisions contained within the District Plan regarding the protection of the Christchurch International Airport, and the protection of communities from unreasonable noise nuisance.

3.2.7 Urban Form and Function

Urban form and function deals with the interconnectedness and connectivity and how the proposed Residential Zoning will remain consistent with the form and function of the existing urban environment. As a continuation from the current Moorcroft subdivision the recent trends have directed development to the north, and the area would form a logical extension of Kaiapoi.

3.2.8 Cultural

The local runanga, through consultation have expressed an interest in regards to Area A. It is intended to include an accidental discovery protocol within the District Plan to meet their concerns.

3.2.9 Traffic

Traffic Design Group have been employed by the Waimakariri District Council to undertake a traffic assessment report on the proposed rezoning in relation to Outline Development Plan options. A schematic report has been prepared which has not raised any significant issues at this point.

3.2.10 Waterways

There are no existing waterways located within Area A, Macintoshs Drain adjoins the site to the North and East.

3.2.11 Amenity

The site is located within close proximity to the Canterbury Lakes and existing Council reserves and walkways. The site is therefore well located to make use of existing recreational resources.

4.0 PROPOSED AMENDMENTS TO THE DISTRICT PLAN

4.1 As well as denoting the Deferred Residential 2 Zone on the planning maps, amendments are required to certain Policies and Explanations. The proposed amendments result in the following wording:

Policy 11.1.1.9

Avoid patterns of land use development which may affect the operation, and efficient use and development of Christchurch International Airport, except for the area to the north-east of Kaiapoi within the 50dBA Ldn noise contour, where limited land use development may be appropriate.

Explanation

Christchurch International Airport is a significant regional resource. Noise sensitive activities within the 50dBA Ldn airport noise contour in the Waimakariri District have the potential to constrain the operation of Christchurch International Airport through limits on operating hours in response to the concerns from residents subject to the noise nuisance from aircraft approaching and leaving the Airport.

In the case of Kaiapoi, the Council has undertaken investigations into the town's present capacity for development. It is predicted there will be a shortfall in land suitable for residential development outside the 50dBA Ldn airport noise contour. Limited provision has been made for residential development within the 50dBA Ldn noise contour to the north-east of Kaiapoi.

Policy 12.1.1.9

Avoid or mitigate the noise effect in the receiving environment where the source of the noise is aircraft or road traffic.

Explanation

Aircraft can only be controlled in relation to the use of airports. There are also limitations on the control of traffic noise. Mitigation of the noise effect in the receiving environment involves consideration of the appropriateness of residential development in some areas, and the extent to which building design can reduce the noise, eg insulation, setbacks.

There is no current noise data for Rangiora Airfield. However, the take-off and landing vectors are known and rules protect their use.

For Christchurch International Airport the 50Ldn dBA projected aircraft noise contour shows noise level boundaries encroaching onto land to the south west and north east of Kaiapoi (District Plan Map 138).

The Council has considered the suitability of various land options for rezoning to meet the predicted shortfall in residential land available for the urban growth of Kaiapoi. In considering these options, and in taking into account other constraints on development in those areas, including potential flood risk, urban form, traffic effects and efficiency of servicing, the Council has determined that on balance providing for some urban residential development within the 50dBA Ldn airport noise contour to the north-east of Kaiapoi is the most efficient and enabling

use of the Kaiapoi land resource under the Resource Management Act 1991. Noise insulation requirements are to be imposed on land use for residential development within the 50dBA Ldn noise contour. The District Plan Maps also show the 55dBA Ldn noise contour encroaching onto land to the south and west of Kaiapoi. In this area, mitigation against the noise environment is required through controls on noise insulation for residential and other noise sensitive activities. The effect of the Christchurch International Airport is also a cross boundary issue involving Christchurch City (Chapter 19: Cross Boundary Issues).

With regards to Kaiapoi the Council has undertaken public consultation in respect of options for the growth of Kaiapoi, particularly in relation to noise and the 50dBA Ldn noise contour. It is acknowledged that approximately 80% of urban Kaiapoi is already located under the 50dBA Ldn noise contour. An extension partially under this noise contour is considered to give rise to a very minor additional effect given that the majority of Kaiapoi is already affected.

Objective 14.3.1

Limit the increase in the number of people in the Rural Zones who may suffer noise nuisance from over flying aircraft using Christchurch International Airport.

Policy 14.3.1.1

Avoid intensive subdivision and the development of noise sensitive uses in the Rural Zone within the 50dBA Ldn noise contour relating to Christchurch International Airport as shown on District Plan Map 138, except for the area to the north-east of Kaiapoi, where residential development is appropriate to provide for Kaiapoi's predicted future urban growth.

Explanation

Christchurch International Airport is an important resource both physically and economically to the District and the Canterbury community. The Airport operates an uncurfewed service, 24 hours a day, seven days a week. As a consequence occupiers of properties located on land in the Rural Zone, within the projected noise contours for aircraft using the Christchurch Airport, may suffer a nuisance from aircraft noise. This may have an impact on people's health, safety and wellbeing and may result in calls for restrictions on the operation, efficient use, or development of the Airport. Restrictions which may result from such complaints would constrain the operation of the airport and thus adversely affect people who rely on aircraft for personal travel, tourism, or the transportation of cargo.

To help avoid the potential for conflict between Christchurch International Airport operations and noise sensitive activities, the Council considers it is prudent to avoid where possible, intensive subdivision and dwellinghouse development in the Rural Zone within the 50dBA Ldn noise contour relating to Christchurch International Airport. Aircraft noise can affect the

enjoyment of a property and living conditions inside a dwelling. The policy aims to control subdivision and/or dwellinghouse development on lots of less than four hectares so that the number of people living within the noise affected environment is limited, but makes provision for more intensive subdivision and development than would otherwise be provided for in the Rural Zone in an area to the north-east of Kaiapoi where a Deferred Residential 2 Zone is proposed.

CROSS REFERENCE: Policies 11.1.1.9, 11.2.1.1 and 12.1.1.9

Chapter 32 – Subdivision

Insert the following clause 32.1.1.15a and subsequently re-number all clauses 32.1.1.15 to 32.1.1.46 throughout the Plan:

- 32.1.1.15 a. In the Deferred Residential 2 Zone (North Kaiapoi) the objectives, policies, rules and other provisions for the Rural Zone shall apply until a Plan Change has been notified to introduce a Residential 2 Zone and an associated Outline Development Plan for that zone.

Add the following clause k to the re-numbered clause 32.1.1.16:

- 32.1.1.16 k. Being North Kaiapoi identified on District Plan Maps 58, 59, 101 and 103.

Planning Maps

Remove Planning Maps 59, 101, 102 and 103 and replace with the amended Planning Maps 59, 101, 102 and 103 dated 19 August 2006.

5.0 CONSULTATION

- 5.1 Section 2.4 of this report sets out the consultation process undertaken to date. The stakeholders invited to be involved were as follows

Environment Canterbury
Transit New Zealand
New Zealand Historic Places Trust
Christchurch City Council
Christchurch International Airport
Transpower
Ontrack
Ngai tahu
Te Ngai Tuahuriri Runanga
Ministry of Education
Affected Landowners

- 5.2 In addition a total of 78 submissions were received in relation to the Kaiapoi Community Boards two rounds of public consultation.

- 5.3 Issues raised to date include:

The 50dBA Ldn projected aircraft noise contours.
 Potential further rezoning.
 Potential waahi taonga sites.
 Reverse sensitivity on the existing infrastructure especially traffic.
 Traffic flows entering and exiting the existing state highway infrastructure.
 Ability of existing educational infrastructure within Kaiapoi to efficiently and effectively meet the demands of the potential increased population.

6.0 MATTERS TO BE CONSIDERED

6.1 Section 74(1) of the Resource Management Act requires that the Council, when considering a Plan Change to the District Plan, have regard to its functions under Section 31, the provisions of Part II of the Act, and its duties under section 32. This is covered by this report and the identified documents. The following table provides an analysis of the matters to be considered.

7.0 STATUTORY CONSIDERATIONS

Table 1: Matters to be considered by the Waimakariri District Council when undertaking Plan Change 17 to the District Plan.

	Operative Plan	Plan Change 17
In fulfilling its functions under section 31 of the Act [s74]: a. Integrated management of effects. b. Control of effects of the use, development or protection of land, especially relating to natural hazards and hazardous substances. c. Control and mitigation of the effects of noise. d. Control of the effects of activities in relation to the surface of waters.	Current rules address: a. Yes b. Yes. c. Yes d. Yes	Plan Change rules address: a. Yes b. Yes c. Yes d. Yes
The provisions of Part II of the Act [s74]: In achieving the sustainable management of natural and physical resources in the District. Relevant sections: 5 a,b,c 6 a,b,c,d,e 7 a,aa,b,c,d,e,f,g 8	Current rules address sections: 5 a, b, c. 6 b, c. 7 aa, b, c, d, f, g, h.	Plan Change rules address sections: 5 a, b, c. 6 b, c, e 7 aa, b, c, d, f, g, h.
In accordance with any Regulations [s74]:	NA	NA
Shall not be inconsistent with [s75(2)]: a. Any national policy statement or New Zealand Coastal Policy statement. b. Any water conservation order. c. The Canterbury Regional Policy Statement, or any other Canterbury Regional Plan in regard to any matter of regional significance or for which the Regional Council has primary responsibility under Part IV of the Act.	Is not inconsistent with: a, b, c	Is not inconsistent with: a, b, c

<p>Shall have regard to [s74(2)(a),(b), (c)]:</p> <p>a. Any proposed regional policy statement or regional plan on a matter of regional significance in respect of its district.</p> <p>b. Any:</p> <p>i. Management plans and strategies prepared under other Acts; and</p> <p>ii. Repealed</p> <p>iiia Relevant entry in the Historic Places Register.</p> <p>iiib Regulations relating to the conservation or management of taiapure or fisheries.</p> <p>c. Any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.</p>	<p>a, b, c</p>	<p>a, b, c</p>
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(Note: Full statutory provisions are attached to this report)

8.0 CONCLUSION

8.1 Plan Change 17 will allow the town of Kaiapoi to meet the needs of current and projected growth increases in the short to medium term. The current proposed Plan Change maximises the use of existing infrastructure as designed for the Moorcroft subdivision. The Deferred Residential 2 Zoning will allow for servicing options to be developed and progressed through the development of an Outline Development Plan.

9.0 SCHEDULE OF AMENDMENTS TO THE DISTRICT PLAN – PLAN CHANGE 17

9.1 The following amendments are to be made to the District Plan:

Chapter 11 – Utilities and Traffic Management

Replace Policy 11.1.1.9 and the following Explanation with the following:

Policy 11.1.1.9

Avoid patterns of land use development which may affect the operation, and efficient use and development of Christchurch International Airport, except for the area to the north-east of Kaiapoi within the 50dBA Ldn noise contour, where limited land use development may be appropriate.

Explanation

Christchurch International Airport is a significant regional resource. Noise sensitive activities within the 50dBA Ldn airport noise contour in the Waimakariri District have the potential to constrain the operation of Christchurch International Airport through limits on operating hours in response to the concerns from residents subject to the noise nuisance from aircraft approaching and leaving the Airport.

In the case of Kaiapoi, the Council has undertaken investigations into the town's present capacity for development. It is predicted there will be a shortfall in land suitable for residential development outside the 50dBA Ldn airport noise contour. Limited provision has been made for residential development within the 50dBA Ldn noise contour to the north-east of Kaiapoi.

Chapter 12 – Health, Safety and Wellbeing

Replace the Explanation to Policy 12.1.1.9 with the following:

Explanation

Aircraft can only be controlled in relation to the use of airports. There are also limitations on the control of traffic noise. Mitigation of the noise effect in the receiving environment involves consideration of the appropriateness of residential development in some areas, and the extent to which building design can reduce the noise, eg insulation, setbacks.

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Noise insulation requirements are to be imposed on land use for residential development within the 50dBA Ldn noise contour. The District Plan Maps also show the 55dBA Ldn noise contour encroaching onto land to the south and west of Kaiapoi. In this area, mitigation against the noise environment is required through controls on noise insulation for residential and other noise sensitive activities. The effect of the Christchurch International Airport is also a cross boundary issue involving Christchurch City (Chapter 19: Cross Boundary Issues).

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Chapter 14 – Rural Zones

Replace Policy 14.3.1.1 and the following Explanation with the following:

Policy 14.3.1.1

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To help avoid the potential for conflict between Christchurch International Airport operations and noise sensitive activities, the Council considers it is prudent to avoid where possible, intensive subdivision and dwellinghouse development in the Rural Zone within the 50dBA Ldn noise contour relating to Christchurch International Airport. Aircraft noise can affect the enjoyment of a property and living conditions inside a dwelling. The policy aims to control subdivision and/or dwellinghouse development on lots of less than four hectares so that the number of people living within the noise affected environment is limited, but makes provision for more intensive subdivision and development than would otherwise be provided for in the Rural Zone in an area to the north-east of Kaiapoi where a Deferred Residential 2 Zone is proposed.

CROSS REFERENCE: Policies 11.1.1.9, 11.2.1.1 and 12.1.1.9

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APPENDICES

- Appendix I** District Planning Maps to Be Replaced
- Appendix II** Location Plan Showing The 7 options For Growth
- Appendix III** Environment Canterbury Report to Kaiapoi Community Board
- Appendix IV** Hegley Acoustic Consultants Report
- Appendix V** Tim Johnson Servicing Report
- Appendix VI** Wade Hill Options Report
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If you require copies of the Appendices or Planning Maps please contact Maria Hassan 03-313-6136 ext. 888 or maria.hassan@wmk.govt.nz