

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Speaking Notes on the Subdivision Rural Chapter on behalf
of Waimakariri District Council**

Date: 15 April 2024

INTRODUCTION:

- 1 My full name is Mark Thomas Buckley. I am employed as a Principal Policy Planner for Waimakariri District Council. I am the s42A Reporting Officer for Subdivision Rural topic.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Subdivision Rural.
- 3 My speaking notes provide a brief overview of the s42A Subdivision Rural officers report and provide comment on evidence received.

S32 REPORT – KEY ISSUES

- 4 I concur with Ms McClung’s summation of the s32 Subdivision report.

PROPOSED PLAN APPROACH

- 5 The Operative District Plan provides for a range of subdivision activities largely as a controlled activity, but enables more intense subdivision throughout the rural zones down to 4ha. As new growth areas were added to the plan through private plan changes, a large number of site-specific provisions were added to the plan making it complex to navigate.
- 6 The main from the Operative Plan to the Proposed Plan around subdivision within the rural environment are:
 - a) Controlling the widespread subdivision and fragmentation of rural land by splitting the rural environment into two zones based on character and land use,
 - b) Site specific provisions have mostly been removed, and where these still apply or are required, specific provision is made for them in the Development Area overlays,
 - c) Greater consideration of natural hazards and reverse sensitivity effects associated with subdivision within the rural environment, and
 - d) Better alignment with the objectives and policies of the RPS.

S42A REPORT – KEY POINTS

- 7 The following to be the key issues in contention in the chapter:
- a) Subdivision consent applications prior to notification;
 - b) General Rural and Rural Lifestyle Boundary;
 - c) Enabling smaller rural lot subdivision; and
 - d) Subdivision within the National Grid Corridor.

Subdivision consents prior to notification

- 8 The District Council received a 158 resource consent applications prior to notification for subdivision of rural land down to 4ha. Of these 129 resource consents were granted, which resulted in 307 extra small rural lots. There were 29 resource consents that were not processed prior to the District Council getting a decision from the Environment Court giving legal effect to the proposed plan provisions limiting 4ha subdivision within the General Rural Zone area.
- 9 Ms Harris has provided the Hearings Panel with an update as to where those resource consents sit in the process.

Enabling smaller rural lot subdivision

- 10 A number of submissions have been received requesting that the Council allow further subdivision of RLZ properties down to smaller lot sizes. While I understand why property owners may want to do this I do not agree that this should be enabled because of the following reasons:
- Increase potential for reverse sensitivity effects on existing primary production,
 - Increased strain on services, given that most of the area relies on groundwater bores for drinking water supplies and septic tanks for wastewater disposal,

- Increased potential for local groundwater contamination from septic tanks and stormwater runoff from impervious surfaces,
- Increased potential for stormwater runoff resulting in downstream flooding effects,
- Change in rural character and amenity values,
- Increase in adverse traffic effects,

Subdivision within the National Grid Subdivision Corridor

- 11 The National Grid Subdivision Corridor enables Council to control subdivision and land use activities where they may have an adverse effect upon the operation, maintenance and upgrading of the National Grid. Activities such the planting of trees, fences, and building (non-residential) could potentially limit access or contribute towards an increased potential for arcing.

Rural Lifestyle/General Rural Zone Boundary

- 12 The RLZ/GRUZ boundary was established based on an investigation into character undertaken by Boffa Miskell (2018). The scope of the investigation was

- Identify character areas that make up the rural zone and describe the landform, land cover and land use elements, and key characteristics that typify each character area.
- Determine any areas that are capable of, and suitable for, rural residential development or more intensive rural development/subdivision (that is consistent with the character of each identified area).

- 13 While the RLZ/GRUZ may not capture every lifestyle block in the district, it was intended to combine 4ha RLZ into a continuous area where neighbouring properties have similar characteristics.

Reverse sensitivity

14 It is recognised that reverse sensitivity between completing land uses is an issue throughout New Zealand, particularly where residential development occurs within or adjoining rural or industrial areas.

15 The Proposed Plan addresses reverse sensitivity in the following key policy provisions (20):

- SD-O3(2)(b)(ii) effects on infrastructure,
- UFD-P10 effects from new development
- EI-O3 effects on infrastructure
- EI-P5 Effects of energy and infrastructure
- EI-P6 Effects on energy and infrastructure
- TRAN-O3 and TRAN-P14 effects from transport systems
- TRAN-O4 and TRAN-P15 effects on transport systems
- SUB-P1 Design and amenity
- SUB-P4 Subdivision effects on existing development
- SUB-P6 ODP minimise effects
- LLRZ-P3 effects on existing activities
- CMUZ-P7 and CMUZ-P8 residential activities and other activities manage effects
- INZ-P5 and INZ-P6 managing effects on and within Industrial Zones
- RURZ-P8 sensitive activity effects on primary production
- GRUZ-P2 limiting land fragmentation
- RLZ-P2 effects from subdivision below 4ha

S42A REPORT – RECOMMENDED AMMENDMENTS

- 16 Upon weighing up all submissions, my recommended changes are contained within Appendix A of my s42A report.
- 17 A number of submissions received had previously been allocated to Rural have subsequently been reallocated to a number of other Proposed Plan chapters. The majority of the reallocations relate to rezoning requests and Christchurch International Airport Limited submissions.
- 18 Table B.34 in Appendix B contains all submissions that references either the versatile soils or highly productive land. In most cases the substantive issue of the submission and the outcome sought does not specifically relate to the rural chapter but may be against a provision in another part of the Proposed Plan. Please note that the substantive part of those submissions and the outcomes sought will be addressed in those parts of the Proposed Plan and the hearing streams that the submission relates to.

FEEDBACK ON EVIDENCE RECEIVED

Daiken (Ms Styles)

- 19 An additional subdivision rule is requested to control subdivision around Daiken. Given that the issue of reverse sensitivity on the land to the immediate north of the Daiken site has been discussed in the Strategic Directions and the Rural Zones (section 3.17.9 in s42A Rural Zones officer report). The addition of RURZ-P9 and the amendment to RLZ-BFS5 in Rural Zones right of reply includes consideration of setback distances from the boundary for sensitive activities.
- 20 RLZ-BFS5 amendment requesting that the setback from outside the noise contour does make more sense, as the intent is that any sensitive activity inside the noise contour is non-complying and outside the contour is permitted. I agree with the proposed amendment although the wording need to be amended to fit with the chapeau of the provision.

NZ Pork (Mr Hodgson)

- 21 Submission 169.19 requests that SUB-MCD10 is amended to include design criteria for subdivision design effects on the productive potential of rural resources. This submission was discussed in part in the preliminary response to hearing panel questions.
- 22 SUB-S2 amendment requiring the identification of a building platform to demonstrate that it is more than 300m from the outer edge of any area used for intensive primary production. Setback for sensitive activities is addressed in RLZ-BFS5 and GRUZ-BFS5. The plan is proposed to be read as a whole, including the same provision in multiple rules could potentially lead to plan users not checking other chapters for relevant plan provisions.
- 23 The proposed amendment suggested for SUB-MCD10 are direct effects of an existing activity on a potential subdivision. Without knowing the intended land use or where any sensitive activities are located the proposed wording is redundant. The complete reliance on new sensitive activities to mitigate all potential effects removes the responsibility of existing property owners to ensure the effects of their activities are minimised where they can.

KiwiRail (Ms Grinlinton-Handcock)

- 24 It is noted that KiwiRail supports the proposed amendment to SUB-MCD10.

Horticulture NZ (Mr Hodgson)

- 25 The request for a new policy SUB-PX regarding subdivision not compromising the use of HPL, versatile land for rural production has been discussed within the s42A Rural Zones and s42A Subdivision Rural officer reports, memos to the Hearing Panel and the preliminary answers and right of reply to Hearing Panel questions.
- 26 The comments on SUB-MCD10 are the same as for NZPork.

Kainga Ora (Ms Dale)

27 Kainga Ora submitted that subdivision within the National Grid Yard subdivision should be managed rather than avoided. In their evidence they noted that there was 52 existing residentially zoned sites that are within the National Grid Subdivision Corridor, these are located in Arlington, Rangiora and comprise a series of houses that were developed in 2015. While houses have been developed in the past, I do not agree that any additional housing should be enabled within the National Grid Subdivision Corridor. Controlling residential development around the National Grid is significantly less expensive than having to move the alignment of the grid lines, or retrospectively removing structures or dwellings when they prove to be an obstacle to operation, maintenance or the upgrading of the lines.

28 Permitted subdivision with land use or building consent SUB-P2 and SUB-P5 conflates the ability to use land with the ability to subdivide without any controls. Section 106 RMA requires that Council considers any significant risk from natural hazards and whether sufficient provision has been made for legal and physical access to a subdivision. This cannot be implemented should subdivisions be a permitted activity.

ECan (Ms Watt)

29 She agrees with the outcomes of my report.

Main Power New Zealand (Ms Foote)

30 The activities adjacent major electricity distribution lines (33kV+) is controlled through Rule EI-R56 making sensitive activities non-complying within 10m from the centreline of the distribution line in the Proposed Plan. These provisions were developed in consultation with MainPower during the development of the Proposed Plan. I note that the EI s42A and right of reply has reduced the setback to 6m. The proposed new rule would be inconsistent with the amendment.

31 I reserve the right on any final decision until after I hear all of the evidence.

John and Annette Waller

33 I would prefer to hear their evidence before making any comment.

CORRECTIONS

34 Paragraph [227] in SUB-R6 amended the reference to SUB-MCD11 to read SUB-MCD10, this was originally done on the understanding that one of the matters of control or discretion was going to be combined with another. This did not subsequently occur meaning that there was no renumbering of the SUB-MCD matters. As a result of this, the numbering should remain as notified, and shown below.

<p>SUB-R6</p>	<p>Subdivision within the National Grid Yard <u>Subdivision Corridor</u></p>	
<p>National Grid Yard Overlay <u>Subdivision Corridor</u></p>	<p>Activity status: RDIS Where: 1. a building platform is identified on the subdivision plan that is outside of the National Grid Yard, to be secured by way of a consent notice; and 2. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to: Matters of control/discretion listed in SUB-R2 SUB-MCD11 - Effects on or from the National Grid</p> <p>Notification</p>	<p>Activity status when compliance with SUB-R6 (1) not achieved: NC</p> <p>Activity status when compliance with SUB-R6 (2) not achieved: as set out in the relevant subdivision standards</p>

	<p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Transpower New Zealand Limited, where the consent authority considers this is required, absent its written approval.</p>	
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35 For SUB-S16 the amendment should read ‘advisory note’ not ‘advice note’ as shown.

36 **Advisory Note**

- Public drain refers to District Council owned stormwater system, including the rural drainage network. It does not include any private drains or roadside drains not administered by the District Council.

Date: 15/4/2024

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