

Hearing Stream 12C

Questions from the Hearing Panel

Having read the Section 42A Report, the Hearing Panel has questions that they would appreciate being answered by the Section 42A Report author at the hearing, both verbally and written.

This is in the interests of running an efficient hearing.

Please note this list of questions is not exhaustive. The Panel members may well ask additional questions during the course of the hearing.

Paragraph or Plan reference	Question
Overarching	<p>In a number of places in your assessment, you have expressed your opinion that because an area was considered as part of the preparation of the Rural Residential Development Strategy (RRDS) that it does not meet the test under policy 8 of the National Policy Statement on Urban Development (NPS-UD).</p> <p>There are also a number of assessments that have not considered Objective 6 and Policy 8 and have rather focussed on the RRDS and the RPS.</p> <p>You will need to clearly set out your rationale as to how that particular areas were or were not considered through the RRDS means that they can not now be considered for rezoning now, particularly considering Objective 6 and Policy 8 of the NPS-UD.</p> <p>The same applies in respect to your assessments of relevant Regional Policy Statement policies and the NPS-UD. You need to set out your understanding of the relevant weight the NPS-UD policies have in respect to the RPS policies. In particular, please consider how Policy 6.3.9 of the RPS should be reconciled with the provisions of the NPS-UD, including Policy 8.</p> <p>The Panel understands from evidence presented to date and caselaw and its own reading of Objective 6 and Policy 8 of the NPS-UD that the NPS-UD does provide for the consideration of plan changes (which would include submissions on the PDP) that would add significantly to development capacity and contribute to well-functioning urban environments even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release. We would expect any submission seeking an unanticipated or out of sequence rezoning would be assessed under Objective 6 and Policy 8 of the NPS-UD.</p> <p>We suggest that you obtain legal advice in responding to these questions.</p>
Overarching / Para 195	<p>In para 195, you state:</p> <p style="text-align: center;"><i>The assessment criteria used in the RRDS was generally limited in scope and did not consider the wider impacts of potential rezoning of the areas.</i></p> <p>If this was the case, then how much weight should the Panel be giving the RRDS in considering submissions seeking rezoning and how does this</p>

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	support your opinion elsewhere that if a site(s) were not included in the RRDS they should not be rezoned? We suggest that you obtain legal advice in responding to this question.
Overarching / Para 92	<p>You state:</p> <p style="text-align: center;"><i>While recognising that some of the large land holdings have been rezoned RLZ and can for all intents and purposes subdivide down to 4ha, in my opinion it is important that large land parcels are retained in the eastern part of the district where the LUC Class 1 and 2 soils are located, thereby providing for land based primary production in accordance with the NPS-HPL.</i></p> <p>Can you please explain this statement further and in particular, how your approach is consistent with the NPS-HPL.</p>
Overarching	<p>Please clearly explain how the Council approached identifying sites subject the Large Lot Residential Zone Overlay within the Proposed District Plan, including under UFD-P3.</p> <p>Please also explain the intent of UFD-P3 in respect to large lot residential development on sites zoned LLZR and RLZ or GRUZ with the LLZR Overlay.</p> <p>What is the purpose of the LLZR Overlay? What assumptions could people with land subject to the LLZRO make in respect to that Overlay? In particular, could people with land subject to the Overlay assume that rezoning to allow development was anticipated?</p>
Overarching	<p>For some submissions that you have recommended rezoning for, you have assessed that they meet Objective 1 and Policy 1 of the NPS-UD as contributing to a well-functioning urban environment due to enabling a variety of houses, being located in close proximity to jobs, community services, natural open space and public or active transport, supporting a reduction in GHG emissions and being resilient to climate change.</p> <p>Please explain what criteria you have used to determine whether a rezoning request is consistent with Objective 1 and Policy 1. For example, what distance to you consider to be close to jobs, to be serviced by public or active transport; and what constitutes supporting reductions in greenhouse gas emissions etc? Further, please explain how your evaluation of these submissions as being consistent compares to that of Ms Manhire in those zoning requests she recommends be rejected for not being consistent with Objective 1 and Policy 1 of the NPS-UD in her s42A report for Hearing Stream 12A.</p>
Overarching	Please set out your opinion on whether the NPS-UD requires that the Council needs to consider housing demand and capacity both throughout the urban environment as a whole as well as in different locations in the District itself. Please reference relevant policies and clauses of the NPS-UD as you respond to this request.
Para 36	You state:

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	<p><i>Some of the rezoning submissions have not included any or sufficient information for them to be considered for direct rezoning to LLRZ. Where relevant these have been rezoned as LLRZO until such time that the relevant information has been provided.</i></p> <p>Can you please clarify exactly what you mean by these two sentences. Do you mean that you have recommended that they be rezoned?</p>
Para 51	Can you please advise what the first stage of assessment of suitable areas for inclusion in the RRDS involved.
Paras 55, 57, 64-71	<p>The Panel is confused by paragraph 55. You state, <i>“I consider that the wording of Policy 6.3.9 is clear in that only those areas identified in the RRDS can be considered for rezoning to LLRZ.”</i> But then you say that <i>“Properties outside of the Greater Christchurch area can be considered for rezoning or have the overlay apply, as they are not subject to the RPS Chapter 6 provisions, and in particular Policy 6.3.9.”</i> Should the first sentence above read <i>“I consider that the wording of Policy 6.3.9 is clear in that only those areas identified in the RRDS <u>within the Greater Christchurch area</u> can be considered for rezoning to LLRZ.”</i>?</p> <p>You also say <i>“My interpretation is that this also includes the application of the LLRZ Overlay within the Greater Christchurch area, in that the District Council was potentially providing for those properties to be rezoned LLRZ in the future.”</i> We assume this is because of the RPS definition of rural residential activities discussed in paragraph 57, However, how do we align this with your discussion in paragraphs 64 to 73 where you consider LLRZ to be urban (also at para 79, where you say it is an urban residential zone). Is there some inconsistency within the RPS itself and is the RPS inconsistent with the NPS’s you refer to? If so, how do we reconcile this different definitions/approaches?</p>
Para 135	<p>The second sentence reads: <i>I do not agree with the assessment that the NPS-UD, and the conflating of the Greater Christchurch area with the Christchurch Tier 1 Urban Environment.</i></p> <p>Is there something missing from this sentence?</p>
Para 159	Please explain why you do not agree with Mr Haimsworth’s opinion, and what the relevance is of his assessment to the consideration of this submission.
Paras 160 and 161	<p>This submission seeks rezoning of land proposed to be zoned RLZ into LLRZ. We are not aware of any submissions that oppose the RLZ or seek that this land be rezoned to any other zone. You state:</p> <p><i>Given that the site does contain LUC Class 3 soils (constraints aside) and the land is used for dairy farming and better aligns with GRUZ-O1, there is an argument that GRUZ would be the more appropriate zoning than RLZ. If GRUZ is considered to be a more appropriate</i></p>

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	<p><i>zoning, then consideration should also be given to NPS-HPL Objective 1. Bearing in mind the Proposed Plan is not operative, and all provisions, including zoning can be subject to appeal, it may be more appropriate to consider the site in light of the NPS-HPL.</i></p> <p>Please state your understanding of the scope of what we can recommend in response to this submission, and other submissions that seek to upzone land through the PDP. Please explain how Objective GRUZ-O1 is relevant to the consideration of this submission.</p> <p>We suggest that you obtain legal advice in responding to this question.</p>
Paras 175 and 181	Which private plan changes are you referring to and what did it/they involve?
Paras 192-201	<p>Please explain how this site was identified in the PDP as being RLZ with the LLRZO applying, but is now considered to be inconsistent with the NPS-UD and the RPS.</p> <p>Please provide an assessment of this requested rezoning and the ODP that accompanies it against the relevant criteria in the PDP, under UFD-P4 and SD-O6.</p>
Para 204	Please confirm whether this site is in the Greater Christchurch Area or not. If it is not, then please update this assessment.
Para 220	Please set out your rationale for this assessment. What exactly is the proximity to jobs, public and active transport and how will a reduction in GHG emissions be supported. How do these compare to the other submissions you have assessed in this report?
Paras 227 and 231	You have set out that the Council’s engineer has noted that the ODP lacks sufficient detail in respect of overland flow paths, stormwater reserves, and sizing of stormwater management areas. Later, you identify that the submitter will need to demonstrate there is an ability to retain stormwater to predevelopment levels within the property at the site. Is this a problem in respect to the requested rezoning, and what needs to be done to remedy it if it is a problem? If this information is not provided, what is your recommendation in respect of this submission?
Para 230	What are resource consents RC225263 and RC225264 and how are they relevant to this assessment?
Para 237	Please explain your statement that “it will provide immediate additional development capacity of seven houses and a future potential development of 37 houses, should part of 90 Dixons Road be developed”?
Para 260	<p>You state:</p> <p><i>“The ODP, as discussed below, however does not demonstrate a well-designed outcome, with issues around transport and stormwater management not being adequately addressed. “</i></p>

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	Is there no opportunity to address shortfalls in the ODP design through the subsequent subdivision process?
Para 271	You have raised concerns regarding servicing, traffic, stormwater disposal, hazards and planning assessment, and are of the view that there are significant issues with onsite wastewater and stormwater disposal. Were these matters that were traversed in the approved resource consents RC225343 and RC22545? What is the status of the resource consents? How does what was consented in the resource consents differ to what is sought through the rezoning?
Para 273	Please explain why you say in para 272 that LLRZ Overlay would be more appropriate than RLZ as notified in the Proposed Plan but then say here that you cannot recommend its rezoning? Did the RCs consider water and wastewater servicing that may provide for rezoning to LLRZO? Please explain why the provision of an ODP relevant to rezoning to apply the LLRZO?
Para 281	Please explain how you define “close enough” in respect to your assessment of proximity to jobs, community services and public transport.
Para 285	<p>Please explain whether the areas of LLZRO are contained within the RRDS. Having looked at the RRDS, it seems to indicate rural residential development occurring across this area of land.</p> <p>Also, you state:</p> <p style="text-align: center;"><i>While LLRZ can be developed in those areas already identified in the RRDS, outside of that process the RPS and Proposed Plan does not generally support large scale rezoning of land from RLZ to LLRZ.</i></p> <p>Please explain your answer in terms of both the RPS and the PDP. In doing so, please explain how your answer is consistent with UFD-P3.</p>
Para 291	Is it a requirement of the RPS or the PDP that an ODP is required in order for the LLRZ Overlay to be applied to land? If so, please set out exactly which provisions you are relying on to require an ODP for the Overlay to be applied. Please also set out the criteria in the PDP for the LLZR Overlay to be applied to land.
Para 301, 308 - 309	Would subdivision plans not show more detail than an ODP? If so, why would an ODP now be needed? Why do all developments/ODPs need to identify land for community facilities, parks etc if they are adequately catered for in adjoining areas? Further, is it appropriate to address matters through conditions in the rezoning as suggested in para 309? Are these things not just standard matters addressed by the subdivision process?
Paras 306 and 313	<p>You quote Mr Binder in para 306 as stating that there is no funded public transport available for Ashely Village. You then conclude in para 313 that the site is in close proximity to the public transport park and ride facility.</p> <p>How do you reconcile the statement in bullet point 3 of para 313 with Mr Binder’s statement “Relative to the other submissions in this tranche, I consider that Ashley township is “better served” with regards to active</p>

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	modes but do not consider it “well served,” certainly not as urban environments should be in the context of the NPS-UD.
Para 308	In light of your generally positive evaluation, is an alternative that the LLZR Overlay is applied to the site, particularly in the absence of an ODP?
Para 310	You have recommended that the submission be accepted in part. Exactly what is your recommendation to the Panel? If it is a rezoning to SETZ as indicated in your para 313, then what do you mean in para 309 that the following conditions need to be addressed in the rezoning? When do these conditions need to be met?
Para 321	Please explain the relevance of consistency with the PC17 consent order to the Panel considering submissions on the PDP. What was the timing of PC17 and are there now new planning documents that the Panel must consider in evaluating the submission?
Paras 370 – 373	Please confirm your understanding of Mr Harris’s submission and whether he is seeking rezoning of his land. We have reviewed his submission and we are unclear as to where he seeks rezoning, rather than changes to the subdivision standards. Further, in your assessment you refer to a “proposed subdivision” and recommend that the subdivision is rejected. How is a proposed subdivision relevant to a proposed plan process and our recommendations?
Para 378	What do you mean by “that the rezoning submission is identified in a RRDS (Policy 6.3.9)”?
Para 383	The Panel has reviewed the submission [37.1] which from our reading is specific to 3025 Oxford Road. Please clarify why you have also included 3065 Oxford Road.
Para 384	You state that the submitter is seeking rezoning from RLZ with a LLRZ Overlay to LLRZ. Our reading of the planning map is the site is proposed to be zoned GRUZ, with the LLZRO applying to the northern part of the site adjacent to Oxford Road. Please confirm the proposed zoning in the PDP.
Para 391	Please explain how you reconcile your position with the location of the LLRZ which is immediately adjacent to the north of the wastewater treatment plant.
Para 392	Please set out what part of Mr Tapp’s submission you are relying on to make this recommendation. The Panel cannot see the scope for your recommendation to remove the LLRZO from 3025 Oxford Road.
Para 392, 393	<p>Figure 39 shows that the fault is located on that part of the site proposed to be subject to the LLZRO in the PDP. The submission seeks that the LLRZO be applied to that part of Lot 3 that is to the south of the fault line, out of the fault avoidance zone, in the area identified as being “no known deformation”.</p> <p>The Panel also notes the final conclusion in the GNS report which states:</p>

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	<p><i>“the central and southern parts of Lots 2 and 3 DP 51992, which are proposed to retain rural land-use zoning (General Rural Zone) are on ground classed as having ‘no ground deformation hazard’. Instead, if the zoning proposal was amended to place the northern parts of Lots 2 and 3, encompassing the fault avoidance zones, in General Rural Zone, and create a LLR zone on the central to southern parts of the lots, there would be no active fault hazard to consider for building in the revised LLR zone’.</i></p> <p>Please advise if this changes your recommendation.</p> <p>Please also provide a more detailed assessment of the requested rezoning under clause 3.6 of the NPS-HPL.</p>
Para 401	Please provide a more detailed assessment of the requested rezoning under the NPS-HPL, and clause 3.6 in particular.
Para 408	Please explain more clearly how you consider the ECan submission provides you with the scope to make this recommendation. We suggest you seek legal advice in replying to this question
Para 415	<p>You state: <i>“However, I do note that the loss of primary production, versatile soils and HPL were not part of the consideration for identification of the proposed development areas, and given the provisions of the Proposed Plan and the NPS-HPL. “</i></p> <p>This does not appear to be consistent with the factors listed in para 52, which includes ‘versatile soils and drainage’ and ‘intensive farms and irrigation areas’. The RPS addresses ‘versatile soils’ so you would expect them to have been considered.</p> <p>Can you please reconcile these two statements and also advise what is meant by ‘<i>and given the provisions of the Proposed Plan and the NPS-HPL</i>’ in this sentence.</p>
Para 429	<p>We have reviewed the legal advice. We request the legal advisors provide updated advice that addresses the wording of UFD-P3, which states the new LLR development is located in the Future LLRZO, signalling that it is identified for urban development.</p> <p>Also, if the NPS-HPL did not apply (or we did not agree with the legal advice regarding the application of it in these circumstances), what would be your recommendation?</p>
Para 431	<p>You state:</p> <p><i>I consider that at 1.6ha rezoning of the property can be considered in line with clause 3.6(2)(c) in that the land could be considered as having a relatively lower productive capacity.</i></p> <p>What do you mean by this statement and advise of your expertise to make it, noting that Mr Ford did not consider this property in his assessment? Do you have a conclusion after making that statement?</p>

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Para 434	Please explain how you consider that you have scope under the Federated Farmers submission on UFD-P3 to recommend the removal of the LLRZ Overlay from 25 Ashley Gorge Road.
Para 442	<p>You state:</p> <p style="text-align: center;"><i>Given that there is no planning or engineering information that is specific to rezoning the site to LLRZ...</i></p> <p>Please explain this statement, in light of the initial evidence provided by Ms Edmonds (planner) and Mr Hopkins (engineer) in support of the submission.</p> <p>Please provide an evaluation of the requested rezoning under Objective 6 and Policy 8 of the NPS-UD.</p>
Para 452	<p>In response to Ms Hampton economic assessment that there is a shortfall in LLRZ development capacity for Woodend, you state that "...Council is not required to provide development capacity at a specific location or for a specific property size." You make similar comments at para 459.</p> <p>There appear to be several provisions in the NPS-UD that would suggest otherwise. For example, Objective 3(c), Policy 1(a)(i), Policy 2, clause 3.2. clause 3.24 and clause 3.25.</p> <p>Can you please reassess your position in light of these and other provisions of the NPS-UD.</p>
Para 465	Please confirm whether there was a further submission from NZTA opposing this submission. Has there been any contact made with NZTA to advise of their position on the requested rezoning?
Para 466	<p>Please provide an evaluation of the requested rezoning under Objective 6 and Policy 8 of the NPS-UD</p> <p>After considering how Policy 6.3.9 of the RPS should be reconciled with the provisions of the NPS-UD, including Policy 8, in response to our question above, has your position changed in relation to this proposals consistency with Policy 6.3.9?</p>
Para 490	Why have you only assessed one of the options sought?
Para 495	How do you compare your position that this rezoning at Waikuku is consistent with Objective 1 of the NPS-UD with Ms Manhire's position that the rezoning at Pegasus which are closer to Woodend/Ravenswood are not consistent with that same Objective?
Para 506	<p>You state</p> <p style="text-align: center;"><i>The proposed rezoning of the LLZRO parcel on Gressons Road is accepted given the need for an updated ODP that shows some common reserves and provision for water and wastewater.</i></p> <p>Can you confirm what you mean by this? Are you seeking that the submitter provides an updated ODP? What is your recommendation if they do not</p>

Paragraph or Plan reference	Question
	submit one? And if they do, what is the process for an updated ODP being assessed in order for us to make a recommendation?
Para 515	Which objectives of the PDP are you referring to?
Paras 517 and 523	You consider these sites more aligned with LLRZ but do not recommend their rezoning due to a lack of technical information and an ODP. Has Council's engineers been asked to assess infrastructure capacity for these sites?