

BEFORE THE WAIMAKARIRI DISTRICT PLAN REVIEW HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waimakariri District Plan

SUMMARY EVIDENCE OF PAULINE FIONA ASTON

FOR ANDREW MCALLISTER

(Submission no.8)

10 October 2023

CONTEXT

1. McAllister submission 8 seeks:
 1. Include 1275 Tram Road ('Block B') in the LLRO for Swannanoa; and
 2. Support growth to the west (of Swannanoa) – i.e. the proposed LLRO covering 1401, 1419 and 1379 Tram Road ('Block A').
2. Block A is within the PDP LLR Overlay Zone (LLROZ) but Block B isn't. Block A comprises 2 x 4 ha blocks, each with a dwelling, and a small woodlot (7.71 ha), owned by the Council. Block B comprises a 21.21 ha with a dwelling, which adjoins Swannanoa School and an existing fully developed LLRZ. There is a current subdivision consent for Block A (RC 195150) to create 4 x 4ha lots and 1 x 5.8 ha lot.
3. Given that the McAllister submission sought inclusion within the LLROZ rather than LLRZ, as an abundance of caution, his rezoning request also relies on and supports the Survus 250 submission.

STATUS OF SITE UNDER NPS-HPL

4. I agree with the Officers Report (OR) that the Rural Lifestyle Zone (RLZ) is exempted from the NPS-HPL. In my opinion, the RLZ clearly comes within the bounds of clause 3.5.7, specifically
 - b) (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.
5. I have read the legal submissions on this matter for ECAN (submission 316) and other submitters (Rolleston Industrial Developments Ltd submission 160, Mark Prosser and Mike Greer Homes submissions 224 and 332) and note that they all of the same view i.e. the NPS-HPL does not apply to the RLZ.

OFFICERS REPORT – RECOMMENDED CHANGES TO UFD-P3/NSP-HPL CLAUSE 3.6

6. The s42A recommends amending UFD-P3 Identification/location and extension of Large Lot Residential Zone areas by adding the following additional criteria for proposed LLR zones which are outside the LLROZ:
 - f. avoids the loss of LUC class 1 to 3 soilsThis additional criteria would not apply to Block A as it is within the LLROZ. This is consistent with my interpretation that the LLRO zones are not HPL.

7. It would apply to Block B, which is not within the LLROZ. I am concerned that the proposed wording is inconsistent with the NPS-HPL cl 3.6 which specifies circumstances under which HPL may be rezoned for urban purposes. If retained, the wording could be amended to read:

f. avoid the loss of LUC class 1 to 3 soils, except as provided for in the National Policy Statement – Highly Productive Land.

10. The s42A report refers to the cl. 3.6 criteria:

Large lot residential density does not provide sufficient development capacity (section 3.6(1)(a) or at least sufficient development capacity (section 3.6(1)(b) under the NPSUD, as the density is one residential unit per 5000m². Large lot residential development does not meet section 3.6(1)(c) either as LLRZ properties within the district do not provide much in the way of potential primary production.

I disagree with these comments. NPSUD cl. 3.2 (1) states sufficient development capacity must meet expected demand for housing in existing and new urban areas; and for both standalone dwellings and attached dwellings. Policy 1 requires that planning decisions contribute to well-functioning urban environments, which are

urban environments that, as a minimum: have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households;

PDP SD-02.9, *'provides limited opportunities for Large Lot Residential development in identified areas, subject to adequate infrastructure'*. This is necessary to go at least some way towards meeting expected demand for lower density LLR housing. Cl. 3.6.1(c) requires a relative assessment of the costs and benefits of urban rezoning compared with the costs associated with the loss of HPL on a case by case basis, not just the costs associated with loss of HPL. The CBA is likely to vary depending on the particular circumstances.

ECAN MAPPING OF HPL

11. My understanding is that ECAN intends to notify mapping of HPL as part of the Proposed Canterbury Regional Policy (PRPS) in late 2024. The Memos state that if the RPS mapping includes some PDP notified RLZ land, then the Council could vary the PDP after the PRPS is notified. A variation should not be necessary given NPS-HPL cls.3.5.3 and 3.5.4 which require district councils to insert the RPS HPL maps into district plans once the RPS maps are operative. This unlikely to be until around later 2026. The PWDP process should be completed well ahead of this.