Before the Hearings Panel and Independent Hearings Panel

At Waimakariri District Council

Under	Schedule 1 of the Resource Management Act
In the matter of	the Proposed Waimakariri District Plan and
	Variation 1 to the Proposed Waimakariri District Plan
Between	Various submitters
And	**Waimakariri District Council**
	Respondent

Council Officer's Preliminary Response to written questions on Wāhanga Waihanga - Future Urban Development Areas, and the Variation 1 component of Airport Noise

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INTRODUCTION

1. My full name is Peter Gordon Wilson. I am employed as a Principal Policy Planner for the Waimakariri District Council.

2. The purpose of this document is to response to the list of questions published from the Hearings Panel and Independent Hearings Panel in response to my s42A reports.

3. In preparing these responses I note that I have not had the benefit of hearing evidence presented to the panel/s at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.

4. I have had the benefit of reading the written evidence lodged with the panel/s prior to the hearing. Where I have relied on or referred to this evidence in my response to questions, I have recorded this in my response.

5. Following the conclusion of this hearing, a final Right of Reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report as updates to my supplied Appendix A and B.

6. The format of these responses in the table below follows the format of the questions from the Panel.

7. I am authorised to provide this evidence on behalf of the District Council.

Date:

16 February 2024

Wāhanga Waihanga - Future Urban Development Areas

Paragraph or Plan reference	Question
Overarching	Please take the Panel through how the Development Area chapters work. For example, explain how DEV-WR-R1 "Activities provided for in General Residential Zone" works, when the land is all zoned Rural Lifestyle Zone until such time as it is rezoned.

Certification

I note that there are many questions on certification from commissioners. I have addressed certification in detail in my response to the first question, and then the particulars of the subsequent question whilst trying to avoid repeating detail and adding unnecessarily to the complexity.

Certification was designed as an alternative pathway to provide capacity, in the context of 'plan-enabled' capacity under the NPSUD. It may be that as a result of rezoning recommendations and decisions that 'at least sufficient' capacity has been provided, and that certification or similar processes are no longer required. I consider that this is a matter to wrap around on following the rezoning hearings and during decision-making by the panel.

I have provided a section 32AA evaluation in Appendix 1 to this document that outlines – at a high level – what I believe to be the various options and approaches for enabling housing intensification and development within the new development areas within the rural lifestyle zone and their respective benefits and risks. This is in response to submitter evidence on the topic and to assist the panel and submitters in further understanding the topic.

I have also provided the start of a drafting approach for the new options, and I note that my Right of Reply may contain further amendments as a result of submitter evidence at the hearing and/or expert conferencing as signalled in Minute 18[1].

Development areas overall

As notified, the development areas chapters have two components to them. 'New development areas', which give effect to the future urban development areas as outlined in Map A, CRPS, and 'existing development areas', which contain ODPs for areas of land that have (for the most part) already been zoned (primarily residential), and where the certification provisions do not apply.

I address both of these in turn:

[1] https://www.waimakariri.govt.nz/__data/assets/pdf_file/0022/159043/MINUTE-18-TIMING-OF-HS7-and-PROVISION-OF-EVIDENCE-FOR-HS12-and-EXPERT-CONFERENCING-HS10A-14-FEB-2024.pdf

New development areas

There are four new development areas within the chapter – the North East Rangiora Development Area (NER), the South East Rangiora Development Area (SER), the West Rangiora Development Area (WR), and the Kaiapoi Development Area (K).

Variation 1 rezoned Bellgrove North in the NER, and Townsend Fields within the WR and now SWR development area to medium density residential. I note the SWR development area is now removed from the new development area as a result and becomes an existing development area.

The WR, SER, and K development areas have not undergone development to date. They require rezoning and/or certification, or something like certification.

There are submissions requesting extension of the SER development area, a new development area attached to the south of Kaiapoi, and a new development area on rural lifestyle land at Ohoka.

I may not have explained this nuance fully in my s42A explanation of where recent development has occurred and under what process – this updates that explanation where I have made it in my s42A.

Explanation of the notified certification provisions

The PDP proposed a certification process to 'release land' for development in these areas. Certification was proposed to meet the cl 3.4(1) NPSUD definition of 'plan-enabled', whereby in cl 3.4(2) NPSUD land is 'zoned' (in the context of this meaning in cl 3.4(1)) for housing or business use only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.

As notified certification is a process anticipated to provide for the CEO of Council (or their delegate) to 'release land' if criteria are met (in DEV-WR-P1 and P2) but if the land has not already been rezoned. If the land has been rezoned, it is not rural lifestyle, and therefore, certification cannot apply.

I considered that as the new development areas anticipate and prioritise development (by way of CRPS objectives and policies), are relatively confined and defined in area, and for the most part, have ODPs, that the matters that need to be considered to intensify housing in these areas are less than for general rezoning applications under Schedule 1.

Notified certification rules

DEV-WR-R1 as notified applies solely to the West Rangiora development area, which is a 'future urban development area' in the context of Map A, CRPS, and a 'new development area' in the context of the PDP. DEV-WR-R1 is conditional on if certification has been approved – as the title of the rule section states 'Activity Rules - if certification has been approved".

So, in the event that an area of land was certified – under the notified 'CEO certification process', the relevant rules of the general residential zones override and supersede the relevant rural lifestyle provisions for that area of land, enabling housing subdivision and development in that

area.

Rules DEV-WR-R2 to DEV-WR-R4 are the same, except for the medium density, local centre, and open space zone provisions. DEV-WR-R5 applies the subdivision provisions, including the allotment sizes (in Table SUB-1) accordingly, subject to the new 'zone' that has been certified, which would be either general or medium density residential in most cases, with the relevant allotment sizes, which are smaller than the 4ha rural lifestyle minimum.

If certification is not approved (DEV-WR-R6, DEV-WR-R7) then the rural lifestyle zone provisions continue to apply as per that chapter.

The other three development areas have essentially the same set of rules repeated for each development area, with the only identifiable differences being to replace references to 'Rangiora', with 'Kaiapoi'.

Following a successful certification decision, the land is 'released', and a subdivision consent could be obtained to enable the subdivision and development.

S42A recommendations on certification

As I have set out in my s42A, I considered that there are issues with the certification process as notified, and I have proposed amendments and changes accordingly, to bring the process for the release of land into the RMA as a consent option, rather than a process outside of the RMA. I note the evidence of other planners, particularly Mr Ivan Thomson (for M & J Schluter and R & G Spark), and Ms Patricia Harte (for Momentum), and Ms Ruske-Anderson (for Bellgrove) who have made similar comments.

I broadly agree with the recommendations and drafting changes suggested by these expert planners.

I have made further drafting changes in Appendix 1 to reflect evidence to date.

General comment on enabling housing development and subdivision within future development areas.

I am open to further amendments and refinements of the process in response to evidence and can produce final recommendations in my right of reply.

Existing development areas

For the existing development areas, there are specific provisions, usually rules and standards, within them which apply in addition to any of the general zone chapter or subdivision chapter provisions.

Certification, or a similar process, does not apply to these areas are they are not within the new development area overlay, and the vast majority of land in these areas has already been rezoned from Rural or Rural Lifestyle.

This part of the DEV chapter can be thought of as a 'holding location' for the ODPs.

I consider that it is not essential that existing development area ODPs are within this chapter, and they could similarly sit within their own chapter, the subdivision chapter, or the residential chapter, although as they contain provisions that apply across multiple chapters I would prefer for them to remain standalone, however, better separation between the 'new development areas' that have their particular policy direction, and the 'existing development areas' might help to reduce confusion.

Overarching	Please explain how the new "certification consent" process would work.

To address the issues with the notified 'CEO certification process', I have made the following recommendations:

- To bring the certification process under the RMA by reframing it as a 'certification consent' process. Certification in this context would be a s9 land use consent and/or s11 subdivision consent, enabling greater housing intensification of the rural lifestyle zone within new development areas than would normally be permitted by the RLZ provisions. It would not be called certification.

- To remove the repetition of the same provisions in each of the new development areas, having them in one place rather than four places in the chapter.

- A process is needed is in addition to, and as a backup for, rezoning requests.

I note that Ms Ruske-Anderson, at para 34 of her stream 10A evidence, recommends changes to DEV-R1 as follows:

- to preclude public notification, and to rename the 'zoning' of land as 'proposed land use'. I agree Ms Ruske's amendment to DEV-R1(4) should be amended to state ~~Zoning~~ Proposed land use is in accordance with that ODP is better wording.
- I also consider that, subject to other evidence and hearing discussions, that the notification settings for certification consents may need clarification or amendment. I could address this and other matters in my final right of reply.

I note my s32AA evaluation on drafting approaches to certification, or something similar, in Appendix 1.

Overarching	What exactly would an applicant be obtaining consent for – what is the land use activity that is being applied for and what would be the end product?

The title of the s42A version of DEV-R1 outlines the scope of what types of activities the consent would authorise – "… land for residential and commercial development" – i.e. land use activities in the meaning of s9 RMA. However, it could also be clarified as "…Residential and commercial land development and subdivision within a Development Area …"

The applicant is obtaining land use and subdivision consent (in the meaning of s9 RMA and s11 RMA) to enable housing intensification on land zoned as rural lifestyle within new development areas, thus 'releasing' that land for subdivision and development.

Housing intensification below 4ha allotment sizes is currently a non-complying activity within the rural lifestyle zone.

An approved consent would result in the relevant residential (and other urban zone) provisions applying to the area of land identified in the certification consent, thus enabling the relevant subdivision consents to be applied for.

The end result is providing housing capacity to meet Council's NPSUD requirements, alongside any rezoning requests that are approved.

Overarching	Have you had legal advice on the vires of this approach? Please provide a copy of any legal advice obtained. If legal advice has not been obtained, please obtain and provide it.

Legal advice has been provided to Council throughout the process of drafting the s42A. As a result of the legal and planning evidence submitted to hearing, I consider that the most beneficial approach to receiving legal advice in the context of Council would be on the final drafting of any provisions, if certification, or processes like certification are recommended.

Overarching	Please provide examples of how other local authorities are addressing the "release" of development areas in advance of rezoning to a relevant Zone to enable development to occur

The proposed second-generation Dunedin City District Plan (2GP) proposes a certification process to transition land in residential transition overlay zones, once identified triggers are met. The proposed DCC approach is through a CEO certification approach. The proposed 2GP approach is similar to the notified PDP approach. Their residential transition zones are similar to the rural lifestyle zone under the development area overlay in the Waimakariri District, however Dunedin have a broader range of zones they wish to transition to residential, including brownfield industrial areas. Dunedin does not have the same directive provisions of their RPS guiding development.

My understanding is that the certification provisions in the 2GP were not subject to appeal and are now either operative, or have legal effect.

Overarching	For DEV-R1, why have you chosen a different format for a restricted discretionary activity consent with the matters of discretion included in the rule, rather than separately in a different table

This is primarily for hearing panel and submitter consideration for comparison with the notified certification provisions. My final Appendix A in the Right of Reply should reproduce these matters of discretion in the format used across the rest of the PDP.

My approach to drafting in the s32AA in Appendix 1 to this document approaches the standard format.

Overarching	In terms of DEV-R1 – what does "zoning within the land is in accordance with that ODP" in clause 4 mean, how would it be applied and how does it relate to the RLZ referenced in clause 1?

I was referring to the land use identified in the ODPs, some of which may call it as "zones", however they are not zones in the meaning of the PDP, so I acknowledge this is imprecise wording, and I prefer the recommendations of Ms Ruske-Anderson (in para 34 of her stream 10A evidence) to amend DEV-R1 as follows:

~~Zoning~~ Proposed land use is in accordance with that ODP
Certification does not change, and cannot change a zone. The ODPs outline future land use, and it is this future land use, and the relevant provisions within the zoning chapter for that future land use, which certification enables. The land remains rural lifestyle, albeit with substantially greater housing intensification enabled.

This recommendation also results in my recommendation to change the parts of DEV-R2 and DEV-R3 where "zone" is used to "land use" or the equivalent.

Overarching	In the matters of discretion for DEV-R1: a. Is there a typo in clause 3.b in "will have to capacity"? b. Please check the wording for clauses 4 and 9 for grammatical sense

These are typographical errors:

Clause 3b should read:

on-demand water schemes will have to capacity ~~to~~ deliver greater than 2000 litre connections per day at peak demand;

Clause 4 should read:

The provision of a geotechnical assessment and flood assessment for the area ~~has been prepared for this area and the~~ outlining the extent to which risks contained within the assessments can be avoided, or otherwise mitigated as part of subdivision design and consent;

Clause 9 should read:

The provision of an agreement between the District Council and the developer on the method, timing and funding of any necessary infrastructure and open space requirements ~~is in place~~.

Overarching	What is the activity status for DEV-R2 clause 1 and is there a default activity status? We note that this applies for other Rules in the recommended DEV rules.

DEV-R2 as it applies the relevant rules from other chapters, and as these rules have a range of activity statuses, as such, I considered that applying a default status to the rule may add confusion.

However, in reflecting on the question I note that the RMA provides a default discretionary status for plan rules where no activity status is specified, but if a discretionary status applied to this rule by default, then it would not meet the cl 3.4(1) and (2) NPSUD 'plan enabled' capacity requirements, which require (at most) a restricted discretionary activity status.

DEV-R3 similarly needs a restricted discretionary status overall.

As such, I consider that the default activity status for the overall rule (as outlined in clause 1) should be RDIS, and this to be added to the right hand column.

Looking at the drafting, I also consider that the activity status for the MDRZ clause should be shifted down to align exactly, as at the moment it appears as if that is an activity status for clause 2, rather than for the medium density parts of an ODP.

Overarching	We note that there are a number of highlighted yellow sentences starting "update". We assume this has not happened and will be done through the Reply Report. Please advise.

These highlighted yellow recommendations are in response to my recommendations in para 341(c) of my s42A "for the mapping changes recommended [to be] recorded but held over until after the rezoning recommendations and potentially the decisions on the plan, in order to best utilise and streamline Council GIS resources".

The highlighted yellow text recommendations in my Appendix A refer to spatial content that requires GIS staff to update.

The bulk of potential changes to the spatial content of ODPs are likely to come from rezoning hearings, and updating the spatial content of the ODPs could be a substantial exercise for GIS staff, and I consider the best use of limited GIS resources is to undertake this task following either the rezoning hearings, or the decisions on the plan, so that Council GIS staff are working on the final recommendations that are not subject to future change.

I believe it more efficient to record the recommended changes to spatial content in writing until the final content of the spatial changes to ODPs (and other mapping changes) are known.

Where it is written content I have outlined my recommended changes accordingly in Appendix A.

Para 32	Is your reference here to two different Development Areas? The sentence is unclear.

Yes, it is a reference to two different development areas. I am outlining how existing development in two different development areas has been authorised since the notification to the PDP. The sentence could better read as follows:

"Development within the North East Rangiora area (Bellgrove Stage 2) was authorised under Covid-19 fast track consent, and in the West Rangiora development area by way of rezoning through Variation 1 (Townsend Fields)"

Para 34 (and others)	Can you please explain each of the following terms, and the difference between and context for the different terms used through the s42A report, in particular: - Development Areas (which we understand to be the National Planning Standard definition)

	- Future Urban Development Areas - Future Urban Growth Areas

Development Areas do not have a definition in the PDP, but follow the requirements as outlined in the national planning standards. The development areas are split into existing development areas, which are already zoned, but may have particular ODP and other provisions, and new development areas, which implement the CRPS.

Future Urban Development Areas is a reference to Future Development Areas in the meaning of policy 6.3.12 of the CRPS. For instance:

6.3.12 Future Development Areas

Enable urban development in the Future Development Areas identified on Map A, in the following circumstances:
…

Future Urban Growth Areas is used once in the s42A (in para 34) and means the same as future development areas or future urban development areas.

The terminology "future […]" primarily references the CRPS terminology, whereas the development areas are broader than the CRPS, covering both the new, or "future" development areas in Map A CRPS, and the existing development areas, which are already zoned as various forms of residential (in almost all cases), and have been carried over from the operative district plan.

Para 36	Are the provisions of the Rural Lifestyle Zone amended, replaced, superseded or augmented?

The purpose of DEV-R2 and DEV-R3 are to apply the relevant urban zone chapter provisions instead of the rural lifestyle provisions in areas of land that have received certification consent. The best-match wording would be 'replacing' the provisions of the rural lifestyle zone, however, if the provisions were 'replaced', this would be a rezoning, which certification is not, so I used the terminology "supersede", to ensure that the urban zone chapter provisions apply instead of the rural lifestyle provisions for these areas of land.

"Apply instead of" would also describe the concept if "supersede" does not quite cover it.

Para 65 & 66	Is it implicit that the certification of <u>all</u> identified areas will meet or exceed demand, or is there an iterative process undertaken to assess this as certifications proceed?

On the basis of the Waimakariri Residential Demand and Capacity Model (December 2023)[2] it is assumed that if all of the new development areas are either rezoned or certified, that there is sufficient housing capacity in the district to meet the NPSUD requirements, and the requirements of UFD-O1.

[2] https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/151455/Waimakariri-Residential-Capacity-and-Demand-Model-September-2023.pdf

The advice note DEV-AN1 anticipates that Council will calculate residential capacity at least annually, and residential demand at least every three years.

It is noted that evidence related to the model will be presented at Hearing Stream 12.

As Council has already built the new development area land into the model, and made the assumption that this land is available for development, I reconsider that clause 1 of DEV-R1 may not be in fact required, as consideration of a certification consent in the development areas should not be assessed on capacity or demand, as this assumption has already been made. The purpose of a new development area (in the context of the PDP), and a future development area (in the context of the CRPS) is to provide for housing, and as such, I consider that further capacity assessments in the context of approval of the areas are not required.

I thus recommend deletion of clause 1 of DEV-R1.

Para 67	Please, for the convenience of the Panel, clarify what your opinion is on whether there are any implications on the DEV chapter if the panel determines the SD objectives should have full primacy.

I considered, in the context of my memorandum on the issue, that whilst I do not believe that the SD provisions have primacy, in the sense of strong primacy, as well as the issues I identified that in my view make it almost impossible to give them strong primacy, that there may be an exception for the Urban Form and Development objectives and policies, as these are a requirement of the National Planning Standards, and, for UFD-O1, contain the housing capacity requirements that Council must meet.

I outlined in the memo that if primacy existed for the UFD provisions, and all other objectives, that I saw them as a district-wide outcome.

I consider that this 'outcomes approach' for primacy applies to UFD-O1, which is a consideration for decision-making under the certification provisions in the context of consenting under s104.

I also note that UFD-O1 applies generally in the context of sending a clear direction that the new development area land is a priority location for rezoning to residential.

Para 92	Why is there a need for different minimum lot sizes for RLZ, and RLZ where certification has been consented?

The minimum lot size under Table SUB-1 for RLZ allotments is 4 hectares. Under this it is a non-complying activity. Certification enables urban zone allotment sizes within the part of the RLZ subject to the certification consent, or something similar.

Para 96	Please clarify the status of the NW Rangiora Development Area. It was not listed in your earlier description of the four development areas. Why are we considering it at all if it is, as you say, outside of the Development Area Overlay?

The "development area overlay", as on the PDP planning maps, are the 'new development areas', or the future [urban] growth areas in the context of the CRPS. For clarity, it probably should have

been called “new development area” when these maps were produced. I believe I have made this recommendation or something similar in my report.

The NW Rangiora development area is an ‘existing development area’, which is already zoned as large-lot residential, and is thus outside of the new development area overlay. The certification provisions, or something similar, do not apply to the NWR area.

It is being considered in this s42A report because the scope of the s42A is the development area chapter as a whole – containing both the new and existing development areas.

Para 97	What are your reasons for increasing the minimum density requirements?

As notified, the narrative text for the South East Rangiora ODP had a typo in that it only reflected the 12 h/ha requirement, and not the 12 h/ha but preferably 15 h/ha wording which applied to all of the other new development areas. I have recommended this change to address the typo.

I note that the 12 h/ha but preferably 15 h/h requirement comes from the CRPS Policy 6.3.7(3)(b) requirements for 15 h/ha for greenfield areas in Christchurch City. Council is aiming for a slightly higher density than the bottom of the CRPS requirements (for 10 h/ha in Policy 6.3.7(3)(a)), primarily in response to the NPSUD.

Para 99 & 105	But what are the key reasons (that we should know about now) for Council not simply proceeding with a rezoning process for all of these identified areas?

To provide some context to this question, it is my understanding that Council has generally to date not proactively been involved in rezoning privately held land, instead relying on landowners to promote rezoning outcomes. At a conceptual level, the reasons for this are that there is a generally a cost to ratepayers that is potentially disproportionate to the private benefit that those landowners/developers would likely gain. In addition, Council is aware that areas seeking to be rezoned are often held in multiple land ownership parcels and it is often not best placed to try and anticipate or manage often competing development priorities outside of its role as the regulatory authority.

Council will work to facilitate discussions between landowners and provide any information held to assist with preparing rezoning proposals.

I understand that Council are aware that while there are mechanisms to potentially recover costs (for example developer agreements, or other contributions), there is the potential for an element of these costs to be unrecoverable (or not fully recovered) if development timing does not occur as anticipated.

On this basis, at the time of formation of the PDP zoning framework the requisite level of technical information required to evaluate rezoning outcomes beyond existing zonings was not available to the authors of the s32 assessment process.

Council is proceeding with rezoning hearings for these areas, with rezoning requests that cover large proportions of the new development area, as well as rezoning requests and ODP changes within the existing development areas. These will be heard in hearing 12.

I consider that certification, or another process replacing it, and rezoning requests are parallel processes, with both available for use.

I cannot anticipate the outcome of the rezoning hearings, but note that in the event that submitters do not proceed with their rezoning requests, or a rezoning request is declined for technical reasons, or submitters prefer certification, or something like it, as a pathway, Council is still required to have sufficient plan-enabled capacity, which certification, or something like it provides.

Para 135	What is the process the Council reporting officers are following to ensure that these submission points are addressed and not missed?

Submissions have been allocated to their relevant hearing, and where submissions have scope across hearings, such as within this stream (Stream 10A), and rezonings (Stream 12), they are recorded accordingly in our submission database. If there are reallocations, such as a result of recommendations in s42A reports or at hearing, these are similarly recorded.

I note my memorandum to submitters of 24 November 2023 that provided advice on this particular process issue.

I also consider that there will be a need to wrap back around on development areas and certification, or a similar process, following the rezoning hearings.

Para 142	Does this amendment replace the amendment at para 124.

This wording at para 142 carries forward the amendment from my recommendation at para 124 (in response to the Templeton Group submission), as well as the additional recommendations in response to Transpower.

It encapsulates the amendment at para 124 as the content of para 124 is incorporated within the para 142 amendment.

Para 153	You have recommended an amendment to DEV-SBT-R1. Can you please clarify how an applicant would determine if the ground level was "consistent with" NH-S1, and what elements of NH-S1 (as notified and as recommended to be amended) are required to be consistent with? Should this rather be that it complies with or meets?

I agree that the "consistent with NH-S1" is imprecise, and that better wording would be as follows:

DEV-SBT-R1 Finished ground levels as part of subdivision
Activity status: PER

Where: As part of any subdivision, any residential allotment shall have a finished ground level that ~~avoids inundation~~ <u>complies with</u> NH-S1 in a 0.5% Annual Exceedance Probability combined rainfall and Ashley River/Rakahuri Breakout event.

Section 6.9 EKP	Please provide an assessment against and recommendations in respect of Cory and Philippa Jarman [107.1].

Assessment

"For Cory and Phillippa Jarman, I note that development in the EKP development area, commonly known as Beachgrove, received subdivision consent and is already substantially complete. For this reason, it is now difficult to effectively consider the submitter's relief"

Recommendation

"Cory and Phillippa Jarman [107.1] is **rejected"**

Para 197	Please explain how DEV-MILL-BFS2 is relevant to Area C, and please correct/update this section – we note that your second sentence refers to DEV-MILL-BFS3, then sets out DEV-MILL-BFS2

This is an error, the text in para 197 should replicate DEV-MILL-BFS3 as follows:

"~~DEV-MILL-BFS2~~ DEV-MILL-BFS3 Building restriction area
No structures or dwellinghouses are permitted within Area C shown on the outline Development Plan.
Activity status when compliance not achieved: NC"

Para 225	You have recommended that DEV-MPH-R1 be deleted. Please provide the Panel with details of the scope for this to occur.

The scope for the deletion is consequential to Waka Kotahi [275.93] insofar as the roading alignment in the MPH development area has already been constructed. This rule has been carried over from the operative plan, and is now no longer needed.

Para 255	Please explain exactly how compliance with clause 2 of this standard would be determined through a certification process or certification consent process.

I have recommended that DEV-WR-S1 (and all other standards) be deleted, and replaced with the suite of DEV rules that apply generally. I have recommended that the lapse condition applies to the proposed DEV-R1 rule, primarily to ensure that certification consents are followed by subdivision consents in a timely manner. It would lapse in the normal manner for a s9 land use consent. Compliance with this consent condition would be the same as for other consents which have lapse periods.

Para 262	Do you mean that the areas of general residential in the ODP are now proposed to be medium density residential, rather than are now?

My response relates primarily to the narrative wording in ODPs, not all of which were updated by Variation 1, and which have spatial outlines showing both general and medium density residential

Some of the areas are already medium density residential, as a result of the Variation 1 rezoning of Townsend Fields, with the undeveloped areas of the ODP having both future land uses of medium

density and genera residential. General residential as a future land use is no longer possible as a result of Variation 1 superseding the general residential zone in 'relevant residential zones', i.e. the urban areas of Rangiora.

In the context of the ODPs, I consider that Variation 1 means that general residential future land uses must be updated to medium density residential.

Para 302	Is the upzoning of the Kaiapoi ODP to medium density not mean that the submitters' relief is accepted in part? If not, can you please explain this more clearly.

I had recommended rejection on the basis that the Kaiapoi ODP had already been upzoned to medium density residential as a result of Variation 1, and that no action could be taken in response to the submitters request as it has already occurred. This could equally, and more positively, be an "accept in part" on the following basis:

Assessment

"For David Colin, Fergus Ansel Moore, Momentum Land Ltd [173.1] I consider that they misunderstand the interface between certification process and rezoning. Both processes are available for people wishing to upzone their land, as one can apply for certification or rezoning. They are not contingent on each other. I also note that Variation 1 upzoned all residential land in Kaiapoi to medium density by replacing the general residential zone. This means that all land classified as general residential in the ODP is medium density residential under Variation 1 already. I can~~not~~ support their relief on the medium density upzoning but not on the other matters raised"

Recommendations

David Colin, Fergus Ansel Moore, Momentum Land Ltd [173.1], Albert David Jobson [288.1] ~~is rejected~~ are **accepted in part**

Para 319	Please complete this sentence.

The full sentence is "Bellgrove [408.83,408.84,408.85,408.86] generally support certification, but note that the medium density rules referred to in DER-SER-O1, DEV-SER-P1, DEV-SER-P2, DEV-SER-AN1 should also be referred to in that provision as well"

Para 327	Is the addition of all of Lot 2 effectively not a rezoning sought, to be considered through HS12?

I consider that it is both a Stream 10A matter in the context of the spatial extent of the development area overlay, which aligns with Map A and the notified SER ODP eastern boundary, and also a Stream 12 rezoning matter in the context of its ultimate zone.

I note that Bellgrove are not at this stage seeking rezoning of this area, preferring the certification pathway, or something like it.

I note the Bellgrove submissions on the Lot 2 matter, and I understand the issue, as they are not seeking rezoning, rather, they seek an eastern extension of the new development area boundary beyond Map A to include the Lot 2 land.

As the s42A reporting officer for residential rezonings, I was going to address the Map A issues in my evidence for hearing 12 as I consider this is the best report to deal with that request in the context of other similar requests, and any changes to the ODP.

To clarify, I will consider in this report the Bellgrove Lot 2 request in the context of an extension of the DEV boundary, rather than as a full rezoning.

DEV-NWR	Can you please set out the logic for retaining this advice note here (as recommended to be amended), where you have recommended that the Rule be deleted and be subject to the generic rules in the recommended new DEV provisions. The same applies to some of the other Development Area chapters

The NWR is an 'existing development area', and is not subject to my proposed new DEV rules which only apply to the 'new development areas'. The NWR is *not* within the development area overlay. I have not recommended that any of the rules for the existing development areas to be deleted as a result of the recommended DEV provisions. There are some recommended specific changes to the existing DEV provisions in response to submissions.

For the existing development areas, I consider that the specific suite of provisions for each development area should continue to apply until such time as the areas are fully developed, and the ODPs and their associated provisions are no longer required.

DEV-WKP	Can you please set out the logic of retaining DEV-WKP-R3 in relation to your recommended new generic DEV Rules. The same applies to some of the other Development Area chapters.

The WKP is an 'existing development area', and is not subject to my proposed new DEV rules which only apply to the 'new development areas'. The WKP is *not* within the development area overlay.

For the existing development areas, I consider that the specific suite of provisions for each development area should continue to apply until such time as the areas are fully developed, and the ODPs and their associated provisions are no longer required.

This answer applies to all of the existing development areas.

DEV-EWD	What is the submission reference for the amendment to the Advisory Note? And why is Advisory Note used instead of Advice Note?

The submission reference for amendment to the advisory note is Templeton Group [412.33, 412.34, 412.35, 412.36, 412.37, 412.38, 412.39, 412.41, 412.40]. This submission provides scope for amendment to all of the existing DEV area notes.

"Advisory notes" are applicable to a particular singular rule or provision, whereas "advice notes" apply to a suite or collection of rules within a chapter or a section and have a reference "...AN(X)", similar to other provisions.

I note that no guidance on this is provided within the National Planning Standards 2019, but I do consider that the terminology and usage should be consistent throughout the plan, noting the slight differences between their uses.	
DEV-WR	Does the reference in the third paragraph of the Introduction to the release by the Council's CEO or delegate need to be amended as a consequential amendment to your recommended new certification consent process? The same applies to some of the other Development Area chapters.
Yes it will need amendment. I would recommend the following wording to replace the third paragraph in the DEV-WR, DEV-K, DEV-SER, and DEV-NER introductory text to reflect my recommended changes to the certification process, and also to ensure that plan readers understand that rezoning requests remain available for these overlay areas as well: "Urban development within a Development Area is managed through a certification consent process or rezoning application~~, where land is released for development by the District Council's Chief Executive Officer or their delegate, once identified criteria are met~~. The future urban development provisions for a Development Area is identified through the Development Area name on the Outline Development Plan. ~~Once development of these areas has been completed, the District Council will remove the Development Area layer and rezone the area to the appropriate zones.~~" I note my s32AA evaluation in Appendix 1 of different drafting options which would result in further changes being required to the introductory text in DEV-WR, DEV-K, DEV-SER, and DEV-NER.	

Variation 1 component of Airport Noise

Paragraph or Plan reference	Question
Para 44 / over-arching	Please explain to us your understanding of Policy 6.3.5 of the RPS and how it applies: - To infrastructure in general - To the Christchurch Airport in particular Is the wording "unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A" apply to all infrastructure or just to the Airport Noise contour? What is the implication of this wording? If your answer is that the implication is that new noise sensitive activities within the 50dBA Ldn airport noise contour for the Airport does not need to be avoided in these areas, can you please set out the rationale for the IHP why a qualifying matter has been applied to the Medium Density Residential Standards in these areas, and why density needs to be limited to these areas. Please clearly explain to the IHP how Variation 1 amends the PDP. We are unclear of the relationship between the 50dBA airport noise contour and the 50dBA annual average noise contour and how this plays out through the PDP.

Overall treatment of Policy 6.3.5

I consider that Policy 6.3.5 supports earthquake recovery, as part of Chapter 6 to the RPS. This required large scale rebuilding, and relocation, of residential housing (and associated infrastructure), often in greenfield areas. I note policy 6.3.5(1) states:

Identifying priority areas and Future Development Areas to enable reliable forward planning for infrastructure development and delivery

Map A outlines these areas. In particular, Map A (reproduced below), identifies "greenfield priority areas – residential", and "Future Development Area".

Policy 6.3.5, and the wider CRPS contains substantial content from the Canterbury Earthquake Recovery Act and Land Use Recovery Plan (LURP), and as such, as the region has now largely moved on from the recovery effort, the context for the RPS policies may have changed.

I note proposals to consider updated airport noise contours and consider updated provisions based on new modelling exercises, and to incorporate the wider spatial planning work of the Greater Christchurch Partnership. My understanding is that a change to the CRPS will be notified in 2024 that addresses these matters.

Explanation of Policy 6.3.5(4)

Policy 6.3.5(4) of the CRPS requires the following:

Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28) and enabling commercial film or video production activities within the noise contours as a compatible use of this land; and

The policy applies the 50 dBA Ldn operative airport noise contour from Map A, CRPS.

I reproduce Map A from the CRPS and an example of the differences between the operative 50 dBA and 55 dBA Ldn contours in respect of Kaiapoi. The contour maps come from the operative District Plan. I note that the contours themselves cover three district councils.

I note in particular the differences between the operative 50 dBA and 55 dBA contours. The 55 dBA contour does not cover the urban part of Kaiapoi at all, whereas the 50 dBA contour covers almost all of Kaiapoi.

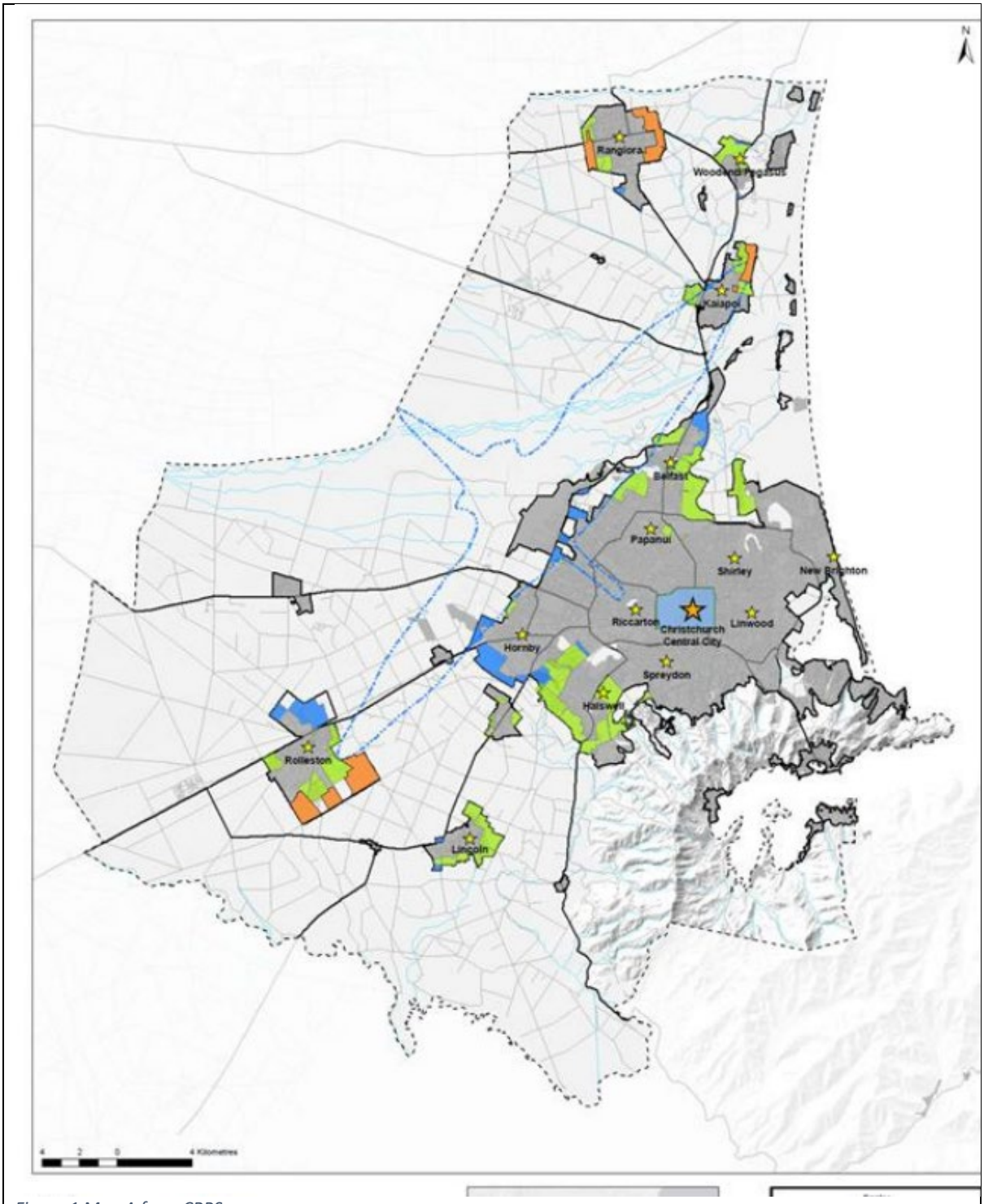

Figure 1 Map A from CRPS

Figure 2 Operative noise contours in relation to Kaiapoi (from operative Waimakariri District Plan)

Policy 6.3.5(1) in the context of the overall earthquake recovery goals aimed to ensure that development in Greater Christchurch in response to the earthquake did not affect strategic infrastructure, including Christchurch International Airport.

It applies to strategic infrastructure generally, but in practice, specifically to the airport, there is no other strategic infrastructure potentially affected by development in Kaiapoi or the Waimakariri District as a whole. Kaiapoi required substantial relocation of residential property, as a result of liquefaction.

Policy 6.3.5(4) outlines how in the context of the overall earthquake recovery goals that the noise issue will be handled in respect of new land development.

The first test
(underlining is my emphasis)

The part of the policy after "unless" is commonly referred to as the 'Kaiapoi exemption', which exempts existing residential zoned urban areas, residential greenfield area identified for Kaiapoi,

or residential greenfield priority areas identified in Map A', from the application of the airport noise policy provisions.

The critical term for me is 'residential greenfield area identified for Kaiapoi', underlined above for emphasis. I ask – what is it, and why reference both 'residential greenfield areas identified for Kaiapoi', as well as 'residential greenfield priority areas identified in Map A'. Kaiapoi's greenfield areas are already covered by the second reference, so why reference the first?

What are 'residential greenfield areas identified for Kaiapoi'?

As outlined above, Map A contains three types of land in respect of Kaiapoi:

- Existing residentially zoned areas
- Residential greenfield priority areas (coloured green)
- Future Development Areas (coloured orange)

'Residential greenfield area identified for Kaiapoi' does not appear in Map A.

This leads me to consider that it may be a general or overarching term used within the CRPS that refers to both greenfield priority areas and future development areas.

I test this below:

The principal reasons and explanation for policy 6.3.5 include the following explanation in respect of Kaiapoi:

"The only exception to the restriction against residential development within the 50dBA LdN airport noise contour is provided for at Kaiapoi.

Within Kaiapoi land within the 50dBA Ldn airport noise contour has been provided to offset the displacement of residences as a result of the 2010/2011 earthquakes. This exception is unique to Kaiapoi and also allows for a contiguous and consolidated development of Kaiapoi."

These reasons and explanations refer to the Kaiapoi exemption applying to all of Kaiapoi, in order to ensure contiguous and consolidated development of Kaiapoi.

The term 'residential greenfield areas identified for Kaiapoi' appears only appears in the context of Policy 6.3.5 (and nowhere else in the CRPS), however, the wider term of 'residential greenfield' does appear elsewhere in the CRPS which provides context on how the terminology is used (the underlining is my emphasis):

The CRPS definition of urban activities, from the CRPS:

means activities of a size, function, intensity or character typical of those in urban areas and includes:
• Residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area;
• Business activities, except those that fall within the definition of rural activities;
• Sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location);
• Any other land use that is to be located within the existing urban area or new Greenfield Priority Area or Future Development Area.

CRPS Policy 6.2.2 – urban form and settlement pattern:

(4) providing for the development of greenfield priority areas, and of land within Future Development Areas where the circumstances set out in Policy 6.3.12 are met, on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;

CRPS Policy 6.3.3 – development in accordance with outline development plans:

Development in greenfield priority areas or Future Development Areas and rural residential development is to occur in accordance with the provisions set out in an outline development plan or other rules for the area. Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan. Outline development plans and associated rules will …
Be prepared as:
a. a single plan for the whole of the priority area or Future Development Area; or
b. where an integrated plan adopted by the territorial authority exists for the whole of the priority area or Future Development Area and the outline development plan is consistent with the integrated plan, part of that integrated plan; …

CRPS Policy 6.3.7 – residential location, yield, and intensification states:

In relation to residential development opportunities in Greater Christchurch:
1. Subject to Policy 5.3.4, Policy 6.3.5, and Policy 6.3.12, residential greenfield development shall occur in accordance with Map A.

I note that urban activities include "future development areas".

It is clear to me from the context of how this terminology is used in the other CRPS policies that the term "greenfields" in its various forms, describes both greenfield priority areas and Future Development Areas (as set out in Map A). It encompasses both.

This is particularly clear from the wording of Policy 6.3.7 which governs residential location, yield, and intensification in accordance with Map A. here, 'residential greenfield development' is an overarching term.

There is no separate treatment of FDA land anywhere in the CRPS policies. When 'greenfield priority areas', and 'future development areas' terms are used, they are always joined together with an 'and', or an 'or', depending on the context of the policy, and, as outlined above, can be described with the collective term "residential greenfield development [or similar]"

This in turn explains how 'residential greenfield areas identified for Kaiapoi' is used in Policy 6.3.5(4), and why the explanatory reasons for this policy references all of Kaiapoi.

I ask the question of why would the drafters of Map A include the FDA land, only for it to potentially be unavailable for development, or otherwise restricted in a way that the rest of Kaiapoi is not restricted?

It could potentially promote an undesirable urban form, and not be consistent with the '*contiguous and consolidated development of Kaiapoi'* explanatory reason, noting that

development has now occurred on the greenfields priority areas surrounding the FDA land.

For the reasons stated above, I consider that Policy 6.3.5(4) exempts all FDA areas within Kaiapoi that are underneath the 50 dBA operative contour.

The second test

The second test is the wider application of policy 6.3.5(4) outside of the Kaiapoi exemption (the first test, as outlined above). For clarity, I reproduce it (underlining is my emphasis):

Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, <u>including by avoiding noise sensitive activities</u> within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28) and enabling commercial film or video production activities within the noise contours as a compatible use of this land

The second test in 6.3.5(4) must give effect to the chapeau of the policy, which is where the phrasing of "including by" comes from. One of the methods by which the chapeau is given effect to is by avoiding 'noise sensitive activities' – the avoid is a direct requirement of the chapeau in respect of the 'efficient operation' of the airport. In this context, 'avoid' is not a direct prohibition on residential activities, it requires a test of the noise sensitive activity back on its effects on the efficient operation of the airport - a consideration of level or risk.

That then leads to a consideration of necessary measures to turn noise-sensitive activities into something that is not noise-sensitive or less noise sensitive. This could include density controls, or building design standards. I consider that the CIAL relief also takes this approach, in how it seeks density controls and building standards. The CIAL relief, as I understand it, does not seek a complete prohibition on residential development at Kaiapoi.

However, as I have stated above, I do not believe that the second test applies, with all of Kaiapoi that is underneath the contour being exempt.

Explanation of the need for the qualifying matter

Noting that I consider that the Kaiapoi exemption applies to all of Kaiapoi underneath the 50 dBA operative contour, I consider that the qualifying matter (airport noise) was applied, in the short term, because the MDRS removed all density controls within residential zones in Kaiapoi and had immediate legal effect. In theory, this could have been a substantial departure from the context in which Policy 6.3.5 was written and unanticipated by that policy regime.

The qualifying matter has ensured that the status quo regime from the operative District Plan applied at Kaiapoi, until such time as this matter could be considered and tested through hearing evidence. Qualifying matter provisions do not have immediate legal effect.

It is noted that the qualifying matter largely reflects the proposed natural hazard qualifying matter densities, and the proposed density in the notified PDP medium density zone for Kaiapoi.

How does Variation 1 amend the PDP?

Extent of qualifying matter

- The PDP applies the operative 50dBA airport noise contour (from the CRPS), as does the operative District Plan. However, it is the PDP contour that the Variation picks up, even though they are the same in spatial extent.
- Variation 1 picks up the 50dBA operative contour from the PDP in relation to relevant residential zones as an 'existing qualifying matter', entitled qualifying matter-airport noise.

West Kaiapoi/Silverstream issue

- The Variation 1 qualifying matter also included a section of the 50 dBA annual average contour, which covers a section of West Kaiapoi, commonly known as Silverstream. This covers about 120 additional houses.
- The operative 50 dBA contour *does not* cover West Kaiapoi/Silverstream
- The 50 dBA annual average contour is *not* part of the PDP
- My understanding is that the extent of the qualifying matter, including the additional section for West Kaiapoi/Silverstream was chosen to ensure that the qualifying matter area covered the full extent of the residential zones in Kaiapoi in order to ensure that the status-quo regime (under the operative District Plan) continued to apply until such time as decisions are made on qualifying matter extent and content of its provisions.
- However I consider that as the annual average contour was not part of the PDP, it cannot (in part or in full) be brought over into Variation 1 as an existing qualifying matter (the s77K, RMA test).
- If it was to be incorporated, it would have to be as a new qualifying matter, which is a different test (the s77I and s77L tests as they apply to different activities). This test was not applied in the s32 evaluation.
- Even if it was used, it is outside the extent of the operative 50 dBA contour, and I note Mr Sheerin's recommendations in the context of the PDP to retain the 50 dBA contour at Kaiapoi in its current extent.
- This necessitates me to recommend the deletion of the qualifying matter as it applies to Silverstream as I consider that it does not meet the test required for an existing qualifying matter (it is a new qualifying matter), and it also does not align with Mr Sheerin's recommendations overall to retain the 50 dBA operative contour.

The spatial extent of the rest of the qualifying matter

- In addressing the above question, I have realised that the qualifying matter currently is shown as applying to the Kaiapoi development area – the future development area in the east.

- I consider that as the Kaiapoi development area is currently zoned as rural lifestyle, it is *not* a 'relevant residential zone', and a qualifying matter can not apply to it, until it becomes a 'relevant residential zone' if it is rezoned. The RMA definition of 'relevant residential zone' does not include areas of land that might become residential in the future.

- I thus recommend that the qualifying matter area and mapping is amended to remove any areas that are not a 'relevant residential zone'. This is the same as how the qualifying matters for natural hazards are shown.

- This may have been an error of mapping, as there are no provisions within the proposed qualifying matter that apply to rural lifestyle land.

- In considering this, I note that the process by which areas of land rezoned as residential have, or can have, qualifying matters extended to them is unclear, as the RMA does not provide direction on the automatic extension of qualifying matters.

- It may be via future plan change, or as a s42A IPI recommendation following rezoning requests.

S32AA Evaluation

The RMA requires that qualifying matters, where proposed as a 'new qualifying matter', should be subject to the relevant tests under the RMA, notably the s77I and s77L tests for new qualifying matters, which require (in the context of other qualifying matters under s77I(j)) the following tests (in the context of a s32 evaluation):

> *(a) demonstrate why the territorial authority considers—*
> *(i) that the area is subject to a qualifying matter; and*
> *(ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and*
> *(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and*
> *(c) assess the costs and broader impacts of imposing those limits.*

The Council's s32 for Variation 1 did not contain the relevant s77I and s77L evaluation requirement as required by the RMA for the Silverstream and FDA parts of Kaiapoi, and as such, I recommend that these areas are removed from the qualifying matter extent.

What the qualifying matter does

The proposed qualifying matter limits subdivision allotment size within the relevant residential zones of Kaiapoi to 200m^2, except where already subject to the qualifying matter for natural hazards (which either limits subdivision allotment size to 200m^2 in Area A or 500m^2 in Area B).

MRZ-BFS1, which incorporates content from two qualifying matters limits residential units to 1 per site in the airport noise and natural hazard qualifying matters.

This is the 'land use' component of the airport noise qualifying matter, although I note my s42A comments that the airport noise qualifying matter does not have land use controls. Some submitter evidence and Commissioner questions (answered below) have pointed this out.

More precise wording would be that the airport noise qualifying does not introduce any additional land use rules over and above those introduced by other qualifying matters, as the natural hazard qualifying matter provisions which propose the 1 unit restriction already existed.

Para 55	Is Figure 4 (showing revised airport noise contours) provided just for information - as it seems to have no uptake in the recommended provisions?

Figure 4 shows the relationship between the 50 dBA Ldn operative contour and the 50 dBA Ldn annual average in respect of Kaiapoi. I included it to show how the section of Silverstream (approximately 120 houses) that is underneath the 50 dBA annual average (red line) is outside the 50 dBA operative contour (cyan line), but still within the annual average.

This is the additional section covering about 100 houses that was added to the operative 50 dBA contour to form the basis of the qualifying matter extent, and which I am recommending be removed from the qualifying matter extent.

Para 57	See above – the IHP would like to understand how Policy 6.3.5 requires density to be limited beyond the application of the Noise rules for noise sensitive activities.

I do not consider that Policy 6.3.5 requires density to be limited beyond the application of the tests within it, as outlined above. I consider, based on my explanation above, that the part of Kaiapoi underneath the 50 dBA operative contour is exempt from policy 6.3.5, and thus no controls on density are required specific to the noise-sensitive activity matters in Policy 6.3.5.

The qualifying matter was proposed to essentially retain the status quo planning regime under the operative District Plan at Kaiapoi until such time as the matter is tested through this hearing process.

I note my comments above in respect of the "first test" and "second test" I consider apply within policy 6.3.5.

Para 69 and 71	Just a reminder note to please clearly identify where you are proposing amendments that are beyond the scope of what has been sought through submissions. This will greatly assist the IHP.

For Para 69, I am reproducing the amendment sought in CIAL [81.8]. For Para 71 I have shown the amendment. It should have an additional sentence at Para 71 stating:

"I note that this amendment is not what the submitter has sought" to clarify that I am not recommending to adopt CIAL's relief in full (in respect of the "avoid" request).

I note that in drafting (in Appendix A) and elsewhere I recorded CIAL's requested relief "to avoid" to capture it, but showed it as a strikethrough as I am not recommending it.

In my response to similar questions below I have recommended that the relevant footnotes in my s42A be amended to outline that my recommended relief is not what the submitter has sought.

Para 74	Aside from the scope issue, do you consider changing 'avoid', to 'mitigate' is really only a minor change in a s32AA context, given case law on the meaning of avoid?

This is in response to my recommendation to accept in part CIAL [81.8]. I am not changing an existing "avoid" test, as there is no existing wording within the notified PDP medium density residential chapter. The strikethrough "avoid" here shows the CIAL proposed wording from their submission that I do not agree with.

I do agree with CIAL that introductory wording is required to explain the qualifying matter, just not on the exact nature of that wording.

The only existing explanation of the qualifying matter is in Table RSL-1, introduced by Variation 1[3], which explains the qualifying matter as:

"A spatial overlay within Kaiapoi, reducing development within the Christchurch airport noise contour to reduce reverse sensitivity issues"

If there is also introductory wording in the MRZ chapter then it should be similar to Table RSL-1.

I did not consider that "reducing development" is the same thing as "avoid", so that is why I have recommended accepting the CIAL relief in part. I note my other recommendations in response to Commissioners' questions on this issue to better describe the purpose of the qualifying matter as follows:

"Within the Christchurch International Airport 50 dBA Ldn Noise Contour residential density is also controlled in order to ~~avoid mitigate adverse~~ maintain the existing level of reverse sensitivity effects on Christchurch International the Airport and to maintain the existing level of ~~avoid mitigate~~ amenity effects on residents."

I note the scope question that the Commissioners have raised and my responses above. I consider that I have scope to accept, accept in part, or reject the CIAL [81.8] relief according, and I retain my s42A recommendation to accept it in part (without the "avoid").

Paras 82 and 83	Do you also agree with Mr Sheerin's reasons (in para 134 of his s42A Report) for recommending against the inclusion of direct notification clauses?

The regime for notification in the context of Variation 1 and the PDP are different. Cl 5, Sch 3A, RMA provides limits on when and how notification can be used in the context of MDRS provisions. Public and limited notification is precluded when the construction of residential units meet the MDRS density standards (the MRZ built form standards).

Limited notification is only available in certain circumstances when 1 or more MDRS standards are not complied with, it is not generally available for qualifying matters across the whole scope of the qualifying matter.

I note that whilst s77I states that a TA may make the MDRS and the relevant building height or density requirements less enabling of development in relation to an area within a relevant residential zone, this may not extend to the notification requirements in cl 5, Sch 3A – as it applies to only the building height or density standards, not the restricted discretionary rules (that apply when the standards are breached) themselves.

[3] By way of cl 16(2) amendments to clarify how the qualifying matters applied, after notification

It is for this reason that the qualifying matters proposed in Variation 1 do not have notification clauses that differ from the requirements of cl 5, Sch 3A, RMA. The RDIS rules for Variation 1 have standard notification clauses.

I do not consider that the RDIS rules that Variation 1 introduces (or alters), even in the context of a qualifying matter, can have bespoke notification clauses.

I agree with Mr Sheerin's recommendations in principle, as they are consistent with how Variation 1 with the qualifying matter (and even without the qualifying matter) operationalises notification in the context of the cl 5, Sch 3A RMA requirements around notification in the context of the MDRS.

Limited notification exists in the context of any residential unit under the qualifying matter for airport noise that does not comply with the MRZ built form standards (apart from the cl 10, Sch 3A standard).

Para 93	We find your assessment difficult to follow. What is the relevance of your statement "the qualifying matter for airport noise relates to subdivision rather than land use". The Panel notes that it has yet to hear submissions on MRZ, so can not follow your discussion. The airport noise qualifying matter with Variation 1 does however appear to contain aspects other than just subdivision (e.g. residential units per site and residential units)?

As with my answer above, more precise wording would be that the airport noise qualifying matter does not introduce any additional land use rules over and above those introduced by other qualifying matters, as the natural hazard qualifying matter provisions which propose the 1 unit restriction for much of Kaiapoi already existed.

I also note that Variation 1 in general modifies land use rules that were already proposed in the PDP for the PDP medium density zone.

Para 100	You say that *"the qualifying matter implements pre-existing provisions of the operative district plan, which in turn give effect to the CRPS"* . The airport noise qualifying matter within Variation 1 is included in your paragraph 42 and seems to do more than simply implementing pre-existing provisions, e.g. it changes the minimum allotment sizes, adds a matter of discretion, adds two new building form standards. Please clarify what is meant in your para 100.

I was trying to say two distinct things – what the qualifying matter area does in the interim, which is better explained as this:

"The qualifying matter area ensures the implementation of the ~~implements~~ pre-existing provisions of the operative district plan – the status quo - which in turn give effect to the CRPS until the final nature of the qualifying matter is determined"

And then what the qualifying matter provisions would do if they become operative as recommended (or similar to recommended):

"It aims to ensure that existing levels of reverse sensitivity and amenity within Kaiapoi are maintained, by carrying over density provisions at much the same level as the operative District Plan and Proposed District Plan zones"

Para 108	Your tracked changes show CIAL's submission as requesting "avoid" is to be added in to RSL-1, whereas your Appendix A shows "avoid' is already in the qualifying matter (and is recommended to be replaced with "mitigate"). Please clarify. As per a previous question, is the change from 'avoid' to 'mitigate' really a minor matter for s32AA?

The "avoid" was not in the notified version of Table RSL-1.

I was attempting to show the full CIAL relief [81.2], [81.8] and how I was recommending relief that was beyond what the submitter sought, by including the "avoid" as a strikethrough.

To clarify:

The notified version of Table RSL-1 for Variation 1 is as follows:

A spatial overlay within Kaiapoi, reducing development within the Christchurch airport noise contour to reduce reverse sensitivity issues.

There is no notified introductory text explaining the qualifying matter airport noise for the Medium Density Residential Zone. This comes from myself recommending to accept in part the CIAL relief requesting such text, but not the part of this relief that requests an "avoid" test.

The s42A Appendix A states:

For Table RSL-1:

A spatial overlay within Kaiapoi, reducing development within the Christchurch International Airport airport noise contour ~~to avoid~~ mitigate adverse amenity effects on residents, reduce reverse sensitivity effects on Christchurch Airport, and to ensure the efficient operation of nationally significant infrastructure.

For Introduction to Medium Density Residential Zone chapter (as a result of accepting in part CIAL's relief):

Within the Christchurch International Airport noise contour residential density is also

controlled in order to ~~avoid~~ mitigate adverse reverse sensitivity effects on Christchurch International Airport and ~~to avoid~~ mitigate adverse amenity effects on residents.

Footnote [5] in the s42A should state:

CIAL [81.2], noting that CIAL requested "avoid" in their relief, which I have not accepted, however, I have recommended accepting the rest of their relief.

Footnote [6] in the s42A should state:

CIAL [81.2], noting that CIAL requested "avoid" in their relief, which I have not accepted, however, I have recommended accepting the rest of their relief.

As I have outlined above, I now consider that the use of RMA directive terms such as the 'mitigate' (or as I proposed in para 110, 'minimise', but which I did not carry through to drafting) does not accurately describe the purpose of the qualifying matter.

In response to the CIAL submission requesting additional explanation of the qualifying matter within the Medium Density Residential Zone Introduction section of the proposed additional wording (as above) to address this.

As recommended above, RSL-1 is amended accordingly:

A spatial overlay within Kaiapoi, reducing development within the Christchurch 50 dBA Ldn airport noise contour to ~~reduce reverse sensitive issues~~ maintain the existing level of reverse sensitivity issues and to maintain the existing level of amenity effects on residents.

As recommended above, introductory text to the Medium Density Residential Zone, in response to my recommendation to accept in part the CIAL relief would be:

"Within the Christchurch International Airport 50 dBA Ldn Noise Contour residential density is also controlled in order to ~~avoid mitigate adverse~~ maintain the existing level of reverse sensitivity effects on Christchurch International the Airport and to maintain the existing level of ~~avoid mitigate~~ amenity effects on residents."

S32AA Considerations and Evaluation

In the context of the question about whether the change to "mitigate" is minor in the context of the s32AA evaluation, I considered that it was minor as "reduce", and "mitigate" are similar in context. There was no pre-existing "avoid" in the notified Variation to evaluate, and so I reinforce my evaluation that the matter is minor. If there had been an "avoid" in the text I would not have evaluated the change as minor.

I note my additional recommendation to align the two statements explaining the purpose of the qualifying matter, which now explain the purpose of the contour as "*maintain[ing]" the existing level of reverse sensitivity issues and to maintain the existing level of amenity effects on residents*.

I do not consider that the standard RMA directive wording explains the purpose of the qualifying matter adequately.

I consider that the proposed additional changes from the notified RSL-1 is still minor, and noting the notified MRZ zone chapter introduction did not contain explanatory text for the qualifying matter as notified, but where I agree with CIAL that introductory text is required.	
Para 110	Did you mean to recommend deleting the “to” before “avoid”?
The “to” should remain, and should not be deleted. I note another inconsistency in Para 110, which states that “minimise” should be used as the term, only for myself to recommend “mitigate”, which I have reflected on above and proposed additional wording. My recommendations above on the amendments to RSL-1 and the Introductory text (to the medium density residential zone chapter) provide what I believe is a better approach to explaining the purpose of the qualifying matter in response to questions.	

Appendix 1 – Section 32AA Evaluation of Approaches for Enabling Residential Land Development and Subdivision in the RLZ within the New Development Area Overlay

1. In the context of s32AA RMA, I have considered the written legal submissions and written planning evidence presented by submitters to hearing 10A. I have undertaken to outline the options for enabling housing intensification in the RLZ in the New Development Area Overlay, and to understand the benefits and risks of the various approaches presented.

2. This is a preliminary evaluation, noting that further evidence may emerge from the hearing process.

3. I note that there is a variance of opinion from lawyers and planners on the topic. I consider that majority of evidence presented is at a high-level supportive of some form of alternative pathway to enabling housing intensification in the new development areas, but there is no general agreement on the approach amongst all parties. Some submitters are strongly opposed to the certification process at a general level, or opposed to its application to specific new development area.

4. I instead outline three broad approaches to enabling residential land development and subdivision in the RLZ within the New Development Area Overlay in the context of s32AA:

Options	Outline of approach	Benefits	Risks
Option A – "Certification" as notified	• A CEO (or their delegate) process, 'releases land' for development, subject to criteria within the PDP. • The criteria for decision-making is within the notified PDP but the decision-making process itself is outside of the RMA • Once land is 'certified', the relevant urban zone provisions apply to the land, even though it technically remains as an urban zone.	• Based off the proposed Dunedin 2GP process, which may now be operative	• Majority of legal evidence does not support it • Majority of planning evidence does not support it • May be ultra vires • No clearly understood RMA tests and processes
Option B – "Certification consent" as proposed in s42A report, amended to "Residential and commercial land development	• The notified 'certification process' is reworked as a 'certification consent' and brought under the RMA as a s9 land use and/or s11 subdivision consent.	• Process is a resource consent under the RMA, rather than process outside of the RMA.	• Drafting challenges to ensure that the regime is *vires*

and subdivision within a Development Area" to remove confusion with certification.	• Proposed as a restricted discretionary consent, to be consistent with the 'plan-enabled' capacity requirements of the NPSUD • Different drafting approaches to achieve this	• Broad (but not full) support at a principle level across legal and planning evidence	
Option C – Amended subdivision provisions	• Subdivision provisions are amended to enable subdivision in the rural lifestyle zone in the new development area overlay to enable lot sizes below 4ha as a restricted discretionary activity • Land use provisions in the RLZ and urban zones are also amended accordingly to enable residential activities	• Broad support (but not full) at a principle level across legal and planning evidence	• The subdivision provisions are relatively easy to draft • There are challenges and potential complexities in enabling the activity across urban and rural lifestyle chapter rules.

5. I have provided the start of drafting options for Option B and Option C to show options, but have not completed the drafting, preferring to wait until all hearing evidence has been heard, and potentially, expert conferencing.

6. As a result of the drafting exercise I have begun, I am minded to recommend Option B – certification consent – amended to new Development Area Residential Housing Intensification Consent - with additional amendments as outlined above in the response to Commissioner questions and also in response to legal and planning evidence.

7. I note that there are likely to be further recommendations and drafting that emerge from the hearing and the expert conferencing signalled in Minute 18, if this proceeds.

Comments on drafting approaches

8. Option A is the certification provisions in the notified PDP.

9. The changes proposed for Option B include:

    a. Reworking DEV-R2 as a new "How the Rules Work" rule, which sits above DEV-R1 and provides the zoning framework for the DEV overlay.

    b. The "How the Rules Work" rule explains how the DEV chapter rules integrate with the other chapters, in particular explaining that future land use in the new development area overlay follows the relevant urban zone provisions, once a land use and subdivision consent is approved under DEV-R1.

c. Amending the title of DEV-R1 to state “Residential and commercial land development and subdivision within a Development Area” to remove confusion with certification and to clearly link it with s9 land use and s11 subdivision activities.

d. Reframing DEV-R1 as a land use and subdivision rule, which uses the existing matters of discretion within the subdivision chapter.

e. Dropping DEV-R3 as it is no longer required.

f. Removing all references to zoning in relation to ODPs, replacing this with “future land use”.

10. The drafting approach for Option C includes:

    a. A new subdivision rule SUB-R8A which contains the content of the s42A version of rule DEV-R1. This version of DEV-R1 truncates the matters of discretion in the s42A DEV-R1 as many of these are within the subdivision provisions already.

    b. Amendments to the RLZ chapter provisions, which restrict certain residential and other urban activities, to exempt activities already approved under a subdivision consent under SUB-R8A.

    c. Amendments to the urban chapter provisions to enable these activities within the RLZ when approved by a subdivision consent under SUB-R8A

11. I have not completed drafting on Option C, as I am aware of complexities and risks in ‘wiring’ these types of activities into a chapter not designed for it. I do not wish to break the zoning scheme inadvertently with this approach. There may be a pathway forward with further effort.

Drafting preference

12. Option C may be possible, and the Option C version of DEV-R1 (as SUB-R8A) is better drafting as it references many of the existing subdivision matters of discretion without repetition.

13. However, due to the complexities of the zone chapter provision, I prefer Option B, perhaps with the Option C version of DEV-R1, as it does not touch the zone chapters, instead outlining the separate approach for future land use rules within the new development area overlay in the “How the Rules Work” rule.

14. I also prefer to keep new development area section matters contained within the development area chapter.

15. There may be other approaches.

Drafting approach for Option B

New overall DEV provisions[4]:

Objectives	
DEV-O1	**Development Areas** Development Areas contribute to achieving feasible development capacity for the Waimakariri District
Policies	
DEV-P1	**Future urban development** Provide for future urban development in a Development Area in accordance with the relevant development area chapter provisions for that area through a land use consent and subdivision consent process when: 1. the development will provide additional residential capacity to help achieve or exceed the projected total residential demand as identified in UFD-O1 (for the medium term); 2. water supply, wastewater and stormwater infrastructure capacity is sufficient to support the proposed development; and 3. an agreement is in place between the District Council and the developer on the method, timing and funding of any necessary water supply, wastewater and stormwater infrastructure, open space and transport infrastructure; and 4. Hazards have been avoided, or otherwise mitigated.

[4] Dalkeith Holdings Ltd [57.4], 199 Johns Rd et al [266.14], FENZ [303.81], Ministry of Education [277.65,277.67,277.71,277.73], Ministry of Education [277.74,277.75,277.78,277.80] Carolin Hamlin [314.1], ECan [316.187,316.188,316.189], Waimakariri District Council [367.36. 367.37,367.38,367.39,367.40,367.41]

DEV-P2	**Subdivision and land use activities** 1. Provide for residential and commercial land development and subdivision within the new development area overlay within rural lifestyle zone through consent under DEV-R1 ~~is issued by the District Council's Chief Executive Officer or their delegate, it is in accordance with the objectives, policies and rules of the **General Medium Density** Residential Zone, Local Centre Zone and the relevant District wide provisions; and~~ 2. Ensure that current and future land use activities in the new development area overlay will not undermine or inhibit the potential for future development of the Development Area.

How the Rules Work	1. The following zone rules and associated standards apply to the future land use activities outlined within Outline Development Plans within new development areas and within the rural lifestyle and supersede the underlying rural lifestyle zone provisions where consent has been issued under DEV-R1 2. Where consent has not been issued, the rural lifestyle zone provisions apply.

Medium Density Residential parts of an ODP **Activity status: PER** Where the activity falls within these activity rules and associated standards in the Medium Density Residential parts of an ODP: 1. MRZ-R1 to MRZ-R1~~7~~6;	**Activity status when compliance not achieved: see activity status for MRZ-R1 to MRZ-R1~~7~~6**
Activity status: RDIS	**Activity status when compliance not achieved: see activity status for MRZ-R1~~8~~7 to MRZ-R~~20~~19**

Where the activity falls within these rules and associated standards in the Medium Density Residential parts of an ODP: 1. MRZ-R1~~8~~7 to MRZ-R~~20~~19;	
Activity status: DIS Where the activity falls within these rules and associated standards in the Medium Density Residential parts of an ODP: 1. MRZ-R2~~1~~0 to MRZ-R2~~8~~7;	**Activity status when compliance not achieved: see activity status for MRZ-R2~~1~~0 to MRZ-R2~~8~~7**
Activity status: NC Where the activity falls within these rules and associated standards in the General Residential parts of an ODP: 1. MRZ-R2~~9~~8 to MRZ-R~~40~~39;	**Activity status when compliance not achieved: see activity status for MRZ-R2~~9~~8 to MRZ-R~~40~~39**
Local Centre Zone parts of an ODP **Activity status: PER** Where the activity falls within these rules and associated standards in the Local Centre parts of an ODP: 1. LCZ-R1 to LCZ-R20;	**Activity status when compliance not achieved: see activity status for LCZ-R1 to LCZ-R20**

Activity status: RDIS Where the activity falls within these rules and associated standards in the Local Centre parts of an ODP: 1. LCZ-R21 to LCZ-R24;	**Activity status when compliance not achieved: see activity status for LCZ-R21 to LCZ-R24**
Activity status: DIS Where the activity falls within these rules and associated standards in the Local Centre parts of an ODP: 1. LCZ-R25;	**Activity status when compliance not achieved: see activity status for LCZ-R25**
Activity status: NC Where the activity falls within these rules and associated standards in the Local Centre parts of an ODP: 1. LCZ-R26 to LCZ-R27;	**Activity status when compliance not achieved: see activity status for LCZ-R26 to LCZ-R27**
Open Space Zone parts of an ODP **Activity status: PER** Where the activity falls within these rules and associated standards in the Open Space parts of an ODP:	**Activity status when compliance not achieved: see activity status for OSZ-R1 to OSZ-R15**

1. OSZ-R1 to OSZ-R15;	
Activity status: RDIS Where the activity falls within these activity rules and associated standards in the Open Space parts of an ODP: 1. OSZ-R16;	**Activity status when compliance not achieved: see activity status for OSZ-R16**
Activity status: DIS Where the activity falls within these activity rules and associated standards in the Open Space parts of an ODP: 1. OSZ-R17 to OSZ-R18;	**Activity status when compliance not achieved: see activity status for OSZ-R17 to OSZ-R18**
Activity status: NC Where the activity falls within these activity rules and associated standards in the Open Space parts of an ODP: 1. OSZ-R19 to OSZ-R21;	**Activity status when compliance not achieved: see activity status for OSZ-R19 to OSZ-R21**
Commercial and Mixed Use Zone parts of an ODP **Activity status: PER** Where the activity falls within these activity rules and associated standards in the Commercial and Mixed Use parts of an ODP:	**Activity status when compliance not achieved: see activity status for** **NCZ-R1 to NCZ-R10** **LCZ-R1 to LCZ-R20** **LFRZ-R1 to LFRZ-R12**

For NCZ parts of the ODP: 1. NCZ-R1 to NCZ-R10; For LCZ parts of the ODP: 1. LCZ-R1 to LCZ-R20; For LFRZ parts of the ODP: 1. LFRZ-R1 to LFRZ-R12; For MUZ parts of the ODP: 1. MUZ-R1 to MUZ-R20;	**MUZ-R1 to MUZ-R20**
Activity status: RDIS For LCZ parts of the ODP: 1. LCZ-R21 to LCZ-R23; For LFRZ parts of the ODP: 1. LFRZ-R13 to LFRZ-R14; For MUZ parts of the ODP:	

1. MUZ-R21 to MUZ-R23;	
Activity status: DIS Where the activity falls within these activity rules and associated standards in the Commercial and Mixed Use parts of an ODP: For NCZ parts of the ODP: 1. NCZ-R12 to NCZ-R16; For LCZ parts of the ODP: 1. LCZ-R24; For LFRZ parts of the ODP: 1. LFRZ-R15 to LFRZ-R23; For MUZ parts of the ODP: 1. MUZ-R24;	
Activity status: NC Where the activity falls within these activity rules and associated standards in the Commercial and Mixed Use parts of an ODP: For NCZ parts of the ODP:	

1. NCZ-R17 to NCZ-R19; For LCZ parts of the ODP: 1. LCZ-R25 to LCZ-R26; For LFRZ parts of the ODP: 1. LFRZ-R24 to LFRZ-R26; For MUZ parts of the ODP: 1. MUZ-R25;		

DEV-R1	**~~Certification of land for~~ Residential and commercial land development and subdivision within a Development Area**	
Rural Lifestyle Zones within the new Development Area Overlay	**Activity status: RDIS** Where: 1. SUB-S1 to SUB-S18 are met. **Matters of discretion are restricted to:** • The extent to which:	**Activity status when compliance not achieved: as set out in the relevant subdivision standards**

	a. on-demand water schemes will have capacity to deliver greater than 2000 litre connections per day at peak demand; b. water pressure within the piped treated water network servicing the Development Area is maintained at greater than 250kpa 100% of the time, and greater than 350kpa 95% of the time; c. surcharge of pipes and flooding out of manholes will not occur during a design rainfall event (20% AEP) within the stormwater network necessary for the servicing of potential development that is being released; • The provision of a transport effects assessment and the extent to which recommendations contained within the assessment can be mitigated as part of subdivision design and consent; • The extent to which sufficient capacity is available within either the Rangiora or Kaiapoi Wastewater Treatment Plants for the development; • The provision of a staging plan including: a. the amount of new residential sites created in the development subject to the application for certification; b. number of stages for the development; and c. how many sites will be created per stage; • The provision of an agreement between the District Council and the developer on the method, timing and funding of any	

	necessary infrastructure and open space requirements is in place. • Effects on landowners and occupiers within and adjacent to the ODP area. • SUB-MCD1 - Allotment area and dimensions • SUB-MCD2 - Subdivision design • SUB-MCD3 - Property access • SUB-MCD4 - Esplanade provision • SUB-MCD5 – Natural hazards • SUB-MCD6 - Infrastructure • SUB-MCD7 - Mana whenua • SUB-MCD8 - Archaeological sites • SUB-MCD9 – but only in relation to the part of the Kaiapoi Development Area within the 50dBA contour • SUB-MCD10 - Reverse sensitivity • SUB-MCD11 – Liquefaction Hazard Overlay • SUB-MCD13 - Historic heritage, culture and notable trees	

Advice Notes

DEV-AN1	The District Council will undertake the following work and publish on the District Council website as follows: 1. Residential capacity will be calculated at least annually. 2. Residential demand will be calculated at least every three years in line with Statistics New Zealand subnational projections or Waimakariri Growth Model.

	3. Water and wastewater capacity in Rangiora and Kaiapoi will be calculated at least annually.
DEV-AN2	Where certification consent requires additional or upgraded public infrastructure, the applicant may be required to enter into a Private Development Agreement with the District Council. This will normally be required where the District Council's Development Contributions Policy does not clearly set out the specific contribution towards the costs of the additional or upgraded public infrastructure required. The Private Development Agreement will normally include a lease clause and be registered against the Computer Register (Certificate of Title) for the land, to ensure that the developer meets their agreed obligations.

Drafting approach for Option C

Remove DEV-O1 and insert "enable" into UFD-P2 to achieve the same outcome.

UFD-P2	**Identification/location of new Residential Development Areas** In relation to the identification/location of residential development areas: 1. Enable[5] residential development in the new Residential Development Areas at Kaiapoi, North East Rangiora, South East Rangiora and West Rangiora is located to implement the urban form identified in the Future Development Strategy; 2. for new Residential Development Areas, other than those identified by (1) above, avoid residential development unless located so that they: a. occur in a form that concentrates, or are attached to, an existing urban environment and promotes a coordinated pattern of development; b. occur in a manner that makes use of existing and planned transport and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required; c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; d. concentrate higher density residential housing in locations focusing on activity nodes such as key activity centres, schools, public transport routes and open space; e. take into account the need to provide for intensification of residential development while maintaining appropriate levels of amenity values on surrounding sites and streetscapes; f. are informed through the development of an ODP; g. supports reductions in greenhouse gas emissions; and h. are resilient to natural hazards and the likely current and future effects of climate change as identified in SD-O6.

[5] Consequential to recommendation to remove DEV-O1

Replace DEV-P1 with following:

SUB-P10	**Future urban development** Provide for future urban development in a Development Area in accordance with the relevant development area chapter provisions for that area through a land use consent process when: 1. the development will provide additional residential capacity to help achieve or exceed the projected total residential demand as identified in UFD-O1 (for the medium term); 2. water supply, wastewater and stormwater infrastructure capacity is sufficient to support the proposed development; and 3. an agreement is in place between the District Council and the developer on the method, timing and funding of any necessary water supply, wastewater and stormwater infrastructure, open space and transport infrastructure; and 4. Hazards have been avoided, or otherwise mitigated.

SUB-R8A	**Subdivision within Rural Lifestyle Zones within the New Development Area Overlay**	
Rural Zones	**Activity status: RDIS** Where: 2. SUB-S1 to SUB-S18 are met.	**Activity status when compliance not achieved: as set out in the relevant subdivision standards**

Matters of discretion are restricted to:

- The extent to which:

  a. on-demand water schemes will have capacity to deliver greater than 2000 litre connections per day at peak demand;

  b. water pressure within the piped treated water network servicing the Development Area is maintained at greater than 250kpa 100% of the time, and greater than 350kpa 95% of the time;

  c. surcharge of pipes and flooding out of manholes will not occur during a design rainfall event (20% AEP) within the stormwater network necessary for the servicing of potential development that is being released;

- The provision of a transport effects assessment and the extent to which recommendations contained within the assessment can be mitigated as part of subdivision design and consent;

- The extent to which sufficient capacity is available within either the Rangiora or Kaiapoi Wastewater Treatment Plants for the development;

- The provision of a staging plan including:
  a. the amount of new residential sites created in the development subject to the application for certification;

b. number of stages for the development; and
c. how many sites will be created per stage;

- The provision of an agreement between the District Council and the developer on the method, timing and funding of any necessary infrastructure and open space requirements is in place.
- Effects on landowners and occupiers within and adjacent to the ODP area.

- SUB-MCD1 - Allotment area and dimensions
- SUB-MCD2 - Subdivision design
- SUB-MCD3 - Property access
- SUB-MCD4 - Esplanade provision
- SUB-MCD5 – Natural hazards
- SUB-MCD6 - Infrastructure
- SUB-MCD7 - Mana whenua
- SUB-MCD8 - Archaeological sites
- SUB-MCD9 – but only in relation to the part of the Kaiapoi Development Area within the 50dBA contour
- SUB-MCD10 - Reverse sensitivity
- SUB-MCD11 – Liquefaction Hazard Overlay
- SUB-MCD13 - Historic heritage, culture and notable trees

SUB-MCD13	**Historic heritage, culture and notable trees** 1. Any effect on historic heritage, its heritage values and on any associated heritage setting. 2. The extent that HNZPT has been consulted and the outcome of that consultation. 3. The extent that the site has cultural or spiritual significance to mana whenua and the outcome of any consultation undertaken with Te Ngāi Tūāhuriri Rūnanga. 4. Opportunities to incorporate representation of the association of Te Ngāi Tūāhuriri Rūnanga into the design of residential and commercial subdivision. 5. Opportunities to enhance the physical condition of historic heritage and its heritage values. 6. Any mitigation measures proposed to be implemented to protect historic heritage and its heritage values. 7. The extent to which the subdivision layout and design provides for the protection of any notable tree. 8. Any effect on a notable tree as a result of the subdivision or identified building platform or platforms, and whether alternative methods or subdivision design are available to retain or protect the tree.

Amendments to Rural Lifestyle Chapter

RLZ-R3 Residential unit *This rule does not apply to any minor residential unit provided for under RLZ-R4; or bonus residential unit provided for under RLZ-R17, or any residential unit within a subdivision approved within the new development area overlay under SUB-R8A*

RLZ-R24 Emergency service facility *This rule does not apply to any emergency service facility within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: DIS	**Activity status when compliance not achieved: N/A**

RLZ-R26 Educational facility *This rule does not apply to any educational facility within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: DIS	**Activity status when compliance not achieved: N/A**
RLZ-R27 Community facility *This rule does not apply to recreation activity provided for under RLZ-R14; any emergency service facility provided for under RLZ-R24; or recreation facility provided for under RLZ-R34, or any community facility within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: DIS	**Activity status when compliance not achieved: N/A**

RLZ-R34 Recreation facilities *This rule does not apply to any sport shooting facility provided for under rule RLZ-R37, or any recreation facilities within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: DIS	**Activity status when compliance not achieved: N/A**

RLZ-R38 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision *This rule does not apply to any sport shooting facility provided for under rule RLZ-R37, or any recreation facilities within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: DIS	**Activity status when compliance not achieved: N/A**

RLZ-R39 Retail activity *This rule does not apply to retail activity associated with any activity provided for as permitted, restricted discretionary or discretionary activity, or any retail activity within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: NC	**Activity status when compliance not achieved: N/A**

RLZ-R40 Retirement village *This rule does not apply to a retirement village within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: NC	**Activity status when compliance not achieved: N/A**
RLZ-R41 Multi-unit residential development *This rule does not apply to a multi-unit residential development within a subdivision approved within the new development area overlay under SUB-R8A*	
Activity status: NC	**Activity status when compliance not achieved: N/A**

There may need to be enabling rules in each of the urban zone chapters if this approach is to be continued with.