

Proposed Waimakariri District Plan - Subdivision (Urban)

Hearing Stream 8 (15-17 April 2024)

s42A Officer's Summary Statement

Introduction

1. I am Rachel McClung – Principal Policy Planner at Waimakariri District Council. I prepared the Urban Subdivision s42A report on the Subdivision chapter. I confirm that I have read all the relevant submissions, further submissions, submitter evidence and technical documents and higher order policies.
2. I would like to introduce you to Mrs Wendy Harris, Planning Manager – Plan Implementation Unit, who is here to today to answer questions about implementation of the subdivision chapter as requested by the Panel. Mrs Harris has also prepared a short statement.
3. I will now provide an overview of the s32 report and subdivision chapter, for completeness, and to prevent Mr Buckley's from having to also provide an overview, I have included rural issues.
4. I will then provide an overview of submissions received, the key recommendations, and aspects of submitter evidence of relevance to my Urban Subdivision s42A report.
5. I will then go through the preliminary responses to the Panel's written questions and take any additional questions.
6. After this, Mrs Harris will then respond to the Plan Implementation Question, and then Mr Buckley will take his turn.

Subdivision Section 32 Report

7. The Section 32 report¹ identifies the key resource management issue as:
 - a. Growth and development can create adverse effects on existing communities and fail to protect natural and physical resources that contribute to the environmental qualities of the District
 - b. Subdivision needs to be provided for in a manner that facilitates development in order to provide for projected short, medium and long term residential and business growth
 - c. Development needs to be provided for in locations that enable people to provide for their economic, social and cultural wellbeing, as well as their health and safety
 - d. Recognise that poor planning decisions can impact on efficient use and development of transport and other regionally significant infrastructure
 - e. Good design of subdivision is important to maintain and enhance amenity values, while poor design can decrease the quality of the environment

¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0011/136100/15.-SUBDIVISION-S32-REPORT-DPR-2021..pdf

- f. Rural land fragmentation, if not constrained can lead to adverse effects on rural character, availability of land for rural production in the future, inefficient forms of development, and can affect the finite qualities of the District's high quality soils.

Subdivision chapter – provisions summary

8. The Subdivision Chapter contains provisions that:
 - a. enable the subdivision of land into allotments within identified zones (for which there can be a range of purpose, including roading and other utilities), including amalgamation of records of title and boundary adjustments between records of title.
 - b. Provide specifically for subdivision design;
 - c. Provide direction on infrastructure and transport outcomes; and
 - d. Provide direction for taking of esplanade strips and reserves.

Variation 1 (Residential intensification) and Variation 2 (Financial Contributions)

9. I would like to note that the Subdivision chapter is subject to the provisions introduced by Variation 1. However, the provisions introduced by Variation 1 and submissions on them are to be addressed in the Variation 1 s42A report and hearing. Therefore, I have not addressed them within the subdivision s42A reports.
10. The subdivision chapter provisions are not subject to changes introduced by Variation 2.

Submissions / s42A report summary

11. There were 372 submission points on the subdivision chapter considered in the Urban Subdivision s42A report, and 286 further submission points.
12. Key issues raised in submissions were:
 - a. Criteria for subdivision design and amenity;
 - b. Criteria for an Outline Development Plan (ODP);
 - c. Boundary adjustment not resulting in additional allotments or undersized allotments;
 - d. Allotment size and dimensions;
 - e. Activity status for when 20m esplanade strip or reserve is not provided; and
 - f. How the District Plan allows for cross lease, company lease and unit title subdivision.
13. The key recommended amendments in my Urban Subdivision s42A report to address matters raised in submissions are:
 - a. SUB-O2 – Additional wording to more clearly relate the objective to subdivision;
 - b. SUB-P1 – Amendment to clause 3 to improve readability;
 - c. SUB-P2 – New Clause 4 for Commercial and Industrial Zones;
 - d. SUB-P3 – Additional words 'where appropriate' in clause 3, and a new clause 5 to address climate change resilience and natural hazard risk;
 - e. SUB-P6 – Amendments to include 'new General Residential Zones' in the chapeau, replace 'school' with 'educational facility' in clause 2(b)(i), remove 'and how it will be funded' from clause 2(b)(e), new clause 2(b)(m) for natural hazards;
 - f. SUB-P7 – Additional words 'general accordance with' flexible elements;

- g. SUB-P8 – remove example ‘such as financial contributions that are proportional to the benefit received’ from policy;
- h. SUB-R1 – Amend to require compliance with SUB-S1 to ensure no additional allotment is created by a boundary adjustment and that a boundary adjustment does not increase the degree of non-compliance with the minimum allotment size;
- i. New SUB-R3a – new rule for subdivision to update cross lease, company leases and unit title plans;
- j. SUB-S1 – reduce activity status from non-complying to controlled when compliance with minimum frontage within a cul-de-sac turning head is not achieved by adding ‘lots fronting cul-de-sac turning heads’ as an exclusion to the frontage requirements in Table 1;
- k. SUB-S17 – reduce activity status from non-complying to restricted discretionary when compliance not achieved with minimum width;
- l. New SUB-AN3 – New advice note for consideration of limited access road to ensure properties have frontage to legal road;
- m. SUB-MCD1 – new clause 5 for updates to cross lease plans, company plans or unit title plans; and
- n. SUB-MCD3 – Amendments to clause b to include consideration of any upgrades required to existing accesses as a result of subdivision, and to clause c to include transport safety.

Submitter evidence

14. I have read all submitter evidence and legal statements received on this topic.

15. Evidence was received from:

- a. Kiwirail: Statement of evidence of Ms Michelle Grinlinton-Handcock².
- b. Mainpower: Statement of Ms Melanie Foot
- c. Daiken: Statement of evidence of Ms Stepanie Styles³
- d. NZ Pork: Statement of evidence of Mr Vance Hodgson⁴
- e. HortNZ: Statement of evidence of Mr Vance Hodgson⁵
- f. R and G Spark: Statement of evidence of Mr Ivan Thompson⁶
- g. ECan: Statement of evidence of Ms Victoria Watt⁷

² https://www.waimakariri.govt.nz/_data/assets/pdf_file/0016/161503/STREAM-8-TABLED-EVIDENCE-3-SUBMITTER-373-FS-99-KIWIRAIL-MICHELLE-GRINLINTON-HANDCOCK.pdf

³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/161417/STREAM-8-TABLED-EVIDENCE-1-SUBMITTER-145-DAIKEN-STEPHANIE-STYLES-BOFFA-MISKELL.pdf

⁴ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0014/161501/STREAM-8-TABLED-EVIDENCE-2-SUBMITTER-169-NZPORK-VANCE-HODGSON-HPC-PLANNING.pdf

⁵ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0019/161506/STREAM-8-TABLED-EVIDENCE-4-SUBMITTER-295-FS-47-HORICULTURE-NZ-VANCE-HODGSON-HODGSON-PLANNING-CONSULTANTS.pdf

⁶ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/161607/STREAM-8-EVIDENCE-5-SUBMITTER-183-R-and-G-SPARK-I-THOMSON-ASTON-CONSULTANTS.pdf

⁷ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0023/161609/STREAM-8-EVIDENCE-7-SUBMITTER-316-FS-105-ECAN-VICTOIRA-WATT-.pdf

h. Kāinga Ora: Statement of evidence of Ms Clare Dale⁸

16. And a legal statement was received from J Appleyard and A Lee on behalf of CIAL [274]⁹. This statement reference a Statement of Evidence of Mr Kyle¹⁰ that was submitted for Stream 10A.
17. The evidence of Kiwirail, Mainpower, R and G Spark, ECan, Kāinga Ora and CIAL is relevant to the urban subdivision s42A report.

Kiwirail evidence

18. Evidence of Ms Michelle Grinlinton-Handcock is agreeable with my s42A report recommendations. She seeks no changes to my recommendations, stating that the recommendations provide for the relief they seek.

Mainpower evidence

19. Evidence of Ms Melanie Foot is agreeable with my s42A report recommendations. She states that she agrees with my recommendations and recommends no amendments.

R and G Spark

20. The evidence of Mr Ivan Thompson is agreeable with my s42A report recommendation for SUB-S7. However, Mr Thompson disagrees with my recommendations for SUB-P6 *Criteria for Outline Development Plans*, SUB-P7 *Requirements of Outline Development Plans* and SUB-S3 *Residential yield*. He provides alternative wording that would provide greater flexibility for greenfield density requirements for these provisions and suggests a discretionary activity status for SUB-S3.
21. Mr Thompson accepts my reasoning that generally 15 households per hectare are required to meet housing supply. However, he doubts that changing SUB P6 or SUB S3 would greatly affect the ability of FDAs to accommodate the necessary demand and considers that the flexibility and less regulation enabled by the submission outweighs any risk of not achieving the districts housing targets. This is the basis on which he recommends his changes.
22. Both SUB-P6 (2)(c) and SUB-S3 require a minimum net density of at least 15 households per ha, unless there are demonstrated constraints then no less than 12 households per ha. Therefore, there is flexibility to reduced net density where constraints are demonstrated.
23. Furthermore, the Waimakariri District housing sufficiency for the short-medium term is calculated to be 220 and 621 for the long term¹¹. These calculations are based on the zone

⁸ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0022/161608/STREAM-8-EVIDENCE-6-SUBMITTER-325-FS-88-KAINGA-ORA-CLARE-DALE-NOVO-GROUP.pdf

⁹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0024/161727/STREAM-8-TABLED-LEGAL-EVIDENCE-9-STREAM-9A-EVIDENCE-4-STREAM-11-EVIDENCE-3-CIAL-J-APPLIEYARD-A-LEE-CHAPMAN-TRIPP.pdf

¹⁰ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0015/160053/STREAM-10A-STATEMENT-EVIDENCE-14-SUBMITTER-254-CIAL-JOHN-KYLE-PLANNING.pdf

¹¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/151455/Waimakariri-Residential-Capacity-and-Demand-Model-December-2023.pdf, page 32

densities being achieved. It is my opinion that strong policy direction is required to achieve housing sufficiency, as the sufficiency figures are not large.

Figure 4-3: Waimakariri District Urban Dwelling Demand (+Margin) and Feasible Supply

Waimakariri District Dwelling Demand	Demand +Margin	Feasible Supply	Sufficiency
Short-Medium	6,260	6,480	220
Long	14,727	15,348	621

24. I respectfully disagree with Mr Thompsons suggested amendments to SUB-P6.
25. I note the panel has asked a question regarding the origin of the 12 households per hectare. I have considered it separately within my written answers to the question on para 73.

ECan

26. The outstanding issues for Ms Watt that relate to the recommendations in my s42A report relate to the Regional Council’s submission point seeking to add “environmental values” to SUB-O1 and reference to NH-P3 in SUB-P6.
27. With respect to SUB-O1, I have read the evidence provided and my opinion has not changed.
28. I note that in the Chapter Introduction for the Natural Hazards chapter, subdivision is listed under the heading ‘Other potentially relevant District Plan provisions’. However, the Natural Hazard provisions have not been specifically cross referenced within the Subdivision chapter Introduction. I consider this would be the best location for the cross reference and therefore recommend the following change to the Introduction:

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to Subdivision include:

- Energy and Infrastructure.
- Transport.
- Natural Hazards.¹²
- Special Purpose Zone (Kāinga Nohoanga): how the Subdivision provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- Any other District wide matter that may affect or relate to the site or sites.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

29. Ms Watt may wish to respond during the course of the hearing.

¹² ECan [316.129] – accept in part

Kāinga Ora

30. Ms Dale has stated that her statement of evidence focuses on both the PDP submission points of relevance and some of Kainga Ora's submission points on V1. Ms Dale's assessment does not clearly distinguish the V1 and PDP. I did not consider submissions on V1 and consider them to be 'out of scope' for Hearing Stream 8.
31. V1 submissions are to be heard by the Independent Hearing Panel in Stream 7. Council is intending to progress this hearing stream. I note that the timing of Stream 7 was moved after I had completed my Urban Subdivision s42A report, therefore the past tense which I refer to the V1 s42A report within my s42A will have caused confusion for Ms Dale and I apologise for not picking up on this before my report was circulated.
32. I confirm that the s42A reports for V1 or Residential have not been finalised or circulated. I did have initial discussions with and Mr Wilson and Mr McClennan (as those report authors) to align recommendations as far as possible, in the anticipation that both their reports would be available prior to this hearing, as that hearing was originally scheduled in March 2024. However, on 14 February (within Minute 18) the hearing schedule was amended to move the hearing from March to August¹³.
33. Not having these s42A reports to consider prior to completion of my report has had its challenges with respect to my recommendations on the residential zone provisions. Ms Dale has highlighted this through her entwined discussion of both V1 and subdivision submissions. I did discuss this issue with Ms Dale after reading her evidence and she confirmed with me that she also faced the same challenges.
34. Given this, I would like to request from the Panel that I have the ability to respond to Ms Dales para's 4.22 – 4.39 after those s42A reports are made available and submissions heard. This could be done through a delayed final right of reply for urban subdivision, or a Joint Witness Statement. I believe delaying my consideration of the matters raised by Ms Dale would be of the greatest value to the Panel.
35. I note that Mr Wilson is the V1 reporting officer and will be here in the room to hear the KO evidence on subdivision this afternoon.
36. As for Ms Dale's recommended changes to SUB-P1(3), on further consideration, I agree with her reasoning and have changed my recommendation to align more closely with the NPSET, rather than the CRPS Policy 16.3.4. My recommended change is set out in my response to the panels question on Para 132.
37. I have considered the changes she seeks with respect to SUB-R4 in responding to the panels question on para's 305 to 315.

CAIL

38. I have considered Mr Kyles position in response to panel questions on Para 225.

¹³ 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

Right of Reply

39. I will update both my Appendix A and Appendix B recommendations in my right of reply to reflect my changed position as described this morning.