

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council reply on Strategic Direction - planner Mark Buckley on behalf of
Waimakariri District Council**

Date: 16 June 2023

INTRODUCTION:

1 My full name is Mark Thomas Buckley. I am employed as a Principal Policy Planner for Waimakariri District Council.

2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Strategic Directions.

3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 1.

4 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Strategic Directions.

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

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

6 Appendix C of my section 42A report sets out my qualifications and experience.

7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

8 This reply follows Hearing Stream 1 held on 15 May 2023. Minute 4 of the Hearing Procedures allows for s42A report authors to submit a written reply within 20 working days of the adjournment of the hearing.

9 The main topics addressed in this reply include:

- Answers to questions posed by the Panel;
- Matters remaining in contention; and
- Changes to recommendations in s42A report.

- 10 Appendix 1 has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Council website.
- 11 Appendix 2 has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.
- 12 Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

ANSWERS TO QUESTIONS POSED BY THE PANEL

- 13 The right of reply memo is in response to questions from the Hearings Panel in Minute 4.
- 14 I note that for the purpose of completing this right of reply I have not had the benefit of reviewing evidence provided in respect of the remaining chapters of the Plan. Where I rely on provisions within other chapters that have not yet been subject to hearings, I have identified preliminary recommendations in discussion with the relevant s42A authors.
- 15 Where not listed, I have considered the version of the provisions as notified. I consider that it will be important to ensure that the totality of evidence provided on provisions within the Strategic Directions chapter is considered.

Primacy of Strategic Directions Objectives

- 16 Submitters have raised the issue of whether the Strategic Directions (SD) objectives should have primacy over the rest of the objectives and policies within the Proposed District Plan (PDP). They have stated that by

enabling SD objectives to have primacy, this will better guide decision makers by avoid conflicting policy directions within the PDP.

17 Chapter 7 of the National Planning Standards (NPS) includes mandatory directions for the District Plan. Strategic Directions must address the following matters:

1. If the following matters are addressed, they must be located under the Strategic direction heading:

a. an outline of the key strategic or significant resource management matters for the district

*b. issues, if any, and objectives that address key strategic or significant matters for the district and **guide decision making at a strategic level***

*c. policies that address these matters, **unless those policies are better located in other more specific chapters.***

d. how resource management issues of significance to iwi authorities are addressed in the plan.

2. Rules must not be included under the Strategic direction heading.

3. An Urban form and development chapter must be included under the Strategic direction heading.

4. Each strategic direction matter must be its own chapter and be included alphabetically under the Strategic direction heading.

18 Section B of the NPS above notes that SD “guides” decision making at a strategic level. The inference is that SD guides decision makers rather than being directive. Section C implies that policies relating to strategic matters could be located elsewhere in the plan, implying that there is no hierarchy in decision making between Strategic Directions and the rest of the plan.

19 The Proposed District Plan was written with the intent that the Strategic Directions chapter objectives do not have primacy over the rest of the plan. The provisions focus solely on those issues that were considered to be of strategic importance to the district and did not include those issues that were not strategic or were to be addressed in subsequent chapters. It was the intent that the plan be read as a whole and that where a

specific issue arose that there would be a specific policy that would address it within the appropriate context. As a result, I disagree with the evidence of Ms Dale on behalf of Kāinga Ora that the strategic directions are essential to the formulation and implementation of the PDP¹.

- 20 Kāinga Ora included the recommendations of the Independent Hearings Panel for the Proposed New Plymouth District Plan as an example where Strategic Directions have been given a certain degree of primacy over other provisions in the district plan (appendix 1). Mr Liggett² and Ms Dale stated that Council should consider this. Section 3.2 of the recommendations on the Proposed New Plymouth District Plan states:

“Reporting Officers generally considered that the strategic objectives are sufficiently reflected in the other objectives and policies in the PNPDP. However, Reporting Officers did recommend inserting the following wording into all PNPDP chapters (except the Strategic Direction chapters), under the heading ‘Cross references to other relevant District Plan provisions’: “Strategic Objectives - All objectives and policies in this chapter are to be read and achieved in a manner consistent with the Strategic Objectives.”

- 21 The difference between the two proposed plans is that New Plymouth District Council has strategic direction chapters on historic and culture, infrastructure and energy, natural environment, rural environment, tāngata whenua, and urban form and development, resulting in a combined 27 objectives. This is not the approach adopted by Waimakariri District Council.

- 22 The legal opinion provided to New Plymouth District Council on this matter notes:

¹ Para 4.6 Evidence of Clare Dale on behalf of Kainga Ora

² Para 8.3 of Statement of Evidence

What does “guide decision making at a strategic level mean”?

As noted above, the Planning Standards do not direct the manner in which objectives that are included in the Strategic Direction chapter are to “guide decision making”, nor the weight that is to be given to them. It is therefore submitted that it is open to each Council to determine how strategic objectives are to be interpreted and implemented in each plan so as to achieve the most appropriate planning outcome for a particular district or region.³

- 23 There is nothing within the Strategic Directions chapter that addresses Transport, Historic Heritage, Notable Trees, Noise, Signs, Subdivision, Earthworks etc. These aspects of the District Plan would need to be included within the Strategic Direction chapters, otherwise there is a risk that non-specific objectives and policies could over-ride specific objectives and policies that are located within subsequent chapters.
- 24 The District Plan must give effect to higher order documents. The Strategic Directions chapter does not contain any provisions relating to the other aspects of the coastal environment that the District Council has a role in administration (Policy 6 activities in the coastal environment, Policy 7 Strategic Planning regarding subdivision, Policy 11 the protection of indigenous biodiversity, and Policy 17 Historic Heritage), which would mean that the Proposed District Plan does not give full effect to the New Zealand Coastal Policy Statement.
- 25 The Strategic Directions chapter by itself does not give full effect to the RPS. The chapter, when read in isolation, does not address management of contaminated land and hazardous substances, land use and transport integration, historic heritage, community scale irrigation infrastructure and integrated management of freshwater.

³ Underlining is my emphasis

- 26 There is a risk that should the Strategic Direction objectives have primacy over other provisions within the District Plan, that those provisions that do not give effect to higher order documents would have a greater weight or potentially be inconsistent with those that do give effect to those higher order documents.
- 27 I do not recommend any changes to the Strategic Directions introduction with respect to giving direction that the Strategic Directions and Urban Form and Development provisions take primacy or a higher weighting over other provisions within the District Plan. The National Planning Standards do not state that Strategic Directions chapters have primacy over other objectives within the Proposed District Plan.
- 28 Further, I note that if a decision was made to give the Strategic Direction objectives primacy over other objectives, the framework of the other objectives and subservient provisions would need to be reassessed as to the degree that this chapter (and the plan) would give effect to the Council's requirements under s75(A) of the Act.

Referencing of Ravenswood and Pegasus

- 29 I accept that Pegasus should be included within the relevant provisions of Strategic Directions and Urban Form and Development. The town was gazetted by the NZ Geographic Board on 25/03/2004 (NZGB Gazettal 2004 (33) p.749.
- 30 The following amendments are proposed to the Strategic Directions chapter:

SD-02 Urban Development

5. supports a hierarchy of urban centres, within the District's main centres in Rangiora, Kaiapoi, Oxford, Woodend and Pegasus.

31 The following amendments are proposed to the Urban Form and Development chapter:

UFD-P3 Identification/location and extension of Large Lot Residential Zone areas

2. *new Large Lot Residential development, other than addressed by (1) above, is located so that it:*
 - a. *occurs in a form that is attached to an existing Large Lot Residential Zone or Small Settlement Zone and promotes a coordinated pattern of development;*
 - b. *is not located within an identified Development Area of the District's main towns of Rangiora, Kaiapoi, Pegasus and Woodend identified in the Future Development Strategy;*
 - c. *is not on the direct edges of the District's main towns of Rangiora, Kaiapoi, Pegasus and Woodend, ...*

UFD-P10 Managing reverse sensitivity effects from new development

Within Residential Zones and new development areas in Rangiora, Kaiapoi, Oxford, Woodend and Pegasus:

32 Given consideration of the evidence submitted at the hearing, the inclusion of 'Oxford' (Ashley Industrial Services Ltd [48.2]), 'Woodend' and 'Pegasus' are considered to be appropriate.

33 Ravenswood is not a gazetted placename by the NZ Geographic Board. Ravenswood is also not referred to within the RPS. Within the Proposed District Plan, Ravenswood is referred to as North Woodend (Ravenswood) within the North Woodend Development Area chapter. The reference to Ravenswood within the definition of 'Urban Environment' only refers to those areas where the urban flood

assessment overlay applies. Elsewhere in the Proposed District Plan the area is located as North Woodend (Introduction Town Centre Zone). The Waimakariri District Development Strategy (2018) refers to Ravenswood as North Woodend.

34 The legal submission from Ravenswood Development Limited [5] identified where Ravenswood is used within the Operative District Plan as well as the PDP. Paragraph 12(a) of the submission considered that it was appropriate that Ravenswood be recognised as a Key Activity Centre (KAC). The introduction of the Commercial and Mixed-Use Zones general objectives and policies chapter in the PDP note North Woodend as the emerging town centre (KAC as per the RPS) and North Woodend as an existing development area. Ravenswood is not presently a KAC and is not recognised as such within the RPS or the PDP. It is recognised as an 'emerging' KAC to enable development to occur at that location over time, separate from the already established KAC areas of Kaiapoi and Rangiora.

35 Paragraph 14 of the legal submission [5] identifies that Ravenswood has been included in the definition for 'urban environment'. As will be discussed later, the 'urban environment' definition is not intended to identify those areas in the district that can be considered as urban, but to identify those areas of the district where the urban flood assessment overlay applies.

36 In my opinion 'Ravenswood' should not be included in the Strategic Directions and Urban Form and Development chapters.

Safeguarding of Indigenous Biodiversity and Freshwater Management – Te Mana o te Wai

37 In paragraph 5, Appendix 1 in Minute 4 the Commissioner's request that I complete the recommendation on Forest and Bird submission [192.29] with respect to mauri of ecosystems in a new clause SD-O1.

38 Upon further consideration the submission by Forest and Bird [192.29] with addition of a new clause including the reference to Te Mana o te Wai is considered to be appropriate.

39 My reason for this is that the National Policy Statement on Freshwater Management (NSP-FM) refers to the integrated management of the freshwater environment (policy 3). Including “*restoring and preserving the balance between the water, the wider environment, and the community*” (Clause 1.3 fundamental concept), implying that consideration needs to be given to the effects of land use and its impacts upon Te Mana o te Wai.

40 I therefore recommend the following amendments are made to SD-01:

SD-01 Natural Environment

Across the District:

the mauri of ecosystems and indigenous biodiversity is safe guarded and freshwater is managed in a way that gives effect to Te Mana o te Wai.

41 The wording is different to that proposed in Appendix B of the Section 42A report. The s42A report made reference to Te Rito o te Harakeke, to be consistent with the draft National Policy Statement for Indigenous Biodiversity (NPS-IB). However, given that the NPS-IB is not operative, the wording from the operative NPS-FM is considered appropriate and better enables the District Council to give effect to the NPS-FM.

Overall Net Gain vs Net Gain

42 As a result of discussion at the Hearing, the panel requested a further consideration on whether “*overall net gain*” should be used in the PDP. As discussed in para (89 to 94) of the Section 42A Strategic Directions report the reference to para (89) of the Council Officers preliminary response to written questions and Forest and Birds response to

commissioners' questions⁴ noted that 'overall net gain' could lead to a loss of affected species while an increase in no-affected species would be considered appropriate. Forest and Bird in their submission [192.29] supported the proposed amendment by Council.

- 43 Having reconsidered this issue I consider that the use of 'net gain' remains more appropriate.

Deletion of 'Existing Character' in SD-02

In paragraph 6, Appendix 1 in Minute 4 the Hearings Panel request consideration of the Kāinga Ora submission [325.3] with respect to the deletion of 'existing character' from SD-O2(2) in Ms Dales statement of evidence⁵ and Ms Mitten's statement of evidence⁶.

- 44 K āinga Ora [325.3] wanted "*existing character*" deleted from Objective SD-O2(2) on the basis that the Proposed District Plan should be consistent with the wording of the National Policy Statement on Urban Development (NPSUD), better reflecting the outcomes sought for a well-functioning urban environment. The Kāinga Ora submission [325.3] states that "*clause 2 to recognise that urban environments (including amenity values) change over time through planned urban growth and intensification;*"
- 45 Kāinga Ora [325.10] also sought changes to UFD-P2(e) to "*specifically acknowledge that as the character of planned urban areas evolves to deliver a compact urban form, amenity values will change rather than be maintained*"

⁴ Commissioner Question 1 Page 1.

⁵ Para 1.2(b) in Summary of Evidence and Para 4.37 of Statement of Primary Evidence

⁶ Para 83 and 84

46 While the RMA does not use the term ‘character’ within an urban design context it does use the concept of the character of an area within the meaning of amenity values (below).

*“**amenity values** means those natural or physical qualities and characteristics of an area⁷ that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*

47 Section 7 (f) of the RMA requires that particular regard be given to the *“maintenance and enhancement of the quality of the environment”*, where the definition for the environment includes people and communities, amenity values, and social, economic, aesthetic and cultural conditions.

48 While the NPSUD does not directly use the term character, it can be assumed that the use of amenity infers character within the context of the policy statement. In which case Policy 6 requires consideration to be given to the character of an area through the term amenity. Objective 4 states *“...urban environments, including amenity values,...”* implying that amenity values is a component part of an urban environment, and that there are other components forming part of an urban environment.

49 NPS Policy 6(i) states:

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

⁷ Underlining is my emphasis

- 50 The policy uses the wording ‘*may*’ and does not definitively state that amenity values will decrease, but rather that they will change. It should be acknowledged that any new development within an existing or new area will change amenity values, some will be perceived as being negative and some as being positive.
- 51 Policy 5.3.3(2) of the RPS makes specific reference to requiring consideration of the existing character of an area for urban design purposes “*where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced*”.
- 52 Questions were raised as to whether any parts of the urban centres within the district contained character. I am aware that there are submissions on Variation 1 regarding the character of Pegasus⁸ and for the rest of the towns in the district⁹.
- 53 An investigation of residential character across the district was undertaken in 2018 by Jasmox¹⁰ to determine any urban design considerations with respect to intensification and is included as a supporting document within the s32 evaluation. The conclusions of the investigation were that for those areas investigated (walkable distance from town centres and park and ride facilities in Rangiora and Kaiapoi), that most sites comprised standalone single-story buildings with a mix of styles, ages and designs and that they didn’t contain any specifically consolidated and defined ‘character’ elements (for example heritage character areas used in other plan). Other parts of the towns and district did contain some attributes that could be considered as being of character, i.e. Pegasus and Sovereign Palms (northern part of Kaiapoi).

⁸ R Wakefield-Jones [21], Pegasus Residents Group Incorporated [31],

⁹ J C Sewell [23], R Todd [28], M Noonan [32], R L Malloch [33], J Avery [34], M H and R J Pyke [71]

¹⁰ Jasmox, 2018. Residential Character and Intensification Guidance for Waimakariri District Council.

- 54 The Operative District Plan also contains a number of policies that require the consideration of character with respect to any growth or development of those areas (Policy 18.1.1.9 for Ohoka and Policy 18.1.1.11 for Pegasus township for example).
- 55 In considering the evidence presented at the hearing and upon further review, it is considered that the retention of “...recognises existing character,...” best meets the intent of the RMA, NPSUD and RPS, bearing in mind that there may be some areas of the district that could be considered as having character, but may not have consolidated character elements. Acknowledging that character of urban areas may change with intensification, but with good urban design it does not necessarily mean that a certain degree of character cannot be maintained.
- 56 Based on the consideration of submissions and to ensure integration across the whole plan, I recommend that existing character be reinstated back into SD-O2.

Character across other residential zones

The hearing panel also requested that the right of reply detail how the application of character in assessing urban built form would apply to those areas covered by the definition of urban centres and those that site outside of the application of the Medium Density Residential Standards (MDRS) provisions.

- 57 For those areas that are covered by the Settlement Zone provisions (Ashley, Sefton, Cust, Waikuku Beach, Kairaki, The Pines Beach, Woodend Beach and part of Ohoka), Objective SETZ-O1 and Policy SETZ-P1 specifically deals with the retention of existing residential character.

SETZ-P1 Residential character

Provide for activities and structures that support and maintain the character and amenity values¹¹ anticipated for the zone, which provides for:

- 1 predominantly residential activity, with density at the lower end compared to other Residential Zones;
- 2 small scale commercial services that service the local beach and/or rural communities;
- 3 cultural and spiritual activities, visitor accommodation, reserves and community facilities;
- 4 provides for a pleasant residential environment interspersed with commercial activities, in particular minimising the adverse effects of noise and outdoor lighting, but providing for small scale signs as well as signs necessary to support commercial activities in the settlement while maintain a high level of visual amenity;
- 5 maintenance of outlooks from within the settlements to rural areas; and
- 6 pedestrian movement, but with minimal use of kerb and channelling, and intimate and informal streetscapes.

58 For the Large Lot Residential Zones of Mandeville, Swannanoa, surrounding Ohoka, Fernside, Waikuku and Cones Road, Policy LLRZ-P1 details the character considerations of those areas.

LLRZ-P1 Maintaining the qualities and character

Maintain the qualities and character¹² of the Large Lot Residential Zone by:

1. achieving a low density residential environment with a built form dominated by detached residential units, which other than minor residential units, are established on their own separate sites;
2. managing the scale and location of buildings so as to maintain a sense of openness and space between buildings on adjoining sites

¹¹ Underlining is my emphasis

¹² Underlining is my emphasis

and ensuring that open space predominates over built form on each site;

3. ensuring the built form for all activities is consistent with the low density residential character of the zone; and
4. retaining the open character and outlook from sites to rural areas through managing boundary fencing including the style of fencing, their height and visual permeability.

59 Because Oxford does not meet the Amendment Act criteria for MDRS provisions, that township contain the only General Residential Zones in the district. As such the GRZ objectives and policies will apply. In particular GRZ-P1, as follows:

GRZ-P1 Residential character and amenity values

Provide for activities and structures that support and maintain the character and amenity values¹³ anticipated for the zone which:

1. Provides for suburban character on larger sites primarily with detached residential units;
2. provides for a pleasant residential environment, in particular minimising the adverse effects of night time noise, glare and light spill, and limited signs;
3. provides opportunities for multi-unit residential development on larger sites;
4. has sites generally dominated by landscaped areas, with open spacious streetscapes;
5. through careful design provides a range of higher density living choices to be developed within the zone; and
6. provides for small scale commercial activity that services the local community, and home businesses at a scale consistent with surrounding residential character and amenity values.

¹³ Underlining is my emphasis

60 It should be noted that the Medium Density Residential Zone contains policy provisions that ‘support and maintain the character and amenity values anticipated for the zone.’ Although the anticipated character is now aligned with the MDRS provisions and the urban built form anticipated by those provisions. It should be noted that Kāinga Ora [325.242] have submitted on Policy MRZ-P1 requesting an amendment to the policy, but have included the recognition of residential character and amenity within their reworked policy.

Inclusion of Infrastructure in SD-O2

In paragraph 7, Appendix 1 in Minute 4 the hearings panel wants to know whether there are any changes to recommendations to the Section 42A Officers report on the basis of evidence from infrastructure providers.

61 Infrastructure providers (Chorus, Spark and Vodafone [62.2], Waka Kotahi [275.4], MainPower [249] and Transpower [195] (evidence presented at hearing)) wanted the inclusion of other infrastructure either within SD-O2(3) or as a new provision within SD-O2.

62 In the evidence provided by Chorus, Spark and Vodafone [16] Mr Horne inferred¹⁴ that there is an order of planning provisions within the PDP, and therefore the consideration of telecommunication infrastructure needs to be within the Strategic Direction provisions otherwise it will not be considered. As addressed within paragraphs 56 and 57 in the Section 42A officers report and the response to Para 56 in the Council Officers Preliminary Response to questions, I consider this is not the intent of the PDP that Strategic Directions provisions take precedence over other parts of the PDP.

¹⁴ Paragraph 7 “*The reporting planner considers that this does not need to be recognised at a strategic directions level and is addressed in the lower order plan provisions (i.e. In the EI and SUB provisions).*”

- 63 Reference is made to “*other infrastructure*”¹⁵ within the NPSUD. The inclusion of “*other infrastructure*” within the NPSUD is recognised as ‘additional infrastructure’ in Policy 10, which requires local authorities to ‘engage with providers of development infrastructure and additional infrastructure’. However, the NPSUD provisions around ‘plan enabled and infrastructure ready’ primarily focuses on ‘development infrastructure’ that is infrastructure that is controlled by the local authority. SD-O2 reflects the direction of clause 3.2 (2) of the NPSUD where ‘sufficient development housing capacity’ is ‘plan enabled’ and infrastructure ready, which refers to ‘development infrastructure’ that is defined as that controlled by the local authority.
- 64 The intent of SD-O2 is that ‘urban development and infrastructure’, which includes telecommunication and electricity (RMA definition), is considered with the underlying points (1 to 10). Through the definition of infrastructure, telecommunication and electricity forms part of any urban development consideration and including it in SD-O2(3) would be repetition.
- 65 I do not agree with the argument that ‘additional infrastructure’ comprising telecommunication and electricity, meets the NPSUD definition of ‘plan enabled’ and ‘infrastructure ready’ and that it is better addressed through the provisions in objective EI-O1, and policies EI-P1(5) and SUB-P8.

Deletion of SD-O2(10) Ngāi Tūāhuriri Cultural Values

¹⁵ Ibid “*However, given the national level direction of the NPS-UP in regard to “other infrastructure”, which specifically includes telecommunications, I consider that this would be appropriately addressed in SD-O2 to set the higher-level district plan direction for addressing this in the EI and SUB Chapters.*”

In paragraph 8, Appendix 1 in Minute 4 the hearings panel requests that consideration is given to any changes to SD-O2(10) in response the statement of evidence from Ms Dale on behalf of Kāinga Ora and discussions at the hearing.

66 Kāinga Ora [325.3] noted that the inclusion of Ngāi Tūāhuriri cultural values in SD-O2(10) is a repetition of the provision in SD-O5(2). Discussions with the S32 chapter author identified that the repetition of the provision was associated with timing of policy development, as SD-O2 was developed ahead of SD-O5, which was awaiting the outcomes of consultation with Ngāi Tūāhuriri. Subsequently, the reference in SD-O2(10) was a placeholder to ensure that cultural values were included.

67 While acknowledging Commissioner McKay's comments around the importance of cultural values associated with urban development, the inclusion of their recognition in SD-O2(10) would imply that they may not be as significant across those other areas of the PDP due to their absence, which is not the case.

68 I recommend that SD-O2(10) be deleted from the PDP for the reason given above.

Reverse Sensitivity inclusion in SD-O2

In paragraph 9, Appendix 1 in Minute 4 the hearings panel want to know whether there are any changes to SD-O2 in response to submitters evidence on reverse sensitivity.

69 Fulton Hogan [41.13] wanted the inclusion of "while avoiding reverse sensitivity effects" within SD-O2(6) with respect to providing opportunities for business activities within business and industrial zoned areas. While the change recommended by the submitter was against a specific provision, the explanation related to urban development encroaching upon quarrying activities.

- 70 The Daiken Statement of Evidence [33] requested the acknowledgement of existing non-rural activities through an amendment to SD-O4(2). While Council is ensuring that rural activities are provided for by limiting the establishment of industrial activities, RURZ-P6 allows for new industrial activities where there is no reasonable and available site for the activity in the industrial zones. Existing non-rural activities are protected under Section 10 of the RMA. Council does not have other similar provisions for other activities that are outside of their anticipated zoning.
- 71 My original response was that the reverse sensitivity issue was covered in UFD-P10, INZ-P5 and CMUZ-P8. The evidence presented by Mr Ensor¹⁶ noted that reverse sensitivity issues association with urban development could potentially foreclose the ability of quarrying activities to continue. The submission wanted greater recognition in the Strategic Directions chapter as it would allow *“those to be appropriately taken into account at all levels of decision making under the pWDP”* Given that the PDP was written on the basis that Strategic Directions do not have primacy over other provisions within the PDP and my subsequent recommendations on this issue, reverse sensitivity provisions will have equal weighting wherever they appear in the PDP.
- 72 Given that the outcome around reverse sensitivity sought by the Fulton Hogan [41.13] can be achieved in UFD-P10 and in RURZ-P8, no amendments are recommended. The interface between new residential zones and quarrying activities is only covered in UFD-P10, further consideration of any changes to UFD-P10 has been addressed in the Right of Reply on Urban Form and Development. The proposed amendments better align with the wording to the RPS and replace “minimise” with “avoid or mitigate” reverse sensitivity effects on primary production.

¹⁶ Para 30 to 32 in Statement of evidence

MainPower Submission 249.200

In paragraph 10, Appendix 1 in Minute 4 the hearings panel request a response to the submission by MainPower [249.200] on SD-O3(2).

- 73 The MainPower submission [249.200] sought to amend to SD-O3(2) by including a number of provisions for recognising the social, economic, environmental and cultural benefits of infrastructure at a strategic level¹⁷, reverse sensitivity and its impacts on infrastructure, and avoiding the adverse effects on the electricity distribution network. They also wanted to change the term regionally significant, strategic and critical infrastructure to “important infrastructure”.
- 74 The first part of the submission wanting the inclusion of “*social, economic, environmental and cultural benefits that infrastructure provides*” within SD-O3 (2) is a partial repetition of EI-O1. This approach to include such wording is not supported within the Objectives and Policies of NPSET¹⁸ or the RPS (Policies 5.3.9 and 6.3.5), and its inclusion would be inconsistent with higher order documents.
- 75 In addition to the above, there is a proposed amendment to the provision relating to reverse sensitivity which completely changes the intent of the provision. SD-O3(2)(b)(ii) is intended to manage adverse effects, including reverse sensitivity, of activities on infrastructure. The proposed amendment has a greater level of control on activities near infrastructure through the term “*avoiding*” in relation to development of infrastructure. The amendment requests that consideration is not only given to existing infrastructure, but also to future infrastructure irrespective of whether it is consented or not.

¹⁷ Para 33 of Ms Foote’s Statement of Evidence

¹⁸ National Policy Statement on Electricity Transmission 2008.

- 76 The proposed amendments put forward by MainPower [249.200] would require a major rewrite of the Energy and Infrastructure chapter as it would not give effect to the objective if the policy requires the ‘management’ of effects rather than ‘avoiding’. Discussions with the Energy and Infrastructure S42A report author is that the preliminary recommendation is ‘manage’ is to be retained in EI-P6 as it enables a greater breadth of responses rather than the use of the term ‘avoid’.
- 77 The issue of changing the reference from ‘regionally significant, strategic and critical infrastructure’ to ‘important infrastructure’ has been previously addressed in the Section 42A report¹⁹. The statement of evidence by Ms Foote (paragraph 30) states that the purpose of the change in name is to “*streamline and simplify terminology*” and that it would encompass the activities listed in the RMA. There is no definition for ‘important infrastructure’ in the RMA, but it does have one for ‘infrastructure’ which includes amongst other things the generation and transmission of electricity. As per the Section 42A Officers report, the use of the terms ‘regionally significant and critical infrastructure’ to ‘important infrastructure’ are consistent with the approach taken in the RPS and recognise the difference in policy approach for the various types of infrastructure.
- 78 I do not agree with the MainPower submission or the statement of evidence on the policy and confirm that no amendments to SD-03 are proposed.

Woolworths Submission

In paragraph 11, Appendix 1 in Minute 4 the hearings panel request a response to the submission by Woolworths [32] and the statement of evidence by Ms Panther-Knight.

¹⁹ Para 132

79 The tabled evidence on behalf of Woolworths by Ms Panther-Knight disputes the initial assessment of their evidence that they were looking at enabling the establishment of supermarkets outside of the zones where their activity was enabled (Commercial and Mixed-Use Zones)²⁰. Table 1 below shows the zones and activity status for supermarkets within the PDP. The table shows that the CMUZ zones were where supermarkets were envisaged, and that supermarkets were not envisaged in the other zones (Industrial and Residential). This is in line with RPS Policy 6.2.6, where existing industrial activities have primacy rather than being a location for commercial activities, and that new commercial activities are primarily directed towards key activity centres.

80 The Woolworths submission [282] para 11 states:

“This approach (Centres plus) recognises the primacy of town centres but also that business activity ought to be properly enabled in other zones, where appropriate. In particular, this approach recognises that functional need and catchment drivers may dictate the location of supermarket operations, on the fringe, or in some cases, outside of identified centres.”

81 The ‘centres’ approach comes from the RPS, where key activity centres (existing commercial centres) are identified as the focal points for commercial, community and service activities. The statement states that while there is a need for supermarkets to be associated with the commercial centres, that consideration should be given for them to be located outside of those centres. The PDP planning maps show residential zones typically adjoin CMUZ within the district and could be considered as being *“outside of the identified centres”*. The assumption was made based on submission points to Strategic Directions only.

²⁰ First paragraph page 2, para 5 and 6 on page 3

Zone	Activity status
Commercial and Mixed-Use Zones	
Neighbourhood Centre Zone	Large format retail - NC
Local Centre Zone	Commercial activity - PER
Large Format Retail Zone	Supermarket – DIS
Mixed Use Zone	Commercial activity - PER
Town Centre Zone	Commercial activity - PER
Industrial Zones	
Light Industrial Zone	Retail activity - NC
General Industrial Zone	Retail activity - NC
Heavy Industrial Zone	Retail activity - NC
Residential Zones	
Large Lot Residential Zone	Commercial activity - NC
General Residential Zone	Supermarket - NC
Medium Density Residential Zone	New supermarket - NC
Settlement Zone	Supermarket – PER (<400m ²)

Table 1. Zone based activity status of supermarkets within PDP.

- 82 While the activity is largely permitted across the CMUZ zones, the existing submission stated that they thought the 450m² GFA was overly restrictive. The GFA limit relates to an urban design consideration, where the effects of large-scale buildings and associated infrastructure, such as car parking, need to be considered in relation to the effects on the surrounding environment²¹ and the functionality of the local area.
- 83 Having reviewed the wider original submission outside of the provisions that relate solely to Strategic Directions, I acknowledge that the submission (Para 50) does support the non-complying activity status of supermarkets within residential zones. While qualifying the statement that supermarkets would need to be assessed on a case-by-case basis.
- 84 The Tabled evidence refers to Woolworths wanting the change in activity status for supermarkets in industrial zones [282.78]. The change in activity status was not considered as part of the assessment of Strategic Directions but will be assessed in the Section 42A officers report for Industrial Zones.
- 85 The tabled evidence [32] refers to the “Centres Plus” approach of the original submission. It refers to the approach taken in the Auckland Unitary Plan (AUP) and Dunedin 2nd Generation Plan2GP (D2GP) as enabling the right activities in the right zones²². Aside from the larger number of zones, the other two councils use variable sizing and activity status for supermarkets. Any consideration of variable sizing and the activity status for supermarkets should be addressed in the Section 42A reports for the relevant zones.
- 86 With respect to the Strategic Directions provisions, considering the submission points, I do not recommend any changes. Most of the

²¹ Kaiapoi Countdown has a building 3,000m² and a carpark ~4,400m², Rangiora building is 3,900m² and carpark ~6,500m².

²² Paragraph 2 on page 2

submission points, [282.1] aside which is supportive of SD-O2, are general comments around the approach taken in the PDP.

- 87 With respect to Urban Form and Development, two of the submission points support the retention of UFD-P4 and UFD-P7. There were two submission points on UFD-O1 and UFD-O2 that seek amendments. Both seek similar outcomes of rezoning of additional commercial land to accommodate projected residential growth. The question of whether there is sufficient commercial and business land zoned to meet the requirements of the NPSUD was addressed in the s42A report in para [76] and [77].

Aggregate Extraction being a Strategic Matter

In paragraph 12, Appendix 1 in Minute 4 the hearings panel request a response to the submission by Fulton Hogan and the Statement of Evidence by Mr Ensor (28) as to whether aggregate extraction within the district is of strategic importance.

- 88 Aggregate extraction within the Canterbury Region is commonly undertaken from braided river systems. There are approximately 40 active gravel extraction operations in the district (Table 2), taking ~500,000m³ of gravel/year from the Waimakariri and Ashley rivers and their catchments (Table 3)²³.
- 89 The gravel management strategy notes that gravel extraction out of most large rivers within the Canterbury region is used to control flooding risk (RPS Policy 10.3.4). Gravel extraction out of the Waimakariri River for flood control is beneficial for the protection of Christchurch City and the south-eastern part of the district²⁴.

²³ Information provided by ECan (Ms J Mitten email 9 June 2023)

²⁴ Environment Canterbury, 2007. Waimakariri Flood Protection Project: Hydraulic Modelling.

River	Gravel Authorisations	Resource Consents	Volume Consented m3
Ashley	5	5	536,400
Coopers Creek		1	10,000
Eyre	4	10	775,500
Gary		1	8,000
Grey		2	37,000
Makerikeri		2	26,000
Mount Thomas Stream		1	10,000
Okuku		1	60,000
Waimakariri		8	8,898,000
Total	9	31	10,360,900

Table 2. Active gravel extraction consents in the Waimakariri District²⁵.

Year	Gravel Authorisation (m3)	Resource Consent (m3)	Total extracted m3
2020	59,982	496,133	556,115
2021	36,769	528,695	565,464
2022	22,430	681,560	703,990
2023 (to date)	9,067	185,380	194,447
Total	128,248	1,891,768	2,020,016

Table 3. Total gravel extracted for the last 3 and a half years in the district.

90 Despite the district being an important source of gravel supply for the Greater Christchurch area, the consideration of whether it is of significant importance to be a strategic direction matter has not been conclusively established. Mr Ensor noted that the supply of aggregate is important for new development²⁶ needed to be near their end use²⁷. What was not established in the Statement of Evidence by Mr Ensor is why aggregate extraction had to be in the Waimakariri District, as against anywhere else.

²⁵ NB some resource consents are for 10 years and some are less.

²⁶ Para26

²⁷ Para 28

- 91 Roughly comparing the gross domestic product²⁸ for the district against the wholesale rate of GR14-8 gravel²⁹ it equates to ~1% of the of the GDP for the district. Which is approximately 60% of the tourism revenue and 12% of the dairy revenue (based on Infometrics information referenced below) for the district.
- 92 While gravel extraction from the district may be an important consideration for the Canterbury Region, (58% of economic value for 2020 of Canterbury's total gravel extraction), I do not consider it can be considered as being sufficiently large enough to be considered as a strategic direction for the district.
- 93 I recommend no change to the strategic directions to include a provision on aggregate extraction.

Recommendations to SD-O4 and SD-O6

In paragraph 13, Appendix 1 in Minute 4 the hearings panel request that additional consideration is given to SD-O4 and SD-O6 having heard evidence presented by submitters.

SD-O4

- 94 With respect to submitters feedback on SD-O4, there was discussion around the term 'primary production'³⁰³¹, protection of industrial activities within the rural environment³² and the provision of industrial activities within the rural zones. The underlying issue around the

²⁸ <https://qem.infometrics.co.nz/waimakariri-district/indicators/gdp?compare=new-zealand>

²⁹

https://www.fultonhoganquarries.com/_files/ugd/c911e8_765d6a43eb5e41bcb38d30f5e9288f60.pdf

³⁰ Mr Ensor statement of evidence Para 37 to 39

³¹ Mr Hodgson statement of evidence Para 21 to 36

³² Ms Styles statement of evidence Para 6.1 to 6.3

protection of existing industrial activities and the inclusion of quarrying and intensive agriculture production was addressed in the acceptance of submission [41.15] in the Section 42A officers report.

- 95 There was a question regarding the consistency between the definition of primary production in the plan and other national policy statements³³³⁴. The National Policy Statement for Highly Productive Land (NPS-HPL) uses the definition of land based primary production which is similar to the NPS definition except it excludes mining and quarrying activities. None of the other national policy statements define a primary production activity(ies). The definition within the Proposed Plan is taken from the National Planning Standards.
- 96 A submitter³⁵ wanted to know whether the term “Primary Production” was being applied consistently across the Proposed District Plan. Outside of the rural chapters, the term was used in Urban Form and Development, Natural Features and Landscapes, Subdivision, the residential zones, Kaiapoi Regeneration and Pegasus Resort.
- 97 The term is being applied consistently within the plan to mean the same as defined in the National Planning Standards. However, the term agriculture is also being used in the PDP to mean land-based activities (similar to land based primary production from NPS-HPL).
- 98 The term rural production was used in Strategic Direction and Natural Features and Landscapes. Both rural production and agriculture are similar in meaning, but rural production includes the initial processing of commodities.

³³ Mr Ensor statement of evidence Para 13 to 15

³⁴ Mr Hodgson statement of evidence Para 21 to 36

³⁵ Fulton Hogan

99 Rules SPZ(KR)-R4, SPZ(KN)-R10, Noise-R7, LLRZ-R16 and LLRZ-R36 use the reference to agriculture, which applies to most rural land uses except indoor and outdoor intensive primary production.

100 The National Planning Standard states that local authorities “must” use terms that are defined in the Definitions List in a policy statement or plan. The definition for primary production within the Proposed District Plan is the same as that within the National Planning Standards. However, Councils can use additional terms to define activities that may form parts of a wider activity³⁶.

101 As per my Section 42A Strategic Directions Report the term ‘rural production’ in SD-O4 is replaced with ‘primary production’.

102 After considering the information provided by the submitters, I am not proposing any amendments to SD-O4 other than those presented in my Section 42A report.

SD-O6

103 The use of the term “*unacceptable*” has been used in the Natural Hazards chapter and reflects the wording used in policy 11.3.1 of the RPS. This policy uses the term “*unacceptable*” without defining it. The general approach to determine what an unacceptable natural hazard is dependent upon a number of factors, these include but are not limited to:

- Type of natural hazard (flood vs earthquake vs landslip);
- Existing and proposed land use;
- For flooding (depth and velocity of water);

³⁶ Section 14.1 of the National Planning Standards

- For earthquakes (engineering design of any structures, ground conditions, return period of any seismic event, wave frequency, proximity to fault);
- Presence of any mitigation measures such as stop banks;
- Presence of any evacuation routes;
- Presence of any hazardous chemicals or substances; and
- Potential for loss of life and critical infrastructure.

104 Given the complex nature of natural hazard risk, it is difficult to determine what an unacceptable risk is on a district wide basis. The determination of what is an unacceptable risk would be done either at Flood Assessment Certification stage or at Resource Consent stage.

105 The hearing panel asked whether a standard could be referenced within the PDP. While standards and guidance documents could be referred to in the PDP, the addition of risk management standards such as AS/NZS ISO 31000:2009 would not prove to be helpful in determining whether a particular property was subjected to an unacceptable risk or not.

106 The issue of infrastructure being located within areas where natural hazard risk is unacceptable is addressed within the Natural Hazards chapter. Both critical and non-critical infrastructure is enabled as a permitted activity given certain constraints (NH-R4 to NH-R6), and RDIS or DIS within fault overlays (NH-R11 and NH-R14).

107 Policies NH-P12 and NH-P13 provide for new infrastructure within high flood hazard areas. The proposed amendment by MainPower[249.202] is considered reasonable given that it is reflected in policy in the Natural Hazards chapter.

108 I consequently recommend that submission [249.202] is accepted and the amendments are made to SD-O6.

FEEDBACK SOUGHT FROM STATEMENT OF EVIDENCE

109 NZPork [169.11] requested that SD-O4 be amended to include reference to the protection of productive land and versatile soils. In Minute 4 the hearings panel have requested a memorandum from the Council on how it intends to approach submissions relating to NPS-HPL within the district. The memorandum will be supplied in accordance with the minute no later than 30th June 2023.

Urban Centres

110 A question was asked about what urban centres are subject to the MDRS standards and those that are not. The Section 32 report for Variation 1 on page 9 identifies those areas where the MDRS applies. Mr Wilson has provided the hearings panel a memorandum on the scope of Variation 1 to the PDP. The relevant excerpts from the report are below:

For this reason, Rangiora and Kaiapoi are included as the population of these towns meets the 5,000 threshold. For Woodend (including Ravenswood) and Pegasus these towns collectively meet the 5,000 population threshold based on growth that has occurred since 2018.1

Whilst it contains a Town Centre Zone, Oxford is urban in character but does currently not meet the population threshold and is and is not intended to be part of a housing and labour market of at least 10,000 people.

Whilst it contains a Local Centre Zone, Mandeville is not currently predominantly urban in character (as identified in the Operative District Plan objective and policy framework) and is not intended to be as the residential areas are zoned Large Lot Residential in the PDP and these zones are expressly excluded from application of the MDRS. In addition, the District Development Strategy does not identify Mandeville for significant urban development.

Definitions

- 111 The submission by DoC [419.14] requested that “Lyttelton Port” be removed from the council definition for ‘strategic infrastructure’. Lyttelton Port takes over half of the South Islands container volume including 70% of imports, it has two inland ports, one in Rolleston and the other in Woolston³⁷ and receives a large number of cruise ships for the region.
- 112 While the Port does not presently have a presence within the district, it could in the future develop an inland port to cater for North Canterbury within the district. In addition to freight, the Port also receives a large number of cruise ships, some of which may bring passengers to the proposed Pegasus Resort development. On this basis I do not recommend the removal of Lyttelton Port from the list of strategic infrastructure.

Date: 16/06/2023



.....

³⁷ <https://www.lpc.co.nz/wp-content/uploads/2017/02/LPC-UPDATE-FEBRUARY-2017.pdf>

Appendix 1 – List of materials provided by submitters

Forest and Bird response to Hearing Commissioner questions (dated 18 May 2023).

MainPower NZ Statement of Evidence of Melanie Foote

New Plymouth District Council Recommendations of the Independent Hearing Panel – Recommendation Report 3

<https://proposeddistrictplan.npdc.govt.nz/media/oyjnflc5/recommendation-report-3-sd.pdf>

New Plymouth District Council legal opinion

<https://proposeddistrictplan.npdc.govt.nz/media/yfdb2xlv/hearing-1-npdc-legal-submissions-in-response-to-minute-6.pdf>

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

SD - Rautaki ahunga - Strategic Directions

SD-01 Natural Environment

Across the District:

1. there is an ~~an overall~~ net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity and significant indigenous vegetation and habitats are protected;
2. the natural character of the coastal environment, freshwater bodies and wetlands is preserved or enhanced, or restored where degradation has occurred;
3. outstanding natural features and outstanding natural landscapes are identified and their values recognised and protected;
4. people have access to a network of natural areas for open space and recreation, conservation and education, including within riparian areas, the coastal environment, the western ranges, and within urban environments; ~~and~~
5. land and water resources are managed through an integrated approach which recognises the importance of ki uta ki tai to Ngāi Tahu and the wider community, and the inter-relationships between ecosystems, natural processes and with freshwater; ~~and~~
6. the mauri of ecosystems and indigenous biodiversity is safeguarded and freshwater is managed in a way that gives effect to Te Mana o te Wai.[192.29]

SD-02 Urban Development

Urban development and infrastructure that:

1. is consolidated and integrated with ~~the~~ well-functioning urban environment-centres;
2. ~~that~~ recognises existing character, planned urban form and amenity values, and is attractive and functional to residents, businesses and visitors;
3. utilises the District Council's reticulated wastewater system, and potable water supply and stormwater infrastructure where available;

4. provides a range of housing opportunities, focusing new residential activity within existing towns, and identified development areas in Rangiora and Kaiapoi, in order to achieve the housing bottom lines in UFD-O1;
5. supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being:
 - (a) the primary centres for community facilities;
 - (b) the primary focus for retail, office and other commercial activity; and
 - (c) the focus around which residential development and intensification can occur.
6. provides opportunities for business activities to establish and prosper within a network of business and industrial areas zoned appropriate to their type and scale of activity and which support district self-sufficiency;
7. provides people with access to a network of spaces within urban environments for open space and recreation;
8. supports the transition of the Special Purpose Zone (Kāinga Nohoanga) to a unique mixture of urban and rural activities reflecting the aspirations of Te Ngāi Tūāhuriri Rūnanga;
9. provides limited opportunities for Large Lot Residential development in identified areas, subject to adequate infrastructure; and
- ~~10. recognise and support Ngāi Tūāhuriri cultural values through the protection of sites and areas of significance to Māori identified in SASM-SCHED1. [325.3]~~

SD-O3 Energy and Infrastructure

Across the District:

11. improved accessibility and multi-modal connectivity is provided through a safe and efficient transport network that is able to respond to technology changes and contributes to the well-being and liveability of people and communities;
12. infrastructure, including strategic infrastructure, critical infrastructure and regionally significant infrastructure:
 - a. is able to operate efficiently and effectively; and

- b. is enabled, while:
 - i. managing adverse effects on the surrounding environment, having regard to the social, cultural and economic benefit, functional need and operational need of the infrastructure; and
 - ii. managing the adverse effects of other activities on infrastructure, including managing reverse sensitivity;
- 13. the nature, timing and sequencing of new development and new infrastructure is integrated and coordinated; and
- 14. encourage more environmentally sustainable outcomes as part of subdivision and development, including through the use of energy efficient buildings, green infrastructure and renewable electricity generation.

SD-O4 Rural ~~land~~ environment

Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains available for productive rural activities by:

- 1. providing for ~~rural primary~~ production ~~activities, activities that directly support rural production activities~~ rural industry and activities reliant on the natural resources of Rural Zones and limit other activities; and
- 2. ensuring that within rural areas the establishment and operation of ~~rural primary~~ production activities are not limited by new incompatible sensitive activities.

SD-O6 Natural hazards and resilience

The District responds to natural hazard risk, including increased risk as a result of climate change, through:

- 1. Avoiding subdivision, use and development where the risk is unacceptable; ~~and~~

2. mitigating other natural hazard risks-; [and](#)
3. [Ensuring strategic, critical, and regionally significant infrastructure is only located within areas of significant natural hazard risk where there is no reasonable alternative and the infrastructure is designed so as not to exacerbate natural hazard risk to people and property. \[249.202\]](#)

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

[insert relevant rows from Appendix B of your s42A report]

Table B 1: Recommended responses to submissions and further submissions Objective SDO1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
192.29 ³⁸	Forest and Bird	SD-O1	Amend SD-O1: "Across the District: 1. there is an overall net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity <u>across the district and significant indigenous vegetation and habitats are protected</u> ; 2. the natural character of the coastal environment, freshwater bodies and including wetlands is preserved or enhanced, or restored where degradation has occurred; 3. outstanding natural features and outstanding natural landscapes are identified and their values recognised and protected; 4. people have access to a network of natural areas for open space and recreation, conservation and education, including within riparian areas, the coastal environment, the western ranges, and within urban environments; and 5. land and water resources are managed through an integrated approach which recognises the importance of ki uta ki tai to Ngāi Tahu and the wider community, and the inter-relationships between ecosystems, natural processes and with freshwater; <u>and</u> 6. the mauri of ecosystems and indigenous biodiversity is safe guarded and freshwater is managed in a way that gives effect to Te Mana o te Wai."	3.4	Accept in part	See the relevant section of the report. For consistency with the National Policy Statement on Indigenous Biodiversity the reference to "overall net gain" has been amended to just "net gain". The addition to point 1 is included to improve consistency with ECO-O1. The inclusion of "including" in point 2 is rejected as some of the most important wetlands in the district are in the coastal environment. The change implies that only the freshwater wetlands are important. The addition of point 6 is <u>partially</u> accepted, with the reference <u>changes from to</u> Te Mana o te Wai to <u>Te Rito o te Harakeke</u> to be consistent with the NPS- <u>FM on Indigenous Biodiversity</u> .	Yes

Table B 2: Recommended responses to submissions and further submissions - Objective SDO2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
325.3 ³⁹⁴⁰	Kainga Ora	SD-O2	Amend SD-O2: "Urban development and infrastructure that:	3.2	Accept in part	See the relevant section of the report.	Yes

³⁸ Federated Farmers FS83 oppose

³⁹ Michael & Jean Schluter FS89 support in part

⁴⁰ R & G Spark FS37 support; M Hales FS46 support

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>1. is consolidated and integrated with the <u>well-functioning</u> urban environments;</p> <p>2. that recognises <u>existing character</u>, <u>planned urban form and amenity values</u>, and is attractive and functional to residents, businesses and visitors;</p> <p>...</p> <p>4. provides a range <u>and mix</u> of housing opportunities, focusing new residential activity within existing towns, and identified development areas in Rangiora and Kaiapoi, in order to achieve <u>at all times at least</u> the housing bottom lines in UFD-O1;</p> <p>...</p> <p>10. recognise and support Ngāi Tūāhuriri cultural values through the protection of sites and areas of significance to Māori identified in SASM-SCHED1."</p>			<p>Accept the changes to SD-O2(1) to be consistent with the wording of Objective 1 of the NPS-UD.</p> <p>Accept changes to SD-O2(2) as they are covered in other objectives in Strategic Direction and objectives and policies of Urban Form and Development. <u>The submission point regarding the removal of existing character is no longer considered appropriate due to its linkages across most of the zone chapters in the PDP.</u></p> <p>Reject changes to SD-O2(4) as the wording does not reflect the intent of the NPS-UD, as the housing bottom lines are set for short-medium and long term.</p> <p>Reject changes to SD-O2(10) as it is inconsistent with the Sections 6(e) and 8 of the RMA.</p>	

Table B 3: Recommended responses to submissions and further submissions - Objective SDO6

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
249.202 ⁴¹	MainPower New Zealand Limited	SD-O6	<p>Amend SD-O6 by adding a new clause:</p> <p>"...</p> <p><u>3. Ensuring important infrastructure is only located within areas of significant natural hazard risk where there is no reasonable alternative and the important infrastructure is designed so as not to exacerbate natural hazard risk to people and property.</u>"</p>	3.9	<u>Reject-Accept</u>	See relevant section of the report	No

⁴¹ Waka Kotahi FS110 support

Appendix 4 – List of materials provided by Council staffs

For the panels future context I consider that the following documents provide a context for the district plan review:

Waimakariri District Development Strategy

https://www.waimakariri.govt.nz/_data/assets/pdf_file/0022/33727/180525057771-District-Development-Strategy-DDS-2018-FINAL-Web.pdf

Jasmax, 2018. Residential Character and Intensification Guidance for Waimakariri District Council.

https://www.waimakariri.govt.nz/_data/assets/pdf_file/0029/98390/15.-Urban-Design-and-Character-Assessment-v6.PDF

Rural Residential Development Strategy

https://www.waimakariri.govt.nz/_data/assets/pdf_file/0030/98391/16.-Final-Adopted-Waimakariri-Rural-Residential-Development-Strategy-June-2019.pdf

Canterbury Regional Council Gravel Management Strategy

<https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/canterbury-regional-river-gravel-management-strategy/>