

**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 Officer's Preliminary Response to written questions on Urban Form
and Development on behalf of Waimakariri District Council**

Date: 15 May 2023

INTRODUCTION:

- 1 My full name is Mark Buckley. I am employed as a Principal Policy Planner for Waimakariri District Council.
- 2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42 report.
- 3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the panel 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 also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.
- 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.
- 6 The format of these responses in the table below follows the format of questions identified in within the Commissioner’s minute.

Date: 15 May 2023

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Paragraph or Plan reference	Question
Para 70	Please explain how UFD-O1 provides for residential activities.
<p>UFD-O1 provides for residential activities by specifying the numbers for the housing bottom line in accordance with Policy 7 of the NPSUD. Clause 3.6 of the NPSUD spells out that the purpose of the housing bottom line “<i>is to clearly state the amount of development capacity that is sufficient to meet expected housing demand plus the appropriate competitiveness margin</i>”. In my view UFD-O1 is an enabling objective that directly relates to the requirement of the NPS-UD because the objective/outcome of the district plan is that there is ‘sufficient development capacity...’.</p> <p>Based on whether or not there is sufficient land available for housing development capacity, additional land may be required to be identified within any Future Development Strategy/Spatial Plan.</p>	
Para 76	<p>Regarding the purpose of the certification process – it has been used elsewhere (e.g. Dunedin City) as a means to determine when Deferred Residential Zoning can be upgraded to straight Residential Zoning.</p> <p>Please explain how it is proposed that the Council’s certification process would operate.</p>
<p>The Section 32 report for Future Development Areas states:</p> <p><i>The establishment of the development areas responds to a critical need to supply more land in the District for housing using the new certification process, which will release land promptly compared with the standard plan change process, which can take on average between one to three years to determine after notification. The need for additional housing has been confirmed through evidence that has been corroborated by market research. Consultation feedback has further refined the proposed approach. In summary, the provisions are considered to:</i></p> <ul style="list-style-type: none"> • Give effect to higher-order documents, including the NPS-UD and RPS; • Address the identified resource management issues; and • Establish the most effective and efficient way to achieve the Act’s purpose and the strategic objectives (including urban form and development) of the Proposed District Plan. <p>My understanding is that the certification process has been modelled on the process used by Dunedin City. In summary, the certification process proposes that the Council chief executive can certify development under the requirements of policies DEV-WR-P1 and DEV-WR-P2 where there is a need to provide residential capacity and subsequent development would then proceed under the activity status provided in that chapter.</p> <p>I note that while my report references the certification process (as the submission from Kainga Ora referred to this in the context of the Strategic Directions Chapter), I have not provided a recommendation specific to submissions on the certification process as that is proposed to be the subject of a separate s42A report.</p>	
Para 77	Please provide a reason why you do not support the inclusion of the words “At all times ...” in UFD-O1 and UFD-O2.
<p>In my view it is not necessary to directly replicate the wording of higher-level documents within district plan provisions; provided the provisions give effect to those documents where required.</p>	

Paragraph or Plan reference	Question
	<p>Clause 3.9 of the NPS-UD (May 2022) requires that Council, as a tier 1 local authority must monitor quarterly, amongst other matters, the demand for, and supply of, dwellings. Clause 3.7 details requirements for when there is insufficient capacity. Monitoring of the drivers for demand and the plan enabled capacity of dwellings within the district is undertaken using a capacity for growth model (incorporating both demand and supply inputs) that is updated on a yearly basis for at least the next three years, along with a review of building consents against the available plan enabled capacity and is reported on a quarterly basis through Council’s non-financial performance measures.</p> <p>Given the directive requirements in the NPS-UD I do not consider that it is necessary to include the words “at all times” within the district plan provisions; although I acknowledge that the practical effect of these requirements is a direction that the District Plan either provides this capacity, or that a process to amend the plan to provide this capacity is promulgated, as set out in Clause 3.7.</p>
<p>Paras 90/121</p>	<p>Please clarify your understanding of what the responsibilities of a submitter are as regards having done their own s32/s32AA evaluation for their requested changes to the District Plan.</p> <p>The Panel’s responsibility to do this are understood, but your inference seems to be that is a requirement for submitters to have done this as part of their submissions?</p>
	<p>There is no requirement within the RMA for a submitter to undertake a section 32 evaluation and include that as part of their submission. However, submitters' interests and requests can be promoted at a hearing through presenting evidence covering section 32/32AA evaluation matters in support of relief they wish to pursue.</p>
<p>Para 92</p>	<p>What is the current status of Private Plan Change RCP031?</p>
	<p>Council is in the process of confirming commissioners for the private plan change hearing. The Council is required to complete the plan change process within two years of the date of notification, being 9 July 2022.</p>
<p>Para 107</p>	<p>You state:</p> <p><i>‘Submission 249.245 (MainPower) requests multiple amendments to UFD-P10 in relation to reverse sensitivity. The first amendment wanting the inclusion of the wording “and development” is redundant ...’</i></p> <p>Can you please explain why, in the tracked changes, you have then recommended including the word ‘development’?</p>
	<p>Upon further consideration, the MainPower submission request [249.245] to include the phrase “and development” was accepted in Appendix B. Unfortunately this insertion was not made in the tracked changed text. Initial assessment was that it was covered in the line above, however, given that new development that is not a residential activity could result in reverse sensitivity effects on critical, strategic and regionally significant infrastructure it was considered appropriate to accept the submission as noted in Appendix B.</p>

Paragraph or Plan reference	Question
	Following consideration of any additional evidence presented to the hearing panel I will address this matter in my written right of reply.
Paras 127/144/145	<p>Please explain the significance of Map A of the RPS to UFD-P10, and in particular will the expansion of this policy to include, as you have recommended, Ravenswood and Pegasus cause any conflict with the RPS?</p> <p>In your para 145 you say: “This is reflected in Objective 6.2.2(5) which encourages sustainable and self-sufficient growth of Rangiora and Kaiapoi and Woodend”.</p> <p>However, Ravenswood and Pegasus are not included in that objective.</p>
	The definition for key activity centres within the RPS puts Woodend and Pegasus together, which is reflected in Map A. Ravenswood is a development located on the northern edge of Woodend and has been identified as an extension of Woodend in Map A.
Para 128	<p>The Panel understands that the use of “minimise” would not be the same as the use of “avoid” in the RPS. However, how does the use of avoid sit with the NPSUD, which is a higher order document than the RPS? Has the RPS been amended to give effect to the NPSUD?</p>
	<p>Policy 6.3.5 of the RPS provides direction for the recovery of Greater Christchurch to be assisted by the integration of land use and infrastructure. Clause 5 states ‘Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs’. UFD-P10(1) of the PDP was written to give effect to this policy.</p> <p>The NPSUD 2020 (updated May 2022) does not use the word avoid in any instance. Subpart 6 of the NPSUD does allow justified modifications to implementation of Policy 3 through Qualifying Matters (clause 3.32(c)), but only in relation to building height and density</p> <p>The RPS states:</p> <p><i>On 28 May 2021, the Minister for the Environment approved Change 1 to Chapter 6 of the Canterbury Regional Policy Statement via a streamlined planning process. Change 1 implements actions in Our Space 2018–2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga and gives effect to the National Policy Statement on Urban Development 2020. It identifies Future Development Areas in Rolleston, Rangiora and Kaiapoi on Map A, and inserts associated policy provisions through Policy 6.3.12. It also makes consequential changes to objectives, policies, text and definitions within Chapter 6. Change 1 to Chapter 6 of the Regional Policy Statement became operative on 28 July 2021.</i></p>
Para 144	<p>Are the development areas in the Future Development Strategy the same areas as those in Map A of the RPS? When was Map A to the RPS introduced and under what process?</p>
	<p>Are the development areas in the Future Development Strategy the same areas as those in Map A of the RPS?</p>

Paragraph or Plan reference	Question
	<p>Generally, but not exactly. The development areas in the Future Development Strategy (being the Waimakariri 2048 District Development Strategy) are shown as arrows. Map A identifies specific parcels of land. In comparing the two, the arrows are generally in the locations of future development areas shown in Map A, but extend further east for Rangiora. This reflects the longer term and thus more uncertain timing and detail of growth over the 30 year horizon for the DDS.</p> <p>When was Map A to the RPS introduced and under what process?</p> <p>Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement (CRPS) was approved by the Minister for the Environment under the streamlined planning process on 28 May 2021. The changes became operative on 28 July 2021.</p> <p>The purpose of Change 1 was to:</p> <ol style="list-style-type: none"> a. Give effect to Policy 2 and Clause 3.7 of the NPS-UD and enable sufficient land in Greater Christchurch to be rezoned for the medium term (10 years) and identified for the long term (30 years) to meet the needs of existing and future communities, by identifying and enabling additional development capacity for housing in greenfield growth areas within the Projected Infrastructure Boundary shown on Map A in Chapter 6 of the CRPS, in Rolleston, Rangiora and Kaiapoi; and b. Provide flexibility for Selwyn and Waimakariri District Councils to consider rezoning land within the Projected Infrastructure Boundary to meet medium term housing demands as part of their district planning processes, where a sufficiency shortfall is identified through a housing development capacity assessment.
<p>Para 148</p>	<p>You state:</p> <p><i>“CCC has also questioned the meaning of the word “concentrates” within UFD-P2(2)(a). The meaning is in accordance with the common understanding of ‘to bring or direct towards a common centre of objective’.</i></p> <p>Please clarify your understanding of this - does it mean concentrated development is to be located <u>within</u> an urban boundary or could include <u>expansion</u> of an urban boundary.</p>
	<p>I understand from my review of the s32 evaluation that UFD-P2 was written to give effect to Policy 5.3.1 of the RPS. Policy 5.3.1 states the following:</p> <p><i>5.3.1 Regional growth (Wider Region)</i></p> <p><i>To provide, as the primary focus for meeting the wider region’s growth needs, sustainable development patterns that:</i></p> <ol style="list-style-type: none"> <i>1. ensure that any</i> <ol style="list-style-type: none"> <i>a. urban growth; and</i> <i>b. limited rural residential development</i> <i>occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;</i> <i>2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;</i>

Paragraph or Plan reference	Question
	<p>3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;</p> <p>4. maintain and enhance the sense of identity and character of the region's urban areas; and</p> <p>5. encourage high quality urban design, including the maintenance and enhancement of amenity values.</p> <p>The principal reasons and explanation of this policy states that in determining an appropriate direction for managing urban growth, all relevant objectives need to be considered, including water management, energy, landscape and air quality. Accordingly, it is considered that a primary focus on consolidation within, or attached to, existing urban areas presents the most appropriate means to provide for the integrated management of all of the region's resources.</p> <p>In reading UFD-P2, together with Policy 5.3.1 and the principal explanations and reasons, I consider that concentrated development to be located within an urban boundary. However, Policy 5.3.1 through the term "or is attached to" enables expansion of an urban boundary where it promotes a coordinated pattern of development.</p>
<p>Para 150, 154</p>	<p>Is there a conflict between giving effect to the NPSUD and allowing expansion beyond the greenfield priority areas identified in Map A in the RPS.</p> <p>If so, is it simply sufficient for the Panel to be satisfied that the "UFD-P5 gives effect to <u>the intent of Chapter 6 of the RPS</u>" ?</p>
	<p>Potentially yes. The NPSUD requires local authorities to provide at least sufficient development capacity to meet expected demand (Subpart 1, clause 3.2(1)). The framework of chapter 6 of the RPS is for urban growth within greater Christchurch to be as outlined in Map A, essentially limiting growth outside of the boundary. However, questions can be raised if the land that was included within Map A was later found to be not suitable for residential land use, and if the density provided by an alternative zoning was not sufficient to meet NPS-UD requirements? In that case, the development would potentially have to go somewhere else beyond Map A.</p> <p>Therefore, a potential conflict exists between ensuring that at least sufficient development capacity is provided to give effect to the NPSUD and allowing expansion beyond areas identified in Map A of the RPS in the scenario above.</p> <p>The District Plan must give effect to the NPSUD and the RPS. While District Plans must not be inconsistent with a RPS (s75(4)(b)), the extent to whether ECan has sufficiently given effect to the wording to the NPSUD (May 2022) is one that has been the subject of their legal submission.</p>
<p>Para 137</p>	<p>Is the reference to the NPSUD in line 4 correct, or was this intended to be a reference to the NPSHPL? If it was intended to be a reference to the NPSUD, then please explain how lifestyle blocks in the General Rural Zone would be at conflict with the NPSUD.</p>
	<p>Yes, it is meant to refer to NPSHPL. It relates to residential development within the General Rural Zone on highly productive land.</p>
<p>Para 144</p>	<p>Please explain more fully why it is appropriate to refer to the Future Development Strategy rather than Map A of the RPS.</p>

Paragraph or Plan reference	Question
	<p>The District Plan is required to give effect to Map A of the RPS and to the NPSUD. Subpart 4 of Part 3 of the NPSUD requires local authorities to prepare a Future Development Strategy to demonstrate how they intend to achieve a well-functioning urban environment and “provide at least sufficient development capacity”.</p> <p>Housing Development Capacity Assessments are undertaken by the Greater Christchurch Partners every three years which are intended to check that sufficient housing capacity is available and where there is a shortfall be implemented through a review of the RPS as stated below:</p> <p><i>The strategic direction to manage long term urban growth within Greater Christchurch is set out in the Greater Christchurch Urban Development Strategy, further endorsed under Our Space and implemented through the Canterbury Regional Policy Statement and District Plans. (Section 1.3 Greater Christchurch Housing Development Capacity Assessment, July 2021).</i></p> <p>My understanding is that the urban development strategy meets the intent of a Future Development Strategy as detailed within the NPSUD more so than the RPS.</p>
Para 147	The assessment seems to refer to Map A of the RPS rather than the FDS 2048 which CCC seek to have included. Please address CCC’s point.
	<p>The CCC submission is:</p> <p><i>The Council is concerned that the proposed Plan potentially enables development in Greater Christchurch areas in the Waimakariri District that are outside of the future growth areas described in the Future Development Strategy ‘Our Space 2018-2048’ (FDS) and the CRPS.</i></p> <p>The ‘Our Space 2018-2048’ future growth areas were used to inform the development areas within the RPS. The following timeline may help with the schedule of changes to Map A of the RPS:</p> <ul style="list-style-type: none"> • Land Use Recovery Plan, 2013(LURP) -Introduces Map A Priority Greenfield Areas, • LURP Amendment 2015 -Amendment of household numbers, • Our Space 2018 -Figure 16 (Map A) includes future development areas. These are required to meet housing demand required under NPSUDC, • Plan Change 1 to RPS, July 2021 -Incorporates figure 16 as Map A in RPS that created more greenfield priority and future development areas. <p>Map A (RPS) and Figure 16 (Our Space) are essentially the same map, however Map A has greater weighting as it is part of the RPS. Both were done prior to the introduction of the NPSUD and the requirement to provide “at least” sufficient housing capacity. In order to give effect to the NPSUD the district council must consider the requirements of Policy 2 NPSUD.</p>
Para 158	<p>Is the word “not” missing from the sentence:</p> <p><i>“Given that there may be sufficient development capacity for industrial land within the existing areas identified in Map A RPS, the long-term shortfall needs to be addressed through policy (UFD-P8) that enables Council to respond to long term shortfall.”</i></p>
Correct the statement should read:	

Paragraph or Plan reference	Question
<p>Given that there may not be sufficient development capacity for industrial land within the existing areas identified in Map A RPS, the long-term shortfall needs to be addressed through policy (UFD-P8) that enables Council to respond to long term shortfall.</p>	
<p>Para 168/176</p>	<p>You have recommended a new definition of Urban Centres, as “The area encompassing the townships of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus.”</p> <p>Firstly, please ensure that the new definition is included in your recommended amendments in Appendix A.</p> <p>Secondly, will the addition of the last two townships conflict with the RPS? (refer to previous question).</p> <p>Thirdly, does the word “encompassing” mean just the area inside the zoned area of those townships? How are the townships defined (how would someone know what was in a township vs out of a township?)</p>
<p>Correction has been noted and the definition will be included with the version of appendix A attached to my written right of reply, subject to consideration of any evidence presented at the hearing.</p> <p>The RPS identifies Wooden/Pegasus as a Key Activity Centre within the definition on page 250 (RPS). Ravenswood originally started out as an extension to Woodend. It has subsequently been through a private plan process to the Operative Plan to establish a commercial centre, which has subsequently been approved by way of an Environmental Court consent order. The final decision on the private plan change process postdates the review of the RPS. Basically Woodend/Pegasus and Ravenswood are considered one urban area.</p> <p>The term “encompassing” is intended to apply to the land that sits inside the infrastructure boundary for each township.</p>	
<p>Para 177</p>	<p>Are you intending to amend the definition of urban environments or replace the use of urban environments with urban centres in the stated SDs? If the former, how would this be consistent with the NPSUD?</p>
<p>Objective SD-O2(1) will have urban environment replaced with urban centres. Objective SD-O1(4) “urban environments” covers the wider district and is not specific to residential development.</p> <p>The first part of the urban environment definition in the PDP is directly from the NPSUD, the list of towns/settlements/LLRZ is for the purpose of identifying where the urban flood assessment layer applies.</p> <p>Urban centres is intended to limit urban development to those areas which can be</p>	

Paragraph or Plan reference	Question
	considered as being part of a “well-functioning urban environment” prior to any definition being developed through a review of the RPS.
Appendix A - UFD introduction	Why have you used “may” in point 1 regarding the strategic UFD objectives and policies?
	The word “may” formed part of the submission from Forest and Bird [192.33]. The original submission noted that UFD did not cover all aspects of land use activities or effects across the whole plan.
Appendix A - UFD-P10	Should the reference in 2 be to “industrial activities”?
	Yes. This definition was intended to be a list being “industrial and primary production” but in reading it now the addition of “activities” is more grammatically correct.
Table B 8 - 246.6	Should this be an accept in part rather than a reject?
	Yes. Within the officer’s recommendation column, the response should be amended to accept in part.