

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

ENV-2025-CHC-

IN THE MATTER

the Resource Management Act 1991

AND

an appeal under clause 14(1) of the First
Schedule of the Act

BETWEEN

SURVUS CONSULTANTS

Appellant

WAIMAKARIRI DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT
AGAINST DECISION ON PROPOSED WAIMAKARIRI
DISTRICT PLAN**

Dated: 22 August 2025

Saunders & Co
Solicitor: Chris Fowler
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TO: The Registrar
Environment Court
Christchurch

Name of appellant

1. Survus Consultants (the **Appellant** or **Survus**) of Christchurch.

Decision appealed against

2. This is an appeal against a decision (the **Decision**, being the decision to which this appeal relates) of the Waimakariri District Council (the **Respondent**) on a submission (the **Submission**) by the Appellant to the Proposed Waimakariri District Plan (the **Proposed Plan** or **PDP**).
3. The Appellant is a person who made a submission on the Proposed Plan.

Trade competition

4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

Date of receipt of decision

5. The Appellant received notice of the Decision on or about 12 July 2025.

The part of the Decision being appealed

6. The Appellant is appealing that part of the Decision which rejected the Appellant's Submission on the Proposed Plan seeking:
 - (a) That the Proposed Plan provisions regarding rural subdivision and residential development in the General Rural Zone (**GRUZ**) be deleted;
 - (b) That General Rural Zone Rule GRUZ-R3 be amended by inserting a new clause (4A) to expressly provides for residential units in respect of the Survus applications as a controlled activity in the General Rural Zone follows:

a site with a minimum net site area of 4ha or more but less than 20ha, which does not have a residential unit erected on it, is subject

to a subdivision consent application that was lodged prior to 18 September 2021 and is extant at 18 September 2021, one residential unit may be erected.

- (c) Insert a new controlled activity subdivision rule into the Subdivision Chapter that expressly provides for the Survus applications by allowing subdivision between 4 ha and 20 ha as a controlled activity in the General Rural Zone as follows (or words to like effect):

Where a subdivision consent application was lodged prior to 18 September 2021 and is extant at 18 September 2021, that seeks to create one or more allotments with a minimum allotment area of 4ha or more but less than 20ha.

- (d) That the Proposed Plan provisions be amended to reflect the issues raised in this submission;
- (e) That the relevant PDP objectives and policies be amended as required to support and implement the particular relief described above; and/or
- (f) Such other relief as may be required to give effect to this submission, including alternative, consequential or necessary amendments to the PDP that address the matters raised by the submitter.

Reasons for the Appeal

Appellant's Submission

- 7. The Appellant's Submission relates to the PDP as a whole but has a specific focus on:
 - (a) The separation of the rural zone into two separate zones and the inclusion of the GRUZ;
 - (b) Provisions for the GRUZ relating to subdivision within this zone; and
 - (c) Provisions for the GRUZ relating to establishment of new residential units within this zone.
- 8. These provisions have been introduced and given immediate legal effect without prior community consultation. They have adversely impacted approximately 20 applications for 4 ha rural subdivision that were lodged by

Survus on behalf of its landowner clients, as well as other landowners that filed similar applications prior to notification of the Proposed Plan..

9. Survus opposes the separation of the rural zone into two new zones and the proposed new GRUZ.
10. Survus also opposes the subdivision rules and land use rules relating to new residential units in the GRUZ.

Background to Submission

11. Prior to notification of the PDP, Survus lodged 20 separate rural subdivision consent applications relating to land located in what is now known as the General Rural Zone under the PDP (**Survus applications**).
12. When the subdivision consent applications were lodged, subdivision within the rural zone with a minimum lot size of 4 ha was a controlled activity under the Operative District Plan (**ODP**) subject to compliance with a large number of subdivision standards. Non-compliance with one or more of the subdivision standards altered the activity status of the application to restricted discretionary activity, discretionary activity or noncomplying activity, depending upon which standard is breached.
13. On 18 September 2021 the Respondent notified the PDP. One of the outcomes of the PDP is to split the Rural Zone into two separate zones: a Rural Lifestyle Zone (the **RLZ**) which has a minimum lot size of 4 ha and a General Rule Zone (**GRUZ**) which has a minimum lot size of 20 ha. Subdivision that does not comply with the new minimum lot size requirements is assessed as a non-complying activity under the PDP. All of the Survus applications and other similar applications are assessed as non-complying activities under the Proposed Plan.
14. Concurrent with the notification of the PDP, the Environment Court issued a decision to give immediate legal effect to new rules which set the minimum allotment size within the GRUZ, namely *Application by the Waimakariri District Council* [2021] NZEnvC 142. The decision records that the purpose of the new rural subdivision rules is to maintain rural character and amenity, and the production potential of rural land.

15. Because the Survus applications were not determined when the PDP was notified, these applications are 'caught' by the PDP in the sense that the new and more stringent subdivision and land use rules in the Proposed Plan need to be considered by the Respondent when processing and determining these applications.

Reasons for Appellant's Submission

16. The Appellant's Submission detailed reasons in support of the relief requested by the Submission as follows (emphasis added):¹

- 16 *The notification of the PDP and associated GRUZ provisions has caused substantial additional cost, uncertainty and delay in relation to the Survus applications. In particular, the PDP creates material doubt as to whether these applications will qualify for grant of consent under the new 20 ha minimum lot size requirements in the GRUZ.*
- 17 *The submitter considers that the Survus applications lodged but not determined and referred to in Appendix 1 should be treated differently from other similar applications that are lodged after notification of the PDP.*
- 18 *The submitter seeks that the Survus applications are made exempt from the new and more stringent rules in the PDP that apply to subdivision in the GRUZ so that these applications need only comply with the ODP subdivision and land use rules. This could be achieved by, among other matters amendment to the so-called legacy exemptions in the PDP for subdivision and residential units in the GRUZ.*

Officer Report Recommendations

17. The s42A Officer Report: Rural Zones (Hearing Stream 6) rejected the Appellant's Submission for the reasons discussed in the following excerpts (emphasis added):

- [862] *Council sought legal effect of its proposed subdivision rules in the RLZ while the district plan was notified and up until the plan becomes operative. The application was lodged in the Environment Court on July 2021 and the decision released on 17 September 2021 (Appendix D)...*

¹ Survus submission at [16]-[25]

3.22.1 Matters raised by submitters

[863] *There are 21 submitters that have raised numerous issues around the RLZ boundary and the sizes of sections. There are 26 submission points in opposition, three in support and seven seeking amendments.*

[864] *A number of submitters have requested that the subdivision size within the General Rural Zone be reduced back to the 4ha size that was enabled under the Operative Plan, and that subdivision is enabled down to 1-2ha within the RLZ.*

....

[894] *The submissions from Mr Waller [89.1] and Survus [205.1] are requesting exemptions from the rules. Should Council enable exemptions for the existing applications, there is a potential that those who had previously been advised by Council not to apply for a subdivision consent because it would likely be declined, could feel aggrieved. For the above reasons I do not agree with the submission from John Waller and Survus....*

18. The s42A Officer Report: Subdivision (Rural) (Hearing Stream 8) rejected the Appellant's Submission for the reasons discussed in the following excerpts (emphasis added):

[90] *Survus sought a new rule to enable those resource consent applications lodged, but not granted, prior to notification of the Proposed Plan to be a controlled activity. The issue of enabling the aforementioned subdivision applications to become a controlled activity was discussed in section 3.22 of the s42A Rural Zones report. The Environment Court granted immediate legal effect²² for the proposed rural land use rules restricting the subdivision of GRUZ to 20ha minimum. The Environment Court considered that if the notice of motion under section 68D RMA was not granted there would be a ramping up of resource consent applications for subdivision, in excess of those received prior to notification, that would undermine the intent of the objectives and policies around rural production. On this basis of the discussion above, Section 3.22 of the s42A Rural Zones officers report and the Environment Court decision, I recommend rejecting the submission.*

[91] *Paul Martin and Julie Anne Wyatt [196.1] sought that the subdivision applications received prior to the notification of the Proposed Plan be accepted and processed under the Operative Plan. The submission only relates to the processing of their resource consent application and does not seek to rezone the land. The property at 66 German Road, Summerhill, comprises 20.74ha of LUC class 3 soils of relatively flat land slightly sloping*

to the east (excluding the dwelling and surrounding fronting German Road. I recommend the submission be rejected.

[92] Council applied to Environment Court to seek immediate legal effect of the rules relating to residential units (GRUZ-R41), minor residential units (GRUZ-R42), definitions of residential unit and minor residential unit, and SUB-R10 Subdivision within General Rural Zone, prior to the notification of the Proposed Plan. This was to avoid a 'gold rush' of 4ha subdivision within the GRUZ zone and avoid further loss of rural productive land to lifestyle blocks. Table 12 in the s42A Rural Zones officer report showed that 158 rural subdivision applications were received in the year prior to notification, and of these 129 consent applications were granted, leaving 29 consent applications not granted due to insufficient information. As also detailed in paragraph [58] above, I recommend that the submission is rejected.

....

[286] Maurice Newell [281.1] wants to allow subdivision consent applications lodged prior to notification, map and protect good soils and allow subdivision on poorer soils. The discussion around allowing subdivision consent applications to be processed and enabling subdivision on poor soils has been assessed in paragraph 249 of s42A Rural Zones officers report. I recommend the submission is rejected...

Hearings Panel recommendation on Submission

19. The Hearings Panel Recommendation Report 25: Hearing Stream 8 (Subdivision) discusses the Appellant's Submission as follows:

[15] The submissions we consider here are those seeking amendments which were general to the Chapter. In summary, these were seeking:

- (a) that subdivision applications lodged prior to the notification of the PDP be processed under the ODP, or that the proposed rural subdivision provisions be deleted and a new rule be inserted to enable subdivision applications lodged prior to PDP notification for 4ha lots or more be a controlled activity.*

...

Treatment of Subdivision Applications lodged prior to PDP notification

[17] This matter related to a number of subdivision applications that had been lodged prior to the PDP being notified seeking subdivision less than 20ha in size. Those applications became immediately subject to SUB-R10, which the Council had applied

successfully to the Environment Court to have immediate legal effect upon notification. The submitters sought a 'sunset' clause or bespoke rule that would allow such applications to proceed as a controlled activity, rather than as a non-complying activity under SUB-R10 as notified. We heard from John Waller and Julie and Paul Wyatt who expressed their concerns about the PDP provisions and that their subdivision applications had yet to be fully processed. We also heard from Mr Buckley, the s42A report author for Rural Subdivision, and Mrs Harris, the Council's Planning Manager of the Plan Implementation Unit. Mrs Harris's verbal and written responses to our questions were very helpful for us to understand the background and context to the submissions. We did not receive any evidence from Survus in support of their submission.

...

[18] Having considered all the evidence, we agree with the s42A report author's recommendation that the submissions be rejected. In doing so, we sympathise with the submitters and those who had applications in the system when the PDP was notified.

[19] In saying this, we also understand that those who did not have their applications considered after notification chose to put their applications on hold. We have been advised that those applications could still have been processed after the PDP was notified, had the applicants decided to progress with them. From the evidence presented, it would seem that while the activity status would have been at a higher bar it would also seem that less weight would have been given to proposed rule SUB-R10, and its supporting objectives and policies. However, overall, given the matters the objectives, policies and rules are seeking to address, we find that recommending acceptance of the relief sought would be inconsistent with achieving the objectives of the PDP. We therefore recommend that these submissions be rejected.

20. The Respondent subsequently adopted all of the recommendations of the Hearings Panel regarding submissions on the Proposed Plan, including the recommendation to reject the Appellant's Submission, at a meeting of the Council on 24 June 2025.

Appellant's response to the Hearings Panel recommendation

Affected Landowners applications 'caught' by notification of proposed new rules

21. In accordance with s 86B(1) of the Act, rules in a proposed plan ordinarily have legal effect only once a decision on submissions is made and publicly notified under cl 10(4) Schedule 1. Decisions could be up to two years after notification

of the proposed plan.² Section 86D gives the Environment Court power to order that a rule in a proposed plan or change has legal effect from some date other than the standard date.

22. In this case, the Court in *Application by the Waimakariri District Council* granted the Respondent's notice of motion on an *ex parte* basis and ordered that the following rules take immediate legal effect on the date that the Proposed Plan is notified:

- (a) GRUZ-R41 Residential Unit;
- (b) GRUZ-R42 Minor Residential Unit;
- (c) Definitions for 'minor residential unit' and 'residential unit'; and
- (d) SUB-R10 Subdivision in General Rural Zone.

23. The outcome of the Court's decision is that, among other matters, in the proposed rural zone:

- (a) establishing a residential unit on a lot that is more than 4 ha but less than 20 ha became a non-complying activity with immediate legal effect under the Proposed Plan, whereas the same activity was permitted under the ODP; and
- (b) subdividing a lot with a minimum lot size more than 4 ha but less than 20 ha became a non-complying activity with immediate legal effect under the Proposed Plan, whereas the same activity was controlled under the ODP.

24. Use of section 86D of the Act to enable proposed district plan rules to have immediate effect is very uncommon. Section 86D is a powerful statutory tool that has potential to affect the rights and interests of landowners affected by new rules having immediate legal effect.

² See RMA, Schedule 1, cl 10(4)(a)

25. This is particularly the case when an application under s86D is granted *ex parte* because affected landowners have no opportunity to participate in the decision-making process. Such landowners have no notice of the s86D application and from their perspective the timing of orders under s 86D is somewhat arbitrary; the day before notification of the Proposed Plan only the Operative Plan rules apply and the next day, following notification, the proposed new rules have immediate legal effect.
26. In this case a number of landowners (**Affected Landowners**) had rural subdivision consent applications that had been accepted by the Respondent, but which were extant at the time of notification (**extant applications**). These applications have been 'caught' by the arbitrary timing of the new rules having immediate legal effect.
27. It is noteworthy that this cohort of extant applications is not discussed in the *Application by the Waimakariri District Council*. The decision records that the under the proposed new rules development opportunities for rural subdivision are reduced³ and that without rules having legal effect, property owners may be more likely to subdivide 'while they still can' once notification occurs.⁴ However the decision makes not mention extant applications for rural subdivision that were filed before notification occurs.
28. The focus of the Court's concern is on what might happen following notification of the proposed new subdivision rules in the absence of an order under s86D. In this regard, the decision records that:⁵

Often an application under s 86D arises in circumstances where the proposed plan introduces restrictions and there is a danger that there will be a "gold rush" of applications as people try to take advantage of the current rules of the operative district plan.

29. The decision states that the Council considers that a "gold rush" for 4 ha development is already underway and that there is no apparent reason to expect pressure for 4 ha development to subside.⁶ While acknowledging this situation

³ *Application by the Waimakariri District Council* [2021] NZEnvC 142 at [22]

⁴ *Supra* at [36]

⁵ *Supra* at [13]

⁶ *Supra* at [46]

the decision does not indicate that the Court was aware that a cohort of applications would be 'caught' by granting orders under s86D.

30. Elsewhere, after noting that the effect of the proposed new subdivision rules would reduce opportunities for rural subdivision, the decision mentions that the Proposed Plan legacy provisions "go some way to ameliorating the impact of the change..."⁷ However none of these legacy provisions specifically address the impact of the proposed new rules on the Affected Landowners. These landowners have borne the greatest cost of the new rules and neither the decision in *Application by the Waimakariri District Council* nor the legacy provisions of the Proposed Plan properly recognise and account for this.

Impact of new subdivision rules on Affected Landowners

31. For many of the Affected Landowners, the implications of the s86D order have been quite profound. They have moved from a position of reasonable confidence and certainty that their applications would be approved under the ODP to a situation where they face significantly increased costs and complexity associated with the consenting process and considerable uncertainty about whether such applications are capable of being granted under the Proposed Plan.
32. These costs are over and above the substantial costs the Affected Landowners have already incurred to date regarding preparation, lodgement and processing of their respective subdivision applications, including consultant charges and council consent processing fees.
33. Several of the Affected Landowners have long held plans to subdivide their properties and they face significant financial implications if the new subdivision rules prevent their applications from being approved.
34. Some of the Affected Landowners lack the financial resources to fund the additional costs associated with processing their applications under the new subdivisions rules and may have to abandon their applications if those rules continue to apply.

⁷ Supra at [22]

35. Further, for some Affected Landowners approval of their application is the only way for them to stay in their houses and in their long-lived neighbourhoods. So if their application is declined due to the new rules in the Proposed Plan the outcome for many will be that they will need to sell up and shift on their retirement as they cannot afford to continue to reside on their property.

Many extant applications were subject to delay in consent processing

36. There are approximately 16-20 extant applications. Each application is different; they were lodged at different times (although all before notification of the Proposed Plan) and each was processed separately by the Respondent.
37. Many extant applications were subject to unfortunate and lengthy delay that was entirely outside the control of the Affected Landowners. The effect of the delay is that these applications were not approved before notification of the Proposed Plan. The consequences of the delay for the Affected Landowners is very significant because it cost them the opportunity to have these applications approved under the ODP.
38. The reasons for delay include the effect of Covid-19 lockdowns, delay in securing neighbours' approval for subdivision within an effluent buffer zone, challenges securing technical assessments and other documents required to satisfy requests for further information made by the Respondent, and general and fairly wide spread consent processing delays to the workload of the Respondent at this time.
39. In particular some Affected Landowners were advised by the Respondent to obtain neighbours approval in relation to effluent buffer zones before lodging their subdivision application. Others were advised to get such approval after lodging their application, and others were not required to secure such approval at all and were granted consent without it. This variation in processing of subdivision consent applications caused substantial delay for some Affected Landowners and also unfairness in terms of parity of treatment between different subdivision applications.

Granting relief requested would not be inconsistent with Proposed Plan

40. The Appellant considers that the relief requested below should be granted, for example, by amending the Proposed Plan to allow the extant applications to be processed and determined under the ODP rural subdivision and land use rules rather than the new rules in the Proposed Plan
41. Approval of the extant applications on this basis would create approximately 130-150 lots. This additional number of new lots is negligible when considered within the wider context of the Waimakariri District. For example, the Appellant understands that this number of additional lots equates to only 2% of the total number of lots less than 8 ha in the rural zone prior to notification of the Proposed Plan.
42. Further, many of the extant applications are located adjacent to the boundary of the new Rural Lifestyle Zone, which allows 4 ha subdivision as a controlled activity, and other applications are located in areas where there are already several 4-8 ha lots created by earlier subdivisions under the ODP.
43. Against this context, the Appellant considers that the additional lots will not have any material adverse effect on the production potential of the rural land resource in the GRUZ or the rural character and amenity of the GRUZ.

Relief sought

44. The Appellant seeks the following relief:
 - (a) Amend General Rural Zone Rule GRUZ-R3 by inserting a new clause (4A) to expressly provides for residential units as a controlled activity in the General Rural Zone follows:

a site with a minimum net site area of 4ha or more but less than 20ha, which does not have a residential unit erected on it, is subject to a subdivision consent application that was lodged prior to 18 September 2021 and is extant at 18 September 2021, one residential unit may be erected.
 - (b) Insert a new controlled activity subdivision rule into the Subdivision Chapter that that expressly provides subdivision between 4 ha and 20 ha

as a controlled activity in the General Rural Zone as follows (or words to like effect):

Where a subdivision consent application was lodged prior to 18 September 2021 and is extant at 18 September 2021, that seeks to create one or more allotments with a minimum allotment area of 4ha or more but less than 20ha.

- (c) Amend the Proposed Plan so that where a subdivision consent application was lodged prior to 18 September 2021 and is extant at 18 September 2021, and that application seeks to create one or more allotments with a minimum allotment area of 4 ha or more but less than 20 ha in the GRUZ, such application is exempt from the Proposed Plan GRUZ subdivision and land use rules and instead the application will be processed and determined under the ODP subdivision and land use rules;
- (d) That the Proposed Plan provisions be amended to reflect the issues raised in this submission;
- (e) That the relevant PDP objectives and policies be amended as required to support and implement the particular relief described above; and/or
- (f) Such other relief as may be required to give effect to this submission, including alternative, consequential or necessary amendments to the PDP that address the matters raised by the submitter.

Attached documents

45. The Appellant attaches the following documents to this notice:

- (a) a copy of the Appellant's Submission on the Proposed Plan;
- (b) a copy of the Notice of Decision notified by the Respondent dated 12 July 2025;
- (c) a copy of Hearings Panel Recommendation Report 25: Hearing Stream 8 (Subdivision) containing recommendations of the Hearings Panel on the Appellant's Submission; and

- (d) a list of names and addresses of persons to be served with a copy of this notice.

DATED this 22nd day of August 2025



C S Fowler
Counsel for the Appellant

ADDRESS FOR SERVICE OF APPELLANTS:

Saunders & Co
PO Box 18
Christchurch 8140

Contact Person: Chris Fowler
Telephone: 021 311 784 or (03) 288 2192
Email: chris.fowler@saunders.co.nz

Note to appellant

You may use this form for any appeal for which you cannot identify a prescribed form.

You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

If you wish to become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* form 38).

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

DISTRICT PLAN REVIEW

Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

Submitter details

(Our preferred methods of corresponding with you are by **email** and **phone**).

Full name: _____

Email address: _____

Phone (Mobile): _____ Phone (Landline): _____

Postal Address: _____ Post Code: _____

Physical address: _____ Post Code: _____
(if different from above)

Please select one of the two options below:

I **could not** gain an advantage in trade competition through this submission (go to Submission details, you do not need to complete the rest of this section)

I **could** gain an advantage in trade competition through this submission (please complete the rest of this section before continuing to Submission details)

Please select one of the two options below:

I **am** directly affected by an effect of the subject matter of the submission that:

- A) Adversely affects the environment; and
- B) Does not relate to trade competition or the effect of trade competition.

I **am not** directly affected by an effect of the subject matter of the submission that:

- A) Adversely affects the environment; and
- B) Does not relate to trade competition or the effect of trade competition.

Submission details

The specific provisions of the proposal that my submission relates to are as follows: *(please give details)*

My submission is that: *(state in summary the Proposed Plan chapter subject and provision of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) (please include additional pages as necessary)*

I/we have included: _____ additional pages

I/we seek the following decision from the Waimakariri District Council: *(give precise details, use additional pages if required)*

Submission at the Hearing


I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

If others make a similar further submission, I/we will consider presenting a joint case with them at the hearing

Signature

Of submitters or person authorised to sign on behalf of submitter(s)

Signature  Date _____

(If you are making your submission electronically, a signature is not required)

Important Information

1. The Council must receive this submission before the closing date and time for submissions.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and public. Your submission will only be used for the purpose of the District Plan review process.
3. Only those submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Send your submission to: Proposed District Plan Submission
Waimakariri District Council
Private Bag 1005, Rangiora 7440

Email to: developmentplanning@wmk.govt.nz

Phone: 0800 965 468 (0800WMKGOV)

You can also deliver this submission form to one our service centres:

Rangiora Service Centre: 215 High Street, Rangiora

Kaiapoi Service Centre: Ruataniwha Kaiapoi Civic Centre, 176 Williams Street, Kaiapoi

Oxford Service Centre: 34 Main Street, Oxford

Submissions close 5pm, Friday 26 November 2021

Please refer to the Council website waimakariri.govt.nz for further updates

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PO Box 5558
Papanui, Christchurch

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✉ hello@survus.co.nz
🔍 www.survus.co.nz

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN
Clause 6, First Schedule of the Resource Management Act 1991

To: The Waimakiri District Council
Freepost 1667, Private Bag 1005, Rangiora 7400

C/- Survus consultants
PO Box 5558
Papanui
Christchurch 8542
Attention: Hamish Frizzell
Email Address: subdivisions@survus.co.nz
Phone: 03 352 5599

Name of Submitter

- 1 Survus Consultants (**Survus** or the **submitter**)

Proposal to which submission relates

- 2 This submission relates to the Proposed District Plan (the **PDP**) in its entirety and particularly the introduction of the General Rural Zone (the **GRZ**) and rules governing subdivision and establishment of dwellings in the GRZ.
- 3 The submitter could not gain an advantage in trade competition through this submission

Detail of submission

- 4 Survus' submission relates to the PDP as a whole but has a specific focus on:
 - (a) The separation of the rural zone into two separate zones and the inclusion of the GRZ;
 - (b) Provisions for the GRZ relating to subdivision within this zone; and
 - (c) Provisions for the GRZ relating to establishment of new residential units within this zone.
- 5 These provisions have been introduced and given immediate legal effect without prior community consultation. They have adversely impacted 20 applications for 4 ha rural subdivision that have been lodged by Survus on behalf of its landowner clients.
- 6 Survus **opposes** the separation of the rural zone into two new zones and the proposed new GRZ.

- 7 Survus also **opposes** the subdivision rules and land use rules relating to new residential units in the GRZ.

Background

- 8 Prior to notification of the PDP, Survus lodged 20 separate rural subdivision consent applications relating to land located in what is now known as the General Rural Zone under the PDP (the **Survus applications** or the **applications**). These applications are listed in **Appendix 1** to this submission.
- 9 The number of new lots proposed by each application ranges from 2 – 40 lots. In total, 161 new lots are proposed. The Survus applications remain extant and have yet to be determined.
- 10 When the subdivision consent applications were lodged, subdivision within the rural zone with a minimum lot size of 4 ha was a controlled activity under the Operative District Plan (**ODP**) subject to compliance with a large number of subdivision standards. Non-compliance with one or more of the subdivision standards altered the activity status of the application to restricted discretionary activity, discretionary activity or non-complying activity, depending upon which standard is breached.
- 11 On 18 September 2021 the Waimakariri District Council (the **Council**) notified the PDP. One of the outcomes of the PDP is to split the Rural Zone into two separate zones: a *Rural Lifestyle Zone* (the **RLZ**) which has a minimum lot size of 4 ha and a *General Rule Zone* (the **GRZ**) which has a minimum lot size of 20 ha. Subdivision that does not comply with the new minimum lot size requirements is assessed as a non-complying activity under the PDP.
- 12 Concurrent with the notification of the PDP, the Environment Court issued a decision to give immediate legal effect to new rules which set the minimum allotment size within the GRZ. The decision records that the purpose of the new rural subdivision rules as to maintain rural character and amenity, and the production potential of rural land.
- 13 Because the Survus applications were not determined when the PDP was notified, these applications are ‘caught’ by the PDP in the sense that the provisions of both the ODP and the PDP need to be considered by Council when processing and determining these applications.

Location of properties that are the subject of the Survus applications

- 14 A combined plan has been prepared to show the locations and context of the application properties in the wider Waimakariri District and the GRZ is attached as **Appendix 2**.
- 15 Plans showing the location of each individual property that is the subject of a Survus Application in relation to the neighbouring properties is attached at **Appendix 3**. This information was extracted from GRIP which is a cadastral mapping application used by Surveyors. (It should be noted that not all recently approved subdivisions prior to the notification of the PDP would be shown on these plans due to Title not being issued as yet. These plans therefore represent lots that are existing).

Reasons for submission

- 16 The notification of the PDP and associated GRZ provisions has caused substantial additional cost, uncertainty and delay in relation to the Survus applications. In particular, the PDP creates material doubt as to whether these applications will qualify for grant of consent under the new 20 ha minimum lot size requirements in the GRZ.

- 17 The submitter considers that the Survus applications lodged but not determined and referred to in Appendix 1 should be treated differently from other similar applications that are lodged after notification of the PDP.
- 18 The submitter seeks that the Survus applications are made exempt from the new and more stringent rules in the PDP that apply to subdivision in the GRZ so that these applications need only comply with the ODP subdivision and land use rules. This could be achieved by, among other matters amendment to the so-called legacy exemptions in the PDP for subdivision and residential units in the GRZ.
- 19 As mentioned, the total number of properties to be created, if the Survus applications are approved pursuant to the abovementioned legacy provisions, is 161 lots. This additional number of new lots is negligible in the context of the total number of existing rural lots in Waimakariri District. The submitter considers that the additional lots will not have any material adverse effect on the production potential of the rural land resource in the GRZ or the rural character of the GRZ.
- 20 At least eight (8) of the Survus applications are located directly adjacent or partly within the proposed new RLZ which allows for 4ha lots. In addition, these eight properties are partly or fully surrounded by properties of between 4ha and 20ha with the majority of the properties being 4ha.
- 21 The remaining 12 properties are also located in areas where the adjacent properties have already been subdivided into smaller lots with one property in particular being 17ha in size and surrounded by 4ha lots. (581 Downs Road).
- 22 It is therefore highly unlikely that these properties will ever be used for primary production purposes in future in view of their size and locations.
- 23 Where properties larger than 20ha are located in areas where smaller lots are not commonly found in the surrounding areas, precedents have already been created where neighbouring properties have been allowed to subdivide into smaller than 20ha lots not long before the notification of the PDP.
- 24 An example of this is the Survus application regarding 6 Rakahuri Road, Glentui where a property on the opposite side of the road, being 854 Birch Hill Road, was approved for subdivision on the 17th of September (a day prior to the notification of the PDP) into 9 lots smaller than 20ha and of which 8 are 4ha (refer to RC215444).
- 25 One application was affected by Covid-19 lockdowns and the contamination could not be remediated on site in time and prior to the PDP being notified to enable the application to become a Permitted Activity in terms of the National Environmental Standards Regulations (NES). The Council was informed of the time frame for remediation at all times.
- 26 Survus also considers that the manner in which the new PDP rural zone rules have been introduced and made of immediate legal effect is inappropriate and unfair to rural landowners, as discussed in more detail below.

Lack of Public Participation/Community engagement

International Best practice:

- 27 It is International Good Practice that citizens participate in the decision making and development activities of local government.

New Zealand Policies:

- 28 Citizens in New Zealand are encouraged to participate in the Long Terms Plans and District Plans of local governments which shape New Zealand and its environment and as such, this submission is part of this process.

Department of the Prime Minister and Cabinet (Policy Method Toolbox)

- 29 It is standard practise in New Zealand to engage with Communities during the policy making processes and this is strengthened by the Policy Method Toolbox as a method *“that helps policy practitioners identify and select the right approach for their policy initiative”* (Department of the Prime Minister and Cabinet. <https://dpmc.govt.nz/our-programmes/policy-project/policy-methods-toolbox/community-engagement>). There are many advantages for local government to engage with its citizens on aspects which directly involve the future use of their land since it *demonstrates ethical treatment, respect and sensitivity* and ensures that local governments are accountable.

Local Government Act:2002 Part 6 (Planning Decision Making and Accountability)

- 30 Part 6 of the Local Government Act 2002 deals with planning, decision making and accountability and requires that local authorities adopt a policy for engagement. (s76AA) and s78 requires that *“local authorities must in the course of it’s decision-making process in relation to a matter give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter.”*

Waimakariri District Council Policy on Consultation (Significant and Engagement Policy-SEP)

- 31 The Waimakariri District Council has a Consultation Policy which reflects the extent of the “International Association for Public Participation (IAP2) spectrum and as required by the Local Government Act. This Policy applies to the Council and “provides guidance for the consideration of significance and engagement ...”. The Policy has set out criteria as to when Council regard a matter to be significant for purposes of engagement. Point 5.4 of the Policy stipulates that if the impact or consequences of the decision or proposal will have a substantial impact on more than 5% of the resident population of the District based on estimates by Statistics New Zealand at 30 June each year, the matter is likely to be significant. The Policy further states that every Report should include a statement indicating that the issue of significance has been considered. If an issue is considered significant the report must also include a statement addressing community engagement.
- 32 The Rural areas of the Waimakariri District constitutes more than 5% of the total population of the Waimakariri District Council. The total population of the Waimakariri District was estimated to be 64 700 (as of 2020) and more than 5% of the population resides in the rural areas which are affected by the Rule change. Covid 19 statistics indicate that at least 16 699 people (25%) reside in the rural areas of the Waimakariri District. (www.covid19.govt.nz).

Relationship between the Local Government Act and RMA

- 33 Section 86 of the RMA provides the ability for council’s to apply to the Environment Court that Rules can be introduced with immediate effect without having to go through a notification or consultation process.
- 34 In this situation there would however have been an expectation that Council would have been more open and possibly followed a consultative process as per their SEP prior to lodging an application to the Environment Court which has affected more than 5% of the population of the Waimakariri District. Schedule 1, clause 3(4) RMA states that local authorities are required to apply the consultative provisions contained in the LGA.

- 35 The Environment Court decision granting the Council's application for immediate legal effect to the rural subdivision and residential unit provisions of the PDP has directly affected the Survus applications as referred to in Appendix 1 and many other landowners in the Waimakariri District, without any meaningful process of public input or community engagement. In addition, there has not been any community input into which areas in the Waimakariri District should be considered for mainly agricultural purposes, rural living purposes and urban residential purposes prior to an application being lodged to the Environment Court.
- 36 There has been no documentation provided to the Community prior to notification of the PDP as to how Waimakariri District concluded which areas should remain for mainly agricultural purposes and which areas should be considered for rural living purposes.
- 37 The Council also obtained the Environment Court decision without notice to the community or potentially affected rural landowners. This excluded all communities and individuals within the District from participating in a decision-making process that would impact on their livelihoods and future use of their land. This action appears to be in contradiction with the Council's SEP.
- 38 Survus appreciates Council's effort to protect agricultural land. However the process is considered flawed due to lack of landowner engagement or information available to the community as to how Council concluded the delineation of the areas to be subdivided into 20ha vs 4ha. Survus considers that the planning maps and rules regarding management of the rural zone within the district cannot be support and need to be revisited.

Decision sought

- 39 The submitter seeks the following relief:
- (a) That the PDP be rejected in its current form;
 - (b) That the PDP maps regarding the GRZ and the RLZ be deleted;
 - (c) That the PDP provisions regarding rural subdivision and residential development in the GRZ be deleted;
 - (d) That General Rural Zone Rule GRUZ-R3 be amended by inserting a new clause (4A) to expressly provides for residential units in respect of the Survus applications as a controlled activity in the General Rural Zone follows:

a site with a minimum net site area of 4ha or more but less than 20ha, which does not have a residential unit erected on it, is subject to a subdivision consent application that was lodged prior to 18 September 2021 and is extant at 18 September 2021, one residential unit may be erected.
 - (e) Insert a new controlled activity subdivision rule into the Subdivision Chapter that that expressly provides for the Survus applications by allowing subdivision between 4 ha and 20 ha as a controlled activity in the General Rural Zone as follows (or words to like effect):

Where a subdivision consent application was lodged prior to 18 September 2021 and is extant at 18 September 2021, that seeks to create one or more allotments with a minimum allotment area of 4ha or more but less than 20ha.

- (f) That the PDP provisions be amended to reflect the issues raised in this submission;
- (g) That the relevant PDP objectives and policies be amended as required to support and implement the particular relief described above; and/or
- (h) Such other relief as may be required to give effect to this submission, including alternative, consequential or necessary amendments to the PDP that address the matters raised by the submitter.

Conclusion

- 40 The submitter does wish to be heard in support of this submission.
- 41 If others make a similar submission, the submitter will consider presenting a joint case with them at the hearing.
- 42 Thank you for the opportunity to submit on the PDP.

Dated 26 November 2021



Hamish Frizzell

Survus Consultants

Address for service:

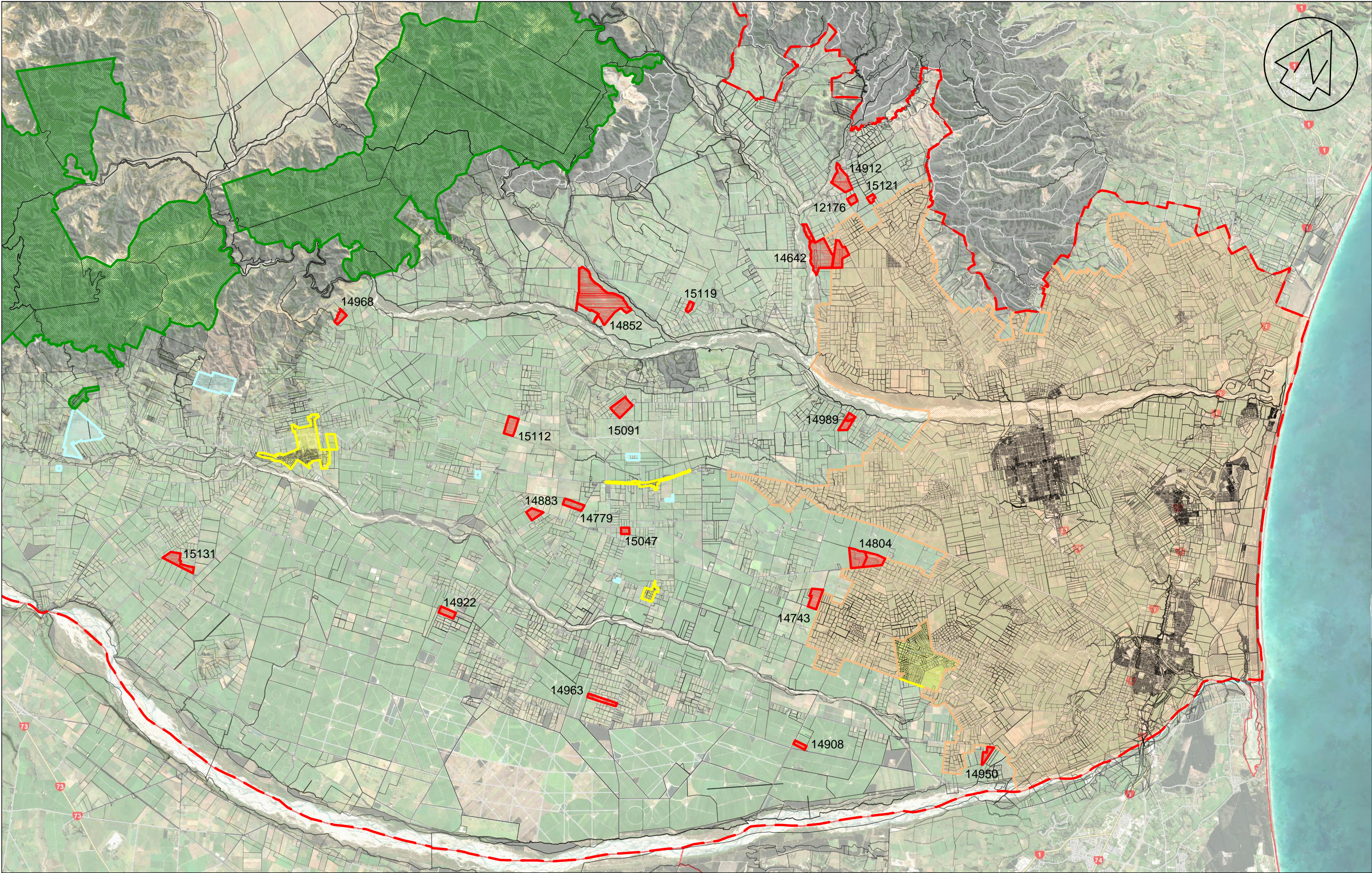
C/- Survus consultants
PO Box 5558
Papanui
Christchurch 8542
Attention: Hamish Frizzell
Email Address: subdivisions@survus.co.nz
Phone: 03 352 5599


APPENDIX 1

| Plan Ref | Client | Address | Lots | Accepted (\$88) | RC number |
|----------|-----------------------------------|--|------|-----------------|--------------------------------|
| 14642 | Alan Davie Martin | 241 Yaxley/375 Stonyflat Road Loburn | 40 | 10/08/2021 | RC215434 RC215435 |
| 14743 | Scott Larson | 1552 Tram Road Swannanoa/237 Woodfields Rd | 9 | 10/03/2021 | RC215123 and RC215124-11/3 acc |
| 14779 | Terence Davis | 1547 Poynts Road Cust | 11 | 31/03/2021 | RC215171 and RC215172 |
| 14804-2 | John Bassett | 86 & 106 Woodfield Road | 12 | 30/06/2021 | RC215349 and RC215350 |
| 14804 | Gerard Bassett | 2 Woodfields Road | 9 | 30/06/2021 | RC215346 and RC215347 |
| 14852 | Rakahuri Farming Ltd | 6 Rakahuri Road Glentui | 10 | 10/05/2021 | RC215246 and RC215247 |
| 14908 | Sue Sullivan | 372 Two Chain Road | 2 | 31/08/2021 | RC215492 and RC215493 |
| 14912 | Herman Wezenberg | 137 Mt Grey Road North Loburn | 10 | 25/08/2021 | RC215476 and RC215477 |
| 14922 | Roel Wobben | 723 Wolffs Road, Eyrewell Forest | 5 | 18/08/2021 | RC215466 and RC215467 |
| 14968 | Ashley Gorge Farming Coy Ltd | 417 Ashley Gorge Road, Coopers Creek | 2 | 13/08/2021 | RC215447 and RC215448 |
| 14989 | John Waller | 589 Mount Thomas Road, Fernside | 6 | 3/09/2021 | RC215504 & RC215505 |
| 15047 | Brian Pilbrow | 1189 Woodfileds Road Cust | 2 | 25/08/2021 | RC215487 |
| 15091 | Ivor Farming - David Haigh | 16 Champions Road Summerhill | 11 | 15/09/2021 | RC215539 and RC215540 |
| 15112 | Rod Newton | 782 Steffens Road, Starvation Hill | 4 | 14/09/2021 | RC215529 and RC215530 |
| 15119 | Trist Moffat | 609 Birch Hill Road, Okuku | 2 | 24/08/2021 | RC215474 and RC215475 |
| 15121 | Mark Webb | 277 Loburn Terrace Road, North Loburn | 2 | 10/09/2021 | RC215524 and RC215525 |
| 15131 | Trish Robinson | 151 Kiri Kiri Road, Burnt Hill | 8 | 31/08/2021 | RC215496 and RC215497 |
| 14963 | Peter Kerdemelidis | 581 Downs Road, Eyrewell Forest | 5 | 8/09/2021 | RC215520 |
| 14805 | Verkerk Propoerties No. 1 Limited | 630 Mill Road, Ohoka | 9 | 16/09/2021 | RC215544 |
| 14950 | Brian J Martin | 466 South Eyre Road, Swannanoa | 2 | 17/09/2021 | RC215546 |

Total Lots

161





SURVUS
CONSULTANTS
PLANNING • SURVEYING • ENGINEERING

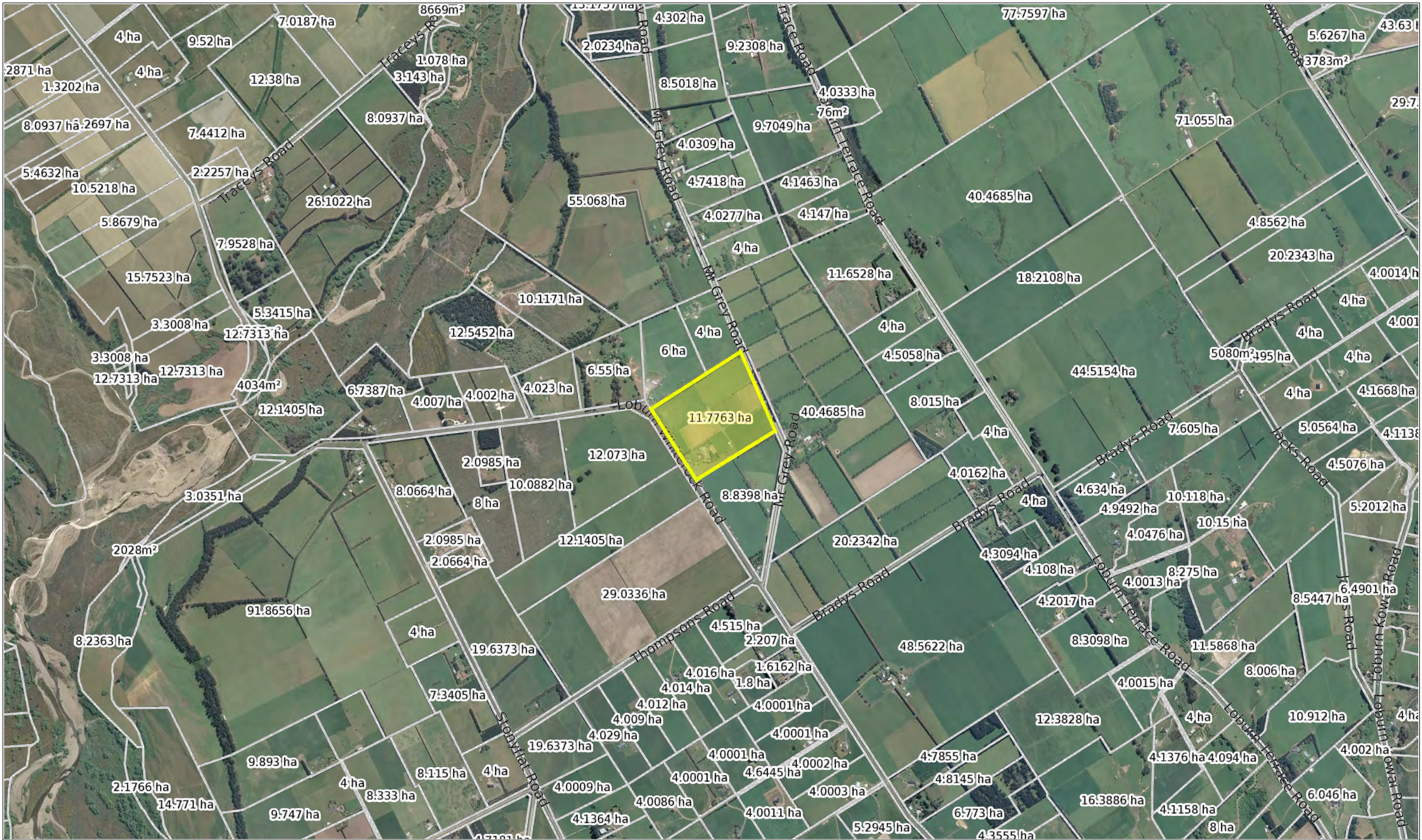
4 Meadow Street, PO Box 5558, Papanui, Christchurch

| | | | |
|-----------|--------------|-----------|-------------|
| P | 03 352 5599 | AMBERLEY | 03 314 9200 |
| F | 03 352 5527 | ASHBURTON | 03 307 7021 |
| TOLL FREE | 0508 787 887 | DARFIELD | 03 318 8151 |

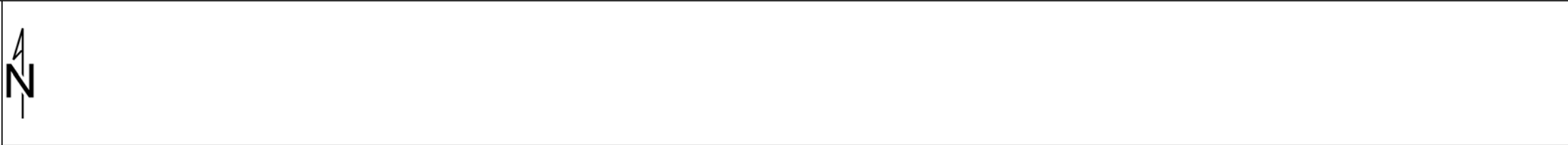
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| PROJECT | | TITLE | |
|---------------------------------|--|--|--|
| SURVUS CONSULTANTS - APPENDIX 2 | | AFFECTED PROPERTIES IN THE WIDER WAIMAKARIRI DISTRICT AREA | |
| | | SHEET 1 OF 1 | |

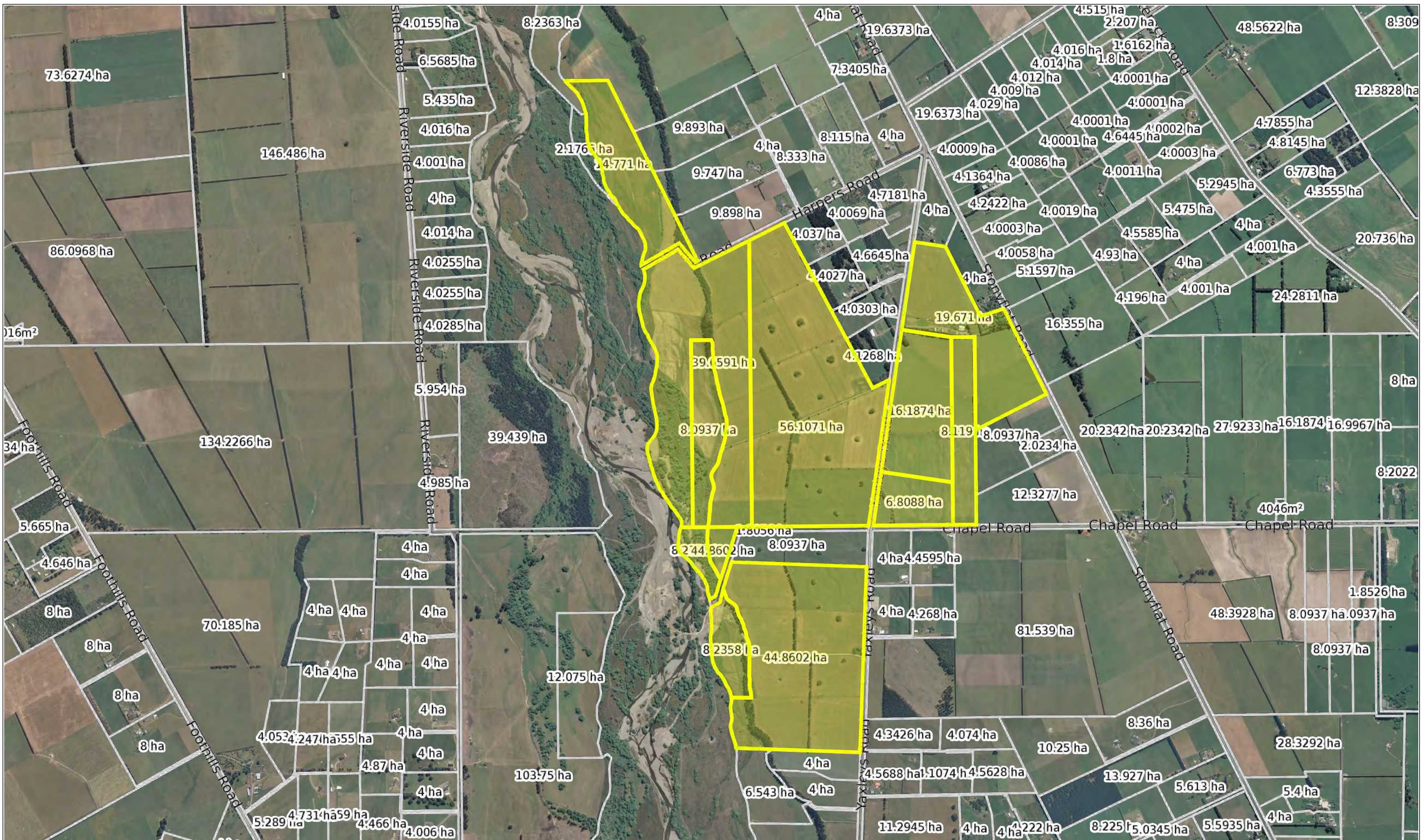
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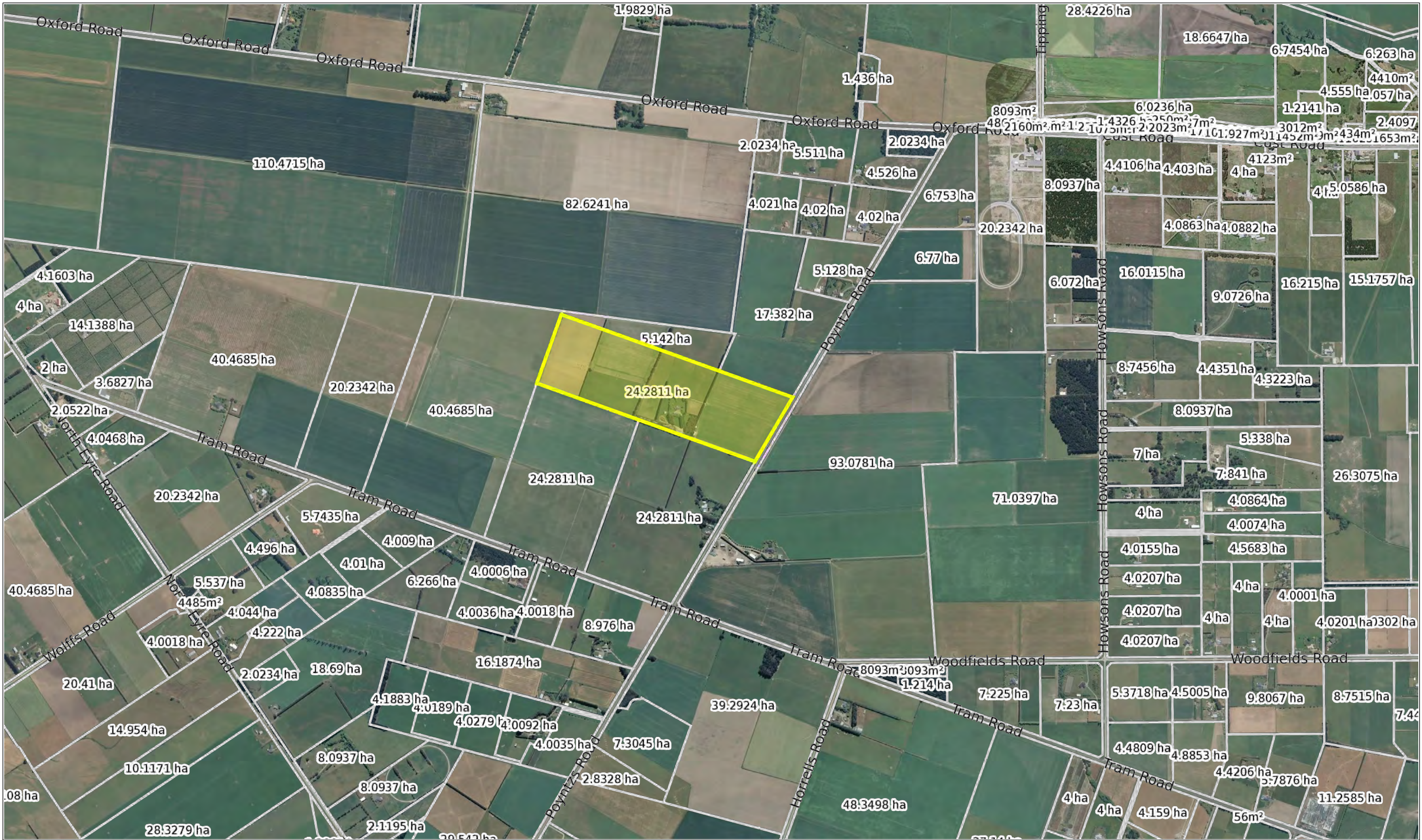


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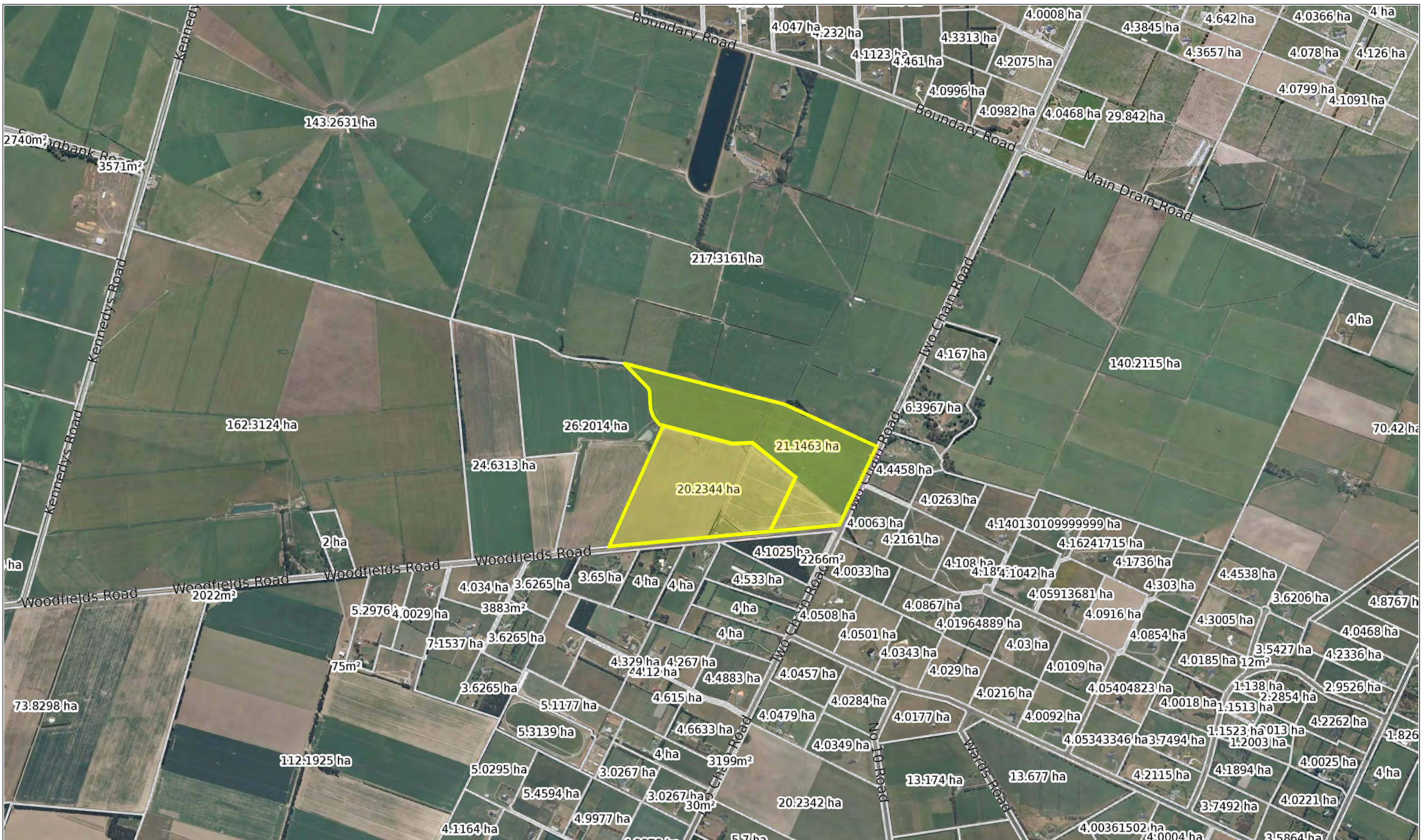
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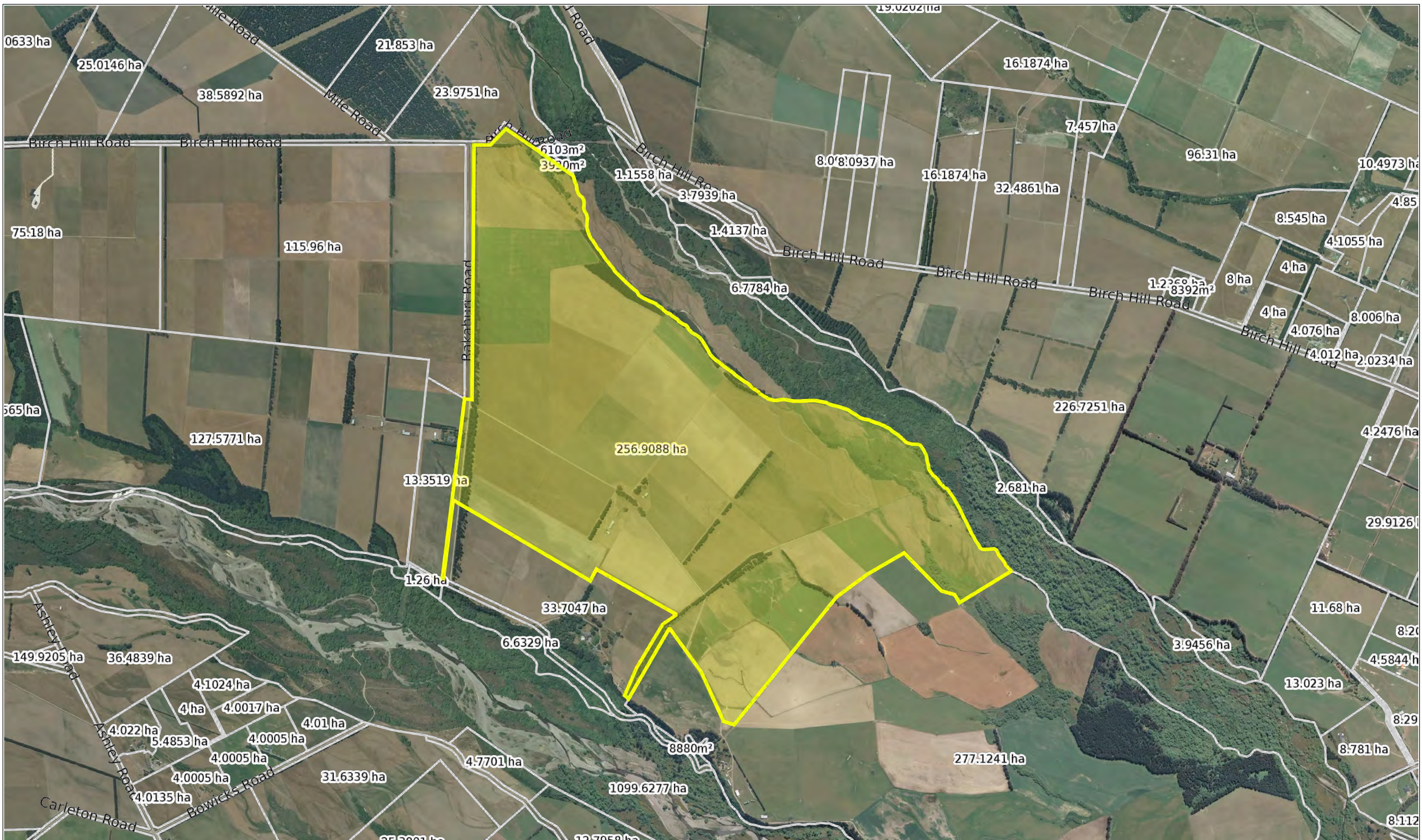
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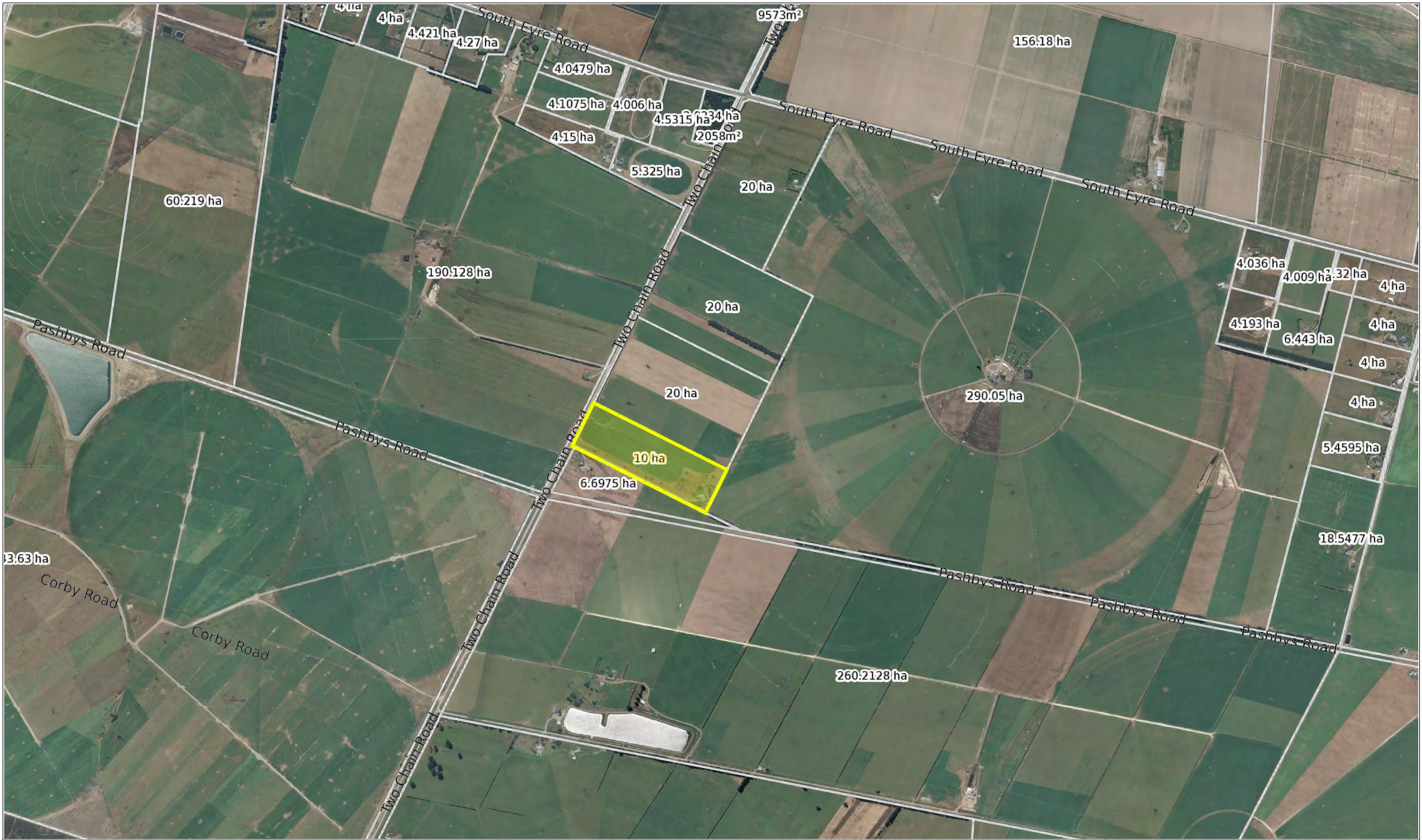


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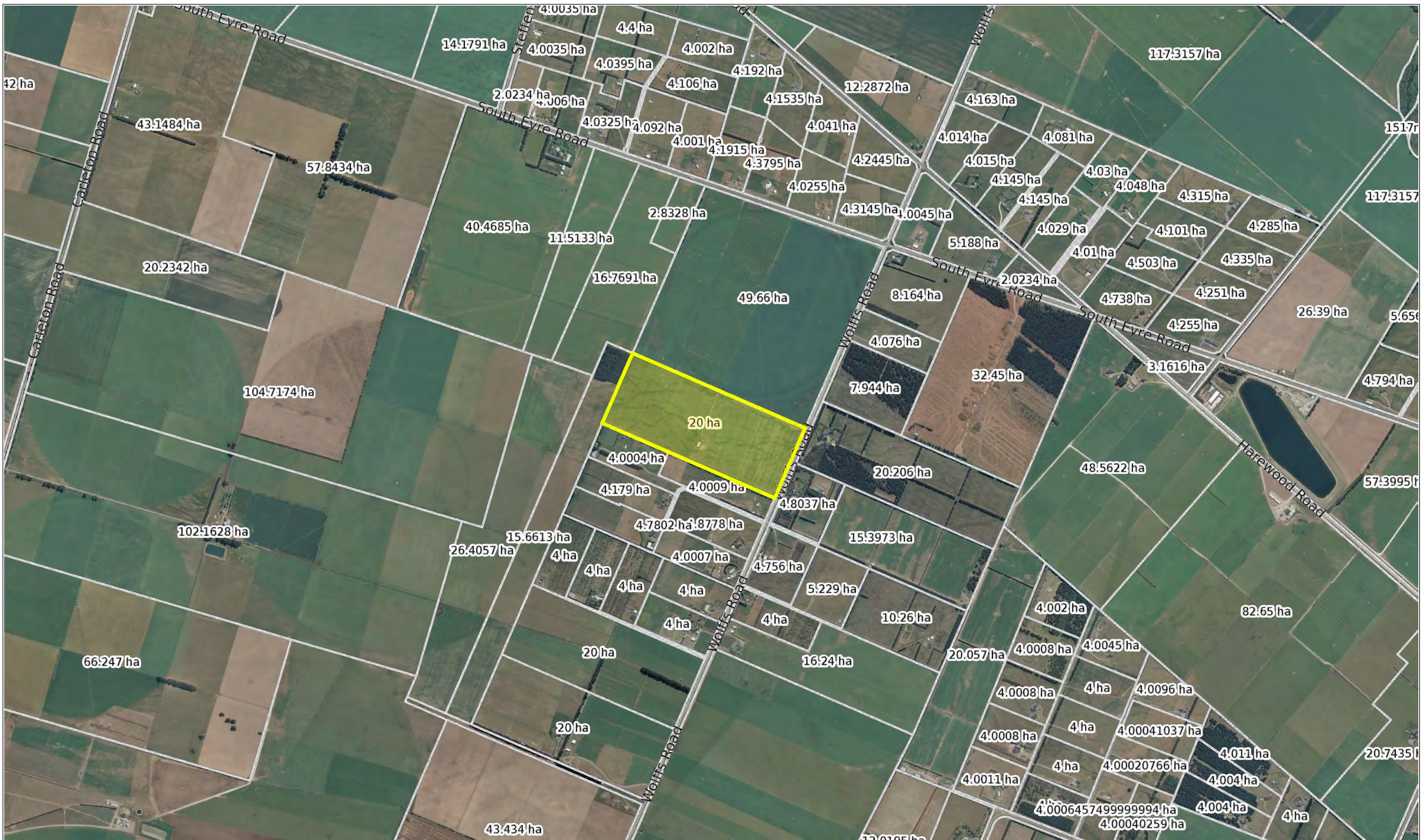
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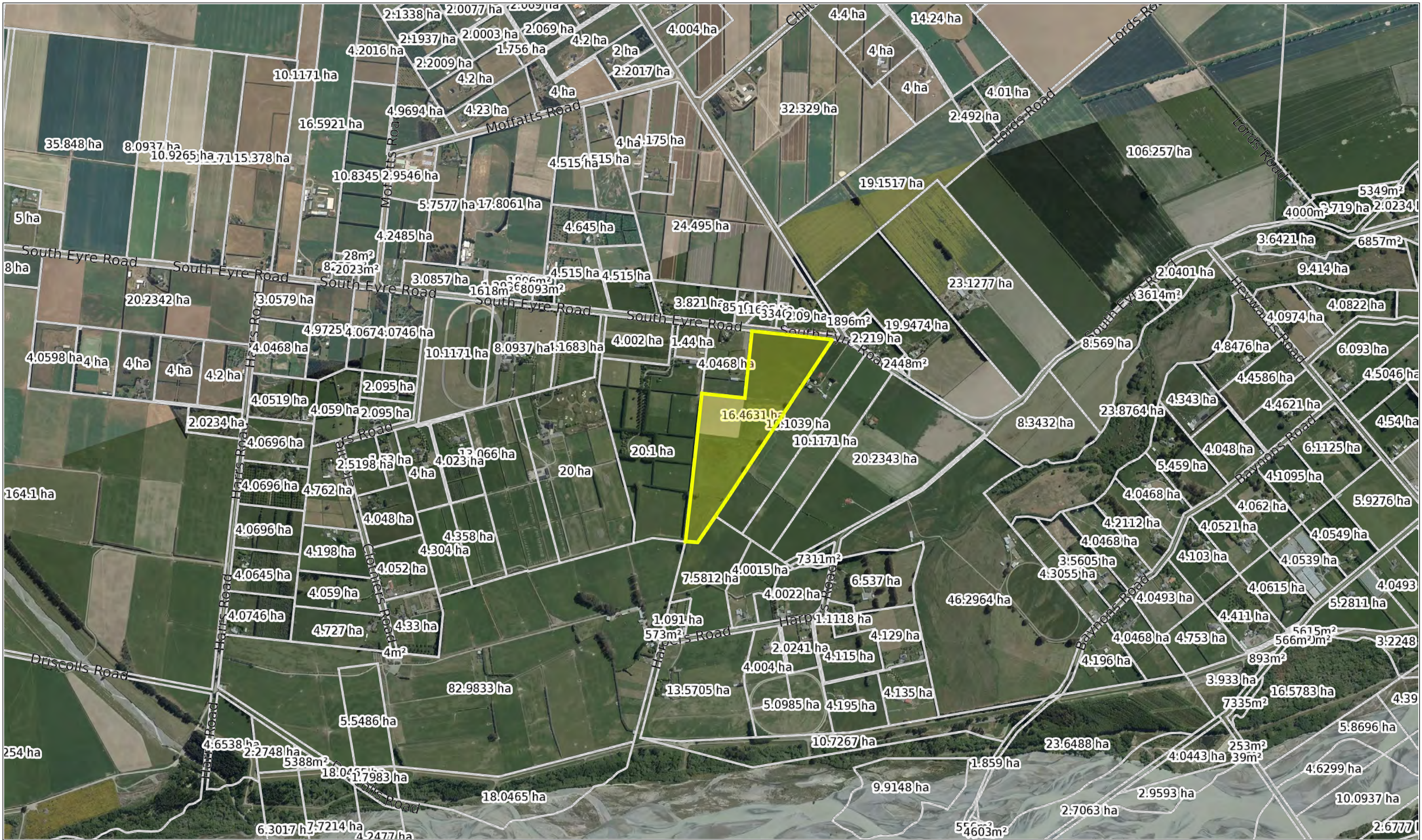
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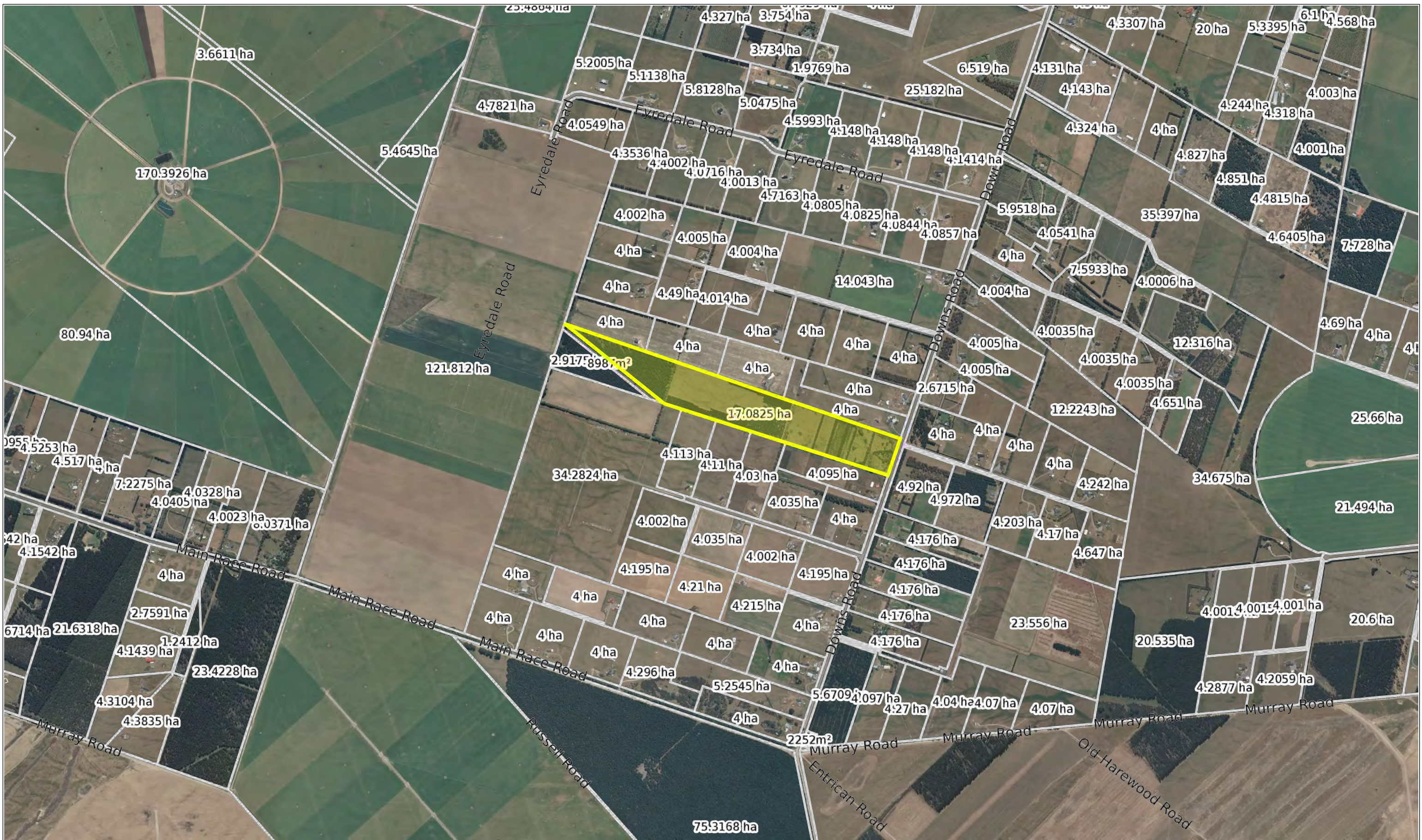
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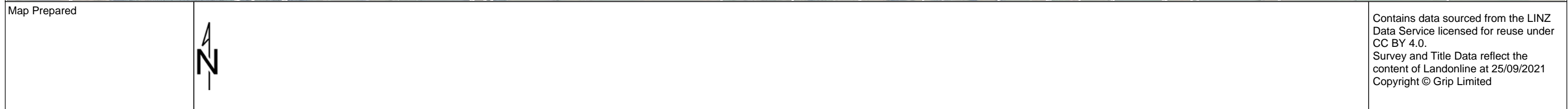
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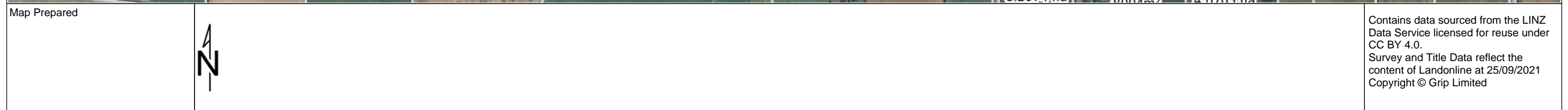
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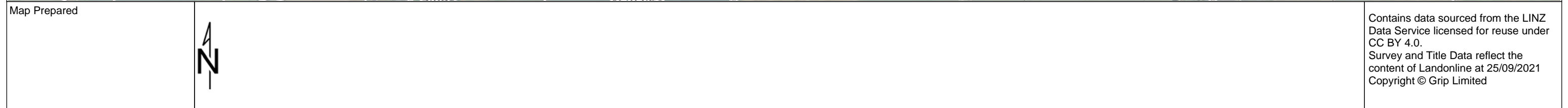


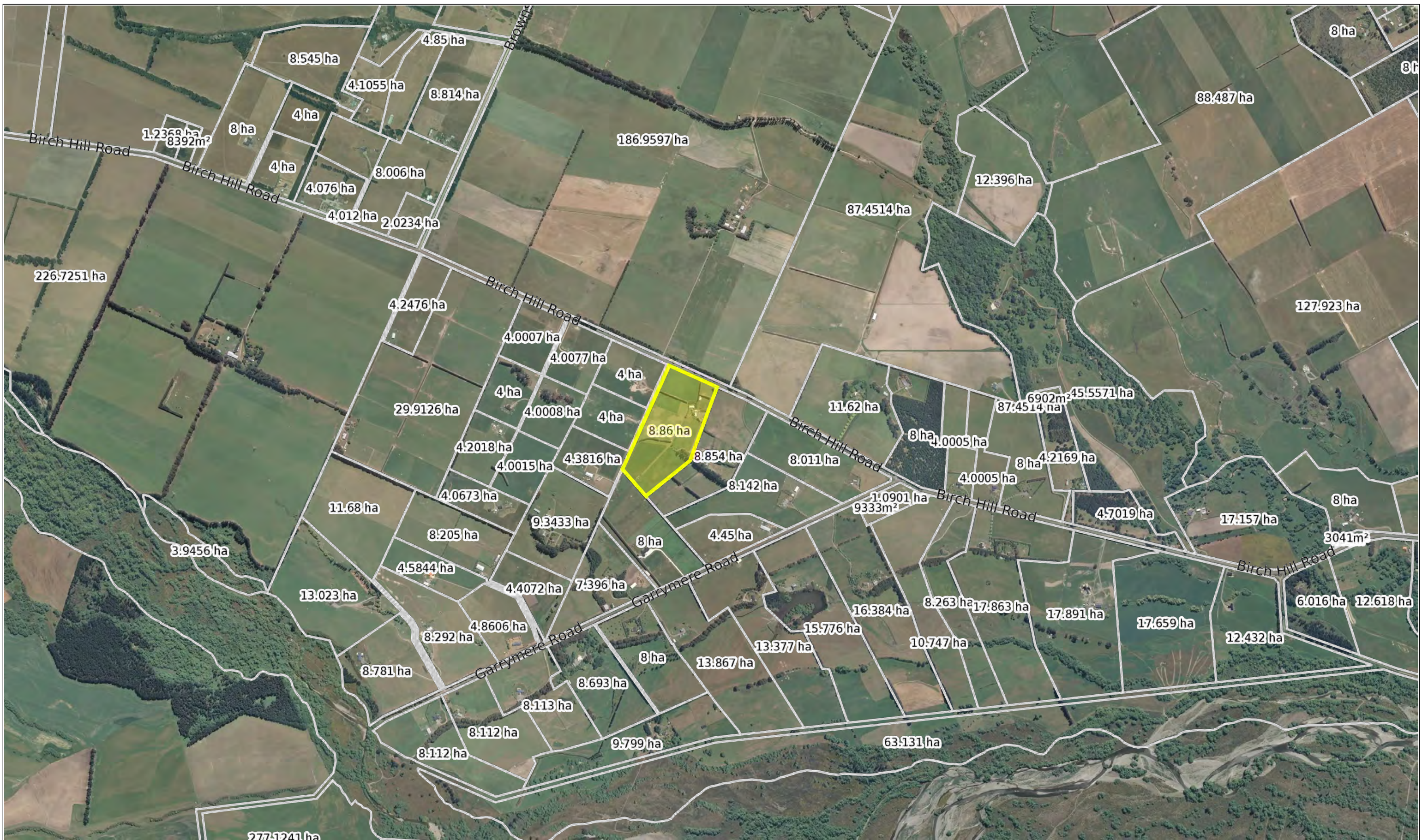
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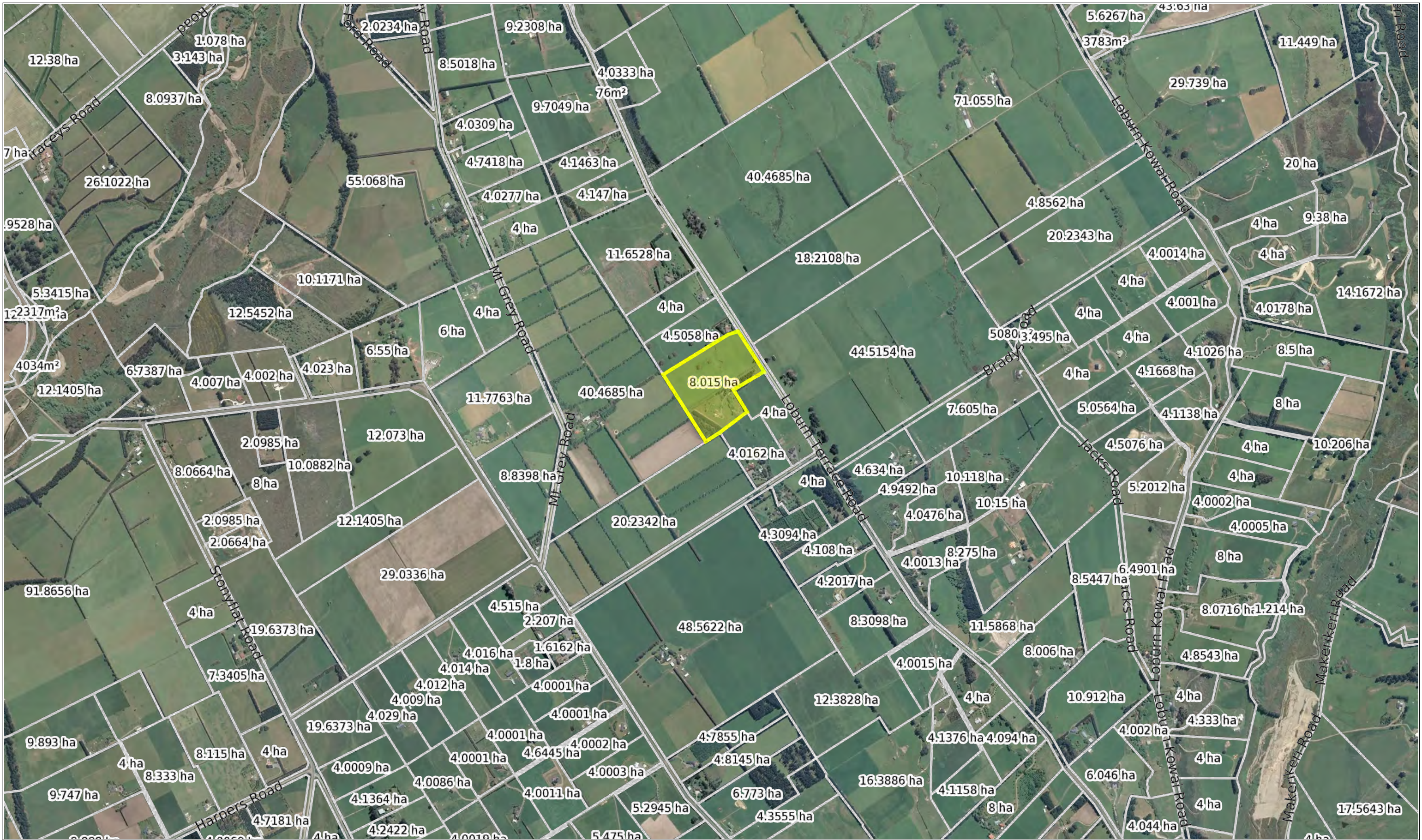




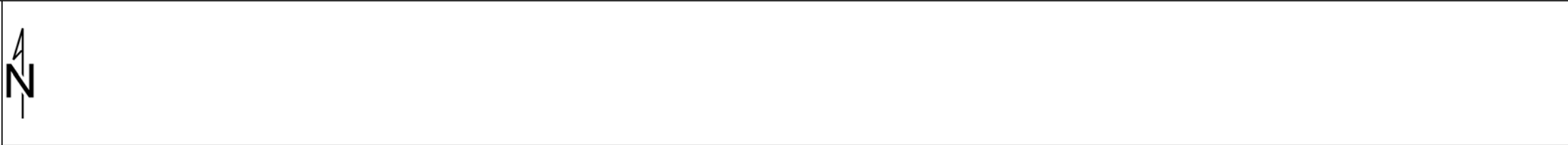
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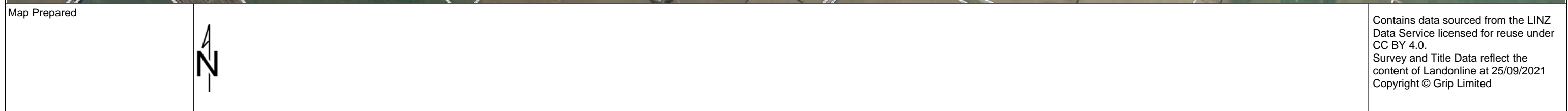
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RESOURCE MANAGEMENT ACT 1991

Public Notice of Decisions on Proposed Waimakariri District Plan, Variation 1 (Intensification Planning Instrument), Variation 2 (Financial Contributions) and recommendations on Notices of Requirements

Date of Public Notice: 12 July 2025

Pursuant to Clauses 10(4)(b), 11 and 102 of Schedule 1 of the Resource Management Act 1991 (RMA), Waimakariri District Council (Council) gives public notice that it has made its decisions on the provisions and matters raised in submissions and further submissions on the Proposed Waimakariri District Plan (PDP), Variation 1 (Council's Intensification Planning Instrument relating to housing intensification) and Variation 2 (Financial Contributions).

Council resolved at the Council meeting on 24 June 2025 to accept all the recommendations of the:

- PDP Hearing Panel (appointed to hear and make recommendations on the PDP) including on all Notices of Requirements;
- Independent Hearings Panel (IHP) (appointed to hear and make recommendations on Variation 1).

Pursuant to clause 9 of Schedule 1 of the RMA, Council also gives public notice of its recommendations in respect of provisions included in the PDP pursuant to clause 4(5) Schedule 1 of the RMA and decisions in respect of provisions included in the PDP pursuant to clause 4(6) of Schedule 1 of the RMA.

The PDP is amended in accordance with Council's decision from the date of this Notice.

The Decisions Reports and Decisions Version may be viewed online at:

- <https://www.waimakariri.govt.nz/council/district-development/district-plan-review>; or
- at the Council office and at any of the Council Libraries (Rangiora, Kaiapoi and Oxford).

A person who made a submission on the PDP including Variation 2 may appeal the Council's decision to the Environment Court within 30 working days of the service of the notice of decisions. The appeal period closes at 5pm on 22 August 2025. A copy of the appeal must be served on the Council (via developmentplanning@wmk.govt.nz).

There is no right of appeal to the Environment Court against any decision of Council on Variation 1.

Pursuant to Clauses 20 and 103 of Schedule 1 of the RMA Council also gives public notice that on 14 July 2025 the recommendations of the IHP on Variation 1, as accepted by the Council, are incorporated into the district plan and become operative.

Decisions of the requiring authorities with designations within the district plan will be notified following the process set out in Clause 13 Schedule 1 of the RMA.

For further enquiries, please contact developmentplanning@wmk.govt.nz

Waimakariri District Council Proposed Waimakariri District Plan

Recommendations of the PDP Hearings Panel

Recommendation Report 25

Hearing Stream 8 Part 3: District-wide matters – SUB – Subdivision

This report should be read in conjunction with **Report 1** and **Recommendation Reports 2 and 3**.

Report 1 contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports, a record of all Panel Minutes, a record of the recommendation reports and a summary of overarching recommendations. It does not contain any recommendations per se.

Recommendation Report 2 contains the PDP Panel's recommendations on the PDP's Part 2: District-wide Matters – Strategic directions - SD Strategic directions objectives and policies.

Recommendation Report 3 contains the PDP Panel's recommendations on the PDP's Part 2: District-wide Matters – Strategic directions - UFD Urban Form and Development objectives and policies.

Appendix 1: Schedule of attendances

Appendix 2: Recommended amendments to the Proposed Plan - Tracked from notified version (provisions not consequentially renumbered)

The Hearings Panel for the purposes of **Hearing Stream 8** comprised Commissioners Gina Sweetman (Chair), Allan Cubitt, Gary Rae, Megen McKay, Neville Atkinson and Niki Mealings.

1. Introduction

Report outline and approach

1. This is Report 25 of 37 Recommendation Reports prepared by the PDP Hearings Panel appointed to hear and make recommendations on submissions to the Proposed Waimakariri District Plan (PDP).
2. The report addresses the objective, policies and the advice note relating to the SUB – Subdivision Chapter and the submissions received on those provisions. The relevant provisions are:
 - Introduction
 - Objectives SUB-O1, SUB-O2 and SUB-O3
 - Policies SUB-P1 to SUB-P10
 - Rules SUB-R1 to SUB-R9
 - Standards SUB-S1 to SUB-S18
 - Advice Note SUB-AN1 and SUB-AN2
 - Matters of Control and Discretion SUB-MCD1 – SUB-MCD13
3. We have structured our discussion on this topic as follows:
 - (a) **Section 2** summarises key contextual matters, including relevant provisions and key issues/themes in submissions;
 - (b) **Sections 3 – 13** contains our evaluation of key issues and recommended amendments to provisions; and
 - (c) **Section 14** contains our conclusions.
4. This Recommendation Report contains the following appendices:
 - (a) **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
 - (b) **Appendix 2: Recommended amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we recommend be made to the PDP provisions relating to this topic. The amendments show the specific wording of the amendments we have recommended and are shown in a ‘tracked change’ format showing changes from the notified version of the PDP for ease of reference. Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Recommendation Reports. New whole provisions are prefaced with the term ‘new’ and deleted provisions are shown as struck out, with no subsequential renumbering in either case.

5. We record that all submissions on the provisions relating to SUB – Subdivision chapter have been taken into account in our deliberations. In general, submissions in support of the PDP have not been discussed but are accepted or accepted in part. More detailed descriptions of the submissions and key issues can be found in the relevant s42A Reports, Responses to Preliminary Questions and written Reply Reports, which are available on the Council’s website.
6. In accordance with the approach set out in Report 1, this Report focuses only on ‘exceptions’, where we do not agree fully or in part with the s42A report authors’ recommendations and / or reasons, and / or have additional discussion and reasons in respect to a particular submission point, evidence at the hearing, or another matter. Original submissions have been accepted or rejected as recommended by the s42A report author unless otherwise stated in our Recommendation Reports. Further submissions are either accepted or rejected in conformance with our recommendations on the original submission to which the further submission relates.
7. The requirements in clause 10 of the First Schedule of the Act and s32AA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in Report 1. In summary, these provisions require among other things:
 - (a) our evaluation to be focussed on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
 - (b) the provisions to be examined as to whether they are the most appropriate way to achieve the objectives; and
 - (c) as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our recommendations are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.
8. We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council’s s42A report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Reply Reports. Those reports are part of the public record and are available on the Council website. Where our recommendation differs from the s42A report authors’ recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.
9. A fuller discussion of our approach in this respect is set out in Section 5 of Report 1.

2. Summary of provisions and key issues

Outline of matters addressed in this section

10. In this section, we provide relevant context around which our evaluation of the notified provisions and submissions received on them is based. Our discussion includes:
- (a) summary of relevant provisions;
 - (b) themes raised in submissions; and
 - (c) identification of key issues for our subsequent evaluation.

Submissions

11. There were many submissions received on the Subdivision Chapter, which are outlined in the two section 42A reports.

Key issues

12. We have generally grouped the issues in line with the two s42A reports. We note that we, and no doubt submitters, found it to be problematic to navigate between two s42A reports on subdivision, split between “rural” and “urban”, given the relationship between the two and the general application of many of the provisions between these two environments. Accordingly, our recommendation report considers submission points comprehensively, rather than distinguishing between what is the two s42A reports. Readers of our recommendation report will need to consider both sets of s42A reports, preliminary responses to questions and reply reports.
13. The issues in contention on this chapter addressed in this report are:
- (a) Subdivision General
 - i. Surplus Farm Houses
 - ii. Treatment of subdivision applications lodged prior to PDP notification
 - iii. McAlpines Ltd sawmill
 - (b) SUB-P1, New Rules relating to subdivision close to Heavy Industry in Rural Zones and Major Electricity Distribution Lines, and SUB-MCD10.
 - (c) SUB-P2, SUB-P5, SUB-R2, SUB-S1 and the new policy and rule relating to subdivision around approved development
 - (d) SUB-P6 and SUB-S3
 - (e) SUB-R1 – boundary adjustments
 - (f) SUB-R4
 - (g) SUB-S1 – changes to zoning in Oxford
 - (h) SUB-S2
 - (i) SUB-S16 – public drains
 - (j) SUB-MCD6 / GA-AN5

3. Subdivision – General

Overview

14. The Panel's recommended amendments, over and above the amendments recommended by the s42A report author, are summarised below:

| Provisions | Panel recommendations |
|--|--|
| NOISE-R1 NOISE-R21 Planning Maps | Rename the Timber Processing Noise Contour as the HIZ Processing Noise Contour. Insert the Timber Processing Noise Overlay and apply it to the land adjacent to the McAlpine's sawmill. |

Amendments and reasons

15. The submissions we consider here are those seeking amendments which were general to the Chapter. In summary, these were seeking:
- (a) that subdivision applications lodged prior to the notification of the PDP be processed under the ODP¹, or that the proposed rural subdivision provisions be deleted and a new rule be inserted to enable subdivision applications lodged prior to PDP notification for 4ha lots or more be a controlled activity².
 - (b) to allow for farm houses that are surplus to requirements to be surveyed off from the main property and sold³
 - (c) that the subdivision standards recognise and protect the sawmill (McAlpines) from potential reverse sensitivity effects from the subdivision of rural land.
16. We have addressed these separately below.

Treatment of Subdivision Applications lodged prior to PDP notification

17. This matter related to a number of subdivision applications that had been lodged prior to the PDP being notified seeking subdivision less than 20ha in size. Those applications became immediately subject to SUB-R10, which the Council had applied successfully to the Environment Court to have immediate legal effect upon notification. The submitters sought a 'sunset' clause or bespoke rule that would allow such applications to proceed as a controlled activity, rather than as a non-complying activity under SUB-R10 as notified. We heard from John Waller and Julie and Paul Wyatt who expressed their concerns about the PDP provisions and that their subdivision applications had yet to be fully processed. We also heard from Mr Buckley, the s42A report author for Rural Subdivision, and Mrs Harris, the Council's Planning Manager of the Plan Implementation Unit. Mrs Harris's verbal and written responses to our questions were very helpful for us to understand the background and context to the submissions. We did not receive any evidence from Survus in support of their submission.

¹ Paul Martin and Julie Ann Wyatt [196.1]

² Survus Consultants [205.4], John Waller [89]

³ Barbara Giles [18.1]

18. Having considered all the evidence, we agree with the s42A report author's recommendation that the submissions be rejected. In doing so, we sympathise with the submitters and those who had applications in the system when the PDP was notified.
19. In saying this, we also understand that those who did not have their applications considered after notification chose to put their applications on hold. We have been advised that those applications could still have been processed after the PDP was notified, had the applicants decided to progress with them. From the evidence presented, it would seem that while the activity status would have been at a higher bar it would also seem that less weight would have been given to proposed rule SUB-R10, and its supporting objectives and policies. However, overall, given the matters the objectives, policies and rules are seeking to address, we find that recommending acceptance of the relief sought would be inconsistent with achieving the objectives of the PDP. We therefore recommend that these submissions be rejected.

Surplus Farm Houses

20. We generally agreed with the s42A report author's reason why he recommended rejecting this submission point, in particular, potential reverse sensitivity effects along with effects on vehicle access and character and amenity values. However, we had concerns that there may be legitimate reasons that it may be appropriate to subdivide surplus dwellings, for example where the dwelling would be left unutilised or derelict, and result in adverse amenity and character effects. To that end, we consider that the default activity status from controlled to non-complying and the associated Policy GRUZ-P2 are unduly onerous. However, there was not sufficient scope or evidence to support such an amendment to the activity status, and any such amendment would need to occur through a separate plan change process. We therefore recommend that this submission be rejected.

McAlpines

21. This submitter's submission points were considered through Hearing Stream 5, in respect to the NOISE Chapter and in our recommendation report 13. In that recommendation report, we recommend that the submissions be accepted in part and the NOISE chapter and planning maps be amended to ensure that the McAlpines facility is not adversely affected by reverse sensitivity effects from noise sensitive activities. As such, while we do not recommend any changes to the subdivision rules, we do not agree with Mr Buckley's recommendation to reject these submission points, for the reasons we have expressed in Report 13. We recommend that this submission be accepted in part.

4. SUB-P1, New Rule relating to subdivision close to Heavy Industry in Rural Zones and Major Electricity Distribution Lines, SUB-MCD10 – Reverse Sensitivity and MCD-11 Effects on or from the National Grid

Overview

22. The Panel's recommended amendments to SUB-P1 and SUB-MCD10 as consequential amendments, over and above the amendments recommended by the s42A report author, are summarised below:

| Provision | Panel recommendations |
|-------------|---|
| SUB-P1 | Amend clause 2 to delete "on infrastructure" Amend clause 3 to delete "is managed in a way" as recommended by the s42A report author and restructure the clause |
| New SUB-R6A | Amend clause 1c to refer to a "building square for a building or structure" to be consistent with the National Grid rule. |
| SUB-MCD10 | Amend the end of clause 1 to include "infrastructure and heavy industrial zones" Amend recommended clause 2 to include "on existing activities and infrastructure" |
| SUB-MCD11 | Amend to also include reference to Major Electricity Distribution Lines and MainPower New Zealand Limited |

Amendments and reasons

23. The submissions we consider here are those relating to how reverse sensitivity effects as a result of subdivision are addressed through the SUB Chapter. These include:
- (a) those from Fulton Hogan, Daiken New Zealand Ltd and NZPork⁴ to amend clause 2 of new SUB-P1 to replace minimise with avoid and delete "on infrastructure" and to add a clause to address reverse sensitivity effects on primary production;
 - (b) those from Transpower, Kāinga Ora and Concept Services⁵ to amend clause 3 of SUB-P1 relating to the National Grid
 - (c) the submission of Daiken NZ Ltd⁶ which seeks a new rule to make subdivision close to Heavy Industry in the rural zones a restricted discretionary activity.
 - (d) the submission from MainPower⁷ that sought a new rule to protect the major electricity distribution lines from reverse sensitivity effects.
 - (e) the submission from Waka Kotahi⁸ seeking a new clause to SUB-MCD10 to require the consideration of noise and vibration and minimisation of reverse sensitivity effects.
 - (f) the submission from HortNZ⁹ that seeks that MCD10 is amended to include a new clause considering reverse sensitivity effects on land-based primary production activities on highly productive land and versatile soils; and

⁴ 41.31, 145.2 and 169.5

⁵ 195.94, 325.154 and 230.7

⁶ 145.22

⁷ 249.210

⁸ 275.38

⁹ 295.100

- (g) the submission from Kainga Ora¹⁰ to refer to “anticipated” built form in respect to relevant zones.
24. These submissions were addressed in both s42A reports. We note that we recommend the new SUB-R6A relating to major electricity distribution lines be included. However, we have recommended a minor amendment to clause 1c of the rule so that it refers to “a building square for a building or structure” so that it is consistent with the National Grid rule.
25. The submissions in respect to clause 2 of SUB-P1 sought to expand its remit so it was not limited to reverse sensitivity effects on infrastructure. We questioned Mr Buckley on whether it was appropriate that it be limited to infrastructure, which he addressed through responses to preliminary questions and in his reply report. Mr Buckley’s view was that there was no need to address reverse sensitivity beyond infrastructure, as these would be considered under the appropriate zone policies, which he considered to be separate to the National Grid (and subsequently the Major Electricity Distribution Lines which he recommended be added to clause 3 as a consequential amendment to MainPower). In response to Daiken, he also stated in his s42A report that “SUB-P1 is intended to provide guidance on design and amenity for subdivisions and is not intended to control reverse sensitivity”. We note that he stepped back from this position in his response to our Preliminary Question on this matter, stating that he considers that reverse sensitivity effects are given effect to by way of SUB-R6.
26. The submitters’ maintained their position that reverse sensitivity should be considered for all relevant activities, and not just infrastructure and the National Grid.
27. Overall, we found ourselves confused by Mr Buckley’s responses to the submissions and our questions and generally preferred the submitters’ evidence.
28. We could not understand his statement in his reply report that other infrastructure should be protected from reverse sensitivity, and that including (only) the Major Electricity Distribution Line achieves this. He did not address other infrastructure in his reply, such as roads and rail; however, in response to Waka Kotahi he did recommend that SUB-MCD10 be amended to include a new clause that would read, which we do agree with:
- “Any measures required to minimise potential reverse sensitivity effects, such as noise and vibration, through subdivision design, provision of screening, structures or other mitigation methods”.*
29. We could also not understand Mr Buckley’s logic that infrastructure should only be addressed through the policy. We considered the discussion in his s42A report that traversed how the Energy and Infrastructure Chapter contains a number of objectives and policies that deal with reverse sensitivity on infrastructure, and that the Zone Chapters did as well. We could not understand that if this was the case why there is any need for clause 2 (given that clause 3 deals with the National Grid and Major Electricity

¹⁰ 325.14

Distribution Lines which are addressed in the SUB chapter and subject to setbacks), or if so, why it was limited to just infrastructure.

30. We also considered SUB-MCD10 Reverse Sensitivity which reads:
'Any need to provide a separation distance for any residential unit or minor residential unit from existing activities, and any need to ensure that subsequent owners are aware of potential reverse sensitivity issues from locating near lawfully established rural activities, including but not limited to intensive farming.'
31. We also considered MCD11 – Effects on or of the National Grid (which we consequentially recommend be amended to also address the Major Electricity Distribution Lines later in this report).
32. As we see it, SUB-P1 is given effect to through SUB-R1 and SUB-R2 (which are controlled activities), SUB-R5, SUB-R6 and SUB-R7 (which are restricted discretionary activities). SUB-R1 relates to boundary adjustments, so is unlikely to be relevant to reverse sensitivity effects. However, all the other rules include SUB-MCD10 – Reverse Sensitivity, which we have set out above. MCD11 is a relevant consideration for SUB-R6, and the new Major Electricity Distribution Lines Rule recommended by Mr Buckley. Simply, we can see no policy direction that supports the inclusion of SUB-MCD10 as being relevant to SUB-R2, if SUB-P1 is simply limited to infrastructure, and more specifically the National Grid and Major Electricity Distribution Lines. However, if “on infrastructure” was removed from clause 2, it would provide that necessary policy direction.
33. As a consequential amendment, we recommend amending SUB-MCD10 to include specific reference to infrastructure, as it is currently limited to considering separating residential units from existing activities, including but not limited to intensive farming and effluent spreading areas. We consider that this amendment should be in addition to Mr Buckley’s recommended new clause 2, which we also recommend be amended to include “and infrastructure” after “on existing activities”. In our view, this provides greater policy direction for plan users than the PDP as notified and Mr Buckley’s recommended amendments. To that end we recommend that Fulton Hogan be accepted, and Waka Kotahi, Daiken and NZPork be accepted in part.
34. We also considered HortNZ’s submission in respect to MCD10. We agreed at a high level with Mr Buckley that MCD10 addresses the substantive part of the submission with respect to reverse sensitivity, including recommended amendments to the RLZ and GRUZ built form standards to require setbacks of sensitive activities from existing intensive primary production activities. While Mr Buckley did not recommend any amendments to SUB-MCD10(1), we find that there are amendments that could provide greater certainty and clarity as to how this matter of control and discretion addresses the matters raised by HortNZ. In particular, we have recommended that the term “residential unit and minor residential unit” be amended to “sensitive activities” to be consistent with the terms recommended to be used in RLZ and GRUZ chapters. We have also recommended that recommended clause 2 be amended to include “existing” before activities. We recommend that the HortNZ submission be accepted in part.

35. The final matter in terms of MCD10 and reverse sensitivity other than the National Grid and Major Electricity Distribution Lines was in respect to the submission of Daiken which sought a new rule for subdivision proximate to Heavy Industrial Zones. We note that Daiken had also sought a new policy in the Noise Chapter to address reverse sensitivity effects, which we have recommended be accepted in part. And as noted earlier, we also recommend amendments to the Noise Chapter in respect to McAlpines. We generally agree with Mr Buckley that the recommended new RURZ-P9 and RLZ-BFS5 and our recommended amendments to the NOISE provisions address reverse sensitivity effects on Heavy Industrial Zones. We find that these will largely address Daiken's concerns, however, we also find that the inclusion of "and heavy industrial zones" will ensure that consideration is given at subdivision stage and provide an opportunity for the inclusion of consent notices or similar drawing attention to the proximity of these zones and the activities within them. We therefore recommend that the Daiken submission be accepted in part.
36. In his s42A report, Mr Buckley had recommended that MainPower's requested new rule to control subdivision within 24 metres of the centreline of the major electricity distribution network be rejected. However, in response to Ms Foote's evidence on behalf of MainPower, questions from the Panel and conferencing with Ms Foote, he recommended inclusion of a new rule. We agree and accept the new rule as being appropriate, for the reasons given in Mr Buckley's final memorandum to us of the 9 July 2024. We note that this included a new recommended matter of discretion SUB-MCDX. Having reviewed that proposed new matter of discretion and SUB-MCD11, we find that the more appropriate approach, to avoid unnecessary duplication and repetition, is to amend SUB-MCD11 to include reference to major electricity distribution lines. We therefore recommend that the MainPower submission be accepted in part.
37. We received evidence from Ms Eng for Transpower and Ms Dale for Kainga Ora on the wording of clause 3 of SUB-P1. Ms Eng sought that the wording be retained with a minor grammatical amendment. Ms Dale sought more substantive amendments that would change the clause to the management of effects that may restrict or compromise the National Grid. Concept Services through their submission sought that it be amended to a "manage" approach, where this may potentially restrict the operation. Following our preliminary questions and reply report questions, Ms McClung recommended that the wording be amended to read:
- "is managed in a way to avoid potential reverse sensitivity effects on the National Grid and does not compromise the operation, maintenance, upgrading and development of the National Grid and major electricity distribution lines."*
38. We generally agree with Ms McClung's recommended amendments and the reasons expressed; however, we felt that the addition of "is managed in a way" was not necessary, as the chapeau is about enabling subdivision, and inherently includes managing effects. We have recommended that the clause be restructured, so that it reads:

"In respect to the National Grid and Major Electricity Lines

- a. *Avoids potential reverse sensitivity effects on them and*
- b. *does not compromise their operation, maintenance, upgrading and development.”*

39. We find that this amendment gives better effect to the NPSET and the CRPS. We therefore recommend that the Transpower and Kainga Ora submissions be accepted in part.

5. SUB-P2, SUB-P5, SUB-R2, SUB-S1 and new Policy and Rule relating to subdivision around approved development

Overview

40. The Panel’s recommended amendments to SUB-P2, SUB-P5 and SUB-S1 over and above the amendments recommended by the s42A report author, are summarised below:

| Provision | Panel recommendations |
|-----------|--|
| SUB-P2 | <p>Amend the chapeau and clause 1 to:</p> <ul style="list-style-type: none"> • better reference that it is subdivision that creates allotments, and those allotments in residential areas should reflect the intended pattern of development and be consistent with the overall intent of the zone. • delete high quality in respect of urban design principles and reference to multi-unit development and focus the clause on ensuring subdivision reflects the intended pattern of development for the zone <p>Amend new clause 4 by adding “anticipated” before activities and deleting the words after activities</p> |
| SUB-P5 | <p>Amend the policy to include “anticipated” before the officer’s recommended “for and function” and replace “for” with “of” in respect to the zone.</p> |
| SUB-S1 | <p>Amend the GRZ minimum allotment area to read “no minimum where a land use consent has been submitted and approved”.</p> <p>Amend the MDRZ minimum allotment area to read “no minimum where a land use consent (where required) and/or a building consent have been submitted and approved”. Delete reference to a design statement.</p> |

Amendments and reasons

41. The submissions we consider here are those seeking amendments to SUB-P2 and SUB-P5. These were:
- (a) from Ravenswood Developments¹¹ that seeks a new clause be added to SUB-P2 referencing commercial and industrial zones; and
 - (b) from Kainga Ora¹² which sought that:
 - i. SUB-P2 be amended to align with the rule framework in residential chapters, the reference to densities be deleted and clause 1(b) be deleted.
 - ii. SUB-P5 be deleted.
 - iii. A new policy be introduced to enable subdivision in accordance with an approved land use or building consent.
 - iv. SUB-R2 be renamed “vacant site subdivision” and a new controlled activity rule be introduced for subdivision associated with an approved land use consent and/or building consent.
42. We agree with Ms McClung’s recommended amendment to SUB-P2 in response to the Ravenswood Developments submission to include a new clause referring to commercial and industrial zones, including reference to Mixed Use Zones. However, in line with and consequential to our recommended amendment to clause 1, we have recommended inclusion of the word “anticipated” before activities and a rewording of the clause for grammatical sense.
43. Ms Dale for Kainga Ora set out the rationale for the requested amendments to SUB-P2 and SUB-P5 and new policy in evidence. She recommended that the issues raised by Kainga Ora could be addressed through one new policy, through amending SUB-P2. The amendments, including those to SUB-R2 and a new rule, were to enable subdivision around existing dwellings that are lawfully established through land use consents, or a building consent for permitted activities. Her view was that it was unnecessary to constrain subdivision, including with smaller lot sizes, where the density and form had already been approved. Ms Dale noted in evidence that Ms McClung in her s42A report had not addressed single units or the General Residential Zone. In terms of SUB-P2, she sought specific reference to enabling subdivision around approved development and deletion of high quality and multi-unit development from clause 4 and replacement with reference to a well-functioning urban environment. Ms Dale continued to seek that SUB-P5 be deleted.
44. In evidence, as alternative relief, Ms Dale sought that SUB-R2 be amended into two parts, to cover vacant lot subdivision and subdivision in accordance with an approved land use or building consent.
45. Ms McClung did not support Kainga Ora’s requested amendments to SUB-P2 or SUB-R2. Her view was that those provisions did align with the policy and rule framework for residential development, and the reference to densities was appropriate. Further, she

¹¹ 347.11

¹² 325.154

considered that SUB-S1 already adequately addressed multi-unit development in the MRZ, which she understood all Kainga Ora developments within Waimakariri to be located within. We note that we did not read from Kainga Ora's submission or Ms Dale's evidence that their interest was limited to multi-unit development. In her reply report, Ms McClung continued to recommend that the relief sought be rejected. Her position was that an indicative subdivision plan at land use consent does not provide the certainty required, citing easements for services and access are created through subdivision, which need to be accurately located.

46. We also noted Mr Buckley's opinion in his speaking notes that permitted subdivision with land use or building consent conflates the ability to use land with the ability to subdivide without any controls. He referenced s106 RMA, stating that this cannot be implemented should subdivision be a permitted activity.
47. The Panel did not understand either Ms McClung or Mr Buckley's response in respect to Kainga Ora's relief. The submission is clear that the relief sought was a controlled activity rule, subject to SUB-MCD6, and not a permitted activity. We did concur with Ms McClung however that Ms Dale's recommended rule would not include consideration of matters such as easements for services and access, given she proposed the only matter of control be limited to MCD6. We consider that these are important matters for consideration.
48. We carefully considered Ms Dale's requested relief. We find that there may be circumstances in both the Medium Density Residential Zone and the General Residential Zone whereby a land use consent is granted prior to a subdivision consent having been applied for. In respect of the proposed rule applying to building consents, we note that obtaining a land use consent with a lower lot size would only ever be likely for the Medium Density Residential Zone, given that the net site area and minimum lot size in the General Residential Zone are the same.
49. Rather than split SUB-R2, we consider the relief sought can best be achieved through Table SUB-S1 being amended to set out that no minimum lot size is required where a land use consent for a smaller allotment area has been submitted and approved (General Residential Zone and Medium Density Residential Zone) or a building consent has been submitted and approved (Medium Density Residential Zone only). We also preferred Ms Dale's recommended rewording of SUB-P2 so that the reference is back to the intent of the zone, providing greater guidance for decision-making.
50. In respect of SUB-P5, we generally agree that Ms McClung and Mr Buckley's recommended amendments are more appropriate than the policy as notified, and it better supports a discretionary activity default for the Medium Density Residential Zone. We have recommended minor wording amendments to ensure consistency of terminology across the Plan. We therefore recommend the submission be accepted in part.

6. SUB-P6 and SUB-S3

Overview

51. The Panel's recommended amendments to SUB-P6 and SUB-S3, over and above the amendments recommended by the s42A report author, are summarised below:

| Provision | Panel recommendations |
|-----------|---|
| SUB-P6 | Amend clause c by including "that make compliance impractical" Amend new clause m to read "demonstrate how any adverse effects associated with natural hazards are to be avoided, remedied or mitigated in accordance with the relevant objectives and policies in the NH-Natural Hazards Chapter" Amend new clause n to read "identify any indigenous biodiversity values and show how they will be protected and / or maintained in accordance with the relevant objectives and policies in the ECO-Ecosystems and Indigenous Biodiversity Chapter" |
| SUB-S3 | Reword the standard to read "Residential subdivision of any area subject to an ODP which is located within the Medium Density Residential Zone shall provide for a minimum net density of 15 households per ha, unless a lower minimum net density is specified for the ODP in the relevant Development Area Appendix" Amend the default activity status to discretionary. |

Amendments and reasons

52. The submissions we consider here are those seeking amendments to SUB-P6 and SUB-S3. These were:
- (a) The submission from Environment Canterbury¹³ seeking a new subclause to require demonstration that any high hazard areas are avoided and other natural hazards are addressed in accordance with Chapter 11 of the CRPS
 - (b) The submission from Forest and Bird¹⁴ seeking identification, protection and maintenance of indigenous biodiversity values
 - (c) The submission from Nicholas Hoogeveen¹⁵ to make non-compliance with SUB-S3 a discretionary activity

¹³ 316.129

¹⁴ 192.81

¹⁵ 202.5

(d) The submissions seeking amendments to the density minimums¹⁶

53. Having considered Environment Canterbury's submission and evidence, Ms McClung recommended amendments to SUB-P6 to include a new clause requiring consideration of natural hazards. We agree with Ms McClung that such a new clause is appropriate, for the reasons provided by her and Environment Canterbury. Ms Watt for Environment Canterbury was generally comfortable with the new clause, subject to amendments so that adverse effects are to be avoided, remedied or mitigated in accordance with NH-P3. We have reviewed the recommended clause as drafted by McClung and recommended an amended version to include "in accordance with" and replaced the reference to "the hierarchy" set out in the Natural Hazards Chapter with the "relevant objectives and policies", given that how natural hazards are managed differs between high hazard and other hazard areas. We consider that this approach provides for better consideration of the different policy approaches articulated in the Natural Hazards Chapter. We therefore recommend that the Environment Canterbury submission be accepted in part.
54. In respect to Forest and Bird's submission, Ms McClung's position in her s42A report and response to preliminary questions was that clause d) already required consideration of "natural values" and separate inclusion of a clause in respect to indigenous biodiversity values was not needed. Forest and Bird did not provide any evidence in support of their submission. In questions to Ms McClung, we pointed out that the Contaminated Land s42A report author had recommended inclusion of "including ecological values" after "natural values" in response to a submission from Environment Canterbury also questioning the term. However, in her reply report, she recommended a new clause "identify indigenous biodiversity values and show how they will be protected and maintained". We agree that this is the most appropriate option to respond to the Forest and Bird submission and to ensure that indigenous biodiversity values are a relevant consideration in the development of ODPs. We have recommended a minor wording edit consistent with the amendments we recommend to the natural hazard clause. We therefore recommend that the Forest and Bird submission be accepted in part.
55. We would like to thank Ms McClung for the thoughtful consideration she gave to those submissions which sought changes to the minimum net site densities set out in SUB-P6 and SUB-S3. We would also like to thank Mr Thomson for his considered evidence and responses to Panel questions. We were generally comfortable with where Ms McClung got to in her Reply Report, where she provided two options for our consideration, while stating her preference for her first option. We have generally agreed with her option 1, with the following exceptions:
- (a) We have recommended an amendment to SUB-P6(c) which includes the words "that make compliance impractical". We had noted Ms McClung has recommended an amendment to SUB-MCD2 which would provide assessment consideration for a non-compliance with the 15 households/hectare. However, with a default of either non-complying (as recommended by Ms McClung) or discretionary (as we recommend), we see no reason to amend SUB-MCD2, as it

¹⁶ Richard and Geoff Spark [183.7], J & C Broughton [223.8], R Alloway and L Larsen [236.10], Dalkeith Holdings Ltd [242.7], M Hales [246.8] and Ngai Tahu Property [411.31]

simply would not be particular to either activity status. We are satisfied also that the vires issues we raised with SUB-S3 have now been satisfactorily addressed.

- (b) We have recommended an amendment to SUB-S3, so that compliance is either with 15 households/ha or a lower minimum net density that is specified in an ODP. In response to Mr Hoogeveen's submission and Mr Thomson's evidence, where he sets out why a discretionary activity rule is appropriate, we recommend a discretionary activity status. We consider that SUB-P6 provides sufficient policy direction to require a minimum net site density of 15 households per ha, unless there are constraints, and then if so, it sets a bottom line of 12 households per ha.

- 56. Having recommended these amendments, we recommend that the submissions from Richard and Geoff Spark [183.7], J & C Broughton [223.8], R Alloway and L Larsen [236.10], Dalkeith Holdings Ltd [242.7], M Hales [246.8], Ngai Tahu Property [411.31] and Nicholas Hoogeveen [202.5] be accepted in part.

7. SUB-R1

Overview

- 57. The Panel has no recommended amendments in response to the submissions, beyond those recommended by the s42A report authors.

Reasons

- 58. The submissions we consider here are those seeking amendments to SUB-R1. These are set out in the two s42A reports. Ms McClung recommended amending SUB-R1 so that SUB-S1 was also a relevant consideration, in response to a submission from the Council itself. With no evidence presented to the contrary, we accept this recommendation. However, our observation is that this amendment effectively results in SUB-R1 and SUB-R2 having no material difference, and question what the purpose is of having a rule for boundary adjustments. Commissioner Cubitt relayed his experience with boundary adjustments, noting that they generally occur to rectify various physical issues with lot layout without having to meet the usual lot size standards. Mrs Harris for the Council had a different view, noting circumstances she had encountered where people had found loopholes to result in further subdivision well below the minimum lot size. We recommend that the Council gives further consideration through a future plan change process as to the intent, purpose and need for this rule.

8. SUB-R4

Overview

- 59. The Panel's recommended amendments to SUB-R4 over and above the amendments recommended by the s42A report author, are summarised below:

| Provision | Panel recommendations |
|-----------|--|
| SUB-R4 | Amend clause 1 to commence “an allotment is intended to accommodate a natural hazard sensitive activity” |

Amendments and reasons

60. The submissions we consider here are those seeking amendments to SUB-R4.
- (a) The submission from Nicholas Hoogeven¹⁷ seeking a default discretionary activity status where the rule conditions are not met
 - (b) The submission from Bellgrove Rangiora Ltd¹⁸ seeking a default controlled or restricted discretionary activity status where the rule conditions are not met
61. We accept Ms McClung’s advice to amend clause 1 so that it only applies where the subdivision is intended to accommodate a natural hazard sensitive activity and agree with her reasoning, as set out in her response to preliminary questions. We have recommended that the wording of clause 1 be further amended to provide greater clarity, in particular that it is an allotment being created, which is intended to accommodate a natural hazard sensitive activity. With this amendment, we consider that the relief sought by the submitters is generally provided for. We note that there is some double up in the Rural Zones between clause 1 and SUB-S2, however, the default activity status remains the same. We are satisfied that the activity status is appropriate in the circumstances and is consistent with the approach taken in the NH- Natural Hazards Chapter. We recommend that these submissions be accepted in part.

9. SUB-S1 – changes to zoning in Oxford

Overview

62. The Panel has no recommended amendments in response to the submissions, beyond those recommended by the s42A report author.

Reasons

63. The submission we consider here is that from Mr Ken Fletcher¹⁹ who seeks that:
- (a) The minimum lot size in the existing Oxford residential area (General Residential Zone) be increased to 600m²
 - (b) The outward growth of Oxford be enabled, with lot sizes ranging from 2,000-2,500m²
 - (c) The current LLR Zones on the northern and eastern edges of the town be enabled for lot sizes in the range of 2,000-5,000m², with an expansion area to the north (shown as LLZRO) enabled for lots between 2,000-5,000m²
 - (d) Remove the average 5,000m² requirement for LLR areas on the town periphery, and replace it with a maximum lot size of 2,000m²

¹⁷ 202.3

¹⁸ 408.13

¹⁹ 99.1

- (e) Or, provide for lots of 2,000-5,000m², with an average lot size less than 5,000m² being a restricted discretionary activity.
64. While we overall agree with Ms McClung's recommendation to reject Mr Fletcher's relief, we sympathised with his position and considered it appropriate to address his submissions directly.
65. In summary, Ms McClung did not support Mr Fletcher's requested amendments to the LLRZ as she considered it would not give effect to the CRPS definition of rural residential activities and associated policy direction. In respect of his requested amendments to the minimum lot size in the GRZ in Oxford, her position was that 500m² was a minimum, and if the market demanded it, larger 600m² lots would then be created. Accordingly, there was no need to change the minimum lot size.
66. Mr Fletcher traversed these matters through his tabled expert and lay evidence. We had also heard from Mr Fletcher through Hearing Streams 1 and 2, and we subsequently heard from him in respect to Variation 1. We generally agree with Mr Fletcher that there is a "lot" or zoning hole in the PDP, as notified. There is a large step change between the minimum lot sizes in the GRZ and the LLRZ, with nothing in between, and then again between the LLRZ and the Rural Lifestyle Zone. We are not necessarily convinced by Ms McClung's argument that the minimum lot sizes are just that, and if there is demand for larger lot sizes, those will be provided.
67. However, we were also not provided with independent expert evidence that there is a gap in the zoning provisions in respect to the market. We appreciate that Mr Fletcher provided us with his expert evidence, but in accordance with the Environment Court's Code of Conduct for Expert Witnesses, we find we can place very little weight on that evidence. Quite simply, an expert cannot provide expert evidence to support their own submission, however impartial they may purport to be. Further, even if we were to accept his expert evidence, Mr Fletcher did not provide us either with provisions (objectives, policies, and rules) or geographic locations of where this new zone may best locate. He has also not provided us with an accompanying s32 evaluation prepared by an independent expert as to why that approach would be the most appropriate. Having said that we fully understand the enormity of this task for a submitter to undertake.
68. We recommend that the matters raised by Mr Fletcher would be best addressed in a comprehensive manner through a future plan change, if it was determined by the Council that this was an issue that needs to be resolved and that such a plan change would be consistent with the NPS-UD and the CRPS. We recommend that Mr Fletcher's submission be rejected.

10. SUB-S2

Overview

69. The Panel's recommended amendments to SUB-S2, over and above the amendments recommended by the s42A report author, are summarised below:

| Provision | Panel recommendations |
|-----------|---|
| SUB-S2 | <p>Amend clause 1 so that it references a “residential unit and associated accessory buildings”</p> <p>Add a new clause 2 that reads “any identified building platform must be located to comply with BFS4 and BFS5 for the relevant Zone”.</p> |

Amendments and reasons

70. The submission we consider here is that from NZPork²⁰ which sought that the standard be deleted and replaced with a new one which required new allotments to identify a 30x30m building platform site for a dwelling, vehicle manoeuvring and accessory buildings, including dwelling setbacks for each zone, and that these platforms should be set back 300m from the boundary of any paddock housing stock and wastewater treatment systems used for intensive primary production. This submission was refined through Mr Hodgson’s evidence to seek a new clause 2 requiring that the identified building platform must be located outside of all built form standards specifying a setback or separation distance requirement.
71. After initially recommending that the submission be rejected, Mr Buckley in his reply report recommended that clause 1 be amended to refer to building platforms only needing to be identified for sensitive activities. He expressed the view in his s42A report that the issue of setbacks from adjacent properties and activities is already addressed in the Rural Zone chapters and therefore need not be repeated in the subdivision rules and standards.
72. We agree in part with Mr Buckley’s recommended amendment and that the submitter’s relief be accepted in part. We consider it is more appropriate to refer to residential units and associated accessory buildings instead of sensitive activities, given the definition of sensitive activities in the PDP is broad and includes activities that would not be permitted in a rural environment. Given that subdivision usually predates development and the construction of new residential units, the Panel also agrees with the submitter and consider that it is appropriate that the identified building platform is required to be shown in a location that complies with the relevant Rural Zone’s built form standards in respect to setbacks from boundaries and activities. This will ensure that an identified building platform is shown which complies with the Zone requirements and should preclude a subsequent landowner from needing to obtain a land use consent where the platform does not comply with those standards. We could not understand Mr Buckley’s position that these standards would be assessed as part of a subdivision consent application, given subdivision is a controlled activity and is only subject to the conditions and standards listed in the rule. We therefore recommend that NZPork’s submission be accepted in part.

²⁰ 169.18

11. SUB-S16 – public drains

Overview

73. The Panel's recommended amendments as a consequential amendment to SUB-S16, over and above the amendments recommended by the s42A report author, is summarised below:

| Provision | Panel recommendations |
|------------|---|
| Definition | Do not include an advice note as recommended by the s42A report author. Include a new definition of public drain |

Amendments and reasons

74. The submission we consider here is that from Waka Kotahi²¹ which sought that a new definition be included for public drain. Waka Kotahi had not provided evidence in support of their relief. Mr Buckley recommended a new advisory note be included to explain that the term public drain referred to the District Council owned stormwater system. His recommended advisory note aligned terminology used in the Councils Stormwater Drainage and Protection Watercourse Protection Bylaw. Mr Buckley set out why he considered appropriate that what constitutes a public drain be explained through the advisory note. We generally agree with Mr Buckley but agree with Waka Kotahi that the most appropriate way to explain what a term means is through a definition. We therefore recommend that Waka Kotahi's submission be accepted, and a new definition inserted.

12. SUB-MCD6 / GA-AN5

Overview

75. The Panel's recommended amendments, over and above the amendments recommended by the s42A report author, are summarised below:

| Provision | Panel recommendations |
|-----------|--|
| GA-AN5 | The new advice note be reworded for clarity of implementation. |

Amendments and reasons

76. The submission we consider here is that from Environment Canterbury²² which sought the inclusion of an advice note that highlights that any onsite wastewater treatment system must be either permitted under the Regional Plan or obtain a resource consent. Mr Buckley subsequently recommended, which Ms Watt for Environment Canterbury

²¹ 275.35

²² 316.134

agreed with, that such an advice note be included in Part 1 of the PDP as this is a wider requirement than just subdivision. He also recommended that the advice note extends to include the requirement for a building consent. We agree, and we recommend that this submission be accepted in part, subject to some minor rewording to provide better clarity for implementation.

13. Other matters and consequential changes

77. The Panel did not identify any other matters or consequential changes.

14. Conclusion

78. For the reasons summarised above, we recommend the adoption of a set of changes to the PDP provisions relating to Part 2: District-Wide Matters – SUB – Subdivision. Our recommended amendments are shown in Appendix 2.
79. Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national and regional direction, and our recommended Strategic Directions, and will improve its useability.

Appendix 1: Submitter attendance and tabled evidence for Subdivision - Hearing Stream 8

| Attendee | Speaker | Submitter No. |
|--|---|----------------------|
| Council Reporting Officers | <ul style="list-style-type: none"> • Rachel McClung • Mark Buckley | N/A |
| Kainga Ora | <ul style="list-style-type: none"> • Clare Dale • Josh Neville | 325, FS 88 |
| R & G Spark | <ul style="list-style-type: none"> • Ivan Thomson | 183 |
| Canterbury Regional Council | <ul style="list-style-type: none"> • Victoria Watt | 316, FS 105 |
| John Waller | <ul style="list-style-type: none"> • John Waller | 89, FS 40 |
| Julie & Paul Wyatt | <ul style="list-style-type: none"> • Julie & Paul Wyatt | 196 |
| Tabled Evidence | | |
| Daiken | <ul style="list-style-type: none"> • Stephanie Styles | 145 |
| NZ Pork | <ul style="list-style-type: none"> • Vance Hodgson | 169 |
| KiwiRail Holdings Ltd | <ul style="list-style-type: none"> • Michelle Grinlinton-Handcock | 373, FS 99 |
| Horticulture NZ | <ul style="list-style-type: none"> • Vance Hodgson | 295, FS 47 |
| Mainpower NZ Ltd | <ul style="list-style-type: none"> • Melanie Foote • J Appleyard • A Lee | 249 |
| Christchurch International Airport Ltd | <ul style="list-style-type: none"> • J Appleyard • A Lee | 254 FS80 |
| Ken Fletcher | <ul style="list-style-type: none"> • Ken Fletcher | 99, V1 74 |
| Transpower | <ul style="list-style-type: none"> • Rebecca Eng | 195, FS 78 |
| Ohoka Meadows Ltd | <ul style="list-style-type: none"> • Nicholas Hoogeveen | 202 |

Appendix 2: Recommended amendments to the Proposed Plan - Tracked from notified version
(provisions not consequentially renumbered)

SUB - Wāwāhia whenua - Subdivision

Introduction

Subdivision provides a framework for land ownership so that development and activities can take place. Subdivision can take place at a variety of scales, from a boundary adjustment or two-lot subdivision through to larger scale land development incorporating provision of cost effective and sustainable infrastructure and land for other uses such as open space.

Subdivision plays an important role in determining the location and density of development and its effect on the character and sustainability of rural and urban environments. It also implements national direction for urban development and enables land use anticipated by the various zone provisions.

The subdivision process can also include the provision of services for development and activities, including open space, infrastructure and community facilities. The adverse effects of activities are addressed by district wide or zone provisions, however some activities and their effects are managed at the time of subdivision, such as earthworks and the forming of roads.

Subdivision also provides an opportunity to consider matters such as natural hazards, protection and enhancement of riparian margins, rural character, reverse sensitivity, urban design, and the recognition and protection of cultural values.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

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](#).¹
- 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.

¹ Environment Canterbury [316.129]

| Objectives | |
|---------------|--|
| SUB-O1 | Subdivision design Subdivision design achieves an integrated pattern of land use, development, and urban form, that: <ol style="list-style-type: none"> 1. provides for anticipated land use and density that achieve the identified future character, form or function of zones; 2. consolidates urban development and maintains rural character except where required for, and identified by, the District Council for urban development; 3. supports protection of cultural and heritage values, conservation values, <u>indigenous biodiversity values</u>²; and 4. supports community resilience to climate change and risk from natural hazards. |
| SUB-O2 | Infrastructure and transport <u>Subdivision is designed and located in a way that supports the e</u> ³ <u>fficient and sustainable provision, use and maintenance of infrastructure; and a legible, accessible, safe,</u> ⁴ <u> well connected transport system for all transport modes.</u> |
| SUB-O3 | Esplanade reserves and esplanade strips Esplanade reserves and esplanade strips created through subdivision adjacent to the sea, lakes and rivers contribute to: <ol style="list-style-type: none"> 1. the protection of conservation values; 2. public access to or along rivers and lakes or the coast; or 3. enable public recreational use where it is compatible with conservation values. |
| Policies | |
| SUB-P1 | Design and amenity Enable subdivision that: <ol style="list-style-type: none"> 1. within Residential Zones, incorporates best practice urban design, access to open space, and CPTED principles; 2. minimises reverse sensitivity effects <u>on infrastructure</u>⁵ including through the use of setbacks; 3. <u>in respect to the National Grid and Major Electricity Distribution Lines:</u> <ol style="list-style-type: none"> a. avoids <u>subdivision that restricts potential reverse sensitivity effects on them and</u>⁶ b. <u>does not compromise</u> their operation, maintenance, upgrading and development <u>of the National Grid</u>⁷ 4. recognises and provides for the expression of cultural values of mana whenua and their connections in subdivision design; and 5. supports the character, amenity values, <u>anticipated</u>⁸ form and function for the relevant zone. |
| SUB-P2 | Allotment layout, size and dimension Ensure <u>subdivision creates that</u> allotments <u>that layout, size and dimensions</u> ⁹ : <ol style="list-style-type: none"> 1. in Residential Zones |

² Forest and Bird [192.79]³ Mainpower [249.204]⁴ Waka Kotahi [275.28]⁵ Fulton Hogan [41.31], Daiken [145.21], NZPork [169.15]⁶ Kainga Ora [325.154], Concept Services [230.7] and Transpower [195.94]⁷ Kainga Ora [325.154], Concept Services [230.7] and Transpower [195.94]⁸ Kainga Ora [325.154]⁹ Kainga Ora [325.154]

| | |
|---------------|--|
| | <ul style="list-style-type: none"> a. enables a variety of allotment sizes to cater for different housing types and densities to meet housing needs <u>reflect the intended pattern of development and are consistent with the purpose, character, amenity values and anticipated form and function for the relevant zone;</u>¹⁰ b. supports the achievement of high quality urban design principles for multi-unit residential development;¹¹ 2. in Rural Zones: <ul style="list-style-type: none"> a. retains the ability for rural land to be used for primary production activities; and 3. in Open Space and Recreation Zones: <ul style="list-style-type: none"> a. provides a variety of types and sizes of open space and recreation areas to meet current and future recreation needs. 4. <u>in Commercial and Mixed Use</u>¹², <u>and Industrial Zones;</u> <ul style="list-style-type: none"> a. <u>provides for the design and operative requirements of anticipated activities.</u>¹³ |
| SUB-P3 | <p>Sustainable design</p> <p>Ensure that subdivision design:</p> <ul style="list-style-type: none"> 1. maximises solar gain, including through: <ul style="list-style-type: none"> a. road and block layout; and b. allotment size, dimension, layout and orientation; 2. in Residential Zones, Commercial and Mixed Use Zones, and Open Space and Recreation Zones, supports walking, cycling and public transport; and 3. promotes: <ul style="list-style-type: none"> a. water conservation;¹⁴ b. on-site collection of rainwater for non-potable use;¹⁵ c. water sensitive design, and d. the treatment and/or attenuation of stormwater prior to discharge, and 4. <u>where appropriate promotes:</u> <ul style="list-style-type: none"> a. <u>water conservation</u> b. <u>onsite collection of rainwater for non-potable use, and</u>¹⁶ 5. recognises the need to maintain the design capacity of infrastructure within the public network and avoid causing flooding of downstream properties; <u>and</u> 6. <u>recognises and provides for the ability to adapt and respond to the effects of climate change and environmental pressures.</u>¹⁷ |
| SUB-P4 | <p>Integration and connectivity</p> <p>Achieve integration and connectivity by ensuring:</p> <ul style="list-style-type: none"> 1. in urban environments that there is effective integration of subdivision patterns and multi-modal transport connections within new development and to existing development; 2. subdivision on the boundaries between new and existing development is managed to: <ul style="list-style-type: none"> a. avoid or mitigate significant adverse effects, including reverse sensitivity effects, through the use of setbacks, landscaping to achieve screening, and other methods; and b. continuation of transport and pedestrian or cycle linkages. |

¹⁰ Kainga Ora [325.154]¹¹ Kainga Ora [325.155]¹² Ravenswood Developments Limited [347.11]¹³ Ravenswood Developments Limited [347.11]¹⁴ Kainga Ora [325.157]¹⁵ Kainga Ora [325.157]¹⁶ Kainga Ora [325.157]¹⁷ Environment Canterbury [316.126]

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| | |
| SUB-P5 | <p>Density in Residential Zones</p> <p>Provide for a variety of site sizes within Residential Zones, while achieving minimum residential site sizes that are no smaller than specified consistent with the character, amenity, and anticipated form and function of¹⁸ the zone.</p> |
| SUB-P6 | <p>Criteria for Outline Development Plans</p> <p>Ensure that new Residential Development Areas, <u>new General Residential Zones</u>,¹⁹ new Large Lot Residential Zones, new Commercial and Mixed Use Zones and new Industrial Zones shall not be subdivided until an ODP for that area has been included in the District Plan and each ODP shall:</p> <ol style="list-style-type: none"> 1. be prepared as a single plan; and 2. be prepared in accordance with the following: <ol style="list-style-type: none"> a. identify principal roads, connections and integration with the surrounding road networks, relevant infrastructure and areas for possible future development; b. any land to be set aside: <ol style="list-style-type: none"> i. for community facilities or <u>school educational facility</u>²⁰; ii. parks and land required for recreation or reserves; iii. for business activities; iv. the distribution of different residential densities; v. for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths; vi. from development for environmental or landscape protection or enhancement; and vii. from development for any other reason, and the reasons for its protection. c. for new Residential Development Areas demonstrate how each ODP area will achieve a minimum net density of at least 15 lots or households per ha, unless there are demonstrated constraints <u>that make compliance impractical</u>,²¹ then no less than 12 households per ha; d. identify any cultural, natural, and historic heritage features and values and show how they are to be enhanced or maintained; e. indicate how required infrastructure will be provided <u>and how it will be funded</u>²²; f. set out the phasing and co-ordination of subdivision and development; g. demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area; h. for new Residential Development Areas, demonstrate how open space, playgrounds or parks for recreation will be provided within a 500m radius of new residential allotments including: <ol style="list-style-type: none"> i. transport connectivity for active, public and other transport modes; ii. connection to any other open space or community facility and other zones; and iii. potential use of open space for stormwater management; |

¹⁸ Kainga Ora [325.159]¹⁹ Waimakariri District Council [367.9]²⁰ Ministry of Education [277.32]²¹ Bellgrove Rangiora Ltd [408.36] Richard and Geoff Spark [183.7], Ngai Tahu Property [411.9 and 411.31], J & C Broughton [223.9], R Alloway and L Larsen [236.10], Dalkeith Holdings Ltd [242.7], M Hales [246.8]²² Waka Kotahi [275.30]

| | |
|---------------|---|
| | <ul style="list-style-type: none"> i. show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated; j. show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated; k. include any other information which is relevant to an understanding of the development and its proposed zoning; and l. demonstrate that the design will minimise any reverse sensitivity effects²³. <u>m. demonstrate how the adverse effects associated with natural hazards are to be avoided, remedied or mitigated, in accordance with the relevant objectives and policies in the NH - Natural Hazards Chapter, and²³</u> <u>n. identify any indigenous biodiversity values and show how they will be protected and/or maintained in accordance with the relevant objectives and policies in the ECO – Ecosystems and Indigenous Biodiversity Chapter²⁴.</u> |
| SUB-P7 | Requirements of Outline Development Plans Ensure that subdivision is in accordance with the fixed or <u>and in general accordance with²⁵</u> flexible elements of any relevant ODP. |
| SUB-P8 | Infrastructure Achieve integrated and comprehensive infrastructure with subdivision by ensuring: <ol style="list-style-type: none"> 1. upgrade of existing infrastructure where the benefit is solely for the subdivision and subsequent development, or otherwise provide for cost-sharing or other arrangements for any upgrade, such as financial contributions, that are proportional to the benefit received²⁶; 2. adequate infrastructure provision and capacity to service the scale and nature of anticipated land uses, including: <ol style="list-style-type: none"> a. wastewater disposal that will maintain public health and minimise adverse effects on the environment, while discouraging small-scale standalone community facilities; b. water supply; c. stormwater management; d. phone, internet and broadband connectivity can be achieved, with new lines being underground in urban environments, except within the Special Purpose Zone (Kāinga Nohoanga); e. electricity supply, with new lines being underground in new urban environments except within the Special Purpose Zone (Kāinga Nohoanga); 3. where reticulated wastewater disposal is available, that any new site is to be provided with a means of connection to the system; and 4. where a reticulated wastewater system is not available, ensure that onsite treatment systems will be installed. |
| SUB-P9 | Access to, protection and enhancement of the margins of water bodies During subdivision development: <ol style="list-style-type: none"> 1. ensure the protection and enhancement of the margins of water bodies; and |

²³ Environment Canterbury [316.129]

²⁴ Forest and Bird [192.81]

²⁵ Bellgrove [408.23], Richard and Geoff Spark [183.8], J & C Broughton [223.9], R Alloway and L Larsen [236.11], Dalkeith Holdings Ltd [242.8], M Hales [246.9], CA and GJ McKeever [111.28], John Stevenson [162.27], Chloe Chai and Mark McKitterick [256.28], Clappett Investments Limited [284.208], Kainga Ora [325.161], RIDL [326.345], KiwiRail [373.63], and Keith Godwin [418.28]

²⁶ Waka Kotahi [275.31]

| | |
|----------------|--|
| | 2. maintain the diversity, quality and quantity of any resources valued for mahinga kai through protection or restoration. |
| SUB-P10 | Esplanade reserves and esplanade strips Provide for the creation of esplanade reserves or esplanade strips in areas where there is an actual or potential benefit for access, recreation, conservation or natural hazard mitigation by: <ol style="list-style-type: none"> 1. identifying water bodies where such reserves or strips will be provided, regardless of subdivision site size; 2. recognising that provision of other areas that provide public benefit will be desirable; and 3. providing for minimum site sizes to be calculated as if any esplanade reserve resulting from the subdivision was part of the overall subdivision area. |

Activity Rules

| | | |
|------------------|---|---|
| SUB-R1 | Boundary adjustment | |
| All Zones | Activity status: CON Where: <ol style="list-style-type: none"> 1. SUB-S21²⁷ to SUB-S18 are met. Matters of control are restricted to: <ul style="list-style-type: none"> SUB-MCD1 - Allotment area and dimensions SUB-MCD2 - Subdivision design SUB-MCD3 - Property access SUB-MCD5 - Natural hazards Notification An application for a controlled activity under this rule is precluded from being publicly or limited notified. | Activity status when compliance not achieved: as set out in the relevant subdivision standards |
| SUB-R2 | Subdivision | |
| All Zones | Activity status: CON Where: <ol style="list-style-type: none"> 1. SUB-S1 to SUB-S18 are met, except where: <ol style="list-style-type: none"> a. the allotment is for any unstaffed infrastructure, accessway or road; b. the subdivision is of a fee simple allotment from an approved cross lease site, where the exclusive use areas shown on the existing cross lease plan are not altered, and where only SUB-S5 will apply; | Activity status when compliance not achieved: as set out in the relevant subdivision standards |

²⁷ Waimakariri District Council [367.14]

| | | |
|-----------------------------|---|---|
| | <p>c. the subdivision site is a reserve created under the Reserves Act 1977, or any esplanade reserve allotment; or</p> <p>d. otherwise specified in this chapter.²⁸</p> <p>Matters of control/discretion are restricted to:</p> <p>SUB-MCD1 - Allotment area and dimensions</p> <p>SUB-MCD2 - Subdivision design</p> <p>SUB-MCD3 - Property access</p> <p>SUB-MCD4 - Esplanade provision</p> <p>SUB-MCD6 - Infrastructure</p> <p>SUB-MCD7 - Mana whenua</p> <p>SUB-MCD8 - Archaeological sites</p> <p>SUB-MCD10 - Reverse sensitivity</p> <p>SUB-MCD13 - Historic heritage, culture and notable trees</p> <p>Notification</p> <p>An application for a controlled activity under this rule is precluded from being publicly or limited notified.</p> | |
| SUB-R3 | Subdivision within the Liquefaction Overlay | |
| Liquefaction Overlay | <p>Activity status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> 1. a building platform is identified on the subdivision plan; and 2. SUB-S1 to SUB-S18 are met. <p>Matters of control are restricted to:</p> <p>Matters of control listed in SUB-R2</p> <p>SUB-MCD12 - Liquefaction hazard overlay</p> | <p>Activity status when compliance with SUB-R3 (1) not achieved: NC</p> <p>Activity status when compliance with SUB-R3 (2) not achieved: as set out in the relevant subdivision standards</p> |
| SUB-R3a²⁹ | Subdivision to Update Cross Leases, Company Leases Plans, and Unit Title Plans | |

²⁸ Transpower [195.95]

²⁹ Eliot Sinclair [233.1]

| <u>All Zones</u> | <p><u>Activity status: CON</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. Every title or leased area³⁰ has legal access to a road, and that access is not obtained by crossing a railway line;</u> <u>2. Every title or leased areas is supplied with a potable water supply;</u> <u>3. Every title or leased area is supplied with a connection to a reticulated wastewater network, where available³¹.</u> <p><u>Matters of control are restricted to:</u></p> <p><u>SUB-MCD1 – Allotment area and dimensions</u></p> <p><u>SUB-MCD3 – Property access</u></p> <p><u>SUB-MCD5 – Natural Hazards</u></p> <p><u>SUB-MCD6 – Infrastructure</u></p> <p><u>SUB-MCD11 – Effects on or from National Grid and Major Electricity Distribution Lines³²</u></p> <p><u>Notification</u></p> <p><u>An application for a controlled activity under this rule is precluded from being publicly or limited notified.</u></p> | <p><u>Activity status when compliance not achieved not achieved: NC³³</u></p> |
|--|--|--|
| SUB-R4 | Subdivision within flood hazard areas | |
| Urban Flood Assessment Overlay Non-Urban Flood Assessment Overlay Coastal Flood | <p><u>Activity status: RDIS</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. An allotment is intended to accommodate a natural hazard sensitive activity.³⁴</u> <u>2. a building platform is identified on the subdivision plan; and</u> <u>3. if located within the non-urban flood assessment</u> | <p>Activity status when compliance with SUB-R4 (1) not achieved: NC</p> <p>Activity status when compliance with SUB-R4 (2) or SUB-R4 (3) not achieved: NC</p> <p>Activity status when compliance with SUB-R4 (4) not achieved: as set out in the relevant subdivision standards</p> |

³⁰ Eliot Sinclair [233.1]

³¹ Eliot Sinclair [233.1]

³² Mainpower [249.100]

³³ Eliot Sinclair [233.1]

³⁴ Nicholas Hoogeveen [202.3]

| | | |
|---|---|---|
| Assessment Overlay | <p>overlay, the building platform is not located within a high flood hazard area; and</p> <p>3. if located within the coastal flood assessment overlay, the building platform is not located within a high coastal flood hazard area; and</p> <p>4. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to:</p> <p>Matters of control/discretion listed in SUB-R2 SUB-MCD5 - Natural Hazards</p> | |
| | <p>Advisory note:</p> <ul style="list-style-type: none"> A Flood Assessment Certificate issued in accordance with NH-S1 will confirm if the site is located within a high hazard area. | |
| SUB-R5 | Subdivision containing a site or area of significance to Māori | |
| Wāhi Tapu Overlay Wāhi Taonga Overlay Ngā Tūranga Tūpuna Overlay Ngā Wai Overlay | <p>Activity status: RDIS</p> <p>Where:</p> <p>1. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to:</p> <p>Matters of control/discretion listed in SUB-R2 SUB-MCD7 - Mana whenua</p> <p>Notification</p> <p>An application for a restricted discretionary activity under this rule is precluded from being notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga where the consent authority considers this is required, absent its written approval.</p> | Activity status when compliance not achieved: as set out in the relevant subdivision standards |
| SUB-R6³⁵ | Subdivision within the National Grid Yard Subdivision Corridor | |
| National Grid Yard Overlay Subdivision Corridor | <p>Activity status: RDIS</p> <p>Where:</p> <p>1. a building platform is identified on the subdivision plan that is outside of the National Grid Yard</p> | <p>Activity status when compliance with SUB-R6 (1) not achieved: NC</p> <p>Activity status when compliance with SUB-R6 (2) not achieved: as set out in the relevant subdivision standards</p> |

³⁵ Transpower [195.96]

| | | |
|--|---|---|
| | <p>Subdivision Corridor³⁶, to be secured by way of a consent notice; and</p> <p>2. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to:</p> <p>Matters of control/discretion listed in SUB-R2</p> <p>SUB-MCD11 - Effects on or from the National Grid and Major Electricity Distribution Lines³⁷</p> <p>Notification</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Transpower New Zealand Limited, where the consent authority considers this is required, absent its written approval.</p> | |
| SUB-R7 | Subdivision of a site containing a historic heritage item or heritage setting, or notable tree | |
| Heritage Building or Item Overlay Heritage Area Overlay Notable Trees Overlay | <p>Activity status: RDIS</p> <p>Where:</p> <p>1. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to:</p> <p>Matters of control/discretion listed in SUB-R2</p> <p>SUB-MCD13 - Historic heritage and notable trees</p> | Activity status when compliance not achieved: as set out in the relevant subdivision standards |
| SUB-R8 | Subdivision to create a bonus allotment | |
| Rural Zones | <p>Activity status: RDIS</p> <p>Where:</p> <p>1. SUB-S1 to SUB-S18 are met.</p> <p>Matters of discretion are restricted to:</p> <p>Matters of control/discretion listed in SUB-R2</p> <p>ECO-MD3 - Bonus allotment or bonus residential unit</p> | Activity status when compliance not achieved: as set out in the relevant subdivision standards |

³⁶ Transpower [195.96]

³⁷ Mainpower [249.100]

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| SUB-R9 | Subdivision | |
| Outstanding Natural Feature and Landscape Overlay Significant Natural Areas (SNA) Overlay Fault Awareness Overlay | Activity status: DIS Where: 1. SUB-S1 to SUB-S18 are met. | Activity status when compliance not achieved: as set out in the relevant subdivision standards |
| Ashley Fault Avoidance Overlay | Activity status: NC | Activity status when compliance not achieved: N/A |
| SUB-R10 | Subdivision | |
| General Rural Zone | Activity status: NC Where: 1. subdivision creates an allotment with a minimum allotment area less than 20ha, except where a subdivision takes place to accommodate infrastructure. | Activity status when compliance not achieved: N/A |
| SUB-R11 | Subdivision resulting in an allotment that is less than 4ha within the 50dBA Ldn noise contour for Christchurch International Airport | |
| Rural Lifestyle Zone within the 50 dBA Ldn Noise Contour for Christchurch International Airport | Activity status: NC | Activity status when compliance not achieved: N/A |

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| SUB-R12³⁸ | Subdivision within the Special Purpose Zone (Rangiora Airfield) | |
| <u>Special Purpose Zone (Rangiora Airfield)</u> | <u>Activity status: RDIS</u> <u>Where:</u> 1. <u>SUB-S1-S18 are met.</u> 2. <u>A resource consent application made under this rule shall include a condition to be specified in a</u> | <u>Activity status when not achieved with SUB-R12(1): DIS</u> <u>Activity status when not achieved with SUB-R12(2): PR</u> |

³⁸ Daniel Smith [10]

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| | <p><u>consent notice or other appropriate legal instrument to be registered against the record of title for the land specifying that:</u></p> <ol style="list-style-type: none"> <u>All residential activity within Activity Area A must be associated with an airfield related activity on the same site.</u> <u>All new noise sensitive land uses must enter into a no-complaints covenant in favour of the Waimakariri District Council.</u> <p><u>Matters of control/discretion are restricted to:</u></p> <p><u>SUB-MCD1 - Allotment area and dimensions</u> <u>SUB-MCD2 - Subdivision design</u> <u>SUB-MCD3 - Property access</u> <u>SUB-MCD4 - Natural hazards</u> <u>SUB-MCD6 - Infrastructure</u> <u>SUB-MCD7 - Mana whenua</u> <u>SUB-MCD8 - Archaeological sites</u> <u>SUB-MCD9 – Airport and aircraft noise</u> <u>SUB-MCD10 - Reverse sensitivity</u> <u>SUB-MCD13 - Historic heritage, culture and notable trees</u></p> <p><u>Notification</u></p> <p><u>An application for a controlled activity under this rule is precluded from being publicly or limited notified.</u></p> | |
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New Subdivision and Major EDL rule to be inserted after the National Grid rule.

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| SUB-R6A | Subdivision and Major Electricity Distribution Lines |
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| <p><u>All Zones</u></p> | <p><u>Activity status: RDIS</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>the subdivision is within 24m of the centreline of the major electricity distribution lines as shown on the planning maps and:</u> <ol style="list-style-type: none"> a. <u>is located on the same site as a Major Electricity Distribution Line; or</u> b. <u>adjoins a Major Electricity Distribution Line located in the road reserve on the same side of the road as the site being subdivided; and</u> c. <u>a building square for a building or structure, is positioned at least 6m from the:</u> <ol style="list-style-type: none"> i. <u>Centreline of the major electricity distribution lines as shown on the planning maps; and</u> ii. <u>Foundation of any support structure of any major electricity distribution line as shown on the planning maps.</u> 2. <u>SUB-S1 to SUB-S18 are met.</u> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> • <u>Matters of control listed in SUB-MCD11 – Effects on and from National Grid and Major Electricity Distribution Lines</u> <p><u>Notification</u></p> <p><u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to MainPower New Zealand Limited, where the consent authority considers this is required, absent its written approval.³⁹</u></p> | <p><u>Activity status when compliance with SUB-R6A not achieved: NC</u></p> <p><u>Activity status when compliance with SUB-R6A (2) not achieved: as set out in the relevant subdivision standards.</u></p> |
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Subdivision Standards

| SUB-S1 Allotment size and dimensions | |
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| <p>1. All allotments created shall comply with Table SUB-1.</p> | <p>Activity status when compliance not achieved:</p> |

³⁹ Mainpower [249.100]

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| | <p>1. In the Medium Density Residential Zone, any Industrial Zone and Special Purpose Zone (Kaiapoi Regeneration): DIS</p> <p>2. In any other zone: NC</p> |
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Table SUB-1: Minimum allotment sizes and dimensions

The following shall apply:

- a) For unit title or cross-lease allotments, the allotment area shall be calculated per allotment over the area of the parent site.
- b) The subdivision is of a fee simple allotment from an approved cross lease site, where the exclusive use areas shown on the existing cross lease plan are not altered, are exempt from the minimum site sizes in Table SUB-1⁴⁰
- c) Minimum areas and dimensions of allotments in Table SUB-1 for Commercial and Mixed Use Zones, Industrial Zones, and Residential Zones and the Special Purpose Zone (Rangiora Airfield)⁴¹ shall be the net site area.
- d) Allotments for unstaffed infrastructure, accessway or road,⁴² excluding for any balance area, are exempt from the minimum site sizes in Table SUB-1.
- e) Allotments for a reserve created under the Reserves Act 1977 or any esplanade reserves allotment, are exempt from the minimum, site sizes in Table SUB-1.⁴³

| Zone | Minimum allotment area | Internal square | Frontage (excluding rear lots) |
|---------------------------------|--|-----------------|--------------------------------|
| <i>Residential Zones</i> | | | |
| Large Lot Residential Zone | 2,500m ² with a minimum average of 5,000m ² for allotments within the subdivision | n/a | n/a |
| General Residential Zone | 500m ² <u>No minimum where a land use consent (where required) and/or building consent have been submitted and approved</u> ⁴⁴ | 15m x 15m | 15m |
| Medium Density Residential Zone | 200m ² No minimum for multi-unit residential development where the design statement and a land use consent <u>(where required) and/or building consent</u> ⁴⁵ | n/a | n/a |

⁴⁰ Transpower [195.95]

⁴¹ Daniel Smith [10.1]

⁴² Transpower [195.95]

⁴³ Transpower [195.95]

⁴⁴ Kainga Ora [325.166]

⁴⁵ Kainga Ora [325.166]

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| | have been submitted and approved | | |
| Settlement Zone | 600m ² | 15m x 15m | 15m |
| <i>Rural Zones</i> | | | |
| General Rural Zone | 20ha | n/a | n/a |
| Rural Lifestyle Zone | 4ha | n/a | n/a |
| Bonus allotment | 1ha | n/a | n/a |
| <i>Commercial and Mixed Use Zones</i> | | | |
| Town Centre Zone | No minimum | n/a | n/a |
| Neighbourhood Centre Zone | No minimum | n/a | n/a |
| Local Centre Zone | No minimum | n/a | n/a |
| Mixed Use Zone | No minimum | n/a | n/a |
| Large Format Retail Zone | 1,000m ² | n/a | n/a |
| <i>Industrial Zones</i> | | | |
| Light Industrial Zone | 500m ² | n/a | n/a |
| General Industrial Zone | 1,000m ² | n/a | n/a |
| Heavy Industrial Zone | 5,000m ² | n/a | n/a |
| <i>Open Space Zones</i> | | | |
| Natural Open Zone | No minimum | n/a | n/a |
| Open Space Zone | No minimum | n/a | n/a |
| Sport and Active Recreation Zone | No minimum | n/a | n/a |
| <i>Special Purpose Zones</i> | | | |
| Special Purpose Zone (Hospital) | 500m ² | 15m x 15m | 15m |
| Special Purpose Zone (Museum and Conference Centre) | 700m ² | n/a | n/a |
| Special Purpose Zone (Kāinga Nohoanga) | | | |
| <ul style="list-style-type: none"> Māori land including within the Tuahiwi Precinct and the Large Lot | No minimum | n/a | n/a |

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| Residential Precinct; | | | |
| <ul style="list-style-type: none"> Other land outside the Tuahiwi Precinct and the Large Lot Residential Precinct | 4ha | n/a | n/a |
| <ul style="list-style-type: none"> Other land within the Tuahiwi Precinct | 600m ² | 15m x 15m | 15m |
| <ul style="list-style-type: none"> Other land within the Large Lot Residential Precinct | 2,500m ² with a minimum average of 5,000m ² for allotments within the subdivision | n/a | n/a |
| Special Purpose Zone (Kaiapoi Regeneration) | 500m ² | n/a | n/a |
| Special Purpose Zone (Pines Beach and Kairaki Regeneration) | 600m ² | 15m x 15m | 15m |
| Special Purpose Zone (Pegasus Resort) | | | |
| <ul style="list-style-type: none"> Areas 1, 2, and 4 | No minimum | n/a | n/a |
| <ul style="list-style-type: none"> LOT 2 DP 80926 | 2000m² | n/a | n/a ⁴⁶ |
| <ul style="list-style-type: none"> All other areas | 4ha | n/a | n/a |
| <u>Special Purpose Zone (Rangiora Airfield)</u> <ul style="list-style-type: none"> Activity Area A (Airfield Central) | <ul style="list-style-type: none"> 500m² | | |
| <u>Activity Area B Airfield Environs (Residential)</u> | <ul style="list-style-type: none"> 7000m²⁴⁷ | | |
| SUB-S2 Identified building platforms and disposal areas in Rural Zones | | | |
| 1. Any new allotment in the Rural Zones shall include one or more identified building platforms <u>s associated with a residential unit and associated accessory buildings</u> , ⁴⁸ and a sewage disposal area, unless it is required to be serviced by a reticulated wastewater system. | | Activity status when compliance not achieved: NC | |

⁴⁶ Howard Stone [191.1]⁴⁷ Daniel Smith [10.1]⁴⁸ RMA Schedule 1 Clause 16(2)

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| <p>2. <u>Any identified building platform must be located to comply with BFS4 and BFS5 for the relevant Zone⁴⁹.</u></p> | |
| SUB-S3 Residential yield | |
| <p>1. Residential subdivision of any area subject to an ODP, <u>which is located within the Medium Density Residential Zone,⁵⁰ except in the Large Lot Residential Zone,⁵⁴</u> shall provide for a minimum net density of 15 households per ha, unless <u>a lower minimum net density is specified for the ODP in the relevant Development Area Appendix⁵².</u> there are demonstrated constraints then no less than 12 households per ha.</p> | <p>Activity status when compliance not achieved: <u>NC-DIS⁵³</u></p> |
| SUB-S4 Areas subject to an ODP | |
| <p>1. Any subdivision shall comply with the relevant ODP and rules for the ODP, as set out in the Development Areas Chapter of the District Plan.</p> | <p>Activity status when compliance not achieved: DIS</p> |
| SUB-S5 Legal and physical access | |
| <p><u>1. Any allotment created shall have legal and physical access to a legal road.</u></p> <p><u>2. Within the Special Purpose Zone (Rangiora Airfield) at each stage of subdivision, the applicant must provide Council with evidence of an enforceable legal agreement to ensure that the lots on the plan of subdivision are guaranteed access via the planned taxiways to the Rangiora Airfield, for as long as the Rangiora Airfield remains in use. The enforceable legal agreement must:</u></p> <ul style="list-style-type: none"> <u>a. Be between the relevant applicant/landowner and the owner of the Rangiora Airfield;</u> <u>b. Be registered on the record of title for any new site created.</u> <u>c. The section 224(c) certificate for the subdivision must not be issued until the Council is satisfied that this requirement is met.</u> | <p>Activity status when compliance not achieved: NC</p> |

⁴⁹ NZPork [169.18]

⁵⁰ R and G Spark [183.9]

⁵¹ R and G Spark [183.9]

⁵² Richard and Geoff Spark [183.7], J & C Broughton [223.8], R Alloway and L Larsen [236.10], Dalkeith Holdings Ltd [242.7], M Hales [246.8] and Ngai Tahu Property [411.31]

⁵³ Richard and Geoff Spark [183.7], J & C Broughton [223.8], R Alloway and L Larsen [236.10], Dalkeith Holdings Ltd [242.7], M Hales [246.8] and Ngai Tahu Property [411.31]

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| <p><u>3. All taxiways within the Special Purpose Zone (Rangiora Airfield) must be accompanied by a statement from a suitably qualified expert certifying that they are legally protected, formed, and designed (with safety fencing if necessary), in accordance with the requirements of the Civil Aviation Authority.</u>⁵⁴</p> | |
| SUB-S6 Access to a strategic road or arterial road | |
| <p>1. Any subdivision of a site in any Rural Zone that creates two or more new allotments that access onto a strategic road or arterial road, shall be jointly served by a single accessway.</p> | <p>Activity status when compliance not achieved: DIS</p> |
| SUB-S7 Corner sites on road intersections in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones | |
| <p>1. Any allotment created adjacent to any road intersection in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones or Industrial Zones, shall, on the boundaries adjacent to the intersection, either:</p> <ul style="list-style-type: none"> a. have a corner splayed with a diagonal line reducing each boundary by a minimum of 6m; or b. have a corner rounded to a radius of a minimum of 6m; and c. show the corner splay or corner rounding vesting as road. | <p>Activity status when compliance not achieved: NC</p> |
| SUB-S8 Corner sites on road intersections in Rural Zones | |
| <p>1. The corner of any allotment at any road intersection in any subdivision in any Rural Zones, shall be splayed with a diagonal line reducing each boundary by:</p> <ul style="list-style-type: none"> a. a minimum of 6m on local road or collector road; and b. a minimum of 15m on any strategic road or arterial road. | <p>Activity status when compliance not achieved: NC</p> |
| SUB-S9 Potable water in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones | |
| <p>1. Any new allotment created in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones or Industrial Zones shall be served with:</p> <ul style="list-style-type: none"> a. community reticulated potable water supply, where available, to the boundary; or | <p>Activity status when compliance not achieved with SUB-S9 (1)(a): NC Activity status when compliance not achieved with SUB-S9 (1)(b): DIS</p> |

⁵⁴ Daniel Smith [10.1]

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| <p>b. where community reticulated potable water supply is not available, as described in rule EI-R45, potable water supply is to be provided by private reticulated potable water supply or potable groundwater.</p> | |
| SUB-S10 Potable water in Rural Zones | |
| <p>1. Any new allotment in Rural Zones shall be served with community reticulated potable water supply, where available, private reticulated potable water supply or potable groundwater.</p> | <p>Activity status when compliance not achieved: DIS</p> |
| SUB-S11 Water supply for firefighting | |
| <p>1. All new allotments intended for residential use shall demonstrate at the time of application for subdivision that:</p> <ol style="list-style-type: none"> sufficient water supply and access to water supplies for firefighting is available to all residential units via the District Council's urban reticulated system (where available) in accordance with the SNZ PAS 4509:2008 New Zealand Fire Service firefighting water supplies code of practice; and where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008 water supply and access to water supplies for firefighting that is in compliance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008 must be provided. | <p>Activity status when compliance not achieved: NC</p> |
| SUB-S12 Reticulated wastewater disposal in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones | |
| <p>1. Any new allotment in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones shall be served:</p> <ol style="list-style-type: none"> to the boundary by a reticulated wastewater system, where available; or where a reticulated wastewater system is not available as described in EI-R45, wastewater disposal is to be provided by on site waste water treatment services. <p>2.</p> | <p>Activity status when compliance not achieved: NC</p> |
| SUB-S13 Offsite wastewater disposal fields | |

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| 1. Any allotments developed for a community wastewater scheme that includes a separate wastewater disposal field on another site shall be held together in a manner that they cannot be disposed of separately without the express permission of the District Council. | Activity status when compliance not achieved: NC |
| SUB-S14 Electricity supply and communications connectivity | |
| 1. Any new allotment shall be served by electricity supply and shall demonstrate at the time of application for subdivision that connection to communication infrastructure including phone, internet and broadband can be achieved. 2. Where two or more allotments share an accessway, the electricity supply and any communication lines necessary to achieve (1) shall be available where the accessway joins the main body of each allotment. | Activity status when compliance not achieved: DIS |
| SUB-S15 Stormwater disposal in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones | |
| 1. Any new allotment in Residential Zones, Commercial and Mixed Use Zones, Industrial Zones or Special Purpose Zones shall demonstrate at the time of application for subdivision that it can be: <ul style="list-style-type: none"> a. served by reticulated stormwater infrastructure where it is available at the boundary of the allotment; or b. where no such infrastructure is available, provided with on-site stormwater disposal. | Activity status when compliance not achieved: NC |
| SUB-S16 Rural drainage | |
| 1. Any new allotment in Rural Zones shall connect to a public drain if the allotment is within a rural drainage area. | Activity status when compliance not achieved: DIS |
| SUB-S17 Esplanade reserves or strips | |
| 1. An esplanade reserve or esplanade strip shall be created or set aside in the following circumstances: <ul style="list-style-type: none"> a. except where provided by (c), an esplanade reserve or esplanade strip shall be created or set aside for any allotment which is created on subdivision regardless of the size of the | Activity status when compliance not achieved with SUB-S17(a) and/or SUB-S17(c)⁵⁵: NC Activity status when compliance not achieved with SUB-S17(b): RDIS⁵⁶ |

⁵⁵ Sarah Gale [273.6] and Bellgrove [408.25]

⁵⁶ Sarah Gale [273.6] and Bellgrove [408.25]

- allotment created where any part of the land to be subdivided:
- i. adjoins or is crossed by a water body listed in Table SUB-2; or
 - ii. adjoins the CMA boundary;
- b. the minimum width of an esplanade reserve or esplanade strip required under (a)(i) and (a)(ii) above shall be 20m.
- c. where any allotment of less than 4ha is created on subdivision an esplanade reserve or esplanade strip shall be created or set aside from that allotment along the bank of any other river or along the mark of MHWS of the sea;
- i. for the purpose of (c) above a river means a river whose bed has an average width of 3m or more where the river flows through or adjoins an allotment.

Table SUB-2: Esplanade Reserve or Esplanade Strip Requirements for water bodies

| Water body | Reach | Purpose (as set out in section 229 of the RMA) |
|------------------|---|---|
| Cam River | From 52 Kippenberger Avenue (inclusive), legally described as Lot 2 DP 394668 Lot 2 DP 452196 Lot 2 DP 12090 Lot 2 DP 24808 Pt Lot 2 DP 9976 Pt Rural Sec 267 to Kippenberger Avenue From Kippenberger Avenue to the confluence with the Kaiapoi River | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation |
| Coastal Margins | The length of the CMA boundary including the Ashley River/Rakahuri, Saltwater and Waimakariri Estuaries | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access |
| Courtenay Stream | From the crossing of Main North Road to confluence with the Kaiapoi River | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Cust River | From crossing of Tippings Road to crossing of Rangiora – Oxford Road | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Kaikanui Stream | From crossing of Tram Road to confluence with the Kaiapoi River | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |

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| Kaiapoi River (upper reaches sometimes referred to as Silverstream) | From crossing of Heywards Road to the confluence with the Waimakariri River | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Middle Brook | From crossing of King Street to confluence with the South Brook | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| North Brook | From crossing of Rangiora-Oxford Road to confluence with the South Brook | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Ohoka Stream (North and Central Branch) | From crossing of Bradleys Road to Christmas Road | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation |
| | From Christmas Road to the confluence with the Kaiapoi River | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Saltwater Creek at Pines/Kairaki | Downstream of a point west of the top of Featherstone Avenue to the coastal marine area boundary | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| South Brook | From crossing of Lehmans Road to confluence with the Cam River | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Taranaki Stream | From Lot 2 DP 1799 and Lot 1 DP 76141 Preeces Road | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation |
| Taranaki Stream | Preeces Road to the confluence with the Ashley River/Rakahuri | <ul style="list-style-type: none"> • Conservation • Natural hazard mitigation • Access • Recreational use |
| Waikuku Stream | From most western crossing of Gressons Road to the Ashley River//Rakahuri | <ul style="list-style-type: none"> • Conservation • Access • Recreational use |

SUB-S18 Subdivision to create a bonus allotment

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| 1. Any subdivision for the protection and restoration of a mapped ⁵⁷ SNA listed in ECO-SCHED1 ⁵⁸ shall meet the requirements of Appendix APP2. | Activity status when compliance not achieved: NC |
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Advice Notes

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| SUB-AN1 | Resource consent may be required where land is being subdivided under the NESCS. Reference must be made to the NESCS to determine whether such consents are required. |
| SUB-AN2 | Communication infrastructure includes mobile network capacity where physical network connection does not exist. |
| SUB-AN3 | <u>Where the state highway has been declared a Limited Access Road, approval from Waka Kotahi is required for new accesses or changes to existing accesses. The objective of this control is to protect the operation of the state highway from uncontrolled property access that can affect the safety, efficiency, functionality and level of service of the state highway. Limited access roads are most commonly in areas with a heightened development pressure. Waka Kotahi should be consulted initially with respect to development along limited access roads.</u> ⁵⁹ |

Matters of Control and Discretion

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| SUB-MCD1 | Allotment area and dimensions <ol style="list-style-type: none"> 1. The extent to which allotment area and dimensions enables activities to take place in accordance with the function, role and character of the zone. 2. Area and dimensions of allotments for access, utilities, reserves and roads. 3. Area and dimensions of allotments created for conservation, restoration or enhancement or for any notable tree or historic heritage item with heritage values, and any significant indigenous vegetation or significant habitat of indigenous fauna, or wāhi taonga. 4. Any effect that the balance area of a residential subdivision will have on the achievement of any required minimum net household density. 5. <u>With respect to subdivision to update cross lease plans, company plans or unit title plans, the extent to which the functionality in relation to outdoor living space, outdoor service area or outdoor storage areas are reduced.</u>⁶⁰ |
| SUB-MCD2 | Subdivision design <ol style="list-style-type: none"> 1. The extent to which design and construction of roads, service lanes, and accessways <u>and within the Special Purpose Zone (Rangiora Airfield) taxiways</u>⁶¹ will provide legal and physical access that is safe and efficient. 2. The extent to which the proposal complies with any relevant ODP or concept plan. Where a proposal does not comply with an ODP or concept plan, the extent to which the proposal achieves the same, or better urban design and environmental outcomes, than provided through the ODP or concept plan. 3. The extent to which allotments provide for solar orientation of buildings to achieve passive solar gain. |

⁵⁷ Federated Farmers [414.19] and Department of Conservation [419.92]

⁵⁸ Federated Farmers [414.19] and Department of Conservation [419.92]

⁵⁹ Waka Kotahi [275.36]

⁶⁰ Eliot Sinclair [233.1]

⁶¹ Daniel Smith [10.1]

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| | <ol style="list-style-type: none"> 4. Design of the subdivision and any mitigation of reverse sensitivity effects on infrastructure. 5. The provision and location of walkways and cycleways, the extent to which they are separated from roads and connected to the transport network. 6. The provision and use of open stormwater channels, wetlands and waterbodies, excluding aquifers and pipes and how they are proposed to be maintained. 7. The provision, location, design, protection, management and intended use of reserves and open space. 8. The extent to which areas of significant indigenous vegetation or significant habitats of indigenous fauna, the natural character of freshwater bodies, springs, watercourses, notable trees, historic heritage items, or wāhi taonga are protected and their values maintained. 9. The extent to which subdivision subject to an ODP: <ol style="list-style-type: none"> a. provides for the protection of routes for future roads, and other public features of the subdivision, from being built on; and b. will not undermine or inhibit the future development of identified new development areas. 10. <u>The extent to which subdivision within the Medium Density Residential Zone subject to an ODP:</u> <ol style="list-style-type: none"> a. <u>Has demonstrated constraints that affect the ability to achieve the anticipated minimum net density as set out in SUB-P6; and</u> b. <u>Contributes to providing residential housing capacity.</u>⁶² 11. <u>Within the Special Purpose Zone (Rangiora Airfield):</u> <ol style="list-style-type: none"> a. <u>whether information is provided to show the subdivision demonstrates compliance with any Civil Aviation rule; and</u> b. <u>whether appropriate legal mechanisms are proposed for identified allotments to restrict the total number of residential units within Area A to 30, in accordance with SPZ(RA)-R5(1)(1)(c).</u>⁶³ |
| SUB-MCD3 | Property access <ol style="list-style-type: none"> 1. The extent to which the subdivision makes provision for: <ol style="list-style-type: none"> a. the location, design, lighting, alignment and pattern of roads in relation to allotments; b. the provision of access, <u>including consideration of the need for any upgrades to existing accesses where there are increased effects as a result of increased traffic arising from subdivision</u>⁶⁴; c. the location, design, and provision of vehicle crossings in particular, taking into account infrastructure, <u>transport safety</u>⁶⁵ and street trees in the roading corridor; d. the location and design of footpaths and cycleways including their convenience, safety and separation from roads by visual and/or physical means; and e. road reserves and links to future subdivision on adjoining land. |
| SUB-MCD4 | Esplanade provision <ol style="list-style-type: none"> 1. Esplanade reserve or esplanade strip provision and management where any subdivision adjoins the CMA or a river identified in SUB-S17; 2. The purpose of any esplanade reserve or esplanade strip as set out in section 229 of the RMA. 3. Any need for reduction in the width of the esplanade reserve or esplanade strip to take account of topography, subdivision design or expected land use; |

⁶² R and G Spark [FS 37]⁶³ Daniel Smith [10.1]⁶⁴ Waka Kotahi [275.37]⁶⁵ Waimakariri District Council [367.64]

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| | <ol style="list-style-type: none"> 4. The extent to which the esplanade reserve or esplanade strip provides for the protection or enhancement of: <ol style="list-style-type: none"> a. archaeological sites or historic heritage items with heritage values; b. SNAs; c. any notable tree; d. sites and areas of significance to Māori as set out in SASM-SCHED1; or e. the habitat of trout and salmon. 5. The extent to which the area to be provided connects, or matches the width of, existing esplanade strips or esplanade reserves for the purpose of conservation, access, recreation or natural hazard mitigation. 6. Where the purpose of the esplanade reserve or esplanade strip is to provide for or enhance an ecological corridor, the need to ensure that the integrity of the vegetation is not vulnerable or ineffective due to its narrowness or edge effects. |
| SUB-MCD5 | <p>Natural hazards</p> <ol style="list-style-type: none"> 1. The extent to which risk from natural hazards has been addressed, including any effects on the use of the site for its intended purpose, including: <ol style="list-style-type: none"> a. provision of works for the subdivision including access and infrastructure; b. the location and type of infrastructure; c. location of structures and any identified building platform or platforms for natural hazard sensitive activities; d. any restriction on, or requirement for floor levels, floor levels and freeboard, and land levels as a result of flood hazard risk; and e. location and quantity of filling and earthworks that can be affected by the following hazards or which could affect the impact of those hazards on any allotment or other land in the vicinity: <ol style="list-style-type: none"> i. erosion; ii. flooding and inundation; iii. landslip; iv. rockfall; v. alluvion; vi. avulsion; vii. unconsolidated fill; viii. defensible space for fire safety; ix. soil contamination; x. subsidence; and xi. liquefaction. 2. The extent to which necessary overland flow paths are maintained, including consideration of any culvert development or road access that may impede overland flow. 3. Any effects from fill or difference in finished ground levels on stormwater management on the site and adjoining properties and the appropriateness of the fill material. |
| SUB-MCD6 | <p>Infrastructure</p> <ol style="list-style-type: none"> 1. The quantity, security and potability of the water and means, location and design of supply, including; <ol style="list-style-type: none"> a. for fire-fighting purposes; and b. the location, scale, construction and environmental, including public health, effects of water supply infrastructure and the adequacy of existing supply systems outside the subdivision. 2. The means, design, scale, construction and standard of stormwater infrastructure (including soakage areas and the means and location of any outfall). |

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| | <ol style="list-style-type: none"> 3. The effectiveness and effects of any measures proposed for mitigating the effects of stormwater runoff, including the control of water-borne contaminants, litter and sediments. 4. The location, scale, construction and environmental effects of stormwater infrastructure, and whether or not the proposal requires on-site or area wide stormwater detention (either individually or collectively) to achieve stormwater neutrality or to meet any condition of regional network discharge consents. 5. Capacity of the stormwater drainage network. 6. The effect of the subdivision on water quality. 7. The extent to which the design of the stormwater infrastructure necessitates specific landscape treatment to mitigate any adverse effects on amenity values. 8. The means, design and standard of sewage treatment and disposal where a public reticulated wastewater system is not available. 9. The location, scale, construction, maintenance and environmental effects of the proposed wastewater system. 10. The adequacy and standard of electricity supply and connectivity to communication infrastructure including phone, internet and broadband. |
| SUB-MCD7 | Mana whenua <ol style="list-style-type: none"> 1. The extent to which protection of sites and areas of significance to Māori as set out in SASM-SCHED1 is provided for through the subdivision. 2. Provision of public access along and in the vicinity of the Taranaki Stream. 3. The effectiveness and environmental effects of any measures proposed for mitigating the effects of subdivision on wāhi taonga identified by Te Ngāi Tuahuriri Rūnanga. |
| SUB-MCD8 | Archaeological sites <ol style="list-style-type: none"> 1. Any archaeological sites are identified on the allotments, and any provisions to identify and/or protect archaeological sites. 2. Any protocols to provide for wāhi taonga, wāhi tapu, urupā and other historic cultural sites. 3. Processes that protect the interests of Te Rūnanga o Ngāi Tahu and Te Ngāi Tuahuriri Rūnanga. |
| SUB-MCD9 | Airport and aircraft noise <ol style="list-style-type: none"> 1. Any reverse sensitivity effect on the operation of the Christchurch International Airport from subdivision; and 2. <u>Any reverse sensitivity effect on the operation of the Rangiora Airfield from subdivision; and⁶⁶</u> 3. Any effects from aircraft noise on the use of the site for its intended purpose. |
| SUB-MCD10 | Reverse sensitivity <ol style="list-style-type: none"> 1. Any need to provide a separation distance for any residential unit or minor residential unit from existing activities, and any need to ensure that subsequent owners are aware of potential reverse sensitivity issues from locating near <ol style="list-style-type: none"> a. <u>Existing and permitted activities operating from the Rangiora Airfield and/or⁶⁷</u> b. lawfully established rural activities, including but not limited to intensive farming, <u>infrastructure and heavy industrial zones⁶⁸</u>. 2. <u>Any measures required to minimise potential reverse sensitivity effects on existing activities and infrastructure, such as noise and vibration, through</u> |

⁶⁶ Daniel Smith [10.1]

⁶⁷ Daniel Smith [10.1]

⁶⁸ Fulton Hogan [41.31], Daiken [145.21 and 145.22], NZPork [169.15]

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| | <u>subdivision design, provision of screening, structures or other mitigation methods.</u> ⁶⁹ |
| SUB-MCD11 | <p>Effects on or from the National Grid <u>and Major Electricity Distribution Lines</u></p> <ol style="list-style-type: none"> 1. The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances. 2. The provision for the ongoing efficient operation, maintenance, development and upgrade of the National Grid <u>or the Major Electricity Distribution Lines</u>, including the ability for continued reasonable access to existing transmission <u>or distribution</u> lines for maintenance, inspections and upgrading. 3. The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of an identified building platform or platforms. 4. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid <u>or the Major Electricity Distribution Lines</u>, including the ability to ensure adverse effects on, and from, the National Grid <u>or the Major Electricity Distribution Lines</u> and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines. 5. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid <u>or the Major Electricity Distribution Lines</u>. 6. The outcome of any consultation with Transpower New Zealand Limited <u>or MainPower New Zealand Limited</u>. 7. The extent to which the subdivision plan clearly identifies the National Grid <u>or the Major Electricity Distribution Lines</u>⁷⁰ and identified building platform or platforms. |
| SUB-MCD12 | <p>Liquefaction Hazard Overlay</p> <ol style="list-style-type: none"> 1. The extent of liquefaction remediation measures to mitigate the effect on future development and associated inground infrastructure through ground strengthening, foundation design and geotechnical or engineering solutions, especially in the case where infrastructure including roads, water supply, and wastewater system are required to be extended to service the subdivision. 2. The location and layout of the subdivision, identified building platform or platforms and service locations in relation to the liquefaction hazard. |
| SUB-MCD13 | <p>Historic heritage, culture and notable trees</p> <ol style="list-style-type: none"> 1. Any effect on historic heritage, its heritage values and on any associated heritage setting. 2. The extent that HNZPT has been consulted and the outcome of that consultation. 3. The extent that the site has cultural or spiritual significance to mana whenua and the outcome of any consultation undertaken with Te Ngāi Tūāhuriri Rūnanga. 4. Opportunities to incorporate representation of the association of Te Ngāi Tūāhuriri Rūnanga into the design of residential and commercial subdivision. 5. Opportunities to enhance the physical condition of historic heritage and its heritage values. 6. Any mitigation measures proposed to be implemented to protect historic heritage and its heritage values. 7. The extent to which the subdivision layout and design provides for the protection of any notable tree. |

⁶⁹ Waka Kotahi [275.38]⁷⁰ Mainpower [249.100]

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| | 8. Any effect on a notable tree as a result of the subdivision or identified building platform or platforms, and whether alternative methods or subdivision design are available to retain or protect the tree. |
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RELATED GENERAL APPROACH (PART 1) AMENDMENT

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| <u>GA-AN5</u> ⁷¹ | <u>Any onsite wastewater treatment system is subject to the Canterbury Land and Water Regional Plan. A building consent is also required from the District Council for any onsite wastewater treatment system.</u> |
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RELATED DEFINITION AMENDMENTS

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| <u>CONSERVATION VALUES</u> ⁷² | <u>Has the same meaning as in section 229(2) of the RMA.</u> |
| <u>PUBLIC DRAIN</u> ⁷³ | <u>means the Council Land Drainage System. It does not include any private drains or roadside drains not administered by the District Council.</u> |

⁷¹ Environment Canterbury [316.134]

⁷² Forest and Bird [192.79]

⁷³ Waka Kotahi [275.35]

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